

Permit No. _____

Approved: _____

Date: _____

CITY OF FOWLER

**APPLICATION FOR PERMIT TO SELL
"SAFE AND SANE" FIREWORKS AT RETAIL**

2013

I/We, _____, Phone # _____,

hereby make application for a permit to sell, at retail, "Safe and Sane" fireworks in the location hereafter set forth:

Location: _____

Date and Time, Stand to Open: _____

Permits to sell "Safe and Sane" fireworks shall be issued by the City Clerk, upon application therefor, only to eligible organizations and only after those organizations have met all the applicable requirements set forth in the following section. An eligible organization is limited to Not for Profit Organizations as set forth in Section 4-6.01 of Chapter 6 of Title 4 of the Fowler Municipal Code.

(a) Any eligible organization desiring to sell "Safe and Sane" fireworks in the City shall make an application therefor to the City Clerk. Applications will not be accepted before April 1st or later than May 15th each year.

(b) Applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by State law and Administrative Regulations and all the stipulations of the adopted City Code and the permit if permission to operate a fireworks stand be granted to the organization.

(c) Completed applications shall be returned to the City Clerk no earlier than the first regular business day in April of each year, and no later than May 15th of each year. Any eligible organization making an application for such business license to sell "Safe and Sane" fireworks which fails to return the completed application by 5:00 p.m., on May 15th of each year shall not be issued a permit to sell "Safe and Sane" fireworks.

(d) All eligible organizations shall obtain and submit to the City Clerk as part of the completed application the following: (Items 1, 2, and 6, as well as the application form, shall be submitted on forms supplied by the City Clerk or otherwise approved by the City Clerk.)

1. The original currently dated property owners release form, with the address and Assessor's Parcel Number of the property where stand is to be located, signed by the property owner giving permission to erect a fireworks stand on their property;
2. The Fireworks Storage Form indicating where the fireworks will be stored when not in the approved stands;
3. The State Fire Marshal's license to sell safe and sane fireworks;
4. A copy of the temporary seller's permit issued by the State Board of Equalization;
5. The Certificate of Insurance as required by adopted City Code;
6. For Not for Profit organizations, a statement of organization eligibility;
7. A site plan with information regarding stand location in relation to property lines, curbs, and buildings.

(e) When all the application requirements have been completed, and the organization or individual is eligible for the permit, the City Clerk shall authorize the issuance of a permit conditioned upon:

1. Approval of the location of the fireworks stand by the Fire Department and Code Compliance Department.
2. Final inspection by the Fire Department and the Code Compliance Department to verify compliance with the requirements as set forth in the City Code.

(f) Each application for a permit should be accompanied by a permit fee in the amount of Seventy five Dollars (\$75.00) to cover the City's costs of processing the application and inspecting the fireworks stand.

(g) Each permit shall be for only one (1) stand per eligible organization.

(h) Permits will be effective only when delivered by the Fire Department/Code Compliance Department after their final inspection of the stand shows compliance with all requirements of the fireworks ordinance including any conditions imposed by the Fire Department and Code Compliance Department.

Fireworks stands will be allowed only on property in the City which is not currently zoned for any residential use. An exception may be allowed by the City Manager for property currently zoned for residential use but designated on an adopted General or Specific plan for a future nonresidential use.

Prior to issuance of a permit, the eligible organization shall procure a Certificate of Insurance acceptable to the City. The certificate shall name the City, its officers, agents and employees as additional insured's in the amount of no less than \$1,000,000.00 combined bodily injury and property damage for each occurrence. The certificate must specify the time, location and dates covered by the policy. The certificate must be provided to the City Clerk no later than 5:00 p.m. on the 15th of May of the subject year or such other time as the City Clerk may allow.

Any violation of this or other City ordinances, or the terms and conditions of the permit, or State Law or Administrative Regulations, or safety rules of the Fire Department shall be grounds for immediate revocation of the permit. All officers, agents and employees of the eligible organization shall be responsible for compliance with all provisions of this ordinance. Eligible organizations must comply with all requirements for fireworks permits and stands as specified by the following regulations:

REQUIREMENTS FOR FIREWORKS STANDS

THESE REGULATIONS MUST BE POSTED IN THE FIREWORKS STAND

THESE REGULATIONS ARE ADOPTED UNDER THE AUTHORITY OF THE HEALTH AND SAFETY CODE, SECTION 12500, "THE STATE FIREWORKS LAW"

