3101 Fireworks Regulation. SHARE
(Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 03-1277U, § 1; Ord. 03-1277, § 1; Ord. 17-1613, § 2)

3101.0 Fireworks. SHARE
(a) Notwithstanding any other provision of this Code, safe and sane fireworks 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 or use safe and sane fireworks within the City of Carson at any time except during the following time periods:

(i) 12:00 noon to 10:00 p.m. on June 28th;

(ii) 10:00 a.m. to 10:00 p.m. on June 29th;

(iii) 10:00 a.m. to 10:00 p.m. on June 30th;

(iv) 10:00 a.m. to 10:00 p.m. on July 1st;

(v) 10:00 a.m. to 10:00 p.m. on July 2nd;

(vi) 10:00 a.m. to 10:00 p.m. on July 3rd; and

(vii) 10:00 a.m. to 12:00 midnight on July 4th.

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

(i) On June 28th from 12:00 noon to 10:00 p.m.; and

(ii) From June 29th through July 4th 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. (Ord. 21, § 1; Ord. 69-86, § 3101; Ord. 70-122, § 1; Ord. 91-936, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 99-1165U, § 1; Ord. 99-1165, § 1; Ord. 99-1167U, § 2; Ord. 03-1277U, § 1; Ord. 03-1277, § 1; Ord. 06-1345, § 1; Ord. 07-1372, § 2; Ord. 17-1613, § 2; Ord. 18-1809U, § 2; Ord. 18-1810,§ 2)

3101.05 Definitions. SHARE
The following definitions shall apply to the provisions of CMC 3101, including all subsections thereunder:

(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 12511 or any successor provision thereto.

(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) “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.

(f) “Public display of fireworks” shall 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.

(h) “Safe and sane fireworks” shall have the meaning given in California Health and Safety Code Section 12529 or any successor provision thereto.

(i) “State Fireworks Law” shall refer to California Health and Safety Code Section 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. (Ord. 04-1307, § 3; Ord. 06-1345, § 2; Ord. 09-1437, § 1; Ord. 17-1613, § 2)

3101.07 Liability of Resident Where an Illegal Use of Fireworks Occurs. SHARE
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. (Ord. 07-1372, § 3; Ord. 17-1613, § 2)

3101.1 Fireworks – Sale of – Permit Required. SHARE
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 retail sales permit therefor. (Ord. 21, § 1; Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 17-1613, § 2)

3101.2 Persons Eligible. SHARE
A 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, 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 permit, and has a bona fide membership of at least twenty (20) members.

(c) A permit shall not be issued unless the person, association or organization applying for the permit has first obtained a 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 subsection (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. (Ord. 21, § 1; Ord. 69-86, § 6; Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 94-1036, § 1; Ord. 95-1081U, § 3; Ord. 98-1129, § 1; Ord. 17-1613, § 2)

3101.3 Application Requirements. SHARE
A permit may be issued for the sale of fireworks in a temporary fireworks stand in accordance with the following:

(a) Application for a permit shall be made by filing with the City Revenue Division a written application, in the form required herein, not earlier than March 1st and not later than April 1st of the year for which a permit is sought.

(b) Every application for a permit shall be accompanied by a permit application fee, established by City Council resolution, which shall not be refundable.

(c) Every application for a permit shall be upon a form furnished by the 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.

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

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

(8) The proposed location of the fireworks stand together with 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 eight and one-half (8-1/2) inches by eleven (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.

(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.

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

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

(12) The signatures of the presiding officer of the organization and one (1) additional officer of the organization. (Ord. 21, § 1; Ord. 70-122, § 1; Ord. 88-828, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 98-1129, §§ 2 – 4; Ord. 99-1167U, §§ 4, 6; Ord. 10-1444, § 1; Ord. 17-1613, § 2)

3101.4 Issuance of Permit. SHARE

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

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

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

(2) Post a 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 thirty (30) days will disqualify the permittee from applying for a permit for a period of one (1) year.

(3) File with the City Revenue Division a certificate of general liability and property damage insurance, in an aggregate amount of not less than $1,000,000. The insurance shall cover the operation and premises of the temporary fireworks stand and shall name the City of Carson, its officers and employees as an additional insured.

(b) The City Revenue Division shall forward a copy of the application and plot plan 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 permit investigation.

(d) Upon final inspection by appropriate departments and compliance with these regulations, a permit shall be granted by the City Revenue Division. (Ord. 21, § 1; Ord. 70-122, § 1; Ord. 88-828, § 2; Ord. 91-936, § 2; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 99-1167U, §§ 8, 10, 12; Ord. 10-1444, § 3; Ord. 17-1613, § 2)

3101.5 General Provisions. SHARE

(a) The permittee shall use the net proceeds derived from its operations under such permit only for such nonprofit, charitable, or religious 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 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 permit granted for the operation of a fireworks stand, but prior to the first Tuesday of September, the permittee shall file a statement of accounting and report with the 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 of the following year, the permittee shall file a report with the 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 permittee shall fully expend the net proceeds derived from its operations under such permit, in accordance with the provisions of subsection (a) of this Section, prior to the filing of the report. The 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 filing date. No such extension shall be granted unless the permittee specifically identifies the proposed expenditures and the projected dates of completion. Upon completion of such service projects, the 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) permit for a fireworks stand during any one (1) calendar year.

(e) No organization shall receive a permit for a fireworks stand if such organization received a 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 permit or to the 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 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 permits shall expire at 12:00 midnight on July 4th of the year in which the permit was granted.

(i) The total number of permits for fireworks stands issued in the City of Carson in any one (1) calendar year shall not exceed twenty (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 ten (10).

