



SECTION 401.007 FIREWORKS STANDS

PURPOSE

The purpose of this policy is to outline requirements of possession, use, storage, sale, and/or display of Safe and Sane and/or Illegal fireworks.

APPLICATION

This policy applies to organizations and corporations (vendors) interested in selling Safe and Sane fireworks within the City of Fresno (City). The following outlines the application process, awarding stand permits, fireworks stand inspections, and storage of safe and sane fireworks.

OPERATIONAL POLICY

Lottery

1. On the day of the drawing, which is the first Wednesday in March, vendors will receive a list of organizations and their corresponding numbers.
2. After thirty (30) new organizations are drawn, vendors will then assume the responsibility of contacting all organizations to assist them in completing the necessary documentation in its entirety.
3. Supplemental documentation and requirements are available on the Fresno Fire Department (FFD or Department) website at:

<https://www.fresno.gov/fire/fireworks-sales/>

Additional Supplemental Documentation Required

Vendors are required to submit completed supplemental documents to the Fresno Fire Prevention, Support, and Technical Services Division for review by the first Wednesday in May, no later than 3:00 p.m. Vendors will be notified of any corrections needed within one (1) week.

1. A currently dated "Property Owner's Release" signed by the property owner, giving permission to erect a fireworks stand on their property, is required. This form will include the following:
 - The organization to which permission is being granted.
 - The property address for which permission is being granted.
 - Verbiage stating that the organization has permission to use the property for the location of a fireworks stand.
 - Property owner's printed name and mailing address.
 - Property owner's signature and current date of signature.
 - Name and mailing address of property owner's agent (when applicable).
2. Fireworks Stand Location and Fireworks Storage Location form (Appendix A):

Note: Fireworks stands will be allowed only on City property which is currently developed and zoned for commercial use C-1 through C-6 and CP. Public safety, ingress, egress, and adequate parking will be additional factors considered by the Department before approving any site for fireworks sales.
3. A dimensioned site plan (not to scale). SEE: Appendix D for requirements.
4. Throughout the life of the permit, the applicant will pay for, and maintain in full force and effect, policies of insurance as required by the City's Risk Manager. The policies of insurance will name the City, its officers, officials, agents, employees, and authorized volunteers as additional insureds. The applicant will submit current proof of insurance in a manner authorized by the City's Risk Manager. (Appendix B).

5. All fireworks stands for permit will be accompanied by an Office of the State Fire Marshal Retail Fireworks Application (with current year's sticker).
6. Each applicant will submit a Temporary Seller's Permit valid through the end of the organization's sales date.
7. Each applicant will execute an Indemnification and Hold Harmless Agreement as required by the City's Risk Manager. (Appendix C).
8. Every application for a permit will be accompanied by a non-refundable application fee established by resolution of the Fresno City Council and set forth in the *Master Fee Schedule (MFS)*. This application fee will be in addition to any fee or tax imposed by any other chapter or article of the *Fresno Municipal Code (FMC)* or within this section. The cost for the fireworks season permit will be six hundred and twenty-six dollars (\$626.00 or current fee made payable to the City.) This is a non-refundable sum. Each permit will be for only one (1) fireworks stand per eligible organization.

Any supplemental documentation originally submitted on the first Wednesday in May which was incorrect, or incomplete will be reviewed again on the third Wednesday in May by appointment only. Appointments will start at 8:30 a.m. and end at 3:00 p.m. Supplemental documentation will be reviewed while the vendor waits. If there are any changes required to documentation after the third Wednesday in May, a consultation fee (\$162 or current fee) will be due before the changes can be accepted. The consultation fee is based on the current *MFS*. Changes will be verified by appointment only. When all application requirements have been completed, the fireworks stand location has been approved, and Risk Management has approved the insurance certificate, the Department will authorize erection of a fireworks stand.

Use of Alternates

If one of the thirty (30) newly selected organizations or thirty (30) previous organizations resigns or loses its position to sell Safe and Sane fireworks, an alternate may be chosen. It will be the vendor's responsibility to contact the Department if an alternate position becomes available. If the Department is not notified, or the due dates have passed, the slot will remain vacant for the fireworks season.

