

Chapter 8.08**FIREWORKS****Sections:**

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8.08.010 Title 19 of the California Code of Regulations.

Storage, use, retail sales and handling of fireworks shall be in accordance with Title 19 of the California Code of Regulations and this chapter. (Ord. 588 § 2 (part), 2007)

8.08.020 Amendment to Fire Code.

California Fire Code Chapter 56 is amended to add the following provisions regarding the sale and use of fireworks, Class C ("Safe and Sane"). (Ord. 594 § 7, 2007; Ord. 588 § 2 (part), 2007) (Ord. No. 657, § 12, 10-8-2013)

8.08.030 Sale.

No person shall sell or offer for sale any fireworks within the city except in a temporary stand or structure used specifically for the display and sale of fireworks operated and maintained by a recognized charitable, civic or patriotic group or organization with

the permit of the director of building and fire. (Ord. 588 § 2 (part), 2007)

8.08.040 Permits—Applications.

All applicants for a permit to sell fireworks shall:

A. Submit a written eligibility application to sell fireworks on a form provided by the city.

B. Applications for eligibility shall be accepted by the department of building and fire between March 1st and April 15th and shall state the name of the applicant, the name of the organization, its address, the president or head of the organization, and a complete account of the proposed disposition of all gross receipts of fireworks to be sold at the proposed stand. Failure of such account to show that at least fifty (50) percent of the net profits from the sale of fireworks will be expended for the benefit of the city or its residents shall cause such application to be denied.

C. No organization may receive more than one permit to sell fireworks sale during any one calendar year. One permit may be issued to two or more qualifying applicants as a joint venture.

D. The maximum number of permits shall be based on one permit per each three thousand (3,000) residents of the city or fraction thereof, based on the official city census. Should the number of applications exceed the number of available permits, an initial drawing shall be conducted by the city clerk and all applicants shall be placed on an eligibility list in the order drawn. Permits shall be issued to applicants in the order of the list and the eligibility list shall be maintained by the department of building and fire on an ongoing basis and made available to the public. In any year succeeding the initial drawing, permits shall be is-

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sued to applicants in order of the list beginning with the first applicant after the last applicant issued a permit the prior year.

Applicants filing an application that are not on the existing list will be placed at the end of the list at the time the application is filed.

E. On an annual basis, eligible applicants shall be those on the list equal to the number of available permits beginning at the start of the list and working downward. If an applicant withdraws their application, the next succeeding applicant on the list shall be deemed eligible. Eligible applicants shall file a fireworks stand permit application with the department of building and fire between March 1st and April 15th of the year for which the permit is requested and shall state the name of the applicant, the name of the organization, its address, president or head of the organization, the location of the proposed stand, the names of the persons who will actually staff the stand on behalf of the applicant and a complete account of the proposed disposition of all gross receipts of fireworks to be sold at the proposed stand for that year.

F. Each applicant must include a "letter of agreement" signed by the property owner or their authorized agent permitting the organization to erect a fireworks stand on the owner's property. Failure to do so shall cause such application to be denied.

G. Applicants that are issued a permit are required to file with the city a "fireworks stand financial statement" form, which is due by October 31st of the calendar year in which the permit is issued. On this form each applicant must certify that at least fifty (50) percent of the prior year's net profits from the sale of fireworks were expended for the benefit of the city and its residents. Failure to so certify prior to submitting a fireworks stand permit application shall cause such renewal application to be denied.

H. If any applications from eligible applicants are either denied or not received by April 15th, the next applicant(s) on the list

shall be deemed eligible. The city shall attempt to provide notice to the applicant; however, it shall be the absolute duty of the applicant to stay apprised of its position on the list. Such eligible applicants shall file an application for a permit with the department of building and fire no later than May 15th.

I. Each applicant organization must have its principal general membership and/or governing board meeting place within the corporate limits of the city of Arroyo Grande and must have been established within the city for a minimum of two years continuously preceding the filing of the application for permit and must have a bona fide membership of at least fifteen (15) members.

