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GOVERNOR

**STATE OF ALABAMA
DEPARTMENT OF INSURANCE**

State Fire Marshals Office
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RETAILER AND SEASONAL RETAILER

Buildings erected and maintained in compliance with requirements for fireworks manufacturing, storage or sale, as prescribed by the International Building Code, the International Fire Code, and the National Fire Protection Association codes and standards, shall be deemed to comply with reasonable fire safety requirements. These guidelines are not intended to suggest that they are the only requirements for fireworks manufacturing, storage and sales locations, but are provided to assist permit applicants in complying with the requirements of state law.

Definition of terms:

- (1) Distributor. Any person engaged in the business of making sales of fireworks for resale to all holders of the required Alabama permits who in turn shall resell to any permit holder; or any person who receives, brings, or imports any fireworks of any kind into the state of Alabama, except to a holder of an Alabama Manufacturer's or Distributor's permit.
- (2) D.O.T. Class C Common Fireworks. All articles of fireworks as are now or hereafter classified as D.O.T. Class C Common Fireworks in the regulations of the U. S. Department of Transportation for the transportation of explosive and other dangerous articles.
- (3) Manufacturer. Any person engaged in the making, manufacture or construction of fireworks of any kind within the state of Alabama.
- (4) Permit. The written authority of the state fire marshal issued under the authority of this Article.
- (5) Person. Includes any corporation, association, copartnership or one or more individuals.
- (6) Retailer. Any person engaged in the business of making sales of fireworks to consumers within the state of Alabama during a calendar year from January 1 through December 31.
- (7) Sale. An exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal proprietor, salesman, agent, association, copartnership or one or more individuals.
- (8) Fireworks Seasons. The dates of June 20 through July 10 and December 15 through January 2 of each year shall be the only period when seasonal retailers may sell fireworks.
- (9) Seasonal Retailer. Any person engaged in the business of making sales of fireworks to consumers within the state of Alabama during the fireworks season(s) only, from permanent buildings or temporary or moveable stands.
- (10) Special Fireworks. All articles of fireworks that are classified as Class B explosives in the

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regulations of the U. S. Department of Transportation, including all articles classified as fireworks other than those classified as Class C.

- (11) Wholesaler. Any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at seasonal retail.
 - (A) An application must be submitted to the State Fire Marshal's Office at 201 Monroe Street, Suite 1790, Post Office Box 303352, Montgomery, Alabama 36130-3352, for each permit required for each retail or seasonal retail location. Applications must be completed in their entirety and a check for the correct fee must accompany the application. All permits expire on December 31 of each year. The fee for a retail fireworks permit is \$200.00. The fee for a seasonal retail fireworks permit issued prior to July 11 is \$200.00. The fee for a seasonal retail fireworks permit issued after July 10 is \$100.00. **Check or Money Order only, payable to the State Fire Marshal Fund, cash is not accepted.** If a previous check has been returned to this office for any reason, a personal or company check will not be accepted; a money order must be submitted. Also, the application may be completed online at www.aldoi.gov, click on **Fire Marshal** and **Apply for Fireworks Permit Online**.
 - (B) No permit will be issued to anyone under 18 years of age.
 - (C) All permits issued must be displayed in their place of business.
 - (D) An accurate record of each shipment received must be maintained by the retailer or seasonal retailer. Such records shall be kept at each place of business and shall be subject to examination by the state fire marshal or his deputies.
 - (E) This permit does not replace or relieve any person of state, county, or municipal privilege licenses as now or hereafter provided by law.
 - (F) Each permit applicant must possess a current and valid Alabama sales tax number.
 - (G) Only Class C Common Fireworks, as defined by the U. S. Department of Transportation, may be possessed, sold or used in Alabama, or shipped into the state.
 - (H) All items of fireworks which exceed the 2 grain limit of D.O.T. Class C common fireworks as to explosive composition, such items being commonly referred to as "illegal ground salutes" designed to produce an audible effect, are expressly prohibited from shipment into, manufacture, possession, sale and use within the state of Alabama for any purpose. This subsection shall not affect display fireworks authorized by this article.
 - (I) Items must be identified on the shipping cases and by imprinting on the article or retail sales container or unit "DOT CLASS C Common Fireworks" or other appropriate classification or identification as may be applicable or required by any federal agency having jurisdiction over fireworks on related items, such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.
 - (J) No permit issued is transferable, nor shall a person be permitted to operate under a permit issued to any other person or under a permit issued for another location unless transfer has been approved by the state fire marshal.
 - (K) It shall be unlawful to offer for sale or to sell any fireworks to children under the age of 16 years unless accompanied by an adult or to any intoxicated or irresponsible person. Any person purchasing fireworks shall be required to show a valid driver's license or state approved identification card.

