



Dear Booth Operator:

Welcome to Fireworks season.

To facilitate a safe and successful fireworks season we are providing you:

- **A Checklist** of all materials to include in your fireworks booth application
- **Key Deadline Dates** for Booth Operators
- **Application Form**
- **Declaration of Compliance certifying the applicant as a Non-Profit Organization**
- Property Owner Agreement Authorizing Use of Property for Approval Form of property owner or authorized leasing agent of property where booth is located
- Indemnification Declaration
- **Disbursement Certification Statement** on Permittee's Use of Fireworks Sale Proceeds for the previous year
- **Procedures for Safe Booth Operation** to be signed by all booth volunteers and submitted to Fire Department for June 30 fireworks booth inspection
- **Fireworks Stand Volunteer Staffing List.**
- **Fireworks Vendor Responsibilities for Preparing Fireworks Booth**
- **Resolution No. 5405-18** stating City Code and Policy on Fireworks



Applicant Checklist

The application shall include:

- Completed application form
- Non-refundable \$75 application fee
- Declaration of Compliance certifying the applicant as a Section 501(c)3 Organization under the Internal Revenue Code of as Section 27301(d) Organization under the Revenue and Taxation Code
- Two (2) copies of plot plan showing the location of the temporary fireworks stand in relation to the public right-of-way; curb cuts and/or driveways and identifying the nearest available fire hydrants
- Signed written approval of the current property owner and/or leasing agent
- Retail fireworks license issued by the State Fire Marshall to the organization under Section 12574 of the Health and Safety Code of the State of California
- Copy of Union City Business License
- \$200.00 clean-up deposit
- Certificate of insurance for general liability in the amount no less than \$1,000,000 combined bodily injury and property damage for each occurrence, naming the City of Union City, its officers, agents, elected officials, employees and volunteers as insured.
- Indemnification Declaration
- Completed Statement on permittee's use of fireworks sale proceeds from previous year.
- Distribution of Fireworks Stand Volunteer Roster to be returned by July 31.

Resolution No. 5405-18 is attached to provide further detail on the required documentation.



KEY DATES FOR FIREWORKS BOOTH PERMIT HOLDERS

- Deadline for complete packet submittals:
 - May 1 by 5:00 P.M
- Deadline for providing supplemental materials for applications found to be deficient or new booth location if original booth location is rejected by Fire Department.
 - June 1
- Booth Inspections
 - June 30
- Deadline for Removal of Temporary Structure and Debris:
 - July 7 by 5P.M.
- Deadline for the distributor to submit volunteer roster to City Clerk:
 - First business Monday following July 4.



Application to Sell State-Approved Fireworks

City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 471-3232

IMPORTANT: PLEASE READ: This form shall be submitted with a non-refundable application fee of \$75.00. All shaded areas shall be completely filled in using ink. Be sure to attach all required documents (see attached checklist). Failure to completely fill out all sections or attach all required documentation may cause application to be rejected. This form shall be submitted no later than 5:00 p.m. on May 1st of the year for which a fireworks permit is requested.

1. Organization Information

NAME OF ORGANIZATION:	Date Organized in Union City
MAILING ADDRESS:	ORGANIZATION ADDRESS:
MEETING PLACE:	CITY:

2. Organization Officers (youth groups must list leaders)

OFFICE HELD	ADDRESS	TELEPHONE
1.		
2.		
3.		

3. Stand Information

Proposed location of stand (please list address): _____

Was a permit issued to this applicant last year to sell State-Approved Fireworks? Yes No

Previous year stand location: _____

Source of Electrical Power: _____

Source of Refuse disposal: _____

ALL Contents to be removed nightly. _____
Initials

5. Certification

I, the applicant, certify that I have been furnished and am familiar with all requirements for operating such stand. On behalf of my organization, I agree to abide by these rules. I understand that failure to do so may result in rejection of my application and/or summary revocation of the permit. I further certify that the above referenced organization, if permitted, shall operate a temporary fireworks stand, in accordance with the attached rules and regulations. I further certify that said fireworks stand will neither sell nor purvey, nor suffer or permit any person to sell or purvey any "dangerous fireworks" as defined in Section 12505 of the Health and Safety Code. I understand that the City may revoke my fireworks sales permit at any time if it finds that any of the requirements are not being met and/or adhered to. I further agree to conduct our fireworks sale in an ethical manner, complying with all State and City regulations pertaining to the sale of State-approved fireworks. I further agree that upon completion of the sale, the temporary structure will be removed and the property cleared of all trash and other debris by 5:00 P.M. on July 7th.