Operator Safety Seminar

Each year, one or more representatives from each organization or corporation that is granted a permit to sell and/or display fireworks will attend a stand operator safety seminar conducted by the fireworks industry. Failure of an organization or corporation to have a responsible individual attend the seminar will result in the revocation of their permit to sell and/or display fireworks.

Inspection Appointments

The organizations with approved documentation will be assigned an inspection appointment by the Department's Fireworks Coordinator. Fireworks booth inspections will be conducted during the work week of June 28. The morning inspection appointments will begin at 8:00 a.m., the afternoon inspection appointments will begin at 1:00 p.m.

Fireworks Stand Inspections

1. The initial fireworks stand inspection will be conducted on the day and time period assigned by the Department's Fireworks Coordinator.
 - a. If a re-inspection is required, appointments will be conducted on a first-come, first-served basis, and conducted on the next available business day.
 - b. A re-inspection will not be conducted until the re-inspection fee (\$242 or current fee) has been paid. The re-inspection fee is based on the current Master Fee Schedule.
 - c. These fees are payable to the "City of Fresno, FIREWORKS" and must be submitted to the Department's Fireworks Coordinator.
 - d. Upon payment of the fee, the organization will be assigned a day and time for their re-inspection.
2. See Appendix D for a list of items which will be verified at the time of the initial inspection and during the daily inspections conducted by the Department.
3. Once the permit is issued, it must be posted in a conspicuous location inside the fireworks stand during times of operation, along with the following:
 - State Fire Marshal's license.

- Temporary Seller's Permit from the State Board of Equalization.
 - Certificate of Insurance.
 - Name and contact information of at least two people responsible for the operation of the fireworks stand.
4. Permits are not transferable to any other organization.
 5. It is unlawful for any person to sell or transfer any Safe and Sane fireworks to a consumer or user from any place other than a currently permitted fireworks booth. The sale of Safe and Sane fireworks and/or money(s) for those fireworks will only be exchanged in a temporary fireworks booth which has been currently permitted by the Department.
 6. All officers, agents, and employees of the eligible organization will be responsible for compliance with all provisions of these standards.

Temporary Fireworks Stands

1. All retail sales of Safe and Sane fireworks will be permitted only from within a temporary fireworks stand. The sale from any other location (i.e., building, structure, or vehicle) is prohibited.
2. Stands are preferred to be on paved surfaces; however, unpaved surfaces may be approved.
3. No other items, such as food or drinks, will be sold in conjunction with, inside or within thirty feet (30') of a fireworks stand.
4. Fireworks stands may not obstruct any handicapped parking stall.
5. Fireworks stands need not comply with the provisions of the *California Building Code (CBC)*; however, all stands will be erected under the supervision of the fireworks vendor. Vendors will require fireworks stands to be constructed in a manner which will reasonably ensure the safety of attendants and patrons.
6. If stands are operated at night, electric or battery-operated lights may be used and must be installed at time of stand inspection. Open splices are prohibited, and all wiring must be protected from physical damage

and weather. Exposed light bulbs shall be protected with covers, cages, or screens.

