


FIRE PREVENTION MANUAL		
	Fireworks Stands	<u>EFFECTIVE DATE:</u> 01/01/2019
	<u>APPROVED BY:</u> Timothy V. Henry Fire Chief	<u>REVISED DATE:</u> 02/26/2020
		<u>NUMBER:</u> 401.007

PURPOSE

To outline and clarify the North Central Fire Protection District (District) and City of Kerman (KERMAN) policy regarding the possession, sale, use, and/or display of Safe and Sane and/or Illegal fireworks.

APPLICATION

This policy applies to organizations and corporations (vendors) interested in selling Safe and Sane fireworks within the District. The following outlines the application process, awarding stand permits, fireworks stand inspections, and storage of safe and sane fireworks.

OPERATIONAL POLICY

Any eligible District or KERMAN organization interested in selling Safe and Sane fireworks within the District and KERMAN must first obtain a current firework stand application from the fireworks vendor of their choice. All organizations re-apply every year for a permit and pay the annual permit fee.

The fireworks stand application will be available to the fireworks vendors beginning January 1, or the first business day thereafter, at the North Central Fire Protection District, Fire Prevention Division, 15850 W. Kearney Blvd., Kerman, Ca. 93630, between the hours of 7:30 a.m.-4:00 p.m.

The completed applications shall be returned to the North Central Fire District Fire Prevention Division, by the vendors, starting at 7:30 a.m. on the third Wednesday in February, and ending at 4:00 p.m. the same day.

To ensure acceptance of the application, the following must be provided and approved:

Name of Organization: Provide the complete title of the organization. Do not use abbreviations;

Organizations Headquarter Address: Provide the physical address of the organization's headquarters. The organization must be one which provides direct and regular community services and benefits to the citizens of the District (P.O. Boxes are not acceptable).

Contact Persons: List two (2) officers of the organization and provide a minimum of two (2) contact phone numbers for each officer;

Purpose of the Organization: Describe the services this organization provides to the community of the District or KERMÁN.

Identify the services or benefits provided to the citizens of the District or KERMÁN by your organization: Fill in the services or benefits your organization provides for the citizens of the District or KERMÁN

The application must be accurately completed, legible, signed, and submitted no later than the due date above;

All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks must meet all the provisions set forth in this entire section.

Fireworks vendors will bring the applications to be reviewed on a first come first serve basis on the third Wednesday in February starting at 7:30 a.m. and ending at 4:00 p.m. All applications submitted prior to 4:00 p.m. on the third Wednesday in February will be reviewed for approval within twenty-four (24) hours. Vendors will then be notified as to the approval or denial of the application by 4:00 p.m. the third Thursday in February;

Not meeting all requirements in this section by the due date and time, will be grounds for denial of the application;

The final decision for denial or approval of a firework's application will be that of the Chief and/or her/his designees.

Additional Supplemental Documentation Required: Supplemental documentation and requirements will be available to be picked up on the day of the drawing.

The following list of supplemental documentation is due the first Wednesday in May between the hours of 7:30 a.m. to 4:00 p.m. Vendors are to bring the following completed supplemental documents to the North Central Fire Prevention Division:

"Fireworks Stand Location and Fireworks Storage Location Sheet" (Appendix A);

The current stand locations are grandfathered in until 2012.

A currently dated "Property Owner's Release Form" signed by the property owner giving permission to erect a firework stand on their property. This form shall include the following:

- The organization to which permission is being granted.
- The property address for which permission is being granted.
- Verbiage stating the organization has permission to use the property for the location of a fireworks stand.
- Property owner's name and address.
- Property owner's signature and current date.

Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect, policies of insurance as required by the KERMANS Risk Manager or Risk Manager's designee. The policies of insurance shall name the KERMANS, its officers, officials, agents, employees and authorized volunteers as additional insureds. The applicant shall submit current proof of insurance in a manner authorized by the District or KERMANS Risk Manager's designee.