All sales will **STOP** promptly at 9:00 P.M. on July 4th _____ (subject to citation if violated)
Initials

PRINT NAME _____ EMAIL ADDRESS _____

SIGNATURE _____ DATE _____

OFFICE USE ONLY	<p>FIRE CHIEF</p> <p><input type="checkbox"/> LOCATION APPROVED</p> <p><input type="checkbox"/> LOCATION DENIED</p> <p>INITIALS: _____</p> <p>DATE: _____</p>
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DECLARATION OF COMPLIANCE AS A NON-PROFIT ORGANIZATION IN THE CITY OF UNION CITY

1. The following are qualified to obtain a permit to sell safe and sane fireworks in the City of Union City (the “City”) pursuant to Union City Municipal Code Chapter 5.20:
 - a. Any non-profit association, religious, charity or corporation organized primarily for veteran, patriotic, welfare, civic betterment and/or charitable purposes having active 501(c)(3) status or corporations which have obtained tax exempt status from the State Franchise Tax Board under Section 27301(b), (d), (f), (g), or (l) of the Revenue and Taxation Code; or
 - b. An organization affiliated with and officially recognized by a school district that services in whole or in part the residents of Union City or a religious non-profit school located within the boundaries of Union City.
2. Eligible non-profit organizations must maintain a bonafide membership of at least 20 members, 50% of members must be Union City residents, and the organization must be organized and established within Union City for a minimum of one year continually prior to filing an application for a permit to sell safe and sane fireworks.
3. Only one organization per non-profit identification number and only one organization per school district/religious non-profit school shall receive a permit unless the organization received a permit prior to the effective date of City Council Resolution No. 2537-03. Such organizations are permitted to reapply for and renew permits for the ensuing years until the organization fails to apply for any one year or otherwise fails to comply with these Fireworks Regulations or any provisions of the Union City Municipal Code.

I _____ declare that the organization _____ qualifies as a non-profit organization that is eligible to apply for a permit to sell fireworks pursuant to Union City Municipal Code Chapter 5.20 and the Fireworks Regulations adopted by the City. I am authorized to make this agreement and, to the best of my knowledge and belief, all the information given herein is true, accurate, and complete. I understand that any materially falsified information, any failure to provide any necessary documentation, or any failure to perform any agreement or assurance will result in the rejection of the permit application for the current year.

Signed: _____
Fireworks Permittee Signature Date Fireworks Permittee Printed Name



**PROPERTY OWNER AGREEMENT AUTHORIZING USE OF
PROPERTY FOR FIREWORKS BOOTH**

Return completed application to:
City Clerk
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 675-5348

I, _____, hereby grant permission to
Property owner, or authorized agent, print full name

fireworks booth operator _____ the use of my property

located at: _____ in the City of Union

City for the sole purpose of locating a fireworks booth between the period June 30 – July 4,
2020.

Alameda County Assessor Parcel Number: _____.

I certify under penalty of perjury that I am the property owner or authorized leasing agent.

Signature

Date

Email address

Daytime Phone

Property owner/business owner (please circle one)

Street Address

City, State, Zip Code

Office Use Only

Approved by (Print Name): _____

Approval by Signature: _____

Date: _____



**PROPERTY OWNER AGREEMENT AUTHORIZING USE OF
PROPERTY FOR FIREWORKS STORAGE FACILITY**

Return completed application to:
City Clerk
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 675-5348

I, _____, hereby grant permission to
Property owner, or authorized agent, print full name
fireworks vendor _____ the use of my property located
at: _____ in the City of Union City for the
sole purpose of storing fireworks in a secure location between the period June 30 – July 5, ____.
Alameda County Assessor Parcel Number: _____.

I certify under penalty of perjury that I am the property owner or authorized leasing agent.

Signature

Date

Email address

Daytime Phone

Property owner/business owner (please circle one)

Street Address

City, State, Zip Code

Office Use Only

Approved by (Print Name): _____

Approval by Signature: _____

Date: _____



FIREWORKS SECURE STORAGE APPLICATION

Return completed form to:

City Clerk,
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 675-5348

Name of Fireworks Vendor _____

Business Address: _____

Name of Authorized Agent: _____

Email Authorized Agent: _____

24 hour emergency phone number of Authorized Agent, June 30 – July 5 _____

All fireworks must be removed from authorized fireworks booths after 10:00 P.M. July 1 – July 3, and after 9:00 P.M. on July 4. Fireworks may not be delivered to authorized fireworks booth locations before the hour of 7:00 A.M., July 1 – July 4. This application is for secure fireworks storage during the night hours July 1 – July 4.

