

ORDINANCE NO. 17-1613

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA AMENDING CHAPTER 1 (FIRE PREVENTION) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE

WHEREAS, Chapter 1 of Article III of the Carson Municipal Code (“Fire Prevention Code”) establishes laws regulating the issuance of permits for the wholesale and retail sale of fireworks in the City of Carson; and

WHEREAS, the City Council of the City of Carson desires to amend the Fire Prevention Code to add additional requirements for wholesalers and retailers permitted to sell fireworks within the City of Carson; and

WHEREAS, the City Council of the City of Carson desires to change some of the fees assessed for violations of the Fire Prevention Code and to give the City Council more control over permit-related fees; and

WHEREAS, the City Council of the City of Carson desires to update other provisions of the Fire Prevention Code to reflect the current needs and procedures of the City, and to ensure the safety of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The forgoing recitals are true and correct and incorporated herein by this reference.

SECTION 2. Chapter 1 of Article III of the Carson Municipal Code is hereby amended to read in its entirety as follows (new text is identified in ***bold italics***, deleted text in ~~strike through~~):

“CHAPTER 1 FIRE PREVENTION

Sections:

§ 3100	Fire Prevention Code Adopted.
§ 3100.1	Amendments to Fire Code.
§ 3100.2	Repealed.
§ 3101	Fireworks Regulation.
§ 3101.0	Fireworks.
§ 3101.05	Definitions.
§ 3101.07	Liability of Resident Where an Illegal Use of Fireworks Occurs.
§ 3101.1	Fireworks – Sale of – License <i>Permit</i> Required.
§ 3101.2	Persons Eligible.
§ 3101.3	Application Requirements.
§ 3101.4	Issuance of License <i>Permit</i> .
§ 3101.5	General Provisions.

§ 3101.6	Regulations for Temporary Stands.
§ 3101.7	Wholesale Permit.
§ 3101.8	Storage of Fireworks.
§ 3101.9	Public Display.
§ 3101.10	Penalties <i>Violations of Fireworks Regulations.</i>
§ 3102	<i>Violations of Fire Code.</i>
§ 3103	Responsibility.
§ 3104	List of Infractions.
§ 3105	Repealed.
§ 3106	<i>Adoption of Regulations by City Manager.</i>

3100 Fire Prevention Code Adopted.

Except as hereinafter provided in this Chapter, Title 32, Fire Code (“Fire Code” herein), of the Los Angeles County Code, as amended and in effect on January 1, 2008, which constitutes an amended version of the California Fire Code, 2007 Edition (Part 9 of Title 24 of the California Code of Regulations), including Appendices 1-C, 11-C, 11-D, and VI-A, and excluding all other appendices, is hereby adopted by reference and shall constitute and may be cited as the Fire Prevention Code of the City of Carson.

In the event of any conflict between provisions of the California Fire Code, 2007 Edition, Title 32 of the Los Angeles County Code, and/or any amendment to the Fire Code contained in the Carson Municipal Code, the provision contained in the latter listed document shall control.

A copy of Title 32 of the Los Angeles County Code, along with a copy of the California Fire Code, 2007 Edition, has been deposited in the office of the City Clerk of the City of Carson and shall be at all times maintained by the City Clerk for use and examination by the public.

3100.1 Amendments to Fire Code.

Notwithstanding the provisions of CMC 3100, the Fire Code is amended by deleting Article 89.

3100.2 Repealed.

3101 Fireworks Regulation.

3101.0 Fireworks.

(a) Notwithstanding any other provision of this Code, ~~safe~~ *Safe* and ~~sane~~ *Sane* fireworks, ~~as defined by California Health and Safety Code Section 12529,~~ may be sold, pursuant to the provisions of CMC 3101 to 3101.10, within the City of Carson only during the period designated in subsections (c)(i) and (c)(ii) of this Section.

(b) It shall be unlawful for any person to discharge, use or possess ~~safe~~ *Safe* and ~~sane~~ *Sane* fireworks within the City of Carson at any time except from 12:00 noon on the twenty-eighth day of June and ending at 12:00 midnight on the fourth day of July.

(c) Safe and ~~sane~~ *Sane* fireworks may only be sold at a properly ~~licensed~~ *permitted* stand within the City of Carson during the following hours:

- (i) On the twenty-eighth day of June from 12:00 noon to 10:00 p.m., and
- (ii) From the twenty-ninth day of June through the fourth day of July from 7:00 a.m. to 10:00 p.m.

(d) It shall be unlawful for any person to discharge, use or possess illegal fireworks within the City of Carson.

3101.05 Definitions.

The following definitions shall apply to the provisions of CMC 3101, including all subsections thereunder:

~~(a) “Dangerous fireworks”~~ ***(a) “Fire Chief” shall mean the Chief of the Los Angeles County Fire Department or his/her duly authorized designee.***

(b) “Fire Marshal permit” shall mean a permit issued by the California State Fire Marshal for the public display of fireworks in accordance with the State Fireworks Law.

(c) “Fireworks” shall mean and include all of the items listed in California Health and Safety Code Section ~~12505~~ 12511 or any successor provision thereto.