1. Application for a fireworks permit must be made between the first business day in April through May 15th. The applicant must be prepared to pay with check or money order in the amount of Seventy Five Dollars (\$75.00) per stand.
2. No fireworks permit will be granted to the applicant if the following items are not presented at the time the application is returned to the Fire Agency:
 - (a) State Fire Marshal's license
 - (b) Temporary Sellers Permit from the State Board of Equalization
 - (c) Property Owner's Permission form (original) signed and currently dated with address/APN number of property where stand is to be located
 - (d) Storage of Safe and Sane Fireworks form
 - (e) Site plan, with information indicating stand location as to property lines, curbs, and buildings
 - (f) Proof of insurance
 - (g) Statement of Organization Eligibility
3. No change of stand locations will be permitted without prior approval of Fire Agency and Code Compliance Department.
 - (a) Submit to the Fire Department and Code Compliance Department for review and approval a site plan drawing.
4. The sale of "Safe and Sane" fireworks shall commence not earlier than 12 noon on the 28th day of June and shall terminate at 10:00 p. m. on the 4th day of July.
5. Fireworks stands shall NOT be erected prior to 12:00 noon on the 15th day of June.
 - (a) Stands shall be in good condition and are subject to approval of the Fire Department or Code compliance Department.
6. All fireworks stands must be removed by the 6th day of July.
7. Fireworks will not be displayed or moved into the stands until the morning of the first day of allowed sales.
8. No person shall sell or offer for sale any fireworks on any property that has any pump or dispensing device for flammable liquids. No stand shall be located within 30 feet of any adjacent buildings, burnable materials, grass, paper, etc.
9. No fireworks stand shall be located closer than 10 feet (10') from any public roadway or back of curb, or in any location, which does not otherwise meet with the approval of a chief officer of the Fire Agency.
10. No sale or display of fireworks will be allowed inside any permanent building.
11. Each stand will have a, minimum of two exits, and shall be located and provided on opposite sides. Each exit shall be at least 32 inches wide. Stands with three sides and open from the back will not require exits.

12. No fireworks stands will be placed on private property that would eliminate any off-street parking or reduce any parking lot space of an operating business, unless the parking spaces exceed what is required for the site.
13. If stands are operated at night, only electric lights may be used and the wiring shall meet the minimum requirements of Title 24, Part 3, of the basic electrical regulations of the state building standards and be inspected by the agency.
14. "NO SMOKING" signs shall be located on all sides of the stand. Each sign shall have the words "NO SMOKING" in red letters not less than 2 inches in height with a minimum 1/2 inch stroke on less than 2 inches in height with a minimum of 1/2-inch stroke on white background.
15. One approved or certified 2- 1/2 gallon pressurized, water-type fire extinguisher and/or one 5-pound multipurpose ABC fire extinguisher must be provided in the stand sale area. **NO EXCEPTIONS. It must be in operating condition, with an up-to-date inspection tag indicating that the fire extinguisher has been serviced within the past year.** Permit may be revoked if the extinguisher requirement is not in full compliance.
16. Fireworks signs shall not create a traffic hazard and be approved by the Fire Agency.
 - A. Flags, signs, lights or similar objects shall not be attached to or extend beyond the stand.**
 - B. Rotating beacons, strobe lights, or similar devices shall not be allowed.**
17. The employer shall instruct his employees who handle fireworks in any capacity of the hazards and with these rules and safety precautions governing fireworks.
18. Employees shall be trained in emergency procedures including use of the fire extinguishers.
19. Persons employed in the sale of "Safe and Sane" fireworks shall be at least 18 years of age. Proof must be shown at any time when requested by fire officials.
20. No person under 16 years of age shall purchase "Safe and Sane" fireworks.
21. No sleeping inside a fireworks stand will be permitted at any time.
22. The premises shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance."
23. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within fireworks stands.
24. Smoking shall be prohibited where fireworks are stored or handled.

I/We have read and understand the above and will comply with these regulations.

Date: _____

Signed: _____

Officer of Organization

Address: _____

Print: _____

Telephone: _____

Officer of Organization

STORAGE OF "SAFE AND SANE" FIREWORKS

In order to provide safe storage of "Safe and Sane" fireworks, the following methods shall be approved ways in which storage will be allowed. This storage shall apply any time the "Safe and Sane" fireworks are not in the sales stand.

All fireworks shall be stored separately from any possible ignition source.

1. Storage will be allowed in the bed of a pickup or trailer with an enclosed, lockable shell and the battery disconnected when the vehicle is left unattended. The vehicle shall not be placed in any garage or immediately adjacent to any structure.
2. Storage will not be allowed in garages, residences, or other dwelling units.

Indicate the location where the fireworks will be stored, when not in the stand:

Address: _____

Failure to provide approved storage would be grounds to revoke the approval to sell "Safe and Sane" fireworks.

If you have any questions regarding this matter, please contact your local Fire Prevention Bureau at (559) 297-2460.

**PROPERTY OWNER'S PERMISSION
TO ERECT A FIREWORKS STAND**

Name of Organization: _____

Address of Proposed Fireworks Stand: _____

Assessor's Parcel Number (APN#): _____

The above-named organization has informed me of its plan to erect a booth for the retail sale of fireworks at the above location. As the owner of the above property, I understand that the organization must obtain my written permission before they can be issued a permit to sell fireworks. To receive this permit, the organization must comply with all the rules and regulations for selling fireworks. The fireworks stand must also conform to the standards set by the local jurisdiction.

