

ORDINANCE NO. 80-6

AN EMERGENCY ORDINANCE OF THE CITY OF RIDGECREST,
CALIFORNIA ESTABLISHING RULES AND REGULATIONS FOR
THE OPERATION OF FIREWORKS STANDS

THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. That rules and regulations are necessary for the operation of fireworks stands, and that such rules and regulations directly protect the public health, safety, and general welfare of the citizens of the City of Ridgecrest.

SECTION 2. That the City of Ridgecrest has adopted the Uniform Fire Code as amended to permit the sale of safe and sane fireworks within the City of Ridgecrest.

SECTION 3. That those sections of Resolution No. 78-59 dealing with rules and regulations of fireworks stands are hereby repealed.

SECTION 4. That it shall be unlawful for any person to offer for sale any fireworks within the City of Ridgecrest without first obtaining a permit from the City Clerk of the City of Ridgecrest.

A permit shall not be issued unless the person applying for the permit has first obtained a license from the State Fire Marshal in accordance with the provisions of California Administrative Code, Title 19, Article 14.

No one organization may receive more than one permit for fireworks sales during any one calendar year.

SECTION 5. A permit for the sale of "Safe and Sane Fireworks" shall be issued only to a non-profit organization or corporation organized and existing primarily for veteran, patriotic, religious, welfare, charitable or civic-betterment purposes having its principal and permanent meeting place in the City of Ridgecrest.

SECTION 6. Any application for a permit shall be filed with the City Clerk of the City of Ridgecrest, between May 5 and June 18 of each year. Any permit issued shall be valid only for the premises or location for which issued, shall not be transferable, assignable or renewable, and shall be valid only for the times and dates specified in the permit. Each applicant shall, at the time of receipt of such permit, deliver to the City Clerk a \$50/100 public liability and \$10,000 property damage insurance certificate and products' liability insurance in the amount of \$500,000, with riders attached to the certificate designating the City as an additional insured thereunder. Each applicant shall show the following:

- (a) Name and address of the applicant.
- (b) The purpose of the non-profit organization or corporation; its principal and permanent meeting place, and the names and addresses of its officers.
- (c) The location where the applicant will sell safe and sane fireworks, together with a plot plan showing location of the temporary fireworks stand and all related structures, and written approval and consent to use such location for such purpose by the owner or lessee.

SECTION 7. All retail sales of safe and sane fireworks shall be permitted only from a temporary fireworks stand and the sale from any other building or structure is hereby prohibited. Temporary stands shall be subject to the following provisions:

- (a) The building official shall have authority to require that the stands be constructed in a manner which will reasonably insure the safety of attendants and patrons.
- (b) All temporary stands for the display and sale of fireworks which use electrical power shall be inspected by a City building official, and must be certified as a safe structure by the official.
- (c) All fireworks stands must be located on a paved lot, and shall not be located within one hundred (100) feet of any gasoline storage or gasoline pump or any garage or within thirty (30) feet of any other building, or within three hundred (300) feet of any other fireworks stand.
- (d) Each stand up to ten (10) feet in length must have one exit. Each stand ten (10) feet to forty (40) feet in length must have at least two exits. Stands in excess of forty (40) feet in length must have at least three exits. Exits shall be a minimum width of thirty (30) inches. An aisle with a minimum width of thirty (30) inches shall lead to each exit. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.
- (e) Each stand shall be provided with two 2-A rated fire extinguishers, underwriter approved, properly serviced, tagged and easily accesible for use in case of fire.
- (f) 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.
- (g) No smoking shall be allowed in any stand nor within fifty (50) feet thereof. "No Smoking" signs shall be prominently displayed.
- (h) All weeds and combustibile material shall be cleared from the location of the stand, including a distance of at least twenty (20) feet surrounding the stand.
- (i) There shall be placed adjacent to each fireworks stand, trash containers of sufficient size to accommodate trash generated by the fireworks stand.
- (j) There shall be at least one adult in attendance during the open or sale hours of the fireworks stand. No minor, age sixteen (16) or younger shall be permitted in a stand.
- (k) There shall be at least one adult on the premises as night-watchman for security during any hours of storage. Under no circumstances shall the watchman sleep within the fireworks stand. Accommodations for the watchman shall not be located within 25 feet of the fireworks stand. If all fireworks are safely stored as provided by Title 19 of the California Administrative Code, no night-watchman need be provided.
- (l) All permits must be posted in a conspicuous place.
- (m) The fireworks stand shall be removed from the temporary location by 12 noon on the 10th day of July, and all accompanying litter shall be cleared from said location on or before said time.

SECTION 8. No person shall sell or transfer any safe and sane fireworks to a person who is under 16 years of age from any authorized fireworks stand in the City of Ridgecrest.

SECTION 9. Any violation of any section of this Ordinance shall be an infraction and punishable by a fine of not more than fifty dollars (\$50.00) for a first offense. For a second violation within any twelve month period, a fine of not more than one hundred dollars (\$100.00) may be imposed, and for a third offense, a fine of not more than two hundred fifty dollars (\$250.00) may be imposed. Each day a violation exists is deemed to be a separate violation for which a citation may be issued.

SECTION 10. The City Clerk is authorized to collect a fee for the issuance of a permit to sell fireworks, such amount as will reasonably compensate the City of Ridgecrest for the enforcement of these regulations as set by the City Council.

SECTION 11. The City Council of the City of Ridgecrest specifically finds that regulation of fireworks stands directly affects the health, welfare and safety of the citizens of the City of Ridgecrest in that the danger of fire and personal injury or property damage may result if reasonable regulations are not imposed.

The City Council further finds that the regulations contained herein shall be minimum standards, and shall be strictly enforced.

SECTION 12. The City Clerk is instructed to publish this Ordinance as required by law.

APPROVED AND ADOPTED this 21st day of May, 1980, by the following roll call vote:

AYES: Mayor Hockett, Vice-Mayor Bergens, Councilmen Burnett, Cheshire and Grossman

NOES: None

ABSENT: None

ABSTAIN: None


HAROLD J. HOCKETT, Mayor

ATTEST:


JACQUELINE C. REED, City Clerk