Location of secure fireworks storage facility: _____

Attach two copies of scaled plot plan showing the location of the fireworks storage facility(ies); circulation plan showing the path of travel from public right-of-way, curb cuts or driveway to fireworks storage facility, loading and unloading area for fireworks; and the nearest available fire hydrants.

Name of property owner: _____

Include original Fireworks Secure Storage Property Owner Authorization form.

Full name of driver and Hazmat Driver Permit Number who will deliver fireworks to and from fireworks storage area and fireworks booth. Attach copy of Hazmat Drivers Permit _____

As authorized agent of fireworks vendor (print vendor name) _____,

I (print name) _____ certify the above information is true and correct. I have read the fireworks vendor responsibilities and I pledge to abide by the policies.

Signature

Date



**FIREWORKS SALES PROCEEDS
DISBURSEMENT CERTIFICATION**

Date: _____

Name of Organization: _____

Contact Person (Officer of Organization):

Contact Name: _____ **Address:** _____

Phone No.: _____ **Email:** _____

TOTAL GROSS RECEIPTS FROM SALE OF FIREWORKS YEAR 20__ : \$ _____

PROCEEDS USED TO REIMBURSE CITY FOR FIREWORKS EXPENSES IN 20__ : \$ _____

NET PROCEEDS EXPENDED ON ACTIVITIES OF NON-PROFIT IN 20__ : \$ _____

Please prepare a written statement of the intended use for any funds realized from the sale of fireworks in 20__:

I _____, on behalf of the aforementioned fireworks permit holder, certify under penalty of perjury that all fireworks proceeds were expended directly on activities of the organization holding the fireworks permit.

Name

Position in Organization

Signature

Date

Return original completed form with the Fireworks Application Form to: City Clerk, City of Union City, 34009 Alvarado-Niles Road, Union City, CA 94587



Procedures for Safe Booth Operation

1. Maintain clear entryways at both booth entrances.
2. Booth is to be staffed only by volunteers who are active members of the non-profit holding the booth permit and are 18 years or older.
3. No children in the booth at any time.
4. Booths that pass Fire Department inspection on June 30 may sell fireworks 9:00 am to 10:00 P.M. July 1 – 3, and from 8:00 A.M. to 9:00 P.M. July 4.
5. Maintain 25 foot perimeter around booth with No Parking.
6. Check ID of all persons who purchase fireworks to verify he or she is at least 18 years of age.
7. All volunteers sign volunteer roster at beginning of each shift.

I, _____ attest I am a
Print name and address

member and volunteer with the non-profit organization or sports team

_____ that has received a permit to
operate a fireworks booth located at _____.

I have read the procedures for safe operations of a fireworks booth and pledge to follow the procedures. I understand that the Fire Department has the authority to close a fireworks booth if volunteers fail to abide by safety procedures.

Signature



FIREWORKS STAND VOLUNTEER STAFFING LIST

Organization Name Fireworks Permit Holder:					
Stand Location:				Date of Event:	
Volunteer Time Slot	Volunteer Name and Signature	Volunteer Name and Signature	Volunteer Name and Signature	Volunteer Name and Signature	Volunteer Name and Signature
8:00 A.M. -9:00 A.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
9:00 A.M. -10:00 A.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
10:00 A.M. -11:00 A.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
11:00 A.M.-12:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
12:00 P.M. -1:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
1:00 P.M. -2:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
2:00 P.M. -3:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
3:00 P.M. -4:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
4:00 P.M. -5:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
5:00 P.M. -6:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
6:00 P.M. -7:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
7:00 P.M. -8:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
8:00 P.M. -9:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____
9:00 P.M.-10:00 P.M.	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____	Print: Sign _____

I _____, _____, with _____, certify under penalty of perjury that all persons staffing the fireworks
 Booth are volunteers and are directly affiliated with _____.