The organization agrees to abide by all the rules set forth by the local jurisdiction for the retail sale of fireworks.

Signed: _____
Officer of Organization

With regard to the above, I, the property owner, give my permission for the erection of a fireworks stand on this property.

Owner's Name (please print): _____

Owner's Phone/contact number: _____

Owner's Signature: _____

Date: _____

ORDINANCE NO. 2008-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOWLER
AMENDING CHAPTER 6 OF TITLE 4 OF THE FOWLER MUNICIPAL
CODE PERTAINING TO FIREWORKS**

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

SECTION 1: Chapter 6 of Title 4 of the Fowler Municipal Code is hereby amended to read as follows:

Chapter 6

FIREWORKS

Sections:

- 4-6.01 Definitions.**
- 4-6.02 Sales of fireworks: Permits required.**
- 4-6.03 Fireworks stands: Zoning restrictions.**
- 4-6.04 Permits: Applications and fees.**
- 4-6.05 Regulations.**
- 4-6.06 Certificates of insurance.**
- 4-6.07 State fireworks law.**
- 4-6.08 Revocation of permits.**

4-6.01 Definitions.

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

(a) "Code compliance department" means the department or employee within the City primarily responsible for enforcing City codes and ordinances.

(b) "Dangerous fireworks" means any fireworks specified as such in the State Fireworks Law, Sections 12500 et seq. of the Health and Safety Code of the State, and such other fireworks as may be determined to be dangerous by the State Fire Marshal.

(c) "Not-for-profit organization" means an organization which has met all of the following criteria for a continuous period of not less than one (1) full year preceding submittal of an application for the permit required by this chapter (and which continues to do so thereafter):

(1) The organization must be a duly organized not-for-profit charitable, religious, civic, patriotic or community service organization;

(2) The organization must be headquartered within and clearly affiliated or identified with Fowler;

4-6.05 Regulations.

It shall be unlawful for any organization to which a permit has been issued:

- (a) To operate in violation of State of California statutes and administrative regulations governing the storage, transportation, sale, and use of fireworks;
- (b) To obtain or use more than one permit for one stand per year;
- (c) To fail to clear all flammable or burnable materials within thirty (30) feet from any fireworks stand and to maintain such condition during the period prescribed for the sale of fireworks;
- (d) To allow smoking within twenty-five (25) feet of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than two (2) inches in height on a white background on all sides of any such stand;
- (e) To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the Fire Department;
- (f) To sell fireworks earlier than 12:00 p.m. on June 28 or later than 10:00 p.m. on July 4;
- (g) To fail to dismantle and remove any stand or structure of any nature where fireworks are sold or offered for sale by July 6; and
- (h) To obtain or use more than one stand per year.

The Fire Department and Code Compliance Department may impose additional conditions upon the issuance of a permit to protect the public health, safety, and welfare of the citizens of Fowler, and to ensure compliance with State statutes and regulations and this chapter.

4-6.06 Certificates of insurance.

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the City. The certificate shall name the City, and its officers, agents, and employees, as additional insureds in the amount of not less than One Million and no/100ths (\$1,000,000.00) Dollars combined bodily injury and property damage for each occurrence. The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the City Clerk concurrently with the application or at such other time as the City Clerk may allow, but in no event later than when the permit is delivered.

4-6.07 State fireworks law.

The provisions of this Chapter shall be construed so as not to conflict with the State Fireworks Law.

4-6.08 Revocation of permits.

Any violation of this chapter, other City laws, the terms and conditions of the permit, State laws or administrative regulations, or safety rules of the Fire Department and Code Compliance Department, shall be grounds for immediate revocation of the permit. All officers, agents, and employees of the permittees shall be responsible for compliance with all the provisions of this chapter.

SECTION 2: This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption. Within fifteen (15) days after its adoption, the ordinance, or a summary of the ordinance, shall be published once in a newspaper of general circulation.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Fowler held on the 5th day of February 2008, and passed and adopted at a regular meeting of the City Council of the City of Fowler held on the 19th day of February 2008, by the following vote:

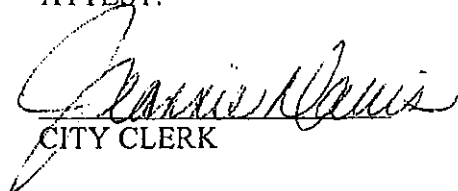
AYES: Simonian, Shaw, Aguayo, Cardenas, Zadourian
NOES: None
ABSTAIN: None
ABSENT: None

The foregoing ordinance is hereby approved this 19th day of February 2008.



MAYOR

ATTEST:



CITY CLERK