A dimensioned site plan (not to scale) containing all of the following;

- Drawing that indicates all areas within one hundred feet (100') of the proposed fireworks stand.
- Drawing that indicates all areas within one hundred feet (100') of the proposed storage container (If storage is located at the same location as the fireworks stand.)
- Drawing that indicates all adjacent buildings, property lines, burnable materials, grass or vegetation is not within thirty feet (30') of the fireworks stand.
- Drawing that indicates any gasoline pump or distribution point is at least one hundred feet (100') from the fireworks stand.
- Drawing that indicates the fireworks stand location is at least ten feet (10') from any public roadway or public sidewalk.
- Drawing that indicates the storage container is at least thirty feet (30') from the fireworks stand.

Every firework stand application for permit shall be accompanied by an Office of the State Fire Marshal Retail Fireworks Application (with current year's sticker);

Each applicant shall submit a Temporary Seller's permit valid through the end of the organization's sales date;

Each applicant shall execute an Indemnification and Hold Harmless Agreement as required by the Fire District or the City of Kerman Risk Manager's designee (Appendix C);

Each applicant which desires a firework stand in the KERMANS shall complete and submit a "Hold Harmless Agreement", an "Application for Fireworks Stand" and the KERMANS "Property Owner's Permission for Fireworks Stand" form (Appendix E);

Every application for a permit shall be accompanied by a nonrefundable application fee established by District Ordinance establishing a Master Fee Schedule.

A check or money order only, shall be submitted the day the supplemental documentation is due (on the first Wednesday in May) in the amount of \$626 or current fee, and made payable to the "North Central Fire Protection District". This is a non-refundable sum. Each permit shall be for only one (1) fireworks stand per eligible organization.

The City of Kerman application for firework stands along with a check or money order only, in the amount of forty dollars (\$40.00) payable to the "City of Kerman" for each qualified organization with a firework stand located in the City of Kerman. will be submitted to North Central Fire Protection District Headquarters located at 15850 W. Kearney Blvd., Kerman, CA 93630. This check or money order will be due at the time the supplemental documentation is due.

The organization is responsible for coordinating with the City of Kerman to obtain the permit and any additional paperwork.

Each fireworks vendor shall submit all supplemental documentation between the hours of 7:30 a.m. and 4:00 p.m. on the first Wednesday in May. North Central Fire Prevention coordinators will audit the supplemental documentation on the same day. All supplemental documentation will be reviewed within 24 hours;

All vendors will be notified via email or phone call no later than 4:00 p.m. the first Thursday in May regarding any incorrect or incomplete supplemental documentation;

Any supplemental documentation which is incorrect or incomplete must be resubmitted by the second Wednesday in May no later than 4:00 p.m. Supplemental documentation will be reviewed within twenty-four (24) hours. The vendor will be notified via email or telephone whether the supplemental documentation has been approved or denied;

If any other changes or corrections are required after the second Wednesday in May, fireworks coordinators will accept additional changes or corrections on the third Wednesday in May from 7:30 a.m. to 4:00 p.m. for a \$61 consultation fee per application. This fee will be due with the submittal of the documents;

There will be no corrections or changes accepted after 4:00 p.m. on the third Wednesday in May. If there is any incorrect or missing documentation at this time, fireworks coordinators will deny the permit for the fireworks season;

When all application requirements have been completed, the fireworks stand location has been approved, and Kerman Risk Management has approved the insurance certificate, the District shall authorize erection of a fireworks stand

Operator Safety Seminar:

Each year, one or more representatives from each organization and/or corporation granted a permit to sell and/or display fireworks shall attend a stand operator safety seminar conducted by the fireworks industry. Failure of an organization and/or corporation to have a responsible individual attend the seminar shall result in the revocation of their permit to sell and/or display fireworks;

Inspection Appointment and Responsibility of Organizations:

The organizations which have successfully submitted approved documentation will be responsible for calling the North Central Fire Prevention Division to schedule the date and time of their organization's initial fireworks stand inspection. The organization may only call on the fourth Wednesday in May, between the hours of 8:00 a.m. and 5:00 p.m. of the same day.

Fire Prevention can be contacted at (559) 878-4560.

These appointments are limited and will be assigned on a first come first service basis.

