

**Notice: Words underlined are new additions to the ordinance; words in bold detail the change that took place.**

## **FIREWORKS ORDINANCE PROPOSED AMENDMENTS**

### **12-2.1 DEFINITIONS:**

SAFE AND SANE FIREWORKS: Shall mean any fireworks which do not fall within the definition of "dangerous fireworks" or "exempt fireworks" per Health and Safety Code Section 12529. The California State Fire Marshal's seal of registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the State Fire Marshal.

**Safe and Sane Fireworks were originally defined as any fireworks not designated as dangerous fireworks, except that in any case, only end fuses may be used.**

### **12-2.4: NUMBER OF PERMITS LIMITED/PREAPPLICATION:**

The maximum number of permits to sell "safe and sane fireworks" which may be issued pursuant to this article during any one calendar year shall not exceed one permit for each four thousand (4,000) residents of the city, or major fraction thereof, based on the most recent population figure as determined by the federal decennial census and updated annually by the California State Department of Finance. If the number of pre-applications received up to and including the last day for making applications pursuant to this article exceeds the number of permits to be issued for the city, the fire chief shall thereafter supervise a public drawing to determine an order of priority for each pre-application. Pre-applications can be obtained at the Fire Department or online at the City of Porterville's web site between January 1 and the last business day of January. All applicants will be assigned a number in the order in which the pre-application is received. The drawing will be held between February 16 and 28 of each year.

**In previous years, applications had to be picked up in person from the Fire Department between January 15 and March 15. Additionally, the drawing was held between March 16 and March 31.**

### **12-2.5: SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS:**

Permits to sell "safe and sane" fireworks shall be issued by the fire chief. Application packets for a permit will be furnished to eligible organizations whose number has been drawn in the lottery. Each organization must meet all the applicable requirements set forth in the application for permits section and the permit issuance section.

- A. Any eligible organization desiring to sell safe and sane fireworks in the City of Porterville shall obtain a permit application from the fire department. Permit applications shall be obtained during the period commencing the first business day of March and ending the last business day in March.

**Originally permit applications were obtained during the period commencing the first business day of April and ending the last business day of April.**

- B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by state laws and administrative regulations and all the stipulations of this code and the permit if permission to operate a fireworks stand shall be granted to the organization.
1. Completed applications shall be returned to the fire department no later than five o'clock (5:00) P.M. on the last business day of March each year. Any eligible organization making an application for such permit to sell "safe and sane" fireworks that fails to return the completed application prior to five o'clock (5:00) P.M. on the last regular business day in March shall not be issued a permit to sell "safe and sane" fireworks.

**Updated from the original April date.**

#### **12-2.6: PERMIT ISSUANCE BASED ON DRAWING SELECTIONS:**

- A. All eligible organizations shall obtain and submit to the fire department the following forms supplied by the fire department. Forms will be supplied to those organizations whose drawn assigned number is sequentially within the total number of permits to be issued. All other applicants will be placed on a waiting list in the sequence of their drawn assigned number. If an applicant does not satisfy the requirements of this section within the time periods identified in this section, the next drawn assigned number on the waiting list will be notified and provided with the following paperwork:
1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on his property;
  2. The fireworks storage form indicating where and how the fireworks will be stored when not in the approved stand;
  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; and
    - a. The certificate of insurance required by section 12-2.14 of this article.
    - b. A statement of organization eligibility.
    - c. A site plan indicating location of stand, distance to nearest building, ingress, egress, parking, etc.

- B. These forms must be returned to the fire department by the last business day of March.  
**Updated from the original April date.**

#### **12-2.11: REGULATIONS**

- I. No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. All fireworks stands shall have the safety regulations posted inside the stand in an approved location. The size of the safety poster will be approved and provided by the fire department. A maximum of one member for every four (4) linear feet of stand (i.e., if the stand is 32 feet long, 32 divided by 4 equals 8 members allowed in the stand) is permitted within the stand at any one time, and all persons selling fireworks must be at least eighteen (18) years old.

**Organizations no longer need to send at least one individual participating in the sale of fireworks in a stand to attend a safety meeting**

#### **12-2.12: FIREWORKS STANDS; REQUIREMENTS:**

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

- A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within one hundred feet (100') of another fireworks stand, when measured closest point to closest point. Canopies within ten feet (10') of a stand shall be considered an extension of the stand for measurement of setback distances. Minimum setback from the street curbing, alley, or driveway shall be ten feet (10'). Stands shall not cover or impede any public rights of way.

**Canopies are now allowed around the stand in order to provide shade for those volunteering at the stand.**

- R. Canopies within twenty-five feet of a stand must be labeled by the manufacturer as fire resistive. The total allowable canopy area within twenty-five feet of a stand shall be no larger than 200 square feet.

**Canopies around the stand originally had to meet requirements set forth in the California Code of Regulations Title 24, Part 9, Chapter 24 and Title 19, Division 1. (Ord. 1650 § 4, 4-6-2004; Ord. 1776, 4-5-2011)**

**12-2.20: VIOLATIONS; PENALTIES:**

Fines for the manufacture, possession, sale, delivery, use, or discharge of dangerous fireworks within the city of Porterville shall be one thousand five hundred dollars (\$1,500.00).