 (Name) (Position in non-profit) (Non-profit holding permit) Signature Date



FIREWORKS VENDOR RESPONSIBILITIES

1. Fireworks booth to be equipped with fire extinguisher for fireworks booth inspection by the Fire Department on June 30, 2020.
2. Provide all booth safety signage.
3. Provide 25 foot chalk radius around each booth and appropriate material to maintain 25 foot radius a **No Parking** area around booth.
4. Host orientation for non-profit volunteers prior to booth opening and explain best practices for safe booth operation.
5. Drill holes in rear of the booth to accommodate electrical cords to generator. Chalk the location of the generator in the rear of the booth.
6. Provide sufficient City prepared Best Fireworks Practices flyer that is to be distributed with all fireworks purchases.
7. Fireworks booth and debris removal by July, 7, 2020, 5:00 P.M.



Name of Organization Holding Permit (“Fireworks Permittee”)

**INDEMNIFICATION AND
HOLD HARMLESS AGREEMENT**

Between Fireworks Permittee and the City of Union City for the sale of safe and sane fireworks pursuant to Union City Municipal Code Chapter 5.20.

To the fullest extent allowed by law, Fireworks Permittee hereby agrees to, and shall indemnify and hold the City of Union City (the “City”), its elected and appointed boards, commissions, officers, agents, employees and volunteers (“Indemnitees”) harmless from any loss, liability, expense, claim, costs (including but not limited to attorneys’ and consultants’ fees and costs), suits and damages of every kind, nature and description directly or indirectly arising from the Fireworks Permittee’s operations and sale of safe and sane fireworks pursuant to Union City Municipal Code Chapter 5.20 and the Fireworks Regulations adopted by the City, except and to the extent caused by the sole negligence or willful misconduct of any of the Indemnitees. Activities involving the sale of safe and sane fireworks are to occur between July 1 and July 4. Fireworks Permittee agrees to, and shall defend the Indemnitees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of the aforesaid activities, except and to the extent caused by the sole negligence or willful misconduct of any of the Indemnitees.

I declare that I am authorized to make this agreement and, to the best of my knowledge and belief, all the information given herein is true, accurate, and complete. I have read and understand the above INDEMNIFICATION AND HOLD HARMLESS AGREEMENT and that this agreement shall be binding upon myself, my executors, heirs and assigns. This indemnification and hold harmless agreement shall exist for as long as the statutes of limitation for any claims, or causes of action, whether under state or Federal law, may be brought against the City.

Signed: _____
Fireworks Permittee Signature Date Fireworks Permittee Printed Name

RESOLUTION NO. 5405-18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AMENDING RESOLUTION NO. 2537-03 REGULATING THE USE OF STATE-APPROVED FIREWORKS

WHEREAS, Chapter 15.20.140 of the Union City Municipal Code provides that “[t]he sales and use of safe and sane and/or State-Approved fireworks shall be in accordance with Union City Municipal Code and the Fireworks Regulations adopted by the City Council, Resolution No. 2537-03, as they may from time to time be amended;” and

WHEREAS, the use of fireworks within the City presents a danger to public safety and is difficult to police; and

WHEREAS, the City currently regulates the sale of safe and sane fireworks pursuant to Resolution No. 2537-03 (the “Resolution”); and

WHEREAS, the City has previously amended the Resolution; and

WHEREAS, certain provisions of the Resolution are outdated and require clarification; and

WHEREAS, City staff engaged in a detailed review of the Resolution which led to the amendments to Resolution; and

WHEREAS, the City desires to clarify the provisions in the Resolution and revise existing provisions to reflect actual practice in the administration of the Fireworks Regulations and to modernize and more effectively administer the Fireworks Regulations; and

WHEREAS, the amendments to the Fireworks Regulations are shown in Exhibit A, which is attached and incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Union City does hereby approve the amendments to the Resolution, more particularly, amending the Fireworks Regulations as shown in attached Exhibit A, which is incorporated herein by reference.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 13th day of November, 2018 by the following vote:

AYES: Councilmembers Duncan, Gacoscos, Singh, Vice Mayor Ellis, Mayor Dutra-Vernaci
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:


CAROL DUTRA-VERNACI
Mayor

ATTESTED:


ANNA M. BROWN
City Clerk

APPROVED AS TO FORM:


KRISTOPHER J. KOKOTAYLO
City Attorney



Exhibit A

Fireworks Regulations

A. Fireworks.

1. State-approved fireworks (also known as “Safe and Sane Fireworks”) as defined by California Health and Safety Code Section 12529 may be sold within the City of Union City pursuant to these Fireworks Regulations.
2. Fireworks may not be used in City parks, on City streets or City property.
3. Fireworks may not be used east of Mission Boulevard within the City.
4. The City Manager is authorized to make and impose administrative interpretations and guidelines pursuant to these Regulations.

