

**CHAPTER 16.94
FIREWORKS**

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16.94.010 Definitions.

DISTRIBUTORS means any commercial wholesale business, licensed by the State of California and The City of Ripon, which supplies “safe and sane” fireworks for resale.

FIREWORKS means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment, including fireworks classified by the Health and Safety Code both as “dangerous fireworks” and as “safe and sane fireworks” and shall include firecrackers, torpedoes, skyrockets, roman candles, bombs, sparklers, chasers, snakes or other fireworks containing any explosive or flammable substance. This definition does not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps, party poppers or snap caps.

QUALIFIED NON-PROFIT ORGANIZATIONS means association, group or organization possessing a certificate issued by the Federal Government or the State of California which serves the local interest of this community. (Ord. 606, 1999)

16.94.020 Sale Time Limit.

Subject to the provisions of the State Fireworks Law, Sections 12,500 through 12,726 of the Health and Safety Code of the state, and any regulations promulgated thereunder, safe and sane fireworks, as defined in Section 12529 of the Health and Safety Code of the State of California, may be sold within the city limits of the City of Ripon during the period beginning at 12 noon on the 28th day of June and ending at 12 midnight on the 4th of July, each year.

No fireworks classified as “dangerous fireworks” by Section 12505 of the Health and Safety Code of the State of California may be sold within the City of Ripon. (Ord. 606, 1999)

16.94.030 License Required.

Except as provided in this Chapter, no person shall offer for sale or sell at retail any fireworks of any kind in the city without having first applied for and received a license therefore. (Ord. 606, 1999)

16.94.040 License Application.

All applications for license to sell fireworks shall:

- A. Be submitted to the building department in writing on the appropriate license application form to be provided by the city and accompanied by a license fee of \$250.00. The fee shall be adjusted annually as of January 1st of each year hereafter to reflect any increase or decrease as shown in the San Francisco Bay Area Cost of Living Index published and in effect on July 1st of each year hereafter or as adjusted from time-to-time by resolution of the City Council. The fee is not for the purpose of revenue but will be used to defray the cost of inspection and supervision;

B. After July 5, 1995, be made between the first day of April and the last day of May, except when the last day falls on a Saturday or Sunday, in which case the following business day shall be determined to be the last day;

C. Set forth the proposed location of the fireworks stand. The fireworks stand must be located on private property or an off-street parking facility with at least twenty-five (25) spaces, in commercial, professional office, or industrial zones, and the written permission of the owner of record of the property must accompany the application;

D. Be accompanied by an assurance that if the license is issued to the applicant, the applicant shall, at the time of the receipt of the license, deliver to the city administrator's office appropriate insurance certificates in the amount of \$500,000/\$1,000,000 public liability and \$250,000 property damage insurance designating the City of Ripon and the Ripon Consolidated Fire District as the additional insured thereunder;

E. Include a statement that the applicant agrees to comply strictly with the terms of any permit granted to it and to furnish any additional information, including such other licenses and permits as are necessary under State law, upon the request of the city administrator. (Ord. 606, 1999; Ord 758 §2 (part), 2007)

16.94.050 License Requirements for Issuance.

The following qualifications shall be met by any person selling fireworks within the city and, by each applicant for a license issued under this chapter:

A. No license shall be issued to any person, firm or corporation except non-profit associations or corporations organized primarily for civic betterment or youth activities, or to schools within the Ripon Unified School District (as approved by the District Superintendent), including Ripon Christian School (as approved by the School Superintendent), provided that all fireworks shall only be sold within the city limits of the City of Ripon.

B. Each organization must have as its principle and permanent meeting place in the corporate limits of the city, must maintain a bona fide membership of at least twenty-five (25) members and must have been organized and established within the city's corporate limits for a minimum of one (1) year continuously preceding the filing of the application for the license.

C. No organization may receive more than one (1) license for fireworks sale during any one (1) calendar year. One (1) license may be issued to two (2) or more qualifying applicants as a joint venture.

D. Any attempt to transfer any fireworks license insured pursuant to this chapter shall be void on behalf of both the transferor and the transferee, and the permit itself shall be void.

E. Prior to the issuance of a license, each applicant shall file with the city clerk a cash deposit, certificate of deposit or a surety bond made payable to the city in the amount of \$250.00 to assure compliance with the provision of this chapter. Such deposit or certificate shall be refundable upon compliance with the provisions and requirements of this chapter, including but not limited to the removal of the stand and the cleaning of the site. In the event the licensee does not so comply or remove the stand or clean the site in the manner required by the city, the city may do so or cause the same to be done by other persons, and the reasonable cost thereof shall be a charge against the licensee and its surety and the deposit, certificate or bond.

F. Prior to the issuance of a license to sell fireworks, the distributor serving the licensee shall verify that they possess a valid City business license. (Ord. 606, 1999)

16.94.060 Inspections.

A. Prior to the final issuance of a license to sell, the applicant shall have had the proposed fireworks stand inspected by appropriate representatives of the Ripon Consolidated Fire District, and shall have received certification by the

said Fire District that the proposed fireworks stand complies with the applicable provisions of the Uniform Fire Code, the State Fireworks Law and all regulations promulgated pursuant thereto. The City shall reimburse the Fire District for its reasonable expenses in connection with said inspections, in an amount which shall not exceed \$70.00 per application.