Appointments will be scheduled as follows:

June 28, 2020	8:00 a.m. - 4:00 p.m.
June 29, 2020	8:00 a.m. - 4:00 p.m.
June 30, 2020	8:00 a.m. - 4:00 p.m.
July 1, 2020	8:00 a.m. - 12:00 p.m.

Appointments will be available every half hour.

Fireworks Stand Inspection:

The initial inspection will be conducted on the day and time an organization has previously agreed to. If the organization is not at the fireworks stand or is not prepared for the initial inspection at the previously agreed time, the organization will be responsible for rescheduling an inspection time and date with the North Central Fire Prevention Division contact person within the approved inspection dates and times listed above;

Important:

Re-Inspections will be conducted on a first come first serve basis. If an organization requests a re-inspection, but has waited until all appointments are past or taken, the organization will not have an initial inspection and will not be granted a permit to sell Safe and Sane fireworks for the fireworks season.

If for any reason the North Central Fire Prevention Division must return to a fireworks stand for an initial inspection (due to product not being delivered, "no show", not ready for

initial inspection, etc.) there will be a re-inspection fee charged in the amount of eighty one dollars (\$81.)

This fee is payable to the “North Central Fire Protection District”, and must be submitted to the North Central Fire Prevention Division (15850 W Kearney Blvd, Kerman CA. 93630) prior to rescheduling the initial inspection. Inspectors will not accept checks in the field. If the fee is not paid and/or if a new appointment is not scheduled during the approved dates and times listed above, the affected organization will not receive a permit for the fireworks season.

The North Central Fire Prevention Division will not call organizations or vendors to schedule appointments. It is the responsibility of each organization to schedule an initial inspection or a re-inspection.

See Appendix D for a list of items which will be verified at the time of the initial inspection and during the daily inspections conducted by Fire Personnel;

Permits are only effective after the North Central Fire Prevention Division has conducted an initial inspection confirming compliance with all requirements. Engine companies are not authorized to conduct initial inspections and issue permits;

Once the permit is issued, it must be posted in a conspicuous location inside the fireworks stand during times of operation along with the following:

- State Fire Marshal’s license. (Original)
- Temporary Seller’s Permit from the State Board of Equalization.
- Certificate of Insurance.
- Name and contact information of at least two (2) people responsible for the operation of the fireworks stand.

Permits are not transferable to any other organization;

It is unlawful for any person to sell Safe and Sane fireworks within the District or Kerman without a permit issued by the Fire Chief or the Fire Chief's designee. If an organization is selling Safe and Sane fireworks without a permit, the individual or organization could face a fine of up to one thousand two hundred fifty dollars (\$1,250) and will no longer be eligible to sell Safe and Sane fireworks in the District or Kerman, for the current fireworks season;

If the same organization sells Safe and Sane fireworks a second time, without a permit, the organization will be eliminated from the participation of selling Safe and Sane fireworks for two (2) calendar years;

All officers, agents and employees of the eligible organization shall be responsible for compliance with all provisions of these standards.

Temporary Fireworks Stand:

All retail sales of Safe and Sane fireworks shall be permitted only from within a temporary firework stand. The sale from any other building, structure or vehicle is prohibited;

No fireworks stand shall be located within thirty feet (30') of any adjacent buildings or property lines, burnable materials, grass, paper, or vegetation;

No fireworks stand shall be located within one hundred feet (100') of any gasoline pump or distribution point;

Stands are preferred to be on paved surfaces, however, unpaved surfaces may be approved;

A thirty-foot (30') area surrounding the stand must be cleared of dried vegetation and maintained;

No other items, such as food or drinks shall be sold in conjunction with, inside or within thirty feet (30') of a fireworks stand;

No fireworks stand shall be located within ten feet (10') of any public roadway, public sidewalk, or in any location which does not otherwise meet with the approval of the District;

Fireworks stands may not obstruct any handicapped parking stall;

Vehicles may not be parked within ten feet (10') of a fireworks stand. Provide cones or blockage to indicate a "NO PARKING" area within ten feet (10') of the fireworks stand;