B. Definitions.

1. “Applicant” shall mean an organization that applies for a permit.
2. “City” shall mean the City of Union City.
3. “City Manager” shall mean the City Manager the City or his or her designee.
4. “Distributor” shall mean the fireworks vendor utilized by an organization for the sale of safe and sane fireworks pursuant to a permit.
5. “Fire Chief” shall mean the Fire Chief of the City or his or her designee.
6. “License” shall mean the “retails sales license” granted by the State Fire Marshal in accordance with California Health and Safety Code Section 12574.
7. “Police Chief” shall mean the Chief of Police of the City or his or her designee.
8. “Permit” shall mean that document issued by the City that authorizes the sale of safe and sane fireworks pursuant to these Fireworks Regulations.

9. "Permit Administrator" shall mean the person designated by the City Manager to administer the permit.
10. "Permittee" shall mean an organization issued a permit.
11. "State-approved fireworks" or "safe and sane fireworks" shall mean safe and sane fireworks as set forth in California Health and Safety Code Sections 12529 and 12562, as may be amended from time to time, and the relevant sections of Title 19, California Code of Regulations, Subchapter 6, as may be amended from time to time, which are hereby incorporated by reference.
12. "Non-profit organization" or "organization" shall mean the following:
 - a. Any non-profit association, religious, charity or corporation organized primarily for veteran, patriotic, welfare, civic betterment and/or charitable purposes having active 501(c)(3) status or corporations which have obtained tax exempt status from the State Franchise Tax Board under Section 27301(b), (d), (f), (g), or (l) of the Revenue and Taxation Code; or
 - b. An organization affiliated with and officially recognized by a school district that services in whole or in part the residents of Union City or a religious non-profit school located within the boundaries of Union City.

C. Permit Required.

Except as provided herein, no person or organization shall offer any fireworks for sale in the City without a permit. The permit requirement is in addition to the requirements imposed pursuant to California Health and Safety Code Section 12574 *et seq.*, as may be amended from time to time, with respect to the license issued by the State Fire Marshal.

1. Eligibility.

A permit shall only be issued to an organization. Only one organization per non-profit identification number and only one organization per school district/religious non-profit school shall receive a permit.

Each non-profit organization must maintain a membership of at least 20 members, 50% of members must be City residents, and the organization must have been organized and established within the City for a minimum of one year continually preceding the filing of the application for the permit.

The City reserves the right to require the applicant or permittee to submit a roster.

2. Application and Permit Requirements.

a. Application for permit.

Applications for a permit shall be accepted by the City between April 1 and May 1 of each calendar year. The completed application and other required materials must be received by the City no later than 5:00 p.m. on May 1 of each calendar year.

Applicants that are rejected following the initial review will have until June 15 to submit required application materials. If the application is rejected following resubmittal, no permit will be issued to that applicant for the current year. If the permittee or distributor has materially falsified any statement in the application, has failed to provide any document, perform any agreement, assurance or representation made in connection with the application, or fails to adequately complete all required documentation, the Permit Administrator may reject the application and no permit for a will be issued to that organization for the current year.

The application shall meet City requirements including, but not limited to, the following:

- (1) Be completed in writing on a form supplied by the City; and
- (2) Be accompanied by a non-refundable annually adjusted application fee; and
- (3) Be accompanied with a completed declaration of compliance certifying the applicant's status as a Section 501(c)(3) organization or as a Section 27301 organization as applicable; and
- (4) Be accompanied by two (2) copies of a plot plan showing the location of the temporary fireworks stand to the public right-of-way; curb cuts and/or driveways and identifying the nearest available fire hydrants; and
- (5) Be accompanied by a license; and
- (6) Be accompanied by a verification form regarding the accounting of the funds derived from the sale of fireworks from the previous year on a form provided by the Permit Administrator. The form shall verify that funds received from the sale of safe and sane fireworks were expended in compliance with these Fireworks Regulations and shall include a complete written statement of the applicant's intended use for any funds realized from the sale of safe and sane fireworks; and
- (7) Be accompanied by a signed, written approval of the current property owner and/or leasing agent for the proposed fireworks stand location that the fireworks stand shall be allowed on the property owner's property and include contact information for the property owner or leasing agent; and
- (8) Post a \$200.00 clean-up deposit which will be forfeited in the event the permittee fails to remove rubbish from the designated clean-up area by 5:00 p.m. on July 5 and/or if the permittee has not removed

said fireworks stand equipment and rubbish from the premises upon which the stand is located by 5:00 p.m. on July 7; and