B. Have a post-inspection with the City Building Department to verify clean-up of site. (Ord. 606, 1999)

16.94.070 Operation of Stand.

A. No person other than the licensee organization shall operate the stand for which the licensee is issued or share or otherwise participate in the profits of the operation of the fireworks stand.

B. No persons other than the individuals, who are members of the licensee organization, or the wives or husbands or adult children of such members, shall sell or otherwise participate in the sale of fireworks at such stand.

C. No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at such stand.

D. Prior to issuance of fireworks license, responsible person from licensee organization must certify in writing that training for all booth operators was received. Such training must include safe handling and storage of fireworks, and a review of the City's fireworks regulations in this Chapter and Chapter 9.28 of the Ripon Municipal Code.

E. Fireworks shall be stored and kept in the licensee's sales booth. During hours of operation, the sales booth shall be staffed by no less than two (2) qualified personnel. The licensee shall be responsible for appropriate security and safe keeping of fireworks stored overnight in temporary fireworks stands or other approved 'on-site' locked storage facility. (Ord. 606, 1999)

16.94.080 Temporary Fireworks Stands.

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 hereby prohibited. Temporary stands shall be subject to the following requirements:

A. No fireworks stand shall be located within twenty-five (25) feet of any other building nor twenty-five (25) feet from any trailer or vehicle nor within one hundred (100) feet from any gasoline service station pump island or property on which is stored any flammable liquid, nor less than twenty-five (25) feet from the curb line.

B. Fireworks stands need not comply with provisions of the Building Code of the city; provided, however, that all stands shall be constructed and erected so as to meet the approval of the city Building Inspector, who shall require that the stands be constructed in a manner that will reasonably ensure the safety of attendants and patrons.

C. No fireworks stands shall have a floor area in excess of three hundred (300) square feet, and each such stand shall have a least two useable and unencumbered exits.

D. Fireworks stands shall be provided with not less than two (2) fire extinguishers of the type and size approved by the Fire Chief of the Ripon Consolidated Fire District.

E. All weeds and combustible materials and debris shall be cleared from the location of any fireworks stand for a distance of at least twenty-five (25) feet surrounding such stand. All trash resulting from the operation of the fireworks stand must be removed on a daily basis.

F. "No Smoking" signs prohibiting smoking in or within twenty-five (25) feet of the fireworks stand shall be prominently displayed on the exterior of each such fireworks stand.

G. All unsold fireworks and accompanying litter at any fireworks stand shall be removed from the stand and from the city by 12 o'clock midnight

on the 7th day of July each calendar year.

H. Each fireworks stand shall be removed from its temporary location not later than 12 o'clock midnight on the 7th day of July, and all accompanying litter or debris shall be cleared and removed from said location by said time and date.

I. Each seller of fireworks within the City shall provide to purchasers of fireworks a safety sheet as supplied by the fireworks manufacturer and approved by the Ripon Consolidated Fire District. The safety sheet shall include guidelines and instructions for the proper handling and discharge of fireworks.

J. All fireworks stands shall be subject to such other reasonable regulations as the city may establish for the purpose of protecting the public health, safety or welfare. (Ord. 606, 1999)

16.94.090 Temporary Signs.

Temporary signs shall be allowed provided they comply with the following:

A. One wall sign advertising the distributor on the fireworks stand for each street frontage.

1. Sign shall be flush mounted and not protrude from the building.

2. Sign area shall not exceed forty-eight (48) square feet in size.

B. One freestanding sign advertising the distributor and/or the availability of fireworks at the fireworks stand for each street frontage.

1. Sign(s) may be double faced.

2. Sign area(s) shall not exceed thirty-two (32) square feet in size.

3. Sign(s) shall not be located on, or project into, the right-of-way of any public street, including sidewalks.

4. Sign(s) shall not be designed or constructed which would interfere with the sight distance of

motorists approaching adjacent sidewalks, pedestrian ways or intersecting streets. (Ord. 606, 1999)

16.94.100 Display of License and Sales Tax Permit.

A license to sell fireworks and a temporary sales tax permit shall be displayed in a prominent place in the fireworks stand. (Ord. 606, 1999)

16.94.110 Sale or Deliver to Minors.

It shall be unlawful for any person within the City of Ripon to sell or transfer any safe or sane fireworks to a person who is under eighteen (18) years of age. (Ord. 606, 1999)

16.94.120 State Law.

The provisions of this Chapter are in addition to applicable state and federal law, including, but not limited to, the state fireworks law (California Health and Safety Code Section 12,500 through 12,726), the State Fireworks Regulations (Title 19, California Code Regulations, Chapter 6), and any and all other state or federal laws or regulations pertaining to the sale or use of fireworks. (Ord. 606, 1999)

16.94.130 Violation.

Any violation of any of the provisions of this chapter is declared an infraction, and may be prosecuted by the City Attorney, or through the provisions of Chapter 1.12 of the Ripon Municipal Code. (Ord. 606, 1999)

16.94.140 Enforcement.

The provisions of this chapter shall be enforced by the officers and employees of The City of Ripon and the Ripon Consolidated Fire District, and violations shall be prosecuted as provided in Section 16.94.130. (Ord. 606, 1999)