~~(b) “Fireworks” shall mean 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 for entertainment. The term also includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, Roman candles, rockets, Dago bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs and fireworks kits.~~

(d) “Illegal fireworks” shall mean any fireworks other than Safe and Sane fireworks. Illegal fireworks include but are not limited to sky rockets, bottle rockets, roman candles, mortars, M-80, M-100, firecrackers, cherry bombs, palomitas and “helicopters”.

~~(e)~~ ***(e) “Permit” shall mean the nontransferable permission granted by the City for the purpose of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used.***

~~(d)~~ ***(f) “Public display of fireworks” shall mean a public or private event where persons are admitted or permitted to view an entertainment feature involving the display or discharge of dangerous fireworks. have the meaning given in California Health and Safety Code Section 12524 or any successor provision thereto.***

(g) “Pyrotechnic operator” shall have the meaning given in California Health and Safety Code Section 12527 or any successor provision thereto.

~~(e) “Pyrotechnic operator” shall mean the person who supervises, directs or is responsible for performing the ignition, discharge or display of any fireworks or the use of any open flame device and holds a duly issued public display license by the California State Fire Marshal to perform public displays of fireworks in accordance with the State fireworks law.~~

(f) ~~“Fire Chief” shall mean the Chief of the Los Angeles County Fire Department or his/her duly authorized designee.~~

(g) ~~“Fire Marshal permit” shall mean a permit issued by the California State Fire Marshal for the public display of fireworks in accordance with the State fireworks law.~~

(h) ~~“Safe and sane *Sane* fireworks” shall mean any fireworks which do not come within the definition of “dangerous fireworks” or “exempt fireworks” within the~~ *have the meaning given in California Health and Safety Code Section 12529 or any successor provision thereto.*

(i) ~~“State fireworks law~~ *Fireworks Law*” shall refer to California Health and Safety Code Sections 12500, et seq. and Title 19 of the California Code of Regulations, at *Division 1*, Chapter 6.

(j) “Venue operator” shall mean any person owning, leasing, renting, managing, operating, or otherwise having legal control of the use of any real property, building, lot, site or other venue in the City of Carson from which a public display of fireworks is proposed.~~(k) “Volunteer” shall mean any person who provides services and is not paid a wage, salary nor receives any other form of compensation.~~

3101.07 Liability of Resident Where an Illegal Use of Fireworks Occurs.

Any resident of premises on which illegal fireworks are found or from which fireworks are illegally discharged or sold shall be subject to the same civil liability or criminal penalty that may be imposed by the City’s fireworks regulations on the person selling, discharging or possessing the fireworks, as applicable, if the person selling, discharging or using the fireworks is on the premises by the resident’s invitation or consent.

3101.1 Fireworks – Sale of – ~~License~~ Permit Required.

Except as provided herein, no person shall offer for sale or sell at retail any fireworks of any kind in the City of Carson without having first applied for and received a ~~license~~ *retail sales permit* therefor.

3101.2 Persons Eligible.

A ~~license~~ *permit* for the *retail* sale of fireworks shall be issued only to such applicants who meet the following qualifications and requirements:

(a) A nonprofit, charitable corporation or association currently recognized as a Section 501(c)(3) organization under the Internal Revenue Code or as a Section 27301(d) organization under the Revenue and Taxation Code.

(b) Said corporation or association has its principal and permanent meeting place in the City of Carson, ~~or~~ *and at least* fifty (50) percent of its members reside in the City, and it has been organized and established in the City, as such, for a minimum of one (1) year continuously preceding the filing of the application for the ~~license~~ *permit*, and has a bona fide membership of at least twenty (20) members.

(c) A ~~license~~**permit** shall not be issued unless the person, association or organization applying for the ~~license~~**permit** has first obtained a ~~license~~**permit** from the State Fire Marshal, under Section 12500 et seq. of the Health and Safety Code of the State of California.

(d) The City Council may, by the affirmative vote of three-fifths (3/5) of the members of the City Council, waive, in whole or in part, the qualifications and requirements of subsections (a) or (b) of this Section for any applicant which the City Council finds is affiliated with a program or activity which is officially sponsored or operated by the City of Carson.

3101.3 Application Requirements.

A ~~license~~**permit** may be issued for the sale of fireworks in a temporary fireworks stand in accordance with the following:

(a) Application for a ~~license~~**permit** shall be made by filing with the ~~Finance Department~~**City Revenue Division** a written application, in the form required herein, not earlier than March 1st ~~nor~~**and not** later than April 1st of the year for which a ~~license~~**permit** is sought.

(b) Every application for a ~~license~~**permit** shall be accompanied by ~~an~~**a permit** application fee ~~of \$25.00,~~ **established by City Council resolution,** which shall not be refundable.

(c) Every application for a ~~license~~**permit** shall be upon a form furnished by the ~~Finance Department~~**City Revenue Division** and shall contain such information as shall be required by this Section.

(d) Every application shall set forth:

(1) The name and address of the applicant and the name of each of the principal officers of the organization, with the residence and business address and telephone number of each.

(2) Written evidence of the applicant's status as a Section 501(c)(3) organization under the Internal Revenue Code or as a Section 27301(d) organization under the Revenue and Taxation Code.