(j) Permits shall be issued first to applicants which held a permit during the immediately preceding Fourth of July season and faithfully complied with all requirements of this Code in connection therewith. Any remaining 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 permits available, applicants not receiving 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 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. (Ord. 70-122, § 1; Ord. 70-130, § 1; Ord. 71-156, § 1; Ord. 88-828, § 3; Ord. 91-936, § 3; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 96-1087U; Ord. 98-1129, § 5; Ord. 98-1145, §§ 2, 3; Ord. 99-1167U, §§ 14, 16, 18, 20, 21; Ord. 06-1345, § 3; Ord. 10-1444, § 3; Ord. 17-1613, § 2)

3101.6 Regulations for Temporary Stands. SHARE

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 Building 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 permits shall be posted in a conspicuous place.

(e) Permittees shall strictly comply with all the provisions of the State Fireworks Law.

(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 the cash deposit submitted pursuant to Section 3101.4, and the balance unexpended shall be returned to the 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 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 five hundred (500) feet of another stand on the same side of the street. No fireworks stand shall be located within five hundred (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.

(q) Fireworks on the sale site shall be stored and kept only in the 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 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. (Ord. 21, § 1; Ord. 69-86, § 2; Ord. 70-122, § 1; Ord. 82-600U, § 1; Ord. 82-608U; Ord. 83-658U, §§ 1, 2; Ord. 84-689U, §§ 1, 2; Ord. 88-844U, § 1; Ord. 90-909U, § 1; Ord. 91-936, § 4; Ord. 91-938U, § 1; Ord. 92-980U, §§ 1, 2; Ord. 92-986U, § 3; Ord. 93-1005U, § 1; Ord. 94-1038U; Ord. 95-1059U, § 1; Ord. 95-1081U, § 3; Ord. 95-1074, § 1; Ord. 97-1114U, § 1; Ord. 98-1142U* § 1; Ord. 99-1167U, §§ 23, 25, 27; Ord. 01-1225, § 1; Ord. 09-1437 § 1; Ord. 10-1444, § 3; Ord. 13-1512, § 1; Ord. 17-1613, § 2)

*Code reviser's note: This ordinance expired on July 4, 1998.

3101.7 Wholesale Permit. SHARE

No person shall engage in the possession and wholesale distribution of safe and 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 and sane fireworks within the City to any person 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) of this Section.

(c) An application by a manufacturer, importer, exporter or wholesaler for a wholesale permit to engage in the possession and wholesale distribution of safe and 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 established by City Council resolution.

(2) It shall be filed with the City 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 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.

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

(5) It shall set forth the name, principal place of business and telephone number of the applicant, its State fireworks 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 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 this Section.

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

(f) Every shipment or load of fireworks distributed to any retail permittee shall be accurately inventoried, and a copy of the inventory furnished to the retail permittee at the time of such distribution. It shall be a misdemeanor for any person to furnish to any retail 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 the year that the distribution is made.

(g) No fireworks shall be distributed within the City to any retail 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 Operators 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 this Section through CMC 3101.9 for a period of one (1) year.

(j) Every wholesale permit issued shall expire on December 31st of the year for which such permit is issued. (Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 04-1307, § 4; Ord. 17-1613, § 2)

3101.8 Storage of Fireworks. SHARE

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 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 $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 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, 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. (Ord. 69-86, § 4; Ord. 69-94, § 1; Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 04-1307, § 5; Ord. 17-1613, § 2)

3101.9 Public Display. SHARE

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 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 July 4th. 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 permit for the public display of fireworks under Health and Safety Code Section 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 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 general liability and property damage insurance in 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 setup 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) 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 or failure by the applicant to meet the requirements of this Section. (Ord. 69-86, § 1; Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 04-1307, § 6; Ord. 17-1613, § 2)

3101.10 Violations of Fireworks Regulations. SHARE

(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 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 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 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 $1,000 for a first-time violation, and thereafter $1,000 for each additional violation of such provisions. Any person found to have violated the provisions of CMC 3101.7, 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 under CMC 3101.7 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 (1) or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional. (Ord. 69-86, § 3; Ord. 70-122, § 1; Ord. 92-986U, § 3; Ord. 95-1081U, § 3; Ord. 04-1307, § 7; Ord. 06-1345, § 4; Ord. 17-1613, § 2)

3102 Violations of Fire Code. SHARE

(a) Every person violating any provision of the Fire Code, 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. (Ord. 86-761, § 1; Ord. 91-944, § 1; Ord. 92-986U, Ord. 95-1081U, § 4; Ord. 99-1165U, § 2; Ord. 99-1165, § 2; Ord. 03-1277U, § 2; Ord. 03-1277, § 2; Ord. 17-1613, § 2)

3103 Responsibility. SHARE

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. (Ord. 86-761, § 1; Ord. 92-986U, § 4; Ord. 95-1081U, § 4; Ord. 99-1165U, § 2; Ord. 99-1165, § 2; Ord. 03-1277U, § 2; Ord. 03-1277, § 2; Ord. 17-1613, § 2)

3104 List of Infractions. SHARE

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

Section	Offense
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
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

Section	Offense
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
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

(Ord. 86-761, § 1; Ord. 91-944, § 1; Ord. 92-986U, § 2; Ord. 95-1081U, § 5; Ord. 99-1165U, § 2; Ord. 99-1165, § 2; Ord. 03-1277U, § 2; Ord. 03-1277, § 2; Ord. 17-1613, § 2)

3105 Repealed. SHARE

Repealed by Ord. 92-986U. (Ord. 91-944, § 1)

3106 Adoption of Regulations by City Manager. SHARE

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. (Ord. 17-1613, § 2)