



NO. \_\_\_\_\_

## CITY OF GROVER BEACH FIREWORKS STAND PERMIT APPLICATION

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Fund-raising Chair: \_\_\_\_\_ Daytime Phone Number: \_\_\_\_\_

Net proceeds are intended to go towards the following non-profit association or corporation, and the communities and residents who will benefit through these proceeds will be:

\_\_\_\_\_

Proposed Location of Stand: \_\_\_\_\_  
*(Provide street address as well as description of proposed stand location)*

In order for your application to be considered, please make sure to attach copies of the following documentation:

- General Liability Insurance Policy  
*(One Million Dollars minimum w/ City add'l insured)*
- Certified Statement of Non-Profit Status
- Intended Disposition of Net Profits
- Signed Rules and Regulations *(a signed copy provided to Applicant)*
- Proof of Sanitation Facilities
- State Fire Marshal's Permit *(must be submitted prior to receiving permit)*
- Property Owner's Written Approval of Proposed Location *(must include telephone number).*

I, the Applicant, hereby certify the above-referenced organization, if permitted, shall operate a temporary fireworks stand, in accordance with the attached rules and regulations. I further certify that said fireworks stand will neither sell nor purvey, nor suffer or permit any person to sell or purvey, any "dangerous fireworks" as defined in Section 12505 of the Health and Safety Code.

\_\_\_\_\_  
Signature/Title

\_\_\_\_\_  
Date

### CITY USE ONLY

Permit Fee received in the amount of \$690.00 on \_\_\_\_\_, 2009.

<b>Police Chief</b>
<input type="checkbox"/> Location Approved
<input type="checkbox"/> Location Denied
Initials: _____
Dated: _____

<b>Fire Chief</b>
<input type="checkbox"/> Location Approved
<input type="checkbox"/> Location Denied
Initials: _____
Dated: _____

<b>City Clerk</b>
<input type="checkbox"/> Permit Approved
<input type="checkbox"/> Permit Denied
<input type="checkbox"/> Financial Stmt on file <i>(Pursuant to GBMC §3885 if applicable from previous year)</i>
Initials: _____
Dated: _____



# City of Grover Beach

## RULES AND REGULATIONS RELATING TO THE LICENSING AND OPERATION OF FIREWORKS STANDS IN THE CITY

1. State Permit: A permit is required from the State Fire Marshal's Office. A copy must be provided to the City prior to opening the fireworks stand for business.
2. City Permit: Applications for a City Permit for the sale of "safe and sane" fireworks must be made in writing on a form supplied by the City Clerk's Office and accompanied by a permit fee of Six Hundred and Ninety Dollars (\$690). **Applications may not be submitted prior to 8:00 a.m. on the 2<sup>nd</sup> Tuesday in April and no later than the last business day of May of the year for which the permit is requested.** The storage, handling, and sale of "safe and sane" fireworks is prohibited unless a City Permit is obtained. Should a permit not be issued, the Six Hundred and Ninety Dollars (\$690) fee shall be refunded.
3. Proposed Location of Stand: A description, by street address, of the proposed location of the fireworks stand for which the permit is requested must accompany the application. Signed written approval of the property owner that the fireworks stand may be allowed on the property, along with a business or cellular telephone number at which the property owner may be reached, must also be provided at the time the application is presented to the City.

Prior to the installation of any stand for which a permit has been obtained, the City Clerk or City Clerk's designee will first submit the proposed location of each stand to the Fire Chief who has the authority to disapprove the location if the Fire Chief (or designee) determines that a traffic hazard will be created thereby or the location would pose a fire hazard.

4. Pre-requisite of Applicants - Non-profit and Based in Grover Beach: Permits will only be issued to non-profit associations or corporations organized primarily for veteran, patriotic, welfare, city betterment, religious or charitable purposes. The applicant must provide the City with proof of non-profit status from either the IRS, California Secretary of State or the State Attorney General. The association's or corporation's principal and permanent meeting place must be located and established in the City of Grover Beach for a minimum of three (3) years continuously preceding the filing of the application for the permit.
5. Number of Permits: No association may receive more than one permit for fireworks sales during any one calendar year. No association may operate more than one fireworks stand under the permit during any one calendar year. The maximum number of permits which may be issued shall be four (4) during the calendar year. Pursuant to Ordinance No. 05-04, the Grover Beach Chamber of Commerce shall have the right of first refusal for one (1) permit, and the Grover Beach Police and Fire Associations shall have the right of first refusal to share one (1) permit. If on the closing date of the permit application period there are more applications than the number of permits allowed, permittee holders will be selected by a drawing conducted by the City Clerk or City Clerk's designee. Applicants who are not selected will receive a full refund of the permit fee.