Fireworks stands need not comply with the provisions of the California Building Code, however, all stands shall be erected under the supervision of the fireworks vendor, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons;

If stands are operated at night, only electric lights may be used and the wiring must be installed by a licensed electrical contractor and shall meet the minimum requirements of the California Electrical Code. Open splices are prohibited and all wiring must be protected from physical damage and weather. No "Christmas" lights shall be used in or around the fireworks stands. Exposed light bulbs shall be protected with covers, cages or screens;

No stand shall have a floor area in excess of seven hundred fifty square feet (750');

Each stand shall have at least two (2) exits. The exits shall be located and provided on opposite sides. Each exit shall be at least thirty-two inches (32") wide, six feet eight inches (6'8") in height, shall swing in the direction of exit travel and shall be clear at all times;

Fireworks stands with three (3) sides and open from the back will not require exits;

The frame of a fireworks stand and the lower half can be wood or metal;

The area above the display counter can be wire mesh with solid sides or wire mesh all around. The front counter area open for sales shall be located four feet (4') from the bottom edge of the fireworks stand and continue for no more than 18 inches (18") in height for open area. The lath wire will continue to the roof;

The maximum fireworks stand length shall be no longer than thirty-two feet (32');

One approved multipurpose 2A:10BC portable fire extinguisher must be provided in the fireworks stand sale area. It must be in operating condition with an up-to-date inspection tag indicating that the fire extinguisher has been serviced within the past year;

Fireworks stands will be allowed to operate on property in the District which is currently developed and zoned for commercial use. Public safety, ingress, egress and adequate parking will be additional factors considered by the District before approving any site for fireworks sales;

Fireworks signs shall be limited and can only be affixed to the fireworks stands;

No signs shall be placed on public sidewalks, landscape setbacks, or create a traffic hazard. This includes sandwich boards (CITY OF KERMAN, MC§ 17.76.040.) There is a twenty-five-dollar (\$25) fee for each sign and for each day it is displayed;

Due to a possible traffic hazard, sales/advertising representatives will not be allowed on traffic medians;

Rotating beacons, strobe lights or similar devices are not allowed;

No advertising, emblems, flags, etc., shall rise above the roof line of a fireworks stand or any area surrounding the fireworks stand within one hundred feet (100'). Exception: Pennant flags supplied by the vendors are accepted if they are attached to the fireworks stand and used to restrict parking. Pennant flags are not allowed to be strung on any other building, pole or area within one hundred feet (100') of the fireworks stand;

No tarp or canopy shall be attached to or placed within two feet (2') of a fireworks stand;

Fireworks shall not be displayed or moved into the fireworks stand until the first day of allowed sales on June 28, at 12:00 p.m., or just prior to the initial inspection;

All temporary fireworks stand shall be disassembled and removed no later than July 8, at 5:00 p.m.

Operation of Fireworks Stands:

No fireworks stand shall operate prior to being issued a permit by the North Central Fire Prevention Division. If operation starts prior to issuance of the permit, there could be fines involved and/or the organization could be eliminated from selling fireworks in the District or KERMAN;

No person shall sell fireworks to any person under the age of eighteen (18);

The sale of Safe and Sane fireworks shall begin no earlier than noon on June 28, and shall not continue after noon on July 6, of the same year. The sale of Safe and Sane fireworks shall be permitted only from 9:00 a.m. to 10:00 p.m. daily, except on June 28, when the hours shall be 12:00 p.m. to 10:00 p.m., and on July 6, when the hours shall be 9:00 a.m. to noon;

No entity other than the permitted organization or corporation shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand;

No persons other than the individuals (volunteers) who are members of the permitted organization or corporation or the wives, husbands, parents or adult children of such members shall sell or otherwise participate in the sale and or display of Safe and Sane fireworks at such stand;

No person shall be paid any consideration by the permitted organization or any wholesale distributor of Safe and Sane fireworks for selling or otherwise participating in the sale of fireworks at such stand, provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on their property;

The person responsible for the fireworks stands shall instruct all workers who handle fireworks in any capacity of the hazards and with the rules and safety precautions governing fireworks;