- (9) Provide insurance in an amount and form required by the City that is endorsed to name the City of Union City, its City Council, and all City officers, agents, employees, volunteers and representatives as additional insured; and
- (10) Indemnify the City of Union City, its City Council, and all City officers, agents, employees, volunteers and representatives in a form required by the Permit Administrator.

b. Issuance of Permit.

- (1) The Permit Administrator shall issue the permit unless:
 - a) The applicant fails to submit any information or documents required by these Fireworks Regulations; or
 - b) The Permit Administrator finds that the applicant is not in compliance with the requirements of these Fireworks Regulations.
- (2) Prior to the installation of any fireworks stand for which a permit has been obtained:
 - a) The Fire Chief shall review the proposed location and may disapprove of the location if, in his or her sole discretion, a traffic hazard will be created by the proposed location; and
 - b) The Fire Chief shall review the proposed location and may disapprove of the location if, in his or her sole discretion, the location would pose a fire hazard or if the location is not in compliance with fire regulations.
- (3) If the Fire Chief disapproves of the location, the applicant shall have 5 business days to propose an alternate location with signed authorization from the landowner consenting to such use.

3. Revocations/Denials. The Permit Administrator, may reject an application and/or revoke immediately and without notice or hearing, the permit of any permittee who violates any of the following provisions: Section C.2.a.; Section D; or Section E.

The Permit Administrator, may, after reasonable notice and opportunity to correct, revoke the permit of any permittee who violates any other provision of these Fireworks Regulations.

4. Appeal. Applicants or permittees that are aggrieved by a decision of the Permit Administrator to reject applications or deny or revoke a permit may seek review by immediately submitting a written request to the City Manager. Within 15 business days of the decision by the Permit Administrator, the City Manager shall meet with the permittee and the Permit Administrator to review the decision. The decision of

the City Manager is final and shall be made within 5 business days of the meeting with the Permit Administrator and the permittee or applicant.

D. General Provisions.

1. Proceeds. The licensee shall use the net proceeds derived from its operations under the permit for only non-profit, charitable, or religious service projects that shall be of direct benefit to the residents of the City. Such net proceeds shall not be used: (1) to support political activities; (2) for property-related expenditures related to properties located outside of the City; (3) for contributions to national or regional; or (4) for any other purpose unrelated to a service project that directly benefits the City. The Permit Administrator shall have sole authority to determine whether the use of net proceeds complies with this provision.
2. Permits Issued Per Organization and Existing Permittees. No organization may receive more than one permit during any calendar year. Organizations that have received a permit prior to the effective date of Resolution No. 2537-03 and organizations with existing permits issued in excess of one permit per every 4,000 residents of the City as of the date of these Fireworks Regulations shall be permitted to reapply for and renew permits for the ensuing years until the organization fails to apply for any one year or otherwise fails to comply with these Fireworks Regulations or any provisions of the Union City Municipal Code.
3. Total Number of Permits. The maximum number of permits to be issued by City shall be equal to a ratio of one permit for every 4,000 residents of the City. No permits shall be issued to other organizations until the number of outstanding permits falls below the one permit per 4,000 residents ratio. At such time, additional permits shall be issued, but at no time shall the number of permits exceed this ratio. In the event that the number of permits issued falls below one permit per 4,000 residents, new organizations may submit applications. The vacancies shall be filled by an impartial drawing supervised by the Permit Administrator if the number of new applications exceeds the number of vacancies.
4. Fee. Following July 4 of each calendar year, distributors shall receive an invoice for the permit fee as calculated by Section D.5 directly from the City for each respective organization receiving fireworks from the distributor. The City shall also send a courtesy notice to the organization that failure to receive payment will result in forfeiture of the permit for subsequent years. The invoice must be paid within 30 days of the date of invoice. Permittees shall forfeit any permit issued for a distributor's failure to pay within 30 days of the date of invoice. The City shall send notice to the organization of a distributor's failure to pay at least 5 days prior to the due date of the invoice. Nothing herein shall prevent the organization from paying the invoice in lieu of the distributor. Permittees may reapply for a permit only after payment of the invoice in full. Permittees may appeal a decision to revoke a permit for failure to pay pursuant to the provisions in Section C.4.
5. Fee Calculation. The permit fee shall be calculated each year by the City and shall be based on a percentage of the permittee's (or its predecessor's) gross revenues during the current year from the sale of fireworks. The percentage shall be derived from the City's estimated reasonable cost of public services for administering the