(3) The date of organization of the applicant and length of continual existence.

(4) The location of the applicant's principal and permanent meeting place.

(5) A sworn statement that at least fifty (50) percent of the applicant's members reside in the City of Carson, and that the applicant has a bona fide membership of at least twenty (20) members.

~~(4)~~**(6)** The purpose for which the applicant primarily exists and for which it was organized.

~~(5)~~**(7)** The applicant's intended use for any funds realized from the sale by such organization.

~~(68)~~ The proposed location of the fireworks stand ~~applied for together with two~~
~~(2)four (4)~~ copies of a plot plan showing its location in relation to existing structures
and the public right-of-way. ***The plot plan shall be drawn on a sheet of paper no
larger than 8.5 inches by 11 inches. Plot plans must be reviewed and approved by
the County of Los Angeles Fire Department and the Planning Division for
compliance with existing fire codes and planning regulations.***

~~(7)(9)~~ The name and address of the owner of the designated location of the fireworks
stand. The applicant shall supply a copy of a recorded deed evidencing its
ownership of the designated location, or an executed lease, rental, or license
agreement evidencing the agreed upon rental fee, and that the applicant has the
legal authority to locate and operate a fireworks stand at the designated location. An
applicant may request that the proposed location of its stand be changed if such
request is made prior to June 1st and the applicant pays the transfer fee established
by resolution of the City Council, provides the ownership or lease documents
required by this subsection, and timely complies with all other inspection and
permitting requirements required by law for the new location.

~~(8)(10)~~ A statement that the person signing the application has read and is familiar
with the terms of this ~~Section~~**Chapter** regarding the nature of the ~~license~~**permit**
granted, the location of fireworks stands, and the permitted times of storage and
sale of fireworks at such location.

~~(9)(11)~~ A statement that the applicant agrees to comply strictly with the terms of any
~~license~~**permit** granted to it, and to account to the City for transactions engaged in
pursuant to the ~~license~~**permit** and for the use and distribution of funds realized
from the holding of such ~~license~~**permit**.

~~(10)(12)~~ The signatures of the presiding officer of the organization and one (1)
additional officer of the organization.

3101.4 Issuance of ~~License~~Permit.

Applicants for such ~~license~~**permit** shall be notified by the ~~Finance Department~~**City Revenue
Division** of the acceptance or rejection of such application for a ~~license~~**permit** on or before May
7th.

(a) Upon approval of such application, the applicant shall complete the following prior to the
issuance of a ~~license~~**permit**:

~~(1) Pay a license fee of \$225.00, which fee includes \$100.00 to offset inspections
by the Building and Safety Division.~~

(1) Pay a permit fee established by City Council resolution.

(2) Post a ~~\$50.00~~ cash deposit with the City ***in an amount established by City
Council resolution*** to guarantee that all litter shall be cleared from the premises of
the temporary fireworks stand by the date so stipulated in this Section. ***If the City***

incurs site-clearing costs in excess of the deposit, the permittee will be billed accordingly. Failure to pay the excess cost within 30 days will disqualify the permittee from applying for a permit for a period of one (1) year.

(3) File with the ~~Finance Department~~ **City Revenue Division** a certificate of public ~~general~~ liability and property damage insurance, in ~~a minimum~~ **an aggregate** amount of *not less than* \$100,000/\$200,000/\$25,000 ~~which~~ **1,000,000**. *The insurance* shall cover the operation and premises of the temporary fireworks stand; ~~in addition,~~ *and shall name* the City of Carson ~~shall be named,~~ *its officers and employees* as an additional insured ~~on such insurance~~.

(b) ~~A~~ **The City Revenue Division shall forward a** copy of the application and plot plan ~~shall be forwarded to the Fire Chief who shall review to the Los Angeles County Fire Department to~~ **review and inspect** the location of the proposed fireworks stand for compliance with existing fire regulations.

(c) A copy of the application and plot plan shall also be forwarded to the Sheriff's Department for ~~license~~ **permit** investigation.

(d) Upon final inspection by appropriate departments and compliance with these regulations, a ~~license~~ **permit** shall be granted by the ~~Finance Department~~ **City Revenue Division**.

3101.5 General Provisions.

(a) The ~~licensee~~ **permittee** shall use the net proceeds derived from its operations under such ~~license~~ **permit** only for such nonprofit, charitable, *or* religious, ~~or eleemosynary~~ service projects that shall be of direct benefit to the City of Carson and for no other purpose. Specifically, such net proceeds shall not be used (1) to support political activities (including, but not limited to, contributions to legal defense organizations); (2) for property-related expenditures (including, but not limited to, mortgage payments and property taxes) related to properties located outside of the City; (3) for contributions to national or regional organizations (contributions to Carson-based units of such organizations are permitted if the funds will be expended locally as required by this Section); or (4) for any other purpose unrelated to a service project that directly benefits the City. The ~~Director of Finance~~ **City Manager** shall have final authority to determine whether each use of such net proceeds complies with this provision.

