

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SUBSECTION (g) OF SECTION
10-1505, SUBSECTION (d) OF SECTION 10-1507,
SUBSECTIONS 5602.8 AND 5602.10 OF SECTION
55602.4 OF THE FRESNO MUNICIPAL CODE, RELATING
TO FIRE AND LIFE SAFETY REGULATIONS

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

SECTION 1. Subsection (g) of Section 10-1505 of the Fresno Municipal Code is amended to read:

SECTION 10-1505. - DEFINITIONS.

(g) "Fireworks" shall have the same meaning as defined in
Section ~~10-53302.3(d)~~ [10-5602.3(d)] of this Code.

SECTION 2. Subsection (f) of Section 10-1507 of the Fresno Municipal Code is amended to read:

SECTION 10-1507. - PROHIBITED ACTS.

(d) Possession or use of fireworks, notwithstanding the
provisions of Section ~~10-53302.5(b)~~ [10-5602.5(b)];

SECTION 3. Subsections 5602.8 and 5602.10 of Section 55602.4 of the Fresno Municipal Code is amended to read:

SECTION 55602.4. - GENERAL PROHIBITION AGAINST POSSESSION,
SALE, USE AND/OR DISPLAY OF FIREWORKS.

*5602.4. General Prohibition Against Possession, Sale, Use and/or
Display of Fireworks.* Except as otherwise provided in this Section, no

1 of 9

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: BC

Ordinance No.

person shall possess, sell, use, display, explode or discharge any fireworks within the City of Fresno.

5602.5. Safe and Sane Fireworks: Exceptions.

(a) The sale and/or display of Safe and Sane Fireworks shall be permitted only during that period beginning at noon on June 28 and ending at noon on July 6 of the same year.

(b) Safe and Sane fireworks shall not be sold to any person under the age of sixteen (16).

(c) The use and discharge of Safe and Sane fireworks within the City of Fresno is permitted 365 days a year, between the hours of 7:00 a.m. and 10:00 p.m., except for the period of June 28 to July 6 when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

5602.6. Safe and Sane Fireworks Permits: Permits Required.

(a) It is unlawful for any person to sell Safe and Sane fireworks within the City of Fresno without a permit issued by the fire code official or designee.

(b) The fire code official is authorized to promulgate administrative rules and procedures necessary for the successful and effective implementation of this Section including rules and procedures governing the submission of applications for permits to sell Safe and Sane fireworks, inspections of fireworks stands, operation of fireworks stands, and such regulations relating to the

sale of Safe and Sane fireworks as may be necessary for the protection of life and property.

(c) The fire code official or designee shall be responsible for reviewing applications for permits to sell Safe and Sane fireworks.

5602.7. Safe and Sane Fireworks: Applications.

(a) All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks shall submit an application to the fire department on forms provided by the fire department. There is a non-refundable application fee established by resolution of the City Council and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(b) The fire code official or designee shall designate the time period when applications will be accepted.

(c) No organization shall submit more than one application. Submittal of more than one application shall be grounds for denial of all applications submitted by that organization.

(d) There shall be allowed a maximum of one fireworks stand for every five thousand (5,000) population in the City. A maximum of fifty new stands will be issued permits on an alternating two-year cycle.

(e) Participants are selected by lottery, which shall take place at a time and location determined by the fire code official or designee.

(f) The newly selected participants, as well as the previous year's participants, shall submit additional information as required by the fire department which shall be reviewed prior to issuance of any permits to sell Safe and Sane fireworks for the upcoming fireworks season.

5602.8. Safe and Sane Fireworks: Issuance of Permits.

(a) No permit to sell Safe and Sane fireworks shall be issued to any organization except non-profit and tax-exempt organizations or corporations organized primarily for charitable, religious, civic, patriotic, or community service as defined in Section ~~40-55602.3(b)~~[10-5602.3(b)].

(b) Upon notification that the organization has been selected by lottery to participate in the upcoming fireworks season, each organization shall provide additional information as required by the fire department including, but not limited to:

(i) A non-refundable fee established by resolution of the City Council and set forth in the Master Fee Schedule. This fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code.

(ii) An executed Indemnification and Hold Harmless Agreement as required by the City's Risk Manager or the Risk Manager's designee.

(iii) Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect policies of insurance as required by the City's Risk Manager or Risk Manager's designee. The policies of insurance shall name the City, its officers, officials, agents, employees and authorized volunteers as additional insured. The applicant shall submit proof of insurance in a manner authorized by the City's Risk Manager or Risk Manager's designee.

(iv) Other information as may be required by the fire department pursuant to administrative rules and procedures promulgated by the fire code official pursuant to ~~Section 10-5502.6(b)~~[Section 10-5602.6(b)].

(c) Permits shall be issued upon review of all information submitted by the organization and inspection and approval of the organization's temporary fireworks stand.

(d) No permit shall be issued to an ineligible organization. In the event that a permit is issued to an ineligible organization, the permit shall be revoked immediately and shall be considered invalid. The ineligible organization shall cease the display and sales of Safe and Sane fireworks immediately.

5602.9. Safe and Sane Fireworks: Operator Safety Seminar. Each year, one or more representatives from each organization that is granted a permit to sell or display fireworks shall attend a stand operator safety seminar conducted by the City of Fresno Fire Department or the fireworks industry. Failure of an organization to have a responsible individual attend the seminar shall result in the revocation of the permit.

5602.10. Revocation of Permits. The fire code official or designee may revoke the permit of any organization that violates the provisions of this Section or any rules or regulations promulgated pursuant to Section ~~10-53302.6(b)~~[10-5602.6(b)]. Notice of revocation shall be made in writing by the fire department to the organization. The fire code official or designee may reinstate a permit upon proof that the permit holder is in compliance with all provisions and rules pertaining to this Section.

5602.11. Administrative Fines. In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, or locations other than those permitted by this Section are subject to an administrative fine of not less than one-thousand dollars (\$1,000.00).

5602.12. Seizure of Fireworks. The fire code official or designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in

violation of this Section. Such seizure shall be subject to cost recovery in accordance with Section 109.5.

5602.13. Appeals.

(a) A citation issued for failure to comply with the provisions of this Section shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4.

(b) The denial of an application for a fireworks permit shall be appealed pursuant to Fresno Municipal Code, Chapter 1, Article 4. If no appeal is filed within the time prescribed, the action of the fire code official or designee shall be final.

(c) A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the City for any administrative citation and/or penalty issued for failure to comply with the provisions of this Section.

(d) The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this Section. This shall include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor or private property owner that allows the illegal use or storage on their property. The procedures set forth in Section 1-506 shall be followed for the imposition of a special assessment or lien.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

BY: _____

Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Brandon M. Collet Date
Deputy City Attorney