permits and shall include, but not be limited to, staff time administering permits, staff time preparing the Public Education Plan and related materials, staff time related to the regulation of the sales, use, and cleanup of fireworks in the City, and business license fees for the organization, divided by the gross revenues derived from sale of fireworks, as disclosed by the applications for fireworks-sales permits for the current year. *Example:* The City's costs for staff time related to the permits is \$51,500. Gross revenues derived from fireworks sales in the City is calculated at \$1,000,000. The permit fee would be 5.15% of each permittee's gross revenues.

6. Fireworks Stand Staffing and Roster. No person other than individuals who are members of the organization, or the parents, wives or husbands or adult children of such members shall participate in the sale of fireworks at a fireworks stand. Fireworks stand operators must be at least 18 years of age. The organization shall not subcontract operation of the fireworks stand. On or before the first business Monday following July 4, the distributor must submit a roster on a form provided by the City of individuals that staffed the fireworks stand for that year and a signed statement from each volunteer attesting to understand fireworks booth safety procedures and to being a volunteer for the organization holding the booth permit. A violation of this provision shall result in the immediate revocation of the fireworks permit by the Permit Administrator.
7. Hours of Operation. Fireworks may be sold pursuant to these Fireworks Regulations between the hours of 8:00 a.m. and 10:00 p.m. on July 1-3 and between the hours of 8:00 a.m. and 9:00 p.m. on July 4.

E. Regulations for Fireworks Retail Structures.

1. Administrative Fireworks Stand Requirements.
 - a. All fireworks stands shall be erected in a manner approved by the Fire Chief in order to reasonably ensure the safety of attendants and patrons. The Fire Chief will permit the sales to begin and/or continue if each item shown or stated in the application packet is consistent with the conditions observed. A site inspection is required after the structure has been erected and prior to the commencement of sales. The first booth inspection to determine if the booth meets all safety criteria to sell fireworks shall be completed by June 30th. If the Fire Department approves the first booth inspection, sales may commence July 1. The permittee will not be allowed to begin operating if there are inconsistencies, omissions or changes from the approved plot plan or fire/life safety hazards are observed.
 - b. Each fireworks stand is subject to at least one (1) fire safety inspection during each day of sales. If, in the opinion of the Fire Chief, the construction or the location of a stand, or the conduct of operations therein do not conform to these provisions, the Fire Chief may order the stand immediately closed until such time as the stand does conform to the provisions herein. Among the items that are subject to inspection include but are not limited to: a fire extinguisher, safety signage, roster for daily booth staffing, statements from each volunteer

staffing the booth attesting to understanding the rules for safe booth operation and to being a volunteer in the organization holding the permit for the booth.

- c. Merchandise shall be displayed in a manner that it cannot be handled by patrons reaching over the selling counter or through other openings in the fireworks stand.
- d. Fireworks shall not be sold to anyone under 18 years of age. The organization shall require that a purchaser show proof of age when the purchaser appears to be under 30 years old. Sign(s) shall be posted on the outside of the fireworks stand indicating that there are no sales to minors. The sale or transfer of safe and sane fireworks to a person under 18 years of age shall result in immediate revocation of the permit. Such decision shall be immediately appealable in writing to the City Manager who shall conduct an informal hearing at the earliest opportunity during normal business hours.

2. Electrical Requirements.

- a. Any lighting appliances used in the fireworks stand must be safe and in good condition. All bulbs or fluorescent tubes must be shielded against accidental breakage or contact. No heating devices of any kind are permitted in or near fireworks stands.
- b. All electrical wiring, including the power source shall be maintained to the satisfaction of the City. Electrical wiring shall be at least twelve (12) feet above the ground when subject to foot traffic and sixteen feet (16) above the ground when subject to vehicle traffic.