(b) Upon the expiration of the *retail* sales ~~license~~ **permit** granted for the operation of a fireworks stand, but prior to *the first Tuesday of* September ~~30th~~, the ~~licensee~~ **permittee** shall file a statement of accounting and report with the ~~Business License~~ **City Revenue** Division stating the gross funds derived from the sale of fireworks, costs of fireworks inventory sold, and itemized operating expenses. **The City Revenue Division shall have the right to request and review supporting documentation for all fireworks sales receipts and expenses.**

(c) On or before *the first Thursday of* March ~~1st~~ of the following year, the ~~licensee~~ **permittee** shall file a report with the ~~Business License~~ **City Revenue** Division giving a description of such service projects together with an accounting of the funds derived from the sale of fireworks for the previous year. The ~~licensee~~ **permittee** shall fully expend the net proceeds derived from its operations under such ~~license~~ **permit**, in accordance with the provisions of subsection (a) of this

Section, prior to the filing of the report. The ~~Director of Finance~~ **City Manager** may grant an extension, not to exceed one (1) year, for the expending of the proceeds upon receiving satisfactory proof that the funds are earmarked for specific service projects that will take place after the March 1st filing date. No such extension shall be granted unless the ~~licensee~~ **permittee** specifically identifies the proposed expenditures and the projected dates of completion. Upon completion of such service projects, the ~~licensee~~ **permittee** shall file an amended financial report that accounts for the use of the proceeds.

(d) No one (1) organization may receive more than one (1) ~~license~~ **permit** for a fireworks stand during any one (1) calendar year.

(e) No organization shall receive a ~~license~~ **permit** for a fireworks stand if such organization received a ~~license~~ **permit** for the previous year and has failed to file the reports required in subsections (b) and (c) of this Section or otherwise violated any provisions of the Carson Municipal Code relating to such prior year's ~~license~~ **permit** or to the ~~licensee's~~ **permittee's** operations thereunder.

(f) Every fireworks stand operator (nonprofit organizations selling fireworks) shall designate two (2) or more responsible individuals who shall attend a Fireworks Stand Operators Safety Seminar and Orientation Session, which is conducted by the wholesale distributors of fireworks. Such seminar shall be subject to prior review by, and shall incorporate the recommendations of, the Los Angeles County Fire Department. Failure of an organization to have two (2) or more responsible individuals attend said safety program and orientation session shall be grounds for revocation of the organization's eligibility for a fireworks ~~license~~ **permit** in the City of Carson that year.

(g) No person under the age of eighteen (18) shall be allowed to purchase fireworks.

(h) All ~~licenses~~ **permits** shall expire at 12:00 midnight on the fourth day of July *of the year in which the permit was granted*.

(i) The total number of ~~licenses~~ **permits** for fireworks stands issued in the City of Carson in any one (1) calendar year shall not exceed twenty-eight (~~28~~ **20**). The maximum number of licenses issued shall annually be adjusted downward to the number of licenses issued in the preceding year to a minimum of not less than ~~twenty~~ **ten** (20). ~~The number of licenses issued for the 2010 season shall be twenty-seven (2710).~~

(j) ~~Licenses~~ **Permits** shall be issued first to applicants which held a ~~license~~ **permit** during the immediately preceding Fourth of July season and faithfully complied with all requirements of this Code in connection therewith. Any remaining ~~licenses~~ **permits** shall thereafter be granted to qualified applicants in the order in which their applications are filed with the City. In the event that there are more applications than ~~licenses~~ **permits** available, applicants not receiving ~~licenses~~ **permits** will be placed on a waiting list in the order their applications are filed with the City. The waiting list will be maintained from year to year; provided, that the waiting list applicants continue to annually file a timely application and pay the required application fee in accordance with CMC 3101.3. Any ~~licenses~~ **permits** which become available after the establishment of the

waiting list shall be granted to qualified applicants in the order in which their names appear on the waiting list.

3101.6 Regulations for Temporary Stands.

All temporary stands for the sale of fireworks shall be located, maintained, and operated subject to the following provisions:

(a) Fireworks stands shall be capable of resisting wind loads without collapsing, sliding, or overturning. Such stands shall be installed in conformance with the recommendation of a licensed civil engineer, structural engineer, or architect. A plan showing the recommended installation requirements shall be subject to the review and approval of the Building and Safety Division. The plan shall be approved prior to the installation of the stand. All necessary hold-downs shall be installed when the stand is initially erected. Fireworks stands, as temporary structures, need not comply with other provisions of the Building Code of the City of Carson; provided, however, that all stands shall be erected to the satisfaction of the ~~Director of Building and Safety~~ **Official** or his ~~/her~~ designee who shall require that stands be constructed in such a manner as to reasonably ensure the safety of attendants and patrons. All utilities shall be installed and maintained in accordance with applicable governmental laws, statutes, ordinances, codes and regulations.

A certificate of occupancy shall be issued upon approval of the stand and any utilities installed therein by the Building and Safety Division and Fire Department. The certificate of occupancy or a copy thereof shall be posted in a conspicuous location within the stand. It shall be unlawful to sell any fireworks from a stand that does not have a valid certificate of occupancy. Utilities shall not be connected, added, or modified in an approved stand after the issuance of a certificate of occupancy without the approval of the Building **and Safety** Division.