7. No fireworks stand will have a floor area in excess of seven hundred fifty square feet (750').
8. Each fireworks stand will have at least two (2) exits. The exits will be located and provided on opposite sides. Each exit will be at least thirty-two (32") wide, six feet and eight inches (6'-8") in height, will swing in the direction of exit travel and shall be clear at all times.
9. Fireworks stands with three (3) sides and open from the back will not require exits.
10. The frame of a fireworks stand, and the lower half may be wood or metal.
11. The area above the display counter may be wire mesh with solid sides or wire mesh all around. The front counter area open for sales will be located four feet (4') from the bottom edge of the fireworks stand and continue for no more than eighteen inches (18") in height for open area. The lath wire will continue to the roof.
12. The maximum fireworks stand length will be no longer than thirty-two feet (32').
13. One approved multipurpose 2A:10BC portable fire extinguisher must be provided in the fireworks stand sale area. It must be in operating condition with an up-to-date inspection tag indicating the fire extinguisher has been serviced within the past year.
14. Fireworks stands will be located on currently developed commercial zoned parcels or at a location approved by the Fire Chief or designee. The approved zone designations are *Zoning Code*, C1-C6 and CP.
15. Fireworks signs, sandwich boards, and advertisements will be limited to the booth and no more than thirty feet (30') surrounding the booth. Starting in the 2011 fireworks season, a special provision was made to allow sandwich boards and additional decorations from June 28 until July 6 only.
16. Due to a possible traffic hazard, sales/advertising representatives will not be allowed on traffic medians.
17. Rotating beacons, strobe lights, or similar devices are not allowed.

18. No tarp or canopy will be attached to or placed within two feet (2') of a fireworks stand, will not be larger than the fireworks stand, and, if the canopy is larger than twenty feet by twenty feet (20'x20') there will be a tag on the canopy showing it is flame retardant treated.
19. Fireworks will not be displayed or moved into the fireworks stand until the first day of allowed sales, on June 28 at 12:00 p.m., or just prior to the initial inspection.
20. All temporary fireworks stands will be disassembled and removed no later than July 8 at 5:00 p.m.

Operation of a Fireworks Stand

1. No person will sell fireworks to any person under the age of sixteen (16).
2. The sale of Safe and Sane fireworks will begin no earlier than noon on June 28 and will not continue after noon on July 6 of the same year. The sale of Safe and Sane fireworks will be permitted only from 9:00 a.m. to 10:00 p.m. daily, except on June 28 when the hours shall be 12:00 p.m. to 10:00 p.m., and on July 6 when the hours shall be 9:00 a.m. to noon.
3. No entity other than the permitted organization or corporation will operate the stand for which the permit is issued or share, or otherwise participate in the profits of the operation of such stand.
4. No persons other than the individuals (volunteers) who are members of the permitted organization or corporation, or the spouses, immediate family, parents, or adult children of such members will sell or otherwise participate in the sale and/or display of Safe and Sane fireworks at such stand.
5. No person will be paid any consideration by the permitted organization or any wholesale distributor of Safe and Sane fireworks for selling or otherwise participating in the sale of fireworks at such stand, provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on their property.
6. The person responsible for the fireworks stands will instruct all workers who handle fireworks in any capacity of the hazards and with the rules and safety precautions governing fireworks.

7. Workers will be trained in emergency procedures; including use of the fire extinguisher (may be tested at random).
8. No person will use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.
9. All persons involved in the sale of Safe and Sane fireworks will be at least eighteen (18) years of age. Proof must be shown at any time when requested by Fire officials. Failure to produce a valid picture identification upon request may result in revocation of a fireworks sales permit for the remainder of the daily sales period, and/or a fine of one thousand dollars (\$1,000.00). Any person sixteen (16) or seventeen (17) years old, who is affiliated with the organization, may help stock and work in the fireworks stand, however, may not handle the money or sell Safe and Sane fireworks.
10. Smoking is prohibited where fireworks are stored, handled or sold.
11. Sleeping is not permitted at any time inside a fireworks stand for any reason.
12. The premises will be maintained in a clean, neat, and orderly condition at all times and kept free from any condition that would create a fire hazard. Empty boxes are not to be stored behind the fireworks booth.

General Requirements for Permittees

1. "NO SMOKING" signs will be prominently displayed on all sides of a fireworks stand, in both English and Spanish. Each sign will reflect the words "NO SMOKING" in red letters not less than two inches (2") in height with a minimum one-half inch (1/2") stroke on a white background.
2. No fuel-powered or similar equipment will be allowed within thirty-five feet (35') of a fireworks stand.