J. Insurance. The city council shall, by resolution, establish appropriate insurance requirements and conditions related to the sale of fireworks.

K. No permit shall be issued unless the applicant organization represents to the city that all aspects of the sale of fireworks, including the application for all necessary permits, will be conducted by a member of the applicant organization. All application fees shall be paid by the applicant organization. Such fees shall not be paid by any other affiliated organization, including a seller, distributor, or vendor of fireworks. Applicants will neither hire nor use independent contractors or other persons who are not members of the organization in connection with any aspect of the sale of fireworks. Only members of the applicant organization shall staff the fireworks stand, except spouses, parents and children or members who are eighteen (18) years of age or older, may also staff such stand, subject to the provisions of this subsection. All members of the organization must have a valid identification, which verifies that such person is a valid member of the organization,

on their person or inside the fireworks stand. Organizational membership records for fireworks stand workers should also be retained in the stand for reference.

L. Permit Fees and Conditions. The city council shall, by resolution, establish appropriate fees and conditions related to the sale of fireworks. (Ord. 588 § 2 (part), 2007)

8.08.050 Meeting.

There shall be a meeting the first Monday of June at seven-thirty p.m. of every year. This meeting is mandatory for the representatives of the permittee organizations. Safety practices, legal issues and explanation of the laws, rules and regulations will be discussed. At this meeting, the applications, certificates of insurance and letters of permission will be submitted and the permits issued. Wholesale distributors, or their bona fide agents, shall also be present at this meeting. (Ord. 588 § 2 (part), 2007)

8.08.060 Fireworks stands— Construction and placement.

Retail sales of fireworks shall be made only from temporary fireworks stands. Sale of fireworks from any other building or structure is prohibited. Temporary stands will be subject to the following provisions:

A. No fireworks stands shall be located within fifty (50) feet of any other building, within one hundred (100) feet of a gasoline or other type of flammable fuel pump or storage area, within five hundred (500) feet of another fireworks stand or less than one-eighth of a mile from the city's boundary with another jurisdiction.

B. All fireworks stands shall be erected or constructed on commercial or industrial-zoned property. No fireworks stands will be constructed or erected on residential property.

C. Fireworks stands need not comply with the building code of the city. Stands requiring electrical service shall be required to obtain an electrical permit from the building and life safety division. Stands shall be constructed or erected in a manner that will reasonably ensure the safety of attendants and patrons. The stands shall be subject to inspection by representatives of the department of building and fire at any time.

D. Each stand shall have a minimum of two marked exits or as otherwise directed by the director of building and fire.

E. Each stand shall have a minimum of two fire extinguishers of a type designated by the director of building and fire. (Ord. 588 § 2 (part), 2007)

8.08.070 Sales.

Fireworks stands shall comply with the following requirements related to sales:

A. Fireworks shall not be sold before noon on the twenty-eighth of June and such sales shall cease at noon on the fifth day of July. Sales during this time period will be limited to nine a.m. to nine p.m. each day. Any permittee failing to observe these hours designated for sale may have their permit revoked or be ineligible for a permit in subsequent years.

B. Sales to individuals under the age of eighteen (18) is prohibited. The permittee shall require that each person who purchases fireworks produce identification proving that such person is eighteen (18) years of age or older.

C. Each person who purchases fireworks must be provided with handouts that contain information related to where "safe and sane fireworks" can legally be discharged and the associated hazards. The contents of this document will be reviewed and approved by the director of building and fire. (Ord. 588 § 2 (part), 2007) (Ord. No. 627, § 13, 12-14-2010)

8.08.080 Fireworks stands—General requirements.

A. Each stand shall provide temporary sanitary facilities or obtain permission to use either private or public facilities during the hours of operation. Proof of sanitation facilities shall be documented in written form.