No person shall install any electrical wiring within a fireworks stand until any appropriate electrical permit has been obtained from the Building and Safety Division.

(b) No fireworks stand shall be erected within one hundred (100) feet of any gasoline station or commercial garage nor within twenty-five (25) feet of any other structure. Minimum setback from the street curbing shall be ten (10) feet.

(c) No fireworks stand shall be located within a residential zone without prior approval of the City Council by minute order. The City Council may approve the placement of a fireworks stand within an RM Zone upon finding that the proposed stand will not detrimentally impact the surrounding residential neighborhood.

(d) All ~~licenses~~ **permits** shall be posted in a conspicuous place.

(e) ~~Licensees~~ **Permittees** shall strictly comply with all the provisions of the State Fireworks Law (~~Section 12500 et seq. of the Health and Safety Code of the State of California~~).

(f) No fireworks stand shall be installed prior to 12:00 noon on June 21st and each stand shall be removed from the temporary location by 12:00 noon on July 12th, and all accompanying litter, debris, building materials, utility connections and other facilities or equipment or materials shall

be cleared from said location by said time and date to the satisfaction of the Director of Public Works. In the event the premises have not been cleared by said date, the Department of Public Works shall charge the cost thereof to ~~said~~*the* cash deposit *submitted pursuant to Section 3104.4*, and the balance unexpended shall be returned to the ~~licensee~~*permittee*.

(g) All weeds and combustible material, not including structures, shall be cleared from the location of the stand, and for a distance of at least fifty (50) feet surrounding the stand.

(h) All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

(i) There shall be maintained in each premises or stand within which fireworks are sold or offered for sale two (2) fire extinguishers approved by the Los Angeles County Fire Department.

(j) No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

(k) No smoking shall be allowed in any structure used for the sale and display of fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed both inside and outside the fireworks stand.

(l) There shall be at least one (1) adult in attendance during the open or sale hours of the fireworks stand. No person under eighteen (18) years of age shall be permitted in a stand.

(m) The ~~licensee~~*permittee* shall provide an adult night watchman to act and serve during the hours of storage. Under no circumstances shall the night watchman sleep within the fireworks stand.

(n) No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter, or be allowed in, the sales booth.

(o) Fireworks stands shall have exits at least thirty (30) inches in width at both ends of the structure, and one (1) thirty (30) inch exit every twenty (20) feet on the rear wall of the structure. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.

(p) A minimum distance shall be maintained between fireworks stands. No fireworks stand shall be located within ~~three~~*five* hundred (~~300~~*500*) feet of another stand on the same side of the street. No fireworks stand shall be located within ~~one~~*five* hundred (~~100~~*500*) feet of another stand on the opposite side of a street or highway. During the initial implementation of this provision, if multiple fireworks stands are located within the new distance limits, the organization with the most seniority at the location will be given first choice to remain at said location. ~~This subsection shall become effective on and after January 1, 2011.~~

(q) Fireworks on the sale site shall be stored and kept only in the ~~licensee's~~*permittee's* sales booth. It shall be unlawful to store any fireworks in any other place within the City of Carson except as provided in CMC 3101.8.

(r) All unsold stock shall be removed from the location by 12:00 noon of July 7th.

(s) The ~~licensee~~**retail sales permittee** shall not pay more than ten (10) percent of the gross sales from the previous season for that location or \$5,000, whichever is less, for the rental payment for the location to the fireworks wholesaler.

3101.7 Wholesale Permit.

No person shall engage in the possession and wholesale distribution of ~~“safe-Safe and sane-Sane fireworks”~~ within the City of Carson without having first applied for and received a **business** license pursuant to CMC 6310 and wholesale permit pursuant to the provisions of this Section:

(a) The City Council may, at its discretion, from time to time grant a wholesale permit for the possession and wholesale distribution of ~~“safe-Safe and sane-Sane fireworks”~~**with- within** the City to any person ~~licensed~~**permitted** by the State Fire Marshal as a manufacturer, importer, exporter or wholesaler of fireworks. Any such permit shall be upon the terms and conditions hereafter provided in this Section, and shall contain the provisions herein set forth.

(b) Such wholesale permits may, unless revoked by the City Council, be reissued annually; provided, however, that the permittee shall, on or before March 31st of each year, file an application therefor in the same form as an application for the original permit, and shall pay the application fee required by subsection (c) hereof.

(c) An application by a manufacturer, importer, exporter or wholesaler for a wholesale permit to engage in the possession and wholesale distribution of ~~safe-Safe and sane-Sane~~ fireworks in the City shall conform to the following requirements:

(1) It shall be in writing, verified, and accompanied by a nonrefundable **permit** application fee ~~in the amount of \$150.00~~**established by City Council resolution.**

(2) It shall be filed with the City ~~Clerk~~**Revenue Division** on or before March 31st of the year in which such permit is to be effective.