- (L) Retailers and Seasonal Retailers may only purchase fireworks for resell to consumers from a permitted manufacturer or wholesaler.
- (M) Mail orders where consumers purchase any fireworks through the mail or receive any fireworks in Alabama by mail, parcel service, or other carrier are prohibited. A sales clerk must be on duty to serve consumers at the time of purchase or delivery.
- (N) Only one **seasonal retailer** permit shall be required for a full calendar year and it shall be valid for both fireworks seasons, provided that the building is not moved from the location where it was originally permitted and no substantial structural or environmental changes have occurred. A **seasonal retailer** permit may be issued after July 8th for the remaining fireworks season of that calendar year.
- (O) No permit shall be issued to an applicant for a previously unpermitted location until the premises where fireworks are to be stored or sold have been inspected by the state fire marshal or his designated representative and it shall have been determined that such building and facilities within the building and facilities for storage meet reasonable safety standards for the storage and sale of permissible fireworks.
- (P) If the proposed fireworks location is within city limits or a police jurisdiction, the applicant is required to determine that fireworks may be legally sold from the location before making application to this office.
- (Q) Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed is declared unlawful and prohibited.
- (R) Permitting the presence of lighted cigars, cigarettes or pipes within ten feet (10') of where the fireworks are offered for sale is declared unlawful and prohibited.
- (S) At all places where fireworks are stored or sold, there must be posted signs with the words **"FIREWORKS -- NO SMOKING"** in letters not less than four inches (4") high.
- (T) No fireworks shall be sold at retail at any permanent location where paints, oil or varnishes are for sale or use unless kept in the original unbroken containers, nor where gasoline or other flammable liquid or gas is used, stored or sold, if the use, storage, or sale creates an undue hazard to person or property. No fireworks shall be sold at retail from any temporary or moveable stand where paints, oils, or varnishes are for sale or use unless kept in the original unbroken containers, nor within fifty feet (50') of where gasoline or other flammable liquid or gas is used, stored or sold.
- (U) Any fireworks devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of any item by a spark, cigarette ash or other ignition source. Safety type thread wrapped and coated fuses shall be exempt from this provision.
- (V) No retail permit shall be issued for the sale of fireworks at retail from tents or from or in a motor vehicle or from a trailer towed by a motor vehicle. A permit may be issued for the sale of fireworks from a modular or mobile building when the structure is eight feet (8') or more in width and thirty-two feet (32') or more in length, from which all wheels have been removed and the structure placed on a non-mobile foundation.
- (W) It shall be unlawful to explode or ignite fireworks within six hundred feet (600') of any church, hospital, asylum, public school, any enclosed building, or within two hundred feet (200') of where fireworks are stored, sold, or offered for sale.
- (X) No person shall ignite or discharge any permissible articles of fireworks within or throw the same

from a motor vehicle, or at or near any person or group of people.

- (Y) All electrical wiring, fixtures, and other components of the entire electrical system in every storage and sales facility for fireworks shall comply with the National Electrical Code, National Fire Protection Association 70.
- (Z) At least one (1) ten pound (10 lb.) A-B-C dry chemical fire extinguisher must be located and maintained in good working order at all locations where fireworks are stored or sold.
- (AA) Two (2) exits are required from each sales location unless the travel distance is no more than fifty feet (50').
- (BB) When more than one exit is required, the exits shall be as remote as possible from each other.
- (CC) Aisles in sales locations must be at least twenty-eight inches (28") in width.
- (DD) All means of exit must be marked with signs and illuminated.
- (EE) Exits shall not be blocked or locked against exit discharge at any time the building is occupied.
- (FF) No outdoor burning shall be permitted within fifty feet (50') of any location where fireworks are stored or sold.
- (GG) All combustible waste and garbage must be disposed of daily.
- (HH) Waste, grass, weeds, and other combustibles shall not be allowed to accumulate around or inside of locations where fireworks are stored or sold.
- (II) All buildings used for the manufacture, storage, or sale of fireworks shall be in good condition and shall not constitute a hazard to life or property.
- (JJ) No heat producing equipment, which uses or contains a flame for producing heat or igniting heating fuels shall be used within fifty feet (50') of where fireworks are sold or stored at retail or seasonal retail locations. No incinerator, fireplace, wood burning stove or heater, space heater, or other types of heat producing appliances which use or contain a flame are permissible.
- (KK) No electric heat producing equipment shall be used within ten feet (10') of where fireworks are sold or stored.