

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING CHAPTER 8, TO ADD SECTION 8.44 OF THE GRASS VALLEY MUNICIPAL CODE PERTAINING TO FIREWORKS**

**BE IT ORDAINED BY** the City Council of the City of Grass Valley as follows:

SECTION 1. Chapter 8, Section 8.44 of the Grass Valley Municipal Code is added to read as follows:

Title 8 - Chapter 8.44

Fireworks

Sections:

<u>8.44.010</u>	Fireworks - Prohibition
<u>8.44.020</u>	Fireworks - Exception
<u>8.44.030</u>	Permit required
<u>8.44.040</u>	Prerequisite for permit issuance
<u>8.44.050</u>	Fireworks permit
<u>8.44.060</u>	Grand fathered organizations
<u>8.44.070</u>	Permit application
<u>8.44.080</u>	Temporary Commercial Use Permit meeting
<u>8.44.090</u>	Fireworks stand
<u>8.44.100</u>	Operation of fireworks stand
<u>8.44.110</u>	General requirements for permittee

Section: 8.44.010 - Fireworks - Prohibition.

Except as otherwise provided in this Article, no person shall possess, sell, use, display or explode within the City any kind of fireworks as defined in Section 12511 of the Health and Safety Code, including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, torpedo cane, fire balloon, wire core sparkler, wooden core sparkler, black cartridge or other combustible device or explosive substance.

Section: 8.44.020 - Fireworks – Exception

1. It shall not be unlawful to sell or display for sale within the City those fireworks as are defined and classified as “Safe and Sane” in the State Fireworks Law (Sections 12500, et seq. of the Health and Safety Code) during that time period beginning at 12:00 noon on June 28 and ending at dusk July 4 of that same year.

2. It shall only be lawful to ignite within the City those fireworks as are defined and classified as “Safe and Sane” on July 4<sup>th</sup> between the hours of 6:00 p.m. and 12:00 midnight of the same day. The California State Fire Marshal may designate other holidays or celebrations permitting “Safe and Sane” fireworks use. The City Council of Grass Valley may designate days and times concurrently.

3. No person shall sell or offer to sell ~~or expose~~ any such “safe and sane fireworks” to any person under the age of eighteen (18) years.

~~4. Nothing in this subsection shall be construed to prohibit the transfer without consideration of such “safe and sane fireworks” to persons under the age of eighteen (18) years.~~

Section: 8.44.030 - Permit required.

It shall be unlawful for any person to sell “safe and sane fireworks” within the City without having applied for and receiving a City permit therefore, in addition to the required state license and tax permits.

Section: 8.44.040 - Prerequisite for permit issuance.

1. No permit to sell fireworks shall be issued to any person, except non-profit organizations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes, as defined by section 501 (c)(3) of the Internal Revenue Service.

2. Each such organization shall have its principle~~a~~ and permanent meeting place within Nevada County limits and shall have been organized and established in an area which is presently within the County for a minimum of one year continuously preceding the filing of the application for the permit.

3. No organizations shall submit more than one application for permit to sell fireworks within the City of Grass Valley. Submittal of more than one application shall be grounds for denial of all applications.

Section: 8.44.050 - Fireworks permit.

The number of available permits which includes any permits issued pursuant to Section 8.44.060 will be limited to 9 (nine) at the present City population. Additional permits may be issued at one (1) per 2000 population based upon the latest survey available to the City of Grass Valley. If necessary, a lottery system will be used to fill permit vacancies. Only one permit to sell fireworks pursuant to this Chapter shall be issued to an eligible applicant.

Section: 8.44.060 – Grandfathered organizations.

Those organizations which meet the prerequisites as provided in Section 8.44.040 and which received a permit to sell fireworks in 2004 are exempt from the provisions of Section 8.44.050 and shall be allowed to apply for and receive a permit in subsequent years to sell fireworks. The number of exempt organizations may exceed the number of permits authorized by Section 8.44.050. An organization shall forfeit and lose said exemption status in subsequent years and will be subject to the provisions of Section 8.44.050 if it fails to apply for a permit to sell fireworks in a given year or if it does not comply with the fireworks regulations in this Chapter.

Section: 8.44.070 - Permit application.

All requests for permits to sell “safe and sane fireworks” shall be made to the City of Grass Valley on the City “Temporary Commercial Use Permit” application. All required attachments listed in the permit shall be included at the time of application for the request to be processed.

8.44.080 - Temporary Commercial Use Permit meeting.

Each year, one or more representatives from each non profit organization and from each fireworks resale manufacturer shall attend a required public “Temporary Commercial Use Permit” meeting as will be announced. Failure by an authorized representative to attend this meeting shall result in forfeiture of the Temporary Commercial Use Permit to sell fireworks and, if applicable, grandfathered status.

8.44.090 - Fireworks stand.

All retail sales of “safe and sane fireworks” shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands shall be subject to City, Fire and Building Code requirements.

8.44.100 - Operation of fireworks stand.

1. Only individuals who are members or support members of the licensed organization, or the spouses or adult children (18 years or older) of such members, shall sell or otherwise participate in the sale of fireworks at such stand. Each person participating in the sale of fireworks shall be required to read and be knowledgeable of the contents of the “Guidelines for Fireworks Vendors & Public Use” and any other required support material.

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

8.44.110 - General requirements for permittee.

1. All fireworks stands shall be inspected immediately prior to opening for sales. All merchandise held and / or stored in violation of this ordinance or the laws of the State of California may be confiscated by any representative of the Fire or Police Departments of the City of Grass Valley.

2. All fireworks stand vendors shall be required to distribute, as provided, at their cost, a copy of the “Guidelines for Public Use of Fireworks in Grass Valley & Nevada City”. These guidelines shall include, as required by the Fire Chief, safety information description and maps detailing fireworks use areas.

3. Fireworks may only be sold to residents of the City of Grass Valley. All fireworks stand vendors shall be required to verify residence status using one of the following document combinations:

- a. A valid California driver's license with photo listing a City of Grass Valley physical address, OR
- b. A valid DMV issued photo identification listing a City of Grass Valley physical address, OR
- c. A valid California driver's license or DMV issued photo identification with other than a City of Grass Valley physical address AND a current utility bill verifying a City of Grass Valley physical address.

3. 4. All fireworks resale vendors shall obtain a signature, ~~complete address and phone number from the purchaser~~, on a form provided, acknowledging receipt of the "Guidelines for Public Use of Fireworks in Grass Valley & Nevada City".

SECTION 2. Enforcement Procedures; Suspension and Revocation; Notice of Administrative Violations.

1. The Fire Chief may immediately suspend or revoke any permit that is held in violation of any provisions of this Code and/or is creating an imminent threat of harm to person or property.

SECTION 3. Severability.

1. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

2. The City Council may adopt such additional rules and regulations governing fireworks as deemed appropriate.

SECTION 4. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

INTRODUCED and first read on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

FINAL PASSAGE AND ADOPTION by the City Council of the City of Grass Valley was at a meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008 by the following vote:

AYES:	Council Member
NOES:	Council Member
ABSENT:	Council Member
ABSTAINING:	Council Member

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MARK JOHNSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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RUTHANN G. ZIEGLER, City Attorney

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KRISTI K. BASHOR, City Clerk