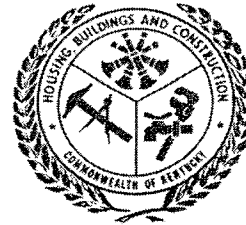




Department of Housing, Buildings and Construction
Division of Fire Prevention
101 Sea Hero Road Suite 100
Frankfort KY 40601-5405
Office Phone Number: 502-573-0382
Fax Number: 502-573-1004
Fireworks Sales Information Bulletin
May 21, 2013



Fireworks Registration Types

1. **Limited Sales** – sale of fireworks as described in KRS 227.702(1).
2. **Seasonal Sales** - sale of fireworks described in KRS 227.702 (1) (2) and/or (3) during the following time frames: June 10th through July 7th, December 26th through January 4th or both seasons.
3. **Primary Permanent** – year round sale of fireworks described in KRS 227.702 (1) (2) and/or (3) where fireworks are the primary source of business.

NOTE: In accordance with KRS 227.715(2), permanent business establishments open year-round and in which the sale of consumer fireworks is ancillary to the primary course of business shall only be permitted to sell fireworks described in KRS 227.702(1) or shall meet the criteria for “seasonal retailer” described in subsection (3) of this section.

Fireworks Law & Regulation Requirements

- A **COPY** of a sales and use tax permit obtained from the Department of Revenue must be provided with the fireworks application to the State Fire Marshal as a condition of registration. To obtain your sales and use tax permit contact the Division of Sales and Use Tax at (502) 564-5170, or via e-mail at krc.webresponsesalestax@ky.gov.
- A fireworks registration form shall be submitted to the State Fire Marshal’s Office at least 15 days prior to sell of fireworks or pay an additional fee of \$100.00 will be assessed for late submittals.
- A transient merchants law (KRS 365.650 to .695) requires a merchant who spends less than 6 months in a locality in Kentucky each year, and not exempted, to obtain a permit from the county clerk of each county it conducts business 10 days in advance and post a cash or surety bond with the Office of the Kentucky Attorney General. You can contact the Office of the Kentucky Attorney General - Registration and Compliance Branch at 502-696-5534.
- A copy of the storage notification shall also be submitted to the local fire department having jurisdiction and the State Fire Marshal’s Office at least 15 days prior to opening firework sales each year.

Fireworks Selling Requirements

- No person or business shall give, offer for sale or sell any consumer fireworks listed in KRS 227.702 to any person under the age of 18.
- No person under the age of 18 shall sell consumer fireworks at consumer fireworks retail-sales facility unless the individual is supervised by a parent or guardian.
- In accordance with KRS 227.715, each site at which fireworks are offered for sale shall have a firework registration certificate displayed in a conspicuous location.

Local Regulations

- Check with local government to ensure compliance with local laws and ordinances that may restrict the sale or use of fireworks in their county or city.
- Check with city or county government to see if a local business license is required.

Building Code Regulations

- Contact the Division of Building Code Enforcement at 502-573-0373 or local building code official to obtain site approval on fireworks retail locations prior to the sale of consumer fireworks.
- Each site shall comply with all provisions of the Kentucky Building Code and 2006 edition of *NFPA 1124* (National Fire Protection Association)
- Existing businesses that sell the full line of consumer fireworks under KRS 227.702 must submit plans and details to illustrate compliance with *NFPA 1124* and the Kentucky Building Code.
- For temporary structures submit the necessary plans and permits to the appropriate authorities.
- A certificate of occupancy for fireworks retail sales must be obtained prior to the sale of consumer fireworks in permanent facilities.

Consumer Fireworks Retail Sales (CFRS) Permanent Structures Facilities

- For permanent structures submit the necessary plans and details along with registration to the appropriate authorities.
- For the purpose of building codes all *CFRS* will be classified as new structures. Any new *CFRS* structures shall be detached stand-alone buildings.
- Sale of consumer fireworks in a *CFRS* structure shall comply with provisions as set forth in Chapter 7.1, 7.2, and 7.3 of the 2006 edition of *NFPA 1124*.
- In accordance with 2006 edition of *NFPA 1124* Chapter 7.2.4 - Retail sale of **display fireworks** shall be prohibited at any mercantile or consumer fireworks retail sale facility.

Mercantile Retail Sale

- Mercantile Stores shall comply with chapter 7.5 of *NFPA* and chapter 7.3.15 through 7.3.24.2 of *NFPA 1124*.
- Existing businesses that sell the full line of consumer fireworks under KRS 227.702 must submit plans and details to the appropriate authorities to illustrate compliance with 2006 edition of *NFPA 1124*.

Stands / Temporary (Tent) Structures

- All facilities designated as Stands or temporary stands shall comply with Chapter 7.6 of *NFPA 1124*.
- In accordance with (105.7.13 from the Kentucky Building Code). A construction permit is required to erect an air-supported temporary membrane structure or tent having an area in excess of 200 square feet or a canopy in excess of 400 square feet.

Definitions: Canopy means a structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects and is open without sidewalls or drops on 75% or more of the perimeter. Tent means a structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

Exceptions: Fabric canopies and awnings open on all sides which comply with of the following:

- a. Individual canopies shall be a maximum size of 700 square feet.
- b. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet total.
- c. A minimum clearance of 12 feet to structures and other tents shall be maintained.

Multiple-Tenant Buildings

- The sale of 1.4g fireworks as defined KRS 227.702 (1) (2) and/or (3) are limited to a one story detached building. No multi tenant fire separated structures such as strip malls will not be permitted to sell 1.4g fireworks as defined KRS 227.702 (1) (2) and/or (3).

If you have any questions, please call the Division of Fire Prevention (State Fire Marshal's Office) at 502-573-0382.

Disclaimer

The intent of this document is to serve only as a guideline for those interested in the retail sale of consumer fireworks. The Kentucky Building Code and 2006 Edition of NFPA 1124 will be the principle documents used for compliance. Code references from the above mentioned publications not mentioned in this guideline are still applicable and will be enforced by the authority having jurisdiction.