	FRESNO COUNTY FIRE PROTECTION DISTRICT **Fire Prevention and Law Enforcement** **Standard Operating Procedures** **FIREWORKS STAND** **Effective: January 2013** **www.fresnocountyfire.org**

Subject: FIREWORKS STAND REQUIREMENTS/ ILLEGAL FIREWORKS

Scope: Possession, use, storage, sale and/or display of Safe and Sane and/or Illegal fireworks.

Purpose: To outline and clarify the Fresno County Fire Protection District policy regarding the possession, sale, use and/or display of Safe and Sane and/or Illegal fireworks.

Reference: California Health and Safety Code, Section 12500; Government Code, Section 53069.4; Health and Safety Code, Section 12557; Health and Safety Code, Section 12706; and Health and Safety Code, Section 12505.

SAFE AND SANE FIREWORKS

An organization or business entity interested in selling Safe and Sane fireworks within the jurisdiction of the Fresno County Fire Protection District (FCFPD) must first obtain a current FCFPD fireworks stand application from any fireworks vendor registered with the California State Fire Marshal or contact the FCFPD Prevention Office.

The fireworks stand application will be available to the fireworks vendors beginning ***January 1st*** or the first business day thereafter and will also be available online at: www.fresnocountyfire.org.

The completed applications shall be returned to the FCFPD Prevention Office, by the fireworks vendors during the ***fourth Tuesday and Thursday of April*** between the hours of 8:30a.m. – 3:00p.m. Please contact the FCFPD Prevention Office at (559) 493-4359 to schedule an appointment.

1. **Federal Tax ID Number:** Fill in the organization's Federal Tax ID number and the state in which the tax exemption was issued**. (Copies are no longer required)**

   Take the following steps to verify all Federal Tax ID numbers prior to submittal of the application to the Fresno County Fire Protection District.
   - Go to: **http://apps.irs.gov/app/eos/revokeSearch.do?searchChoice=pub78&dispatchMethod=selectSearch**. (If you are in this document electronically hold the CTRL key and click on the link.)
   - Once on the website, scroll down to the boxes which contain the excel tables for each state.
   - Under the state in which the tax exemption was issued, click the letter which corresponds with the name of the organization. This will open an excel spreadsheet. While in the excel spreadsheet hold down the CTRL button on your keyboard, and press the "F" key. This will bring up a "find and replace box".
   - Search by Tax Id number. Type in the Tax Id number without any dashes and click Find Next. If the Tax Id number is in the spreadsheet it will take you to that cell.
   - Scroll to the left to verify the name. Do not verify by the organization name without verifying by the Tax ID number.

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

3. Not meeting all requirements in this section by the due date and time, will be grounds for denial of the application and no permit will be issued.

4. The final decision for denial or approval of a fireworks application will be up to the Fire Chief or designee.

Additional supplemental documentation required:

The following list of supplemental documentation is due the ***third Tuesday in May.*** Appointments will be made by the vendors with Fire Prevention personnel on this day to review all documents starting at 8:30 a.m. Vendors will wait while supplemental documentation is being reviewed. If any corrections need to be made Fire Prevention personnel will give the vendor the documentation to correct. Corrections will be accepted until 3:00 p.m. the next day. Any supplemental documents still incomplete or incorrect will be reviewed again on the ***fourth Tuesday in May*** by appointment only from 8:30a.m to 3:00p.m.

Vendors are to bring the following completed supplemental documents to the FCFPD Prevention Office:

1. "Fireworks Stand Location and Fireworks Storage Location form"; **(Appendix A)**

- Fireworks stands will be allowed only on property within the jurisdiction of the FCFPD. Public safety, ingress, egress and adequate parking will be additional factors considered by the Fire Department before approving any site for fireworks sales.
- The stand location must meet the zoning requirements set by the county of Fresno. **(Appendix E)**

2. A currently dated "Property Owner's Release", signed by the property owner, giving permission to erect a fireworks 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, address and contact phone number.
    - Property owner's signature and current date signed.

3. Throughout the life of the permit, the applicant shall pay for and maintain in full force and effect, policies of insurance. The policies of insurance shall name FCFPD, its officers, officials, agents, employees and authorized volunteers as additional insures. The applicant shall submit current proof of insurance. **(Appendix B)**;

4. 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.
    - Drawing that indicates all adjacent buildings, property lines; burnable materials, grass or vegetation is not within thirty feet (**35'**) 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 (**35'**) from the fireworks stand and any other building.

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

6. Each applicant shall submit a Temporary Seller's Permit valid through the end of the organizations sales date;

7. Each applicant shall execute an Indemnification and Hold Harmless Agreement as required by the FCFPD. **(Appendix C)**;

8. Every application for a permit shall be accompanied by a nonrefundable application fee. The fireworks season permit will be four hundred and fourteen dollars ($414.00 or current fee) made payable to Fresno County Fire Protection District. This is a non-refundable sum. Each permit shall be for only one (1) fireworks stand.

