

ORDINANCE 1215

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 3.04.010 and 3.04.060 OF THE TRACY MUNICIPAL CODE PERTAINING TO SAFE AND SANE FIREWORKS

Whereas, the City Council wishes to amend Chapter 3.04 to the Tracy Municipal Code which allows for the sale, use and discharge of "Safe and Sane" Fireworks in the City of Tracy:

NOW, THEREFORE, The City Council of the City of Tracy hereby ordains as follows:

SECTION 1: Amended Section. Section 3.04.010, Definitions, is hereby amended to change the definition of "Nonprofit organizations" as follows:

"Nonprofit organization" means the applicant is a local nonprofit organization which shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes as defined by Section 501(c) of the Internal Revenue Code of the United States. A local nonprofit organization must have its principal and permanent meeting place within the City of Tracy, or be within a one mile radius of the city limits of the City of Tracy, or be a school with a student body that includes City of Tracy residents and is within the Tracy Unified School District or the Jefferson School District. Non-school organizations that have their principal meeting place outside the City limits as allowed above, must show documented proof that a majority of its members are City of Tracy residents. The organization must have nonprofit status and have been organized and established for a minimum of two continuous years preceding the filing of the application for permit. The organization must have a bona fide membership of at least twenty (20) members who reside in the City, which will be verified each year. The organization must also provide direct and regular community services and benefits to the residents of the City.

SECTION 2: Amended Subsections. Subsections (c) and (d) of section 3.04.060, Applications for safe and sane fireworks sales permit lottery, are hereby amended to read as follows:

"(c) Applications shall be signed by two (2) bona fide officers of the eligible nonprofit organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by state laws, administrative regulations, and all requirements of this Code and the permit if permission to operate a safe and sane fireworks stand is granted to the organization, and both:

1. has not been found by any court of competent jurisdiction or City administrative hearing officer to be in violation of any civil or criminal, local, state or federal law relating to fireworks within twenty-four (24) calendar months prior to the organization's submittal of an application for a permit to sell safe and sane fireworks, and

2. has not had a permit to sell safe and sane fireworks revoked within twenty-four (24) calendar months prior to the organization's submittal of an application for a permit to sell.

(d) 1. Should the Fire Chief or designee determine that a lottery awardee does not satisfy these requirements or otherwise comply with requirements of this Chapter, the lottery awardee's application shall be denied.

2. If an awardee is found to have falsified or misrepresented its status as an eligible organization as defined by this Chapter, or provided false information on the approved application, the organization will be ineligible to apply for a safe and sane fireworks permit for a period of two years."

SECTION 3: This Ordinance shall take effect thirty days after its final passage and adoption.

SECTION 4: This Ordinance shall be published once in a newspaper of general circulation, within fifteen days from and after its final passage and adoption.

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The foregoing Ordinance 1215 was introduced at a regular meeting of the Tracy City Council on the 19th day of April 2016, and finally adopted on the 3rd day of May, 2016, by the following vote:

AYES	COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, RICKMAN, MACIEL
NOES	COUNCIL MEMBERS: NONE
ABSENT	COUNCIL MEMBERS: NONE
ABSTAIN	COUNCIL MEMBERS: NONE

Signed: Michael Maciel, Mayor

Attest: Nora Pimentel, City Clerk