(3) It shall be accompanied by a statement that upon issuance of a permit, the applicant will deliver to the City ~~a~~**certificates of** product liability, ~~public-general~~ liability and property damage insurance ~~policy or bond in the~~**in an aggregate** amount of not less than ~~\$300,000~~**1,000,000**. Such ~~policy~~**insurance coverage** shall be with a corporate insurance company, and in such form as shall be approved by the City Attorney, and shall name the City, its officers and employees as additional insured.

(4) It shall contain such other information as may be required by the City ~~Administrator~~**Manager.**

(5) It shall set forth the name, principal place of business and telephone number of the applicant, its State fireworks ~~license~~**permit** number or numbers, the names and addresses of its principal partners, owners or officers, and the name, residence address, and capacity of the person signing the application.

(6) It shall contain a statement that fireworks will not be furnished, sold, distributed or placed in the possession of any person or organization in the City, or for sale, use or distribution in the City, unless such person or organization holds a valid and unrevoked ~~license~~-~~permit~~ from the City to so possess, sell, use or distribute said fireworks.

(d) Upon approval of the application for a permit, a wholesale permittee shall:

(1) Furnish plans and specifications for temporary fireworks stands for the retail sale of fireworks distributed by the wholesaler, and no sale, distribution or storage of fireworks shall be made except to and from, or at, a temporary fireworks stand. Such temporary stands shall be subject to the provisions of CMC 3101.6.

(2) Pay a permit fee established by City Council resolution for each fireworks stand that sells the wholesaler's product in the City. The permit fee shall offset the City's costs to issue the permit; conduct investigations, inspections and audits; conduct a Fireworks Stand Operators Safety Seminar and Orientation Session; and retain the Los Angeles County Sheriff's Department to conduct a Fireworks Compliance Program. The permit fee shall be payable within five (5) business days from the date the City Revenue Division provides notification of application approval pursuant to Section 3101.7.

(e) No fireworks wholesaler shall deliver or sell fireworks in the City of Carson without a City approved fireworks wholesale permit.

~~(d)~~***(f) Every shipment or load of fireworks distributed to any retail ~~licensee~~-~~permittee~~ shall be accurately inventoried, and a copy of the inventory furnished to the retail ~~licensee~~-~~permittee~~ at the time of such distribution. It shall be a misdemeanor for any person to furnish to any retail ~~licensee~~-~~permittee~~ any materially false or inaccurate inventory. A copy of each such inventory shall be filed with the City **Revenue Division** not later than July 31st of such ~~the~~ year **that the distribution is made**.***

~~(e)~~***The wholesale permittee shall furnish plans and specifications for temporary fireworks stands for the retail sale of fireworks distributed by him, and no sale, distribution or storage of fireworks shall be made except to and from or at a temporary fireworks stand. Such temporary stands shall be subject to the provisions of CMC 3101.6.***

~~(f)~~***(g) No fireworks shall be distributed within the City to any retail ~~licensee~~-~~permittee~~ or other person prior to June 27th of the year for which the permit is issued.***

(h) Every wholesale permittee shall:

(1) Provide two (2) fire extinguishers at no charge to each fireworks retail permittee who sells the wholesaler's product.

(2) Provide a temporary fireworks sales stand, free of charge, to each fireworks retail permittee who sells the wholesaler's product.

(3) Make fireworks deliveries to fireworks retail permittees free of a delivery charge.

(4) Provide two (2) credit card processing machines at no charge to each fireworks retail permittee who sells the wholesaler's product. The wholesale permittee may charge credit card transaction fees to the fireworks retail permittee(s).

(5) Submit a public education plan to the City no later than 5:00 p.m. on the day prior to the last City business day in May. The public education plan shall outline the public safety and education efforts to be conducted and paid for by the wholesale permittee, including the extent of public safety and education distribution, and samples of the public safety and education materials to be distributed. Each wholesale permittee shall pay a pro-rata share of the City facility room rental to host the Fireworks Stand Operator Safety Seminar and Orientation Session, based upon the number of permitted stands supplied by the wholesaler, divided by the total number of permitted stands.

(6) Deliver to the City certificates of product liability, general liability and property damage insurance in an aggregate amount of not less than \$1,000,000. Such insurance coverage shall be with a corporate insurance company and in such form as shall be approved by the City Attorney, and shall name the City, its officers and employees as additional insured.

(7) Deliver to the City a copy of each rental agreement entered into by the wholesaler for use of privately or publicly owned space in the City for the purposes of selling fireworks.

(i) Any wholesale permittee failing to comply with the above requirements shall be prohibited from applying for any permit or license under CMC 3101.7 through 3101.9 for a period of one (1) year.

~~(g)~~(j) Every wholesale permit issued shall expire on December 31st of the year for which such permit is issued.

