

Chapter 8.16 - FIREWORKS

Sections:

FOOTNOTE(S):

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* For statutory provisions on fireworks, see Health and Saf. Code §§ 12500-12725; for provisions on local regulation of fireworks, see Health and Saf. Code § 12541.

8.16.010 - Definitions.

The following words and phrases, as used in this chapter, shall be defined as follows:

- A. "Dangerous fireworks" is defined as set forth in Section 12505 of the Health and Safety Code of the state.
- B. "Fireworks" is defined as set forth in Section 12511 of the Health and Safety Code.
- C. "Fireworks stands" means temporary structures to be used exclusively for the sale of safe and sane fireworks operated by qualified organizations having a permit issued pursuant to this chapter.
- D. "Organization" means any nonprofit organization, corporation, or association, organized primarily for veteran, patriotic, welfare, civic betterment, religious or charitable purposes, which has its principal and permanent meeting place, office, or place of worship within the city, and has been organized and established in the city for a minimum period of one year, continuously, preceding the filing of an application for permit under this chapter.
- E. "Permit" means a validly issued permit allowing a qualified organization to conduct the sale, to the members of the general public, of safe and sane fireworks.
- F. "Safe and sane fireworks" is defined as set forth in Section 12529 of the said Health and Safety Code.

(Ord. 330 § 24, 1979; Ord. 145 § 1(part), 1964: prior code § 6330).

8.16.020 - Dangerous fireworks prohibited.

No person shall sell, offer to sell, or have in his possession, any dangerous fireworks within the city.

(Ord. 145 § 1(part), 1964: prior code § 6331).

8.16.030 - Safe and sane fireworks—Permit to sell— Required.

No person shall sell, or offer to sell, any safe and sane fireworks without first obtaining a permit therefor in the manner set forth in Sections 8.16.040 and 8.16.050.

(Ord. 145 § 1(part), 1964: prior code § 6332).

8.16.040 - Safe and sane fireworks—Permit to sell— Application—Contents.

Applications for permits shall be accepted only from qualified organizations, as described in Section 8.16.010, and shall be in writing upon the form prescribed therefor by the license and zoning inspector of the city. The application shall be submitted to the license and zoning inspector on or before the fifteenth

of June for the year 1964, and before the first day of June of each calendar year thereafter. The application shall contain the following information:

- A. The exact location of the stand, as proposed, together with the written permission of the owner of the property if the property is not owned by the applicant;
- B. The name and location of the principal place of business of the organization and the principals thereof; and
- C. Such other information as may be required by the license and zoning inspector.

(Ord. 145 § 1(part), 1964: prior code § 6333).

8.16.050 - Safe and sane fireworks—Permit to sell—Application—Deposit.

Each application shall be accompanied by a deposit of a cashier's check, or cash, in the amount of fifty dollars. The deposit may be refunded as set forth in subsection O of Section 8.16.070.

(Ord. 145 § 1(part), 1964: prior code § 6334).

8.16.060 - Fireworks stand—Application—Approval or denial—Revocation.

A. All applications for fireworks stands shall be referred to the city council for approval, conditional approval or denial. The city council shall deny any fireworks stand permit if it finds that the public interest or safety is, or would be, jeopardized by the issuance thereof. The decision of the council shall, in all cases, be final and conclusive.

B. The chief of police shall revoke any permit where he finds that the permittee has violated any condition of approval imposed upon such permit, or any provision of law.

(Ord. 145 § 1(part), 1964: prior code § 6338).

8.16.070 - Fireworks stand—Operation.

All permitted firework stands shall be operated in accordance with the following terms and conditions:

- A. No person other than the licensed organization shall operate the stand for which the permit is issued; and
- B. No person other than individuals who are members of the licensed organization shall participate in the operation of the stand, nor shall any person under the age of eighteen years participate in the operation of such stand; and
- C. No person shall be paid any compensation for selling or otherwise participating in the sale of fireworks at such stand; and
- D. No stand shall be located within twenty-five feet of any other building or within one hundred feet of any gasoline service station, or other use which involves the use or storage of any inflammable liquid or material; and
- E. Fireworks stands need not comply with the provisions of the building code of the city; provided, that all such stands shall be erected under the supervision of the building inspector who shall require that the same be constructed in a manner which will reasonably insure the safety of the attendants and patrons thereof; and
- F. No stand shall have a floor area in excess of two hundred fifty square feet; and
- G. Each stand shall have at least two usable exits; each stand in excess of forty feet in length shall have at least three usable exits. In no case shall the distance between exits exceed twenty feet; and

- H. Fireworks stands shall be provided with two fire extinguishers of a type and size approved by the fire chief; and
- I. Fireworks stands shall be located not less than five hundred feet apart; and
- J. All weeds and other combustible material shall be cleared from the location of the stand, including a distance of at least twenty-five feet surrounding the stand; and
- K. "No smoking" signs shall be prominently displayed on the exterior of each fireworks stand; and
- L. Fireworks shall not be sold prior to twelve noon on the twenty-eighth day of June and such sale shall cease at twelve noon on the sixth day of July of each calendar year; and
- M. All unsold stock and accompanying litter shall be removed from the stand and from the city limits by twelve noon on the sixth day of July of each calendar year; and
- N. Each fireworks stand shall be removed from its temporary location no later than twelve noon on the twelfth day of July of each calendar year, and all accompanying litter shall be cleared from the said location by the said time and date;
- O. To insure compliance with subsections M and N of this section, prior to the issuance of any permit, the applicant shall deposit a cashier's check, or cash, with the license and zoning inspector in the amount of fifty dollars, as set forth in Section 8.16.050. Upon the certification of the chief of police that compliance has been had with subsections M and N of this section, the deposit shall be returned to the applicant.

(Ord. 145 § 1(part), 1964: prior code § 6336).

8.16.080 - Fireworks stand—Insurance required.

Prior to the issuance of any fireworks stand permit, the applicant shall file with the license and zoning inspector a policy of liability insurance in minimum coverage amounts of fifty thousand dollars (PL) and one hundred thousand dollars (PD), or a certificate of insurance. The policy shall name the city as a co-assured.

(Ord. 145 § 1(part), 1964: prior code § 6337).

8.16.090 - Smoking or lighting combustible material near stands prohibited.

No person shall light or cause to be lighted or permit to be lighted any fireworks or other combustible material, nor shall any person smoke within such stand or other places of sale or within twenty-five feet thereof.

(Ord. 145 § 1(part), 1964: prior code § 6336).