6. Fireworks Stand: It is unlawful for any person to sell or otherwise distribute fireworks without complying with each of the following provisions:
  - 6.1 Fireworks stands need not comply with the provisions of the Uniform Building Code provided that all stands are erected under the supervision of the Fire Chief (or designee) who shall require that stands be constructed in a manner which will reasonably assure the safety of attendants and patrons.
  - 6.2 If, in the judgement of the Fire Chief (or designee), the construction or location of a stand or the conduct of operations therein do not conform with the provisions of Article III, Chapter 12 of the Grover Beach Municipal Code, the Fire Chief (or designee) may order the stand immediately closed until such time as the stand is brought into conformance with the provisions of Article III, Chapter 12 of the Grover Beach Municipal Code.
  - 6.3 Proximity to Other Fireworks Stand: The stand must not be located closer than one hundred feet (100') from any other stand.
  - 6.4 Proximity to Property Lines and Structures: The stand must not be located closer than ten feet (10') from the property line, nor closer than thirty feet (30') from any building, nor closer than ten feet (10') from any structure other than a building.
  - 6.5 Exterior of Fireworks Stand: The front of all stands must be completely enclosed from the counter to the roof with hardware wire cloth, the openings of which do not exceed one-quarter inch (1/4") in size, except for openings to allow delivery of merchandise to customers.
  - 6.6 Openings of Stand: The openings for delivery should not be larger than twelve inches (12") by eighteen inches (18") in size. The location of the openings must be approved by the Fire Chief (or designee).
  - 6.7 Stand Dimensions: The stand must not be more than twelve feet (12') in depth.
  - 6.8 Counter Window: A shelf must be installed extending inward a minimum of six inches (6") to protect stack from sources of ignition and to prevent members of the public from touching same.
  - 6.9 Exit Doors: Exit doors must swing in the direction of egress. Doors of the stand shall not be locked on the outside while anyone is inside the stand. The door(s) may be latched in such a manner that will not cause any undue delay to anyone exiting in an emergency.
    - 6.9.1 Number of Exits: Each stand in excess of twenty feet (20') in length must have at least two (2) exits; and each stand in excess of thirty feet (30') in

length must have at least three (3) exits spaced equally along the length of the stand; provided, that the distance between exits does not exceed twenty feet (20').

- 6.9.2 Location of Exits: Exits must be arranged so that there will be egress available in at least two (2) directions from any place within the stand, and exits must be diametrically opposed.
- 6.10 Aisles: The aisle or passageway in the fireworks stand must be kept clear and unobstructed so as not to impede anyone leaving the stand in an emergency.
- 6.11 Fire Suppression: The stand must be equipped with at least one (1) fire extinguisher and one (1) five-gallon pail of water at each exit. The fire extinguisher must be approved as to efficiency, adequacy, and safety by the Fire Chief (or designee).
- 6.12 Weeds, Trash, and Debris: All weeds and combustible materials must be cleared for a distance of fifty feet (50') surrounding the stand. Trash and debris are not allowed to accumulate in or around the stand.
- 6.13 Heaters and Battery Systems: The use of electrical or fuel operated heaters in the fireworks stand is prohibited. Low voltage battery systems are not allowed in or around the stand.
- 6.14 "NO SMOKING" signs must be displayed at all times.
- 6.15 Merchandise - Fireworks: All merchandise must be stored or displayed at a safe distance from the front and side walls of the stand in accordance with the direction of the Fire Chief (or designee).
- 6.15.1 Merchandise Storage - in Fireworks Stand: During non-business hours, fireworks shall be stored in the booth or in a manner approved by the Fire Chief (or designee). In no case shall fireworks be stored in any part of any building or occupancy.
- 6.15.2 Merchandise Storage - in Other Location: If fireworks are to be stored nightly in an area other than the fireworks booth, the storage location will be submitted to the Fire Chief (or designee) for prior approval.
- 6.15.3 **IN NO CASE SHALL FIREWORKS BE TRANSPORTED OUT OF THE CITY OF GROVER BEACH FOR NIGHTLY STORAGE.**
- 6.16 Merchandise - Other: No food, beverage, or merchandise other than fireworks may be sold in or within a distance of thirty (30') feet surrounding the stand.