3101.8 Storage of Fireworks.

It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the City of Carson. It shall also be unlawful to store any fireworks in any building or other place within the City of Carson without having first applied for and received a **business** license pursuant to CMC 6310 and a permit therefor pursuant to the provisions of this Section from the City Council. ***This section is not applicable to temporary storage of fireworks in temporary retail sales stands.*** An application for such a permit shall be filed with the City Council along with payment of a nonrefundable application fee of \$150.00 and the ***established by City Council resolution no later than the last City business day in May.*** The City Council shall cause an investigation to be made of the place where it is proposed to store such fireworks. Notwithstanding the foregoing, storage of fireworks in connection with a public display of fireworks by a pyrotechnic operator shall be governed by permit issued under CMC 3101.9:

(a) Prior to initiating the storage of fireworks at the permitted location, the permittee shall procure **general** liability and property damage insurance covering its operation in and about said premises in a minimum **aggregate** amount of \$100,000/\$200,000/\$25,000 ~~1,000,000~~; in addition, the City of Carson-, **its officers and employees** shall be named as an additional insured on such insurance. The permittee shall file a certificate of such insurance with the City ~~Clerk~~ **Revenue Division** within seven (7) days after Council approval of such storage operation.

(b) No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

(c) There shall be maintained at each location where fireworks are stored, at least two (2) fire extinguishers approved by the Los Angeles County Fire Department; provided, however, that if more than one (1) room at any location is used for fireworks storage, there shall be at least one (1) approved fire extinguisher per room.

(d) No person shall light, or cause, or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

(e) No smoking shall be allowed in any structure used for the storage of fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

(f) No minor, ~~age sixteen (16) or younger~~ **under the age of eighteen (18)**, shall be in the fireworks storage structure.

(g) No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter, or be allowed in the building or structure used for fireworks storage.

(h) The permittee shall provide an adult night watchman to act and serve during all hours other than normal business hours. Under no circumstances shall the night watchman sleep within the building in which the fireworks are stored.

(i) All permits must be posted in a conspicuous place at the storage site.

(j) The permittee shall strictly comply with all the provisions of the State Fireworks Law (~~Sections 12500 et seq. of the Health and Safety Code of the State of California~~).

3101.9 Public Display.

No person shall engage in the public display of fireworks within the City of Carson without having first applied for and received a **business** license pursuant to CMC 6310 and permit pursuant to the provisions of this Section. Upon application by a pyrotechnic operator or venue owner for one (1) or more public display events (to an annual maximum of six (6) public display events per venue), an authorized representative of the City's ~~Finance Department~~ **Revenue Division** shall grant a permit provided all of the following criteria are met:

- (a) Such display(s) shall not take place on Monday through Thursday, unless the day falls on the fourth day of July. Any request for public displays at any other times shall be subject to the approval of the City Council within its discretion.
- (b) The public display of fireworks shall be performed by a pyrotechnic operator holding a current and valid Fire Marshal ~~license~~**permit** for the public display of fireworks under Health and Safety Code Sections 12575, 12576 or 12577.
- (c) The applicant shall file a written application on a form provided by the City for such permit accompanied by a nonrefundable application fee ~~in the amount of \$150.00~~**established by City Council resolution** for each event.
- (d) The application shall be filed with the **City** Revenue Division at least two (2) weeks prior to the public display of fireworks event.
- (e) The application shall be accompanied by an insurance certificate for ~~public~~**general** liability and property damage insurance in ~~the~~**an aggregate** amount **of** not less than \$1,000,000, and proof that workers' compensation insurance is carried for all employees in compliance with Labor Code Section 3700. Such policy shall be issued by a corporate insurance company authorized to conduct business in the State of California, and shall name the City, its officers and employees as additional insureds.
- (f) The application shall set forth the name, principal place of business and telephone number of the applicant, the names and addresses of its principal partners, owners or officers, the name, residence address, and capacity of the person signing the application and the name and address of the venue operator.
- (g) The application shall set forth the dates and hours of operation, including the schedule for set up and testing along with the name and contact information for the State Fire Marshal assigned to oversee the public display of fireworks event. The application shall certify that the public display of fireworks shall not occur after 11:00 p.m. on any approved date.
- (h) The application shall be accompanied by copies of the pyrotechnic operator's permit issued by the State Fire Marshal or Fire Chief, as applicable, to conduct the proposed public display of fireworks at the proposed venue in the City.
- (i) The application shall be accompanied by a diagram of the grounds on which the display is to be held approved by the State Fire Marshal or Fire Chief, as applicable, showing the point at which the fireworks are to be discharged, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- (j) The application shall describe the proposed storage location for fireworks on the site and provide an emergency response plan describing the resources available to the applicant and methods for using such resources to respond to any emergency created by the proposed use of fireworks.

(k) No pyrotechnic display shall be conducted within five hundred (500) feet of any residence, unless the applicant for the permit has first sent or had delivered written notification to all of the owners or tenants of any residence within a five hundred (500) foot radius of the discharge site.

(l) Any duly approved permit shall be displayed at all times on the premises of the venue operator.

~~(m) Pursuant to CMC 6343, the Director of Finance may make regulations and interpretive rules to implement and enforce the provisions of this Chapter.~~

~~(n)~~(m) The applicant shall certify to the truth of all matters in the application. The City may refuse to issue or revoke any permit for the public display of fireworks at any time upon discovery of any misrepresentation or false statement in the application of failure by the applicant to meet the requirements of this Section.

3101.10 ~~Penalties~~Violations of Fireworks Regulations.

(a) Any person violating any provision of CMC 3101 to 3101.9, inclusive, or knowingly or intentionally misrepresenting to any officer or employee of the City, any material fact in procuring the ~~license or~~ permit herein provided for, shall be guilty of a misdemeanor.