B. All weeds, trash, and debris shall be cleared for a distance of at least twenty-five (25) feet surrounding the fireworks stand.

C. Doors of the stand shall not be locked on the outside of the door while anyone is inside the stand. The door may be latched in such a manner that will not cause any undue delay to anyone exiting in an emergency.

D. An aisle or passageway in the fireworks stand will be kept clear and unobstructed so as not to impede anyone leaving the stand in an emergency.

E. The use of electrical or fuel-operated heaters in the fireworks stand is prohibited.

F. The temporary fireworks stand will be dismantled and removed from its location not later than the Sunday of the weekend following the 5th of July of each year. It shall be the responsibility of the permittee to remove the stand. If the removal of the stand is not accomplished by this deadline, the city of Arroyo Grande may remove and store it at permittees' cost and expense until it is redeemed by the payment of appropriate fees and interest thereon. In addition, the permittee failing to meet this deadline will be ineligible for a permit the following year.

G. Each stand shall have adequate temporary parking acceptable to the director of the department of building and fire. (Ord. 588 § 2 (part), 2007)

8.08.090 Delivery.

A. The wholesale distributors will make all deliveries and end of sale season pickups. Excess storage of fireworks will not be permitted.

B. Reserved. (Ord. 588 § 2 (part), 2007) (Ord. No. 627, § 13, 12-14-2010)

8.08.100 Public discharge.

Discharge of "safe and sane fireworks" may only occur on July 4th in legally permitted locations. No person under eighteen (18) years of age may possess or discharge "safe and sane fireworks" except when under the direct supervision of a person twenty-one (21) years of age or older. (Ord. 588 § 2 (part), 2007) (Ord. No. 627, § 13, 12-14-2010; Ord. No. 699, § 2, 4-23-2019)

8.08.110 Violations.

Persons violating any provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand (\$1,000) dollars or by imprisonment in the county jail for a period not to exceed six months or by both such fine and imprisonment. Any violations of these provisions shall constitute a separate offense for each and every day during which such violation is committed or continued. (Ord. 588 § 2 (part), 2007)

Chapter 8.12

EMERGENCY SERVICES ORGANIZATION*

Sections:

- 8.12.010 Purposes.
- 8.12.020 Emergency defined.
- 8.12.025 Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).
- 8.12.030 Disaster council—Membership.
- 8.12.040 Disaster council—Powers and duties.
- 8.12.050 Director, assistant director, and coordinator of emergency services.
- 8.12.060 Powers and duties of the director, assistant director, and coordinator of emergency services.
- 8.12.065 City council—Powers and duties.
- 8.12.070 Emergency organization.
- 8.12.080 Emergency plan.
- 8.12.090 Expenditures.
- 8.12.100 Violation.

8.12.010 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of an emergency; the direction of the emergency organization; and the coordina-

*Editor's note—Ord. No. 638, § 1, adopted Nov. 8, 2011, amended the former Ch. 8.12, §§ 8.12.010—8.12.090, and enacted a new Ch. 8.12 as set out herein. The former Ch. 8.12 pertained to similar subject matter and derived from Prior code §§ 4-1.01—4-1.09; Ord. No. 556, §§ 2N, 2O, adopted 2004.

tion of the emergency functions of the city with all other public agencies, corporations, organizations, and affected private persons. (Ord. No. 638, § 1, 11-8-2011)

8.12.020 Emergency defined.

For the purposes of this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, acts of terrorism, or other conditions, including conditions resulting from war or the imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the city, requiring the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage which requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(Ord. No. 638, § 1, 11-8-2011)

8.12.025 Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).

The city shall use SEMS and NIMS for coordinating all local emergencies. The basic framework of SEMS/NIMS incorporates the use of the incident command system, multi-agency or interagency coordination, the State's master mutual aid agreement, the operational area concept, and the operational area satellite information system.

(Ord. No. 638, § 1, 11-8-2011)