7. Sanitary Facilities: Each non-profit organization operating a fireworks stand must provide temporary sanitary facilities or obtain permission to use either private or public facilities during the hours of operation. Proof of sanitation facilities must be documented in written form and provided to the City Clerk.
8. Parking: Each stand must have adequate temporary parking acceptable to the Fire Chief (or designee). Temporary parking must be at least ten feet (10') from stand.
9. Fireworks Stand - Occupancy After Hours: No persons remaining at the booth site shall sleep in the booth or occupy a secured booth. If persons remain at the booth site during non-business hours, for security purposes, they shall be provided a separate and habitable occupancy or the booth shall remain open and unsecured as during business hours.
10. At no time will fireworks be ignited or activated within a fifty foot (50') radius of the fireworks stand.
11. Fireworks Stand - Authorized Personnel: No association other than the permittee is allowed to operate the stand or share the profits from the operation of the stand unless pre-approved by the permit.
  - 11.1 No person other than the individuals who are members or volunteers on behalf of the permittee is allowed to participate in the operation of the fireworks stand.
  - 11.2 No person may be allowed in the interior of the stand except those directly participating in its operation.
  - 11.3 No person may be paid or given any consideration for participating in the operation of a fireworks stand, except as a night watchman or security personnel.
  - 11.4 No person under eighteen (18) years of age is allowed to sell fireworks, work in any way, unload fireworks supplies, or otherwise be in the stand or involved in its operation.
12. Authorized Fireworks: All fireworks must be of a type approved as “safe and sane” fireworks by the California State Fire Marshal’s Office with the marking of the State Fire Marshal’s seal, or the vender will be subject to prosecution and all illegal fireworks will be confiscated (Health and Safety Code Sections 12505, 12700, 121702, 121721, and 121722).
13. Assurance in writing must be provided that the applicant, if permitted, will neither sell nor purvey, nor suffer or permit any person to sell or purvey, at the permit holder’s fireworks stand any “dangerous fireworks” as defined in Section 12505 of the Health and Safety Code. *(See applicant signature on Permit Application form and Rules & Regulations.)*

14. It is unlawful for any person who is a retailer to sell or transfer any “safe and sane” fireworks to a person under eighteen (18) years of age.
15. The Fire Chief (or designee) may impose additional regulations for the prevention of fire, when necessary.
16. Violation - Penalty: Any person violating any of the provisions of the State Fireworks law is guilty of a misdemeanor and may be punished by a fine of Five Hundred Dollars (\$500) to One Thousand Dollars (\$1,000), or by imprisonment in the County Jail for a period of time not exceeding one year, or by a fine and imprisonment.
  - 16.1 A person is guilty of a separate offense for each day of violation (Health and Safety Code Section 12701).
17. Revocation of Permit: A permit is subject to immediate revocation for noncompliance with any of the provisions of the Health and Safety Code, Div. XI, Part 2, State of California and or Article 78 of the Uniform Fire Code as amended by the City of Grover Beach. No part of the fee shall be refunded upon revocation of the permit.

If the permittee has materially falsified any statement in the application or has failed to perform any agreement, assurance, or representation made in connection with the application, the Fire Chief (or designee) shall revoke the permit and order the stand immediately closed. Neither the permittee nor any successor to the permittee shall be permitted under Article III, Chapter 12 of the Grover Beach Municipal Code during the next following year. Such decision shall be immediately appealable in writing to the City Manager, who shall conduct an informal hearing at the earliest opportunity. No part of the fees will be refunded upon revocation of the permit.
18. General Liability Insurance Requirement: The application must be accompanied by a general liability insurance policy of at least One Million Dollars (\$1,000,000), with the premium pre-paid, for a term not less than the term of the permit, naming the City, its officers, agents, and employees as additional named insureds, and covering liability for monetary damages resulting from bodily injury, property damage or personal injury, including false arrest, libel, wrongful entry, discrimination, and assault.
19. Intended Distribution of Net Proceeds: The application must include a designation of all non-profit associations or corporations to which the applicant intends to distribute the net proceeds of its fireworks sales, and the communities (i.e., Grover Beach, Arroyo Grande, Nipomo, Santa Maria, etc.) and residents of those communities (i.e., youth, seniors, residents at large, visitors, businesses, etc.) who will benefit from the net proceeds of the fireworks sales.
20. Authorized Period of Fireworks Sales: The sale of fireworks is only permitted from 12 Noon on June 28<sup>th</sup> until 12 Noon on July 5<sup>th</sup>.

21. Disposition of Unsold Fireworks: All unsold fireworks stock, associated litter from the stand, and the stand itself must be removed from its temporary location by 12 Noon on July 7<sup>th</sup>.
  
22. Financial Statement After Sales Conclude: Each association granted a permit must, by May 1<sup>st</sup> of the calendar year after which the permit was issued, submit a verified financial statement to the City Clerk showing: a) the total gross receipts, b) all expenses incurred and paid in connection with the purchase of fireworks and the sale thereof, and c) to whom and for what purpose the net proceeds were distributed. The financial statements shall be made on forms furnished by the City Clerk or photocopied directly from the association's financial report. The filing of a verified financial statement is a condition precedent to the granting of any subsequent permit to any such association.

If permitted, our organization will neither sell nor purvey, nor suffer or permit any person to sell or purvey, at the permit holder's fireworks stand any "dangerous fireworks" as defined in Section 12505 of the Health and Safety Code.

I have read (or had interpreted), understand, and agree to abide by the above regulations. I have also received a duplicate copy of these regulations.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Organization: \_\_\_\_\_

- Original* - Fireworks Stand Rules & Regulations Signed by Applicant - filed with City Clerk.
- Copy* - Fireworks Stand Rules & Regulations Signed by Applicant - provided to Applicant.