(b) In addition thereto, any such misrepresentation or violation shall constitute grounds for revocation of the ~~license or~~ permit by the City Council, on twenty-four (24) hours' notice to the permittee, or if any such violation is committed in the presence of the Sheriff, or any deputy, or Fire Chief, or any other City officer, the City ~~Administrator~~**Manager** shall be empowered, upon receiving a written and signed report thereof from any such officer, to close any such sales booth or stand forthwith.

(c) Any person violating the provisions of CMC 3101.7 to 3101.9 shall be subject to a penalty of ~~\$250.00-1000.00~~ for a first time violation, and thereafter ~~\$500.00-1000.00~~ for each additional violation of such provisions. Any person found to have violated the provisions of CMC 3101.7 ~~to, 3101.8, or 3101.9, or any combination of the same~~, more than two (2) times **in a single year** shall be prohibited from applying for any permit ~~or license~~ under CMC 3101.7 ~~to through~~ 3101.9 for a period of one (1) year.

(d) If any provision(s) of this Chapter or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this Chapter are declared to be severable. The City Council hereby declares that they would have adopted this Chapter and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

3102 Violations of Fire Code.

(a) Every person violating any provision of the Fire Code ~~or of any permit or license granted hereunder~~, or any rule, regulation or policy promulgated pursuant hereto, is guilty of a misdemeanor and shall be punishable as provided in CMC 1200(a), unless such violation is

otherwise declared to be an infraction by CMC 3104. Each such violation is a separate offense for each and every day during any portion of which such violation is committed.

(b) Every violation determined to be an infraction hereunder is punishable in such manner and to such extent as is provided by CMC 1200(b).

(c) For the purposes of this Section a forfeiture of bail shall be equivalent to a conviction.

3103 Responsibility.

Any person who personally or through another willfully, negligently, or in violation of law sets a fire, allows a fire to be set, or allows a fire kindled or attended by such person to escape from his or her control, allows any hazardous material to be handled, stored or transported in a manner not in accordance with nationally recognized standards, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the chief, or willfully or negligently allows the continuation of a violation of the Fire Code and amendments thereto is liable for the expense of fighting the fire or for the expenses incurred during a hazardous materials incident, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person and is collectible by the public agency incurring such expenses in the same manner as in the case of an obligation under a contract, expressed or implied.

3104 List of Infractions.

In accordance with CMC 3102, the violation of the following sections or subsections of the Fire Code shall be infractions:

Section	Offense
901.4.4	Premises identification
902.2.4	Obstructing and control of fire apparatus access
1001.5.1	Maintenance of fire-protection systems and equipment
1001.5.3	Systems out of service
1001.6.2	Fire hydrant and fire appliances
1002	Portable fire extinguishers
1102.3	Open burning
1103	Combustible materials
1105	Asphalt kettles
1109.4	Smoking
1109.5	Burning objects
1109.6	Hot ashes and spontaneous ignition sources
1115.3	Fire prevention regulations
1115.5	Portable fire protection equipment
1115.7	Maintenance of access

Section	Offense
1117.2	Structures
1118.17	Fire roads and firebreaks
1207.3	Locking devices
1207.6	Door identification
1210.3	Storage under stairways
1212.4	Illumination
2401.9	Smoking
2901.6.2	Lubricating oil
3004.3	Waste removal
3008.5	Combustible waste
3213	Means of egress illumination
3221.2	Vegetation removal
3221.3	Storage
3404	Fire apparatus access roads
3601.6	Fire protection
3601.7	Smoking
4501.4	Smoking
4501.5	Welding warning signs
4502.3.3	Filter disposal
4502.8.2	Fire extinguishers
4502.9	Operations and maintenance
4503.7.1	General
4503.8	Dip tank covers
4504.3.2	Signs
4504.4	Maintenance
4505.6.1	Dust accumulation
4506.6	Sources of ignition
4606.2	Smoking
4607	Housekeeping
5201.7	Sources of ignition
7401.5.1	General
7401.6	Security
7607	Smoking and open flames
7901.7.2	Maintenance and operating practices
7901.10	Sources of ignition

Section Offense

7902.5.3 Empty containers and portable tanks
7904.3.2.1 Storage tanks and sources of ignition
7904.4.7 Sources of ignition
7904.4.9 Fire protection
7904.6.4 Smoking
8001.8 Signs
8003.1.12 Clearance from combustibles
8004.1.8 Signs
8004.3.5 Clearance from combustibles
8208 Smoking and other sources of ignition
8209 Clearance to combustibles
8506 Extension cords and flexible cords

3105 Repealed.

3106 Adoption of Regulations by City Manager.

The City Manager is empowered to make such regulations and interpretive rules as are not inconsistent with this Chapter as may be necessary or desirable to aid in the enforcement of the provisions of this Chapter.”

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this 7th day of February, 2017.

MAYOR ALBERT ROBLES

ATTEST:

CITY CLERK DONESIA GAUSE

APPROVED AS TO FORM:

CITY ATTORNEY SUNNY K. SOLTANI