3. On-site storage of fireworks will be permitted in approved metal cargo-style containers only (Seatrain or ISO Conex); at a distance of no less than thirty-five feet (35') from the fireworks stand. Storage of fireworks in a fireworks stand, trucks or vans will be permitted only when there is twenty-four (24) hour security or a responsible party on site twenty-four (24) hours a day.
4. Any other task or item not covered in this standard could be subject to a two hundred and forty-two dollars (\$242.00) fee (or current *MFS* fee) as seen fit by the Fire Chief or designee.
5. Safe and Sane fireworks can be used or discharged in the City year round (365 days a year) between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6, when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

Revocation of Permit

1. The Fire Chief or designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any section within this standard or the *FMC*.

Safety Flyers

1. All fireworks vendors will be required to supply the Department with at least two hundred (200) safety flyers per fireworks stand in which they are sponsoring no later than the first Wednesday in May.

Administrative Fines

1. In addition to any other remedy available by law, any person or entity who possesses; uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times and/or locations other than those permitted by this section are subject to an administrative fine of not less than two thousand dollars for the first violation, not less than three thousand dollars for a second violation of this article within a rolling 12 month period and five thousand dollars for a third or subsequent violation of this article within a rolling 12 month period. There is an

additional two-hundred-and-fifty-dollar administrative disposal fee associated with each violation.

2. Any violation of these regulations or any City ordinance, or the terms and conditions of the permit, or State Law or Administrative Regulations, or safety rules of the Department will be grounds for immediate revocation of the permit.
3. The officers, agents, and employees of the eligible organization will be responsible for compliance with all provisions of these regulations.

Seizure of Fireworks

1. The Fire Chief or designee will seize, take, remove or cause to be removed and destroy, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this standard operating procedure.

OPERATIONAL GUIDELINE

Fireworks vendors interested in obtaining a permit to sell Safe and Sane fireworks must meet all the provisions set forth in the *FMC* and must return completed applications (for first year organizations only) to the Department's Prevention Division by 3:00 p.m. on the third Wednesday of February. To ensure acceptance of the application, all information must be provided in its entirety.

Federal Tax IDs are utilized to ensure there are no duplicate organizations submitted. If a duplicate number is identified, a random pre-drawing will take place with the duplicate numbers to determine the one (1) organization which will remain in the lottery.

During the application review process Department personnel will notify vendors of any corrections needed and/or denial of an application. Corrected applications will be accepted through the fourth Monday of February, or the first business day thereafter by 4:00 p.m. Should the fireworks stand application be denied for any reason, the organization will not be entered into that year's lottery drawing. Once an application has been successfully submitted and approved, the organization will be assigned a number for the lottery drawing. Failure to meet all requirements in this section or in the *FMC* by the due date and time is grounds for denial of an application. The Fire Chief and/or designee will make the final decision regarding a denial or approval of an application.

Each year, a lottery drawing will result in a maximum of thirty (30) new fireworks stand permits. Participants in the lottery may become eligible for a two (2) year fireworks stand permit. Only one permit will be issued to any organization in the Department's contractual service area.

Appeal

1. A citation issued for failure to comply with the provisions of this section may be appealed pursuant to *FMC*, Chapter 1, Article 4.
2. The denial of an application for a fireworks permit may be appealed pursuant to *FMC*, Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the Fire Chief or designee will be final.
3. The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this section. This will include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor. The procedures set forth in *FMC*, Chapter 1, Article 5, Section 1-506 will be followed for the imposition of a special assessment or lien.
4. A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the City for any administrative citation and or penalty issued for failure to comply with the provisions of this standard.

PROCESS

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INFORMATION

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DEFINITIONS

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CROSS-REFERENCES

City of Fresno Fireworks Sales Website

<https://www.fresno.gov/fire/fireworks-sales/>

IRS Exempt Organizations Select Check

<http://apps.irs.gov/app/eos/revokeSearch.do?searchChoice=pub78&dispatchMethod=selectSearch>

Fresno Municipal Code, Fireworks Ordinance

https://library.municode.com/ca/fresno/codes/code_of_ordinances?nodeId=MUCOFR_CH10REREPUNUREPRCOUS_ART5FIPR_S10-55602FIOR