

ORDINANCE NO. 1175

AN ORDINANCE OF THE CITY OF SANGER, CALIFORNIA, ADDING ARTICLE IV TO CHAPTER 30 OF THE SANGER CITY CODE RELATING TO ADOPTION OF FIREWORKS ORDINANCE.

THE COUNCIL OF THE CITY OF SANGER DOES ORDAIN AS FOLLOWS:

SECTION 1. Article III of Chapter 30 Adopted.

Article III of Chapter 30 of the Sanger Municipal Code is added to the Sanger City Code to read:

ARTICLE IV

FIREWORKS ORDINANCE

Section	30-66	Short Title
	30-67	Condition of Sale
	30-68	Time of Sale
	30-69	Permit Required
	30-70	Information Required for Application
	30-71	Organizations Authorized to Sell
	30-72	Insurance Requirements at Condition of Sale
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	30-78	Permit Revocation
	30-79	Administrative Fines
	30-80	Seizure of Fireworks
	30-81 to 30-85	Reserved

30-66 Short Title. This article shall be known and cited as the “Sanger Fireworks Ordinance”. When the terms “this article” or “this ordinance” are used, they mean the Sanger Fireworks Ordinance.

30-67. Condition of Sale. It is unlawful for any person, firm, corporation, association or organization to sell or offer for sale any fireworks within the city, except as expressly permitted under the terms of this ordinance for the time period set forth in this article.

30-68. Time of Sale. Subject to the provisions of the State Fireworks Law (California Health and Safety Code, Division II, Part 2, §§12500 to 12637), and the provisions of this code and California Health and Safety Code § 12599.5, "safe and sane" fireworks as defined in California Health and Safety Code §12529, may be sold within the city beginning at 12:00 PM on June 28 through 12:00 PM July 6. Pyrotechnic displays may deviate from these restrictions subject to applicable provisions of the California Health and Safety Code, and provided they are approved by the Fire Chief or his or her designated representative.

30-69. Permit Required. No person, firm, association, corporation or organization shall sell fireworks within the city without first having obtained a fireworks permit. Issuance of a permit shall fulfill all city licensing requirements and fire safety conditions outlined by the Fire Department. All permit applications shall be received in the Fire Marshal's office by no later than 5:00 p.m. May 1, of each year. A permit fee will apply to one booth.

30-70. Information Required for Application. Each applicant for a fireworks permit shall file a written application within the Bureau of Prevention including:

- (1) Sanger Fire Department Fireworks Application Form;
- (2) Property Use Agreement Form with required signatures;
- (3) Certificate of Liability Insurance;
- (4) State Fire Marshal Fireworks Retail License; and
- (5) Written permission of the property owner.

A copy of the organization's non-profit status such as 501(c) (3) filing shall be attached to the application.

30-71. Organizations Authorized to Sell.

- (1) Nonprofit Organizations, corporations or local community service organizations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes, which can demonstrate that a majority of their financial resources and manpower are donated to projects of benefit to the total community within the city limits of Sanger.
- (2) No permits will be granted to any organization which has not engaged in the business of retailing "safe and sane" fireworks in the city during the current calendar year.
- (3) The number of organizations allowed to sell fireworks will be a total of eight (8) booths within the incorporated city limits of Sanger.
- (4) An organization that wishes to participate in the selling of fireworks must first submit a pre-application by the date and time specified in the City's public notification for the fireworks season. Once all pre-applications are submitted, a lottery will be held at a

specified date and time. All organizations that wish to participate must have a representative of the organization attend the lottery. The lottery will determine organizations that are authorized to operate within the City of Sanger. Two alternates will be chosen at the lottery. After the lottery, all completed applications must be turned in to the Fire Department by the date and time specified in the public notice. Organizations must also send a representative to the mandatory safety meeting to be held at the fire department on the specified date and time.

30-72. Insurance Requirements at Condition of Sale. Each applicant for a permit shall file with the Bureau of Fire Prevention, prior to the issuance of any permit, a policy of public liability insurance with coverage of at least one million dollars (\$1,000,000).

30-73. Fees Required. A one-hundred and fifty dollar (\$150) permit fee, as determined by the current Master Fee Schedule for Fireworks Booth Investigation, must be tendered to the City of Sanger upon receipt of permit from the California State Fire Marshall's Office.