3. Fireworks Stand Structural & Life Safety Requirements.

- a. Safe and sane fireworks shall only be sold from within a temporary fireworks stand.
- b. Each fireworks stand twenty-four feet in length and greater must have at least two exits. Each fireworks stand in excess of thirty-two feet in length must have at least three exits spaced equally along the length of the fireworks stand. In no case shall the distance between exits exceed twenty-four feet.
- c. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked when the fireworks stand is occupied. Doors of the fireworks stand shall not be locked on the outside while anyone is inside the fireworks stand. The door(s) may be latched in such a manner that will not cause any undue delay to anyone exiting in an emergency.
- d. The aisle or passageway in the fireworks stand must be kept clear and unobstructed so as not to impede anyone leaving the fireworks stand in an emergency.
- e. Decorative material, canvas tops, screening, and other similar items, shall be flame retardant or otherwise treated.
- f. No fireworks stand shall have a floor area in excess of 300 square feet.
- g. The permit must be prominently displayed inside the fireworks stand at all times.

- h. Each fireworks stand shall have one 2A pressurized water fire extinguisher and one 2A10BC dry chemical extinguisher with current approved State Fire Marshal's tags. The extinguishers shall be located near each exit.
- i. No smoking shall be allowed in any structure used for the sale and display of fireworks or within 50 feet of said structure.

4. Required Signage.

- a. All signage required by this Section E.4 shall have lettering that is red in color on a white background and letters that are at least 3 inches in height with a stroke of at least 1/2 inch.
- b. Permittees shall place signs on each fireworks stand that warn that illegal fireworks are prohibited in the City, that violators will be cited, the amount of citations and that the law will be strictly enforced. The signs shall also include a listing of areas within the City where fireworks cannot be used.
- c. "No Smoking" signs shall be posted inside and on the exterior entrance of fireworks stands.
- d. Signs stating the permitted operating hours of the fireworks stand shall be posted on the interior and exterior of the fireworks stand.
- e. No signage shall be posted in the public right-of-way.

5. Location & Placement.

- a. No vehicles shall be parked within 25 feet of a fireworks stand unless loading or unloading fireworks. The fireworks vendor shall identify a 25 foot circumference around the booth and provide the operator with the means to prevent vehicles from parking within 25 feet of the booth during the hours the booth is in operation.
- b. No fireworks stand shall be located within 30 feet of any other building.
- c. No combustible vegetation or storage is permitted within 25 feet of the fireworks stand.
- d. Any generators used for lighting shall be at least 25 feet away from the fireworks stand. The fireworks vendor shall identify a safe location for the generator and identify a safe path of travel for the cable from the generator through the back of the booth to the lights that power the lights in the booth.
- e. No flammable liquids, flammable gas storage or gasoline dispensing units are permitted within 100 feet of any fireworks stand.

6. Fireworks Handling & Cleanup.

- a. All unsold fireworks shall be removed from the fireworks stand each night by 12:00 a.m. and taken to the approved and secure overnight storage location.
- b. Fireworks may not be removed from the overnight storage site until 7:00 a.m. each day. Each permittee must check all fireworks into the overnight storage site by 12:00 a.m. each day.

- c. All litter from assigned clean-up areas shall be removed by 5:00 p.m. on July 5. All fireworks stands and accompanying litter shall be removed from the location by 5:00 p.m. on July 7.
- d. All drivers who transport fireworks must be hazmat certified and comply with hazardous materials regulations.
- e. Fireworks vendors shall comply with policies outlined in fireworks storage application and policies prepared by the City's staff.

7. Public Education.

- a. Permittees shall issue safety instructions with each sale that describes proper use of safe and sane fireworks and general safety practices for handling fireworks.
- b. The City shall prepare education materials for every school within the City for distribution to every student. These materials shall contain all information deemed necessary by the Permit Administrator and be provided to every school at least one month prior to the end of the school year.
- c. The City shall annually prepare a Public Education Plan related to the sale of safe and sane fireworks in the City. The plan shall illustrate how the public will be educated about the City's no tolerance policy for illegal fireworks and the proper use of State-approved fireworks. The plan shall: graphically identify all locations throughout the City where public education messages are to be displayed and/or posted; include education materials distributed to every school in the City; and provide that City approved signs will be posted on public property at all entrances to the City. These signs shall illustrate the City's "No Tolerance" position on illegal fireworks, that violators will be cited, what the citation fees are and that violations of the law will be strictly enforced. The signs shall also include a listing of areas within the City where fireworks are prohibited.