   When all application requirements have been completed, the fireworks stand location has been approved and the Fire Department shall authorize erection of a fireworks stand.

Inspection Appointment: ORGANIZATION RESPONSIBILITY

1. The organizations which have successfully submitted approved documentation will be responsible for calling the FCFPD Prevention Office at (559) 493-4359 to schedule the date and time of their organization's initial fireworks stand inspection. The organization may ONLY call on the ***first Wednesday in June**, between the hours of 8:30 a.m. and 4:00 p.m. the same day.*

   - These appointments are limited and will be assigned on a first come first service basis;
   - Appointments will be scheduled as follows:
     June 28th thru July 1st from 8:00 a.m. - 5:00 p.m.
   - Appointments will be available every half hour.

Fireworks Stand Inspection:

1. The initial inspection will be conducted on the day and time the organization has previously agreed to. There will be no inspections or re-inspections conducted after July 1st at 5:00p.m., without prior arrangements.

2. 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 Prevention Personnel;

3. Permits are only effective after FCFPD personnel have conducted the initial inspection confirming compliance with all requirements;

4. 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.
   - Temporary Seller's Permit from the State Board of Equalization.
   - Certificate of Insurance.
   - Name and contact information of at least two people responsible for the operation of the fireworks stand.

5. Permits are not transferable to any other organization;

6. It is unlawful for any person to sell Safe and Sane fireworks within the FCFPD limits without a permit issued by the Fire Chief or designee. If an organization is selling Safe and Sane fireworks without a permit the individual or organization could face criminal charges.

7. It is unlawful for any person to sell or transfer any Safe and Sane fireworks to a consumer or user from any place other than a currently permitted fireworks booth. The sale of safe and sane fireworks and/or money

(s) for those fireworks shall only be exchanged in a temporary fireworks booth which has been currently permitted by the FCFPD.

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

Temporary fireworks stand:

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

2. Stands are preferred to be on paved surfaces, however, unpaved surfaces may be approved as long as dry vegetation has been cleared under and around for a distance of thirty-five feet (35');

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

4. Fireworks stands may not obstruct any handicapped parking stall;

5. 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;

6. 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. Exposed light bulbs shall be protected with covers, cages or screens;

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

8. Each fireworks stand shall have at least two exits. The exits shall be located and provided on opposite sides. Each exit shall be at least 32" wide, 6' 8" in height, shall swing in the direction of exit travel and shall be clear at all times;

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

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

11. 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 4' from the bottom edge of the fireworks stand and continue for no more than 18" in height for open area. The lath wire will continue to the roof;

12. The maximum fireworks stand length shall be no longer than forty feet (40');

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

14. Fireworks signs, sandwich boards and advertisements shall be limited to the booth and no more than thirty feet (30') surrounding the booth.

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

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

17. No tarp or canopy shall be attached to or placed within two feet (2') of a fireworks stand, shall not be larger than the fireworks stand and if the canopy is larger than 20'X20' there shall be a tag on the canopy showing it is flame retardant treated;

18. 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;

19. All temporary fireworks stands shall be disassembled and removed no later than ***July 8th at 5:00 p.m.***

Operation of fireworks stand:

1. No person shall sell fireworks to any person under the age of sixteen (16);

2. The sale of Safe and Sane fireworks shall begin no earlier than **noon on June 28th** and shall not continue after **noon on July 6th** of the same year.

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

4. No persons other than the individuals (volunteers) who are members of the permitted organization or business or the spouses, immediate family, 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;

5. 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;

6. 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;

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

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

9. All persons involved in the sale of Safe and Sane fireworks shall be at least 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. Any person 16 or 17 year olds, who is affiliated with the organization, may help stock and work in the fireworks stand but not handle the money or sell Safe and Sane fireworks;

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

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

12. The premises shall be maintained in a clean, neat and orderly condition at all times and is free from any condition that would create a fire hazard. Empty boxes are not to be stored behind the fireworks booth;

General requirements for permittees:

1. "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;

2. No fuel-powered or similar equipment shall be allowed within thirty-five feet (35') of a fireworks stand;

3. On site storage of fireworks shall be permitted in approved metal cargo style containers only (sea-train or ISO conex), at a distance of no less than thirty five feet (35') from the fireworks stand. Storage of fireworks in the fireworks stand, trucks or vans will be permitted only when there will be 24 hours security or a responsible party on site 24 hours a day;

4. Safe and Sane fireworks can be used or discharged in the Fresno County Fire Protection District 365 days a year, except east of the Friant-Kern Canal and west of Interstate 5.

Revocation of permit:

1. The Fire Chief or designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any section within this Standard or the Health & Safety Code.

Seizure of fireworks:

The Fire Chief or designee shall seize, take, remove or cause to be removed and destroy, 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 or Health & Safety Code.