30-74. Fireworks Booth Locations.

- (1) Each application shall contain a description of the site desired.
- (2) No booth shall be within 100 feet of any flammable liquid storage.
- (3) No booth shall be placed closer than 30 feet to any building or structure.
- (4) No booth shall be placed within 400 feet of another booth.

30-75. Fireworks Booth Construction.

- (1) All retail sales of fireworks shall be permitted only from within a temporary fireworks booth. The sale from any other building or structure is hereby prohibited.
- (2) Fireworks booths need not comply with provisions of the Uniform Building Code; provided the booth is erected under the supervision of the local Building Inspector who shall require the booth be constructed in a manner, which will reasonably insure the safety of attendant and patrons.
- (3) Each booth shall have a minimum of two exit doors.
- (4) All lighting appliances used in the booth must be safe and in good condition, all bulbs or fluorescent tubes must be shielded against accidental breakage or contact. No heating devices of any kind are permitted in or near fireworks booths.
- (5) All electrical wiring, including the power source, shall be installed to the satisfaction of the Building Inspector. Electrical wiring shall be at least 12 feet above the ground when subject to foot traffic, and 16 feet above the ground when subject to vehicle traffic.

30-76. Operational Requirements.

- (1) No person other than a member of the licensee organization will be permitted to sell or otherwise participate in the sale of fireworks.
- (2) All permits are non-transferable.
- (3) All persons engaged in the selling of fireworks shall be over the age of 18 years. At least one person 21 years of age or older must be in attendance and in charge during the hours of booth Operation.
- (4) Fireworks may be sold at the booth only.
- (5) No sale or delivery thereof shall be made to any person under 16 years of age in accordance with Cal. Health and Safety Code § 12689(b).
- (6) All permits and licenses shall be posted inside the booth.
- (7) Broken or damaged fireworks are not to be sold. The items will be collected and a receipt issued so Credit may be received from the vendor.

30-77. Safety and Security.

- (1) Each stand shall be provided with two (2) fire extinguishers, rated 2A10BC or better. Such equipment is to be serviceable and accessible during all business hours.
- (2) No smoking is allowed within 50 feet of any booth.
- (3) “No Smoking” signs shall be placed on all exterior sides of each booth and one such sign shall be posted within the booth.
- (4) All weeds and combustible material shall be cleared from the location of the stand or within 30 feet thereof.
- (5) No person shall light or cause to be lit any fireworks or other combustible article within 200 feet thereof.

30-78. Permit Revocation

- (1) If in the judgment of the Fire Chief or his or her agent or the Building Inspector or his or her agent, the construction of the booth or the conduct of the operation therein do not conform to the provisions of this article or if in any way the operation of the stand poses a threat to public safety, such officers or either of them, may have the permit revoked and/or the booth immediately closed.
- (2) No person shall sell, store, hold or possess any fireworks classified as dangerous, including fire crackers, rockets or the like, from or within any booth. If such is discovered, the permit will be revoked and the booth immediately closed.

- (3) Any organization that does not provide a representative at the posted mandatory meetings forfeits its permit and an alternate will be placed.

30-79. Administrative Fines.

In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, stores, sells and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section are subject to an administrative fine up to \$1,000 pursuant to Sanger City Code Section 1-8.5.

30-80. Seizure of fireworks.

The Fire Chief or his or her designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.5 of this Code.

30-81 to 30-85 Reserved.

SECTION 2. Effective Date. This ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

SECTION 3. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

Raul Cantu, Mayor

ATTEST:

I, Rebeca Hernandez, City Clerk of the City of Sanger, California, do hereby certify that the foregoing ordinance was introduced on a motion of Councilmember Pacheco, seconded by Councilmember Garza, at a regular meeting of the Sanger City Council held on the 21st day of July, 2016, and was duly adopted by the Sanger City Council at a Regular Meeting of said City Council on the 4th day of August, 2016, by the following vote:

AYES:	COUNCILMEMBERS:	CANTU, ONTIVEROS, PACHECO, GARZA
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE

Rebeca Hernandez, City Clerk

APPROVED AS TO LEGAL FORM:

Hilda Cantú Montoy, City Attorney