Workers shall be trained in emergency procedures including use of the fire extinguisher (and may be tested at random);

No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within fireworks stand;

All persons within the fireworks stand or involved in the sale of Safe and Sane fireworks shall be at least eighteen (18) years of age. Proof must be shown at any time when requested by Fire officials. Failure to produce valid picture identification upon request may result in fireworks sales permit revocation for the remainder of the daily sales period, or a one-thousand two-hundred fifty dollars (\$1,250) fine;

Smoking shall be prohibited where fireworks are stored, handled or sold;

No sleeping inside a fireworks stand will be permitted at any time;

The premises shall be maintained in a clean, neat, and orderly condition at all times and be free from any condition that would create a fire hazard.

General Requirements for Permittees:

"NO SMOKING" signs shall be prominently displayed on all sides of the fireworks stand, in both English and Spanish. Each sign shall have the words "NO SMOKING" in red letters not less than two inches (2") in height with a minimum one-half inch (1/2") stroke on a white background;

No fuel-powered generator or similar equipment shall be allowed within ten feet (10') of a fireworks stand;

Permits are valid for one (1) year and organizations in receipt of a permit shall re-submit an application and supplemental documentation every year;

On site storage of fireworks shall be permitted in approved metal cargo style containers only, at a distance of no less than thirty feet (30') from the fireworks stand. Storage of fireworks in trucks or vans will be permitted during hours of sale only. The truck or van carrying or storing the fireworks shall be removed from the sales area and placed at a pre-approved and secure location. The pre-approval of such location will be by the California State Fire Marshal or the Fire Chief or the Fire Chiefs designee;

No person under eighteen (18) years of age shall purchase or sell "Safe and Sane" fireworks.

Safety Flyers:

All vendors will be required to supply the North Central Fire Prevention Division with a minimum of 200 safety flyers per fireworks stand sponsored by their organization. A colored sample of the flyer can be obtained from the Fire Prevention Division. These flyers are due to the Fire Prevention Division the first Wednesday in May.

Revocation of Permit:

The Fire Chief or the Fire Chiefs designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any section within this standard.

Administrative Fines:

In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, and or locations other than those permitted by this section are subject to an administrative

fine of not less than one-thousand two-hundred fifty dollars (\$1,250) for each such offense;

Any violation of these regulations or any District ordinance, or the terms and conditions of the permit, or State Law or Administrative Regulations, or safety rules shall be grounds for immediate revocation of the permit;

The officers, agents and employees of the eligible organization shall be responsible for compliance within all provisions of these regulations.

Seizure of Fireworks:

The Fire Chief or the Fire Chief's designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this standard operating procedure.

Appeal:

Put the code in the standard and it then becomes part of the standard and is not a municipal code that carries no weight in the District.

The denial of an application for a fireworks permit may be appealed pursuant to the District Board. If no appeal is filed within the time prescribed, the action of the Fire Chief or the Fire Chief's designee shall be final;

A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the District for any administrative citation and/or penalty issued for failure to comply with the provisions of this standard.

OPERATIONAL GUIDELINE

Refer to Operational Policy

PROCESS

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INFORMATION

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DEFINITIONS

Fireworks Vendors: TNT, Phantom, and/or California Fireworks.

NO PERSON, ORGANIZATION AND/OR VENDOR SHALL MISREPRESENT, ACT UNETHICALLY OR CONDUCT BUSINESS IN AN ILLEGAL MANNER REGARDING THIS STANDARD. IF AN INDIVIDUAL, ORGANIZATION AND/OR VENDOR MISREPRESENTS, ACTS UNETHICALLY OR CONDUCTS BUSINESS IN AN ILLEGAL MANNER REGARDING THIS STANDARD SAID PERSON, ORGANIZATION AND/OR VENDOR WILL NO LONGER BE ALLOWED TO CONDUCT BUSINESS WITH OR IN THE DISTRICT.

CROSS REFERENCES

California Health and Safety Code

Section 12500

Government Code

Section 53069.4

Health and Safety Code

Sections 12557, 12706 and 12505