



1 control shall be in violation of this section, irrespective of such person's intent,  
2 knowledge or negligence, said violation hereby being expressly declared a  
strict liability offense.

3 **6.32.020 - Definitions.**

4 For the purpose of this chapter, unless otherwise apparent from the context, certain words  
5 and phrases used in this chapter are defined as follows:

6 "Based in Colton" means primarily operating within the city limits of Colton and  
7 comprised of and for the benefit of the residents of the city.

8 "Church" means a state-certified tax exempt religious organization.

9 "Civic Organization" means a state-certified nonprofit organization organized primarily  
10 for charitable purposes.

11 "Fire Chief" means to include his/her authorized representatives.

12 "New" group or organization is a church, civic or youth organization that has not been  
13 issued a fireworks license the previous two years pursuant to a City Council Resolution.

14 "State certified" means an organization recognized as exempt from Federal income tax  
15 under section 501(c) (3) of the Internal Revenue Code. "Youth Organization" means a state  
16 certified private organization organized for the purpose of participating in organized sports or  
17 civic activities consisting of at least twenty individual members whose maximum age does not  
18 exceed eighteen years of age. In addition, seventy-five percent or more of the members shall  
19 be residents of the City of Colton.

20 **6.32.030 - Sale—License—Required.**

21 Except as provided herein, no person shall offer for sale or sell at retail any fireworks of  
22 any kind in the city without having first applied for and received a license therefor.

23 **6.32.040 - Sale—License—Application requirements.**

24 Applications for a license to sell fireworks shall:

- 25 A. Be made in writing accompanied by a nonrefundable application fee of one  
26 hundred dollars. The fee will be used to defray the administrative costs of the  
27 fireworks program;
- 28 B. Be made between the third and tenth day of May each year, except when the  
last day falls on a Friday, Saturday or Sunday, the following business day shall  
be determined to be the last day;
- C. Set forth the proposed location of the fireworks stand applied for. The stands  
must be on private property located in a commercial or industrial zone and the  
written permission of the owner of record or lessee must accompany the  
application;
- D. Be accompanied by an assurance that, if the license is issued to applicant,  
applicant shall, at the time of receipt of the license, deliver to the Fire  
Department of the city, three hundred thousand dollars public liability and fifty  
thousand dollars property damage insurance certificates designating the city as

1 an additional insured thereunder, and a copy of the requisite license from the  
2 State Fire Marshal;

- 3 E. Make written application to the City's Fire Department, Fire Safety Division at  
4 least ten days prior to booth opening for a permit as required by Section 12643  
of the Health and Safety Code, Regulations from the California Administrative  
Code, Title 19, Public Safety.

5 **6.32.050 - Sale—License—Prerequisites to Issuance—Restrictions.**

6 The Following qualifications must be met by each applicant for a license issued under  
7 this chapter:

- 8 A. No license shall be issued to any person, firm or corporation except state-  
certified churches, civic and youth organizations.
- 9 B. Each such organization must have its principal and permanent meeting place in  
10 the corporate limits of the city; must maintain a bona fide membership of at  
11 least twenty members; and must have been organized and established in the  
city's corporate limits for a minimum of two years continuously preceding the  
12 filing of the application for the license.
- 13 C. An organization applying for a license shall represent the undivided entirety or  
14 base group and shall not be permitted to separate into an aggregation of  
15 subgroups or clubs affiliated with the parent organization. The entire individual  
16 group, club or organization associated with an Institution or organization shall  
be considered as one single applicant. The intent and purpose for treating all  
17 organizations as a single entity is to insure that the selection process is  
equitable and that no one organization with multiple subgroups will have an  
18 unfair advantage over other single purpose organizations.
- 19 D. Where such organization's principal purpose is the advancement of youth's  
interests such as sports organizations, only bona fide, currently registered  
20 youth members of such organization shall be counted as "members" for the  
purposes of subsection B of this section.
- 21 E. No less than ninety percent of the proceeds derived from the sale of fireworks  
22 in the city by the organization shall be utilized for the direct advancement of  
charitable, religious, youth or civic purposes of such organization.
- 23 F. No organization may receive more than one license for fireworks sale during  
any one calendar year.
- 24 G. One license may be issued to two or more qualifying applicants as a joint  
25 venture.
- 26 H. Bylaws of organizations and verification of current 501(c) (3) Tax Exempt  
status must be provided with any application submitted under this chapter.

27 **6.32.060 - Allocation of licenses by category of organization.**

28 Each calendar year, a maximum total of fifteen licenses may be issued by the city. Those  
licenses shall be distributed to qualified church, youth or civic organizations as determined by  
resolution of the City Council:

1 **6.32.070 - Allocation of licenses.**

2 All applications received shall be reviewed for compliance with this chapter by a  
3 committee consisting of one representative from the Fire Department, one representative from  
4 the Community Services Department and one representative from the City Manager's Office.

5 All newly approved applications shall be forwarded to the City Council for consideration  
6 and appointment by resolution.

7 **6.32.080 - Sale—License—Notice of grant or denial.**

8 Applicants for any such license shall be notified by the Fire Department of the city by  
9 May 31<sup>st</sup> of the acceptance or rejection of such application for license.

10 **6.32.090 - Temporary Sales tax Permit required.**

11 Organizations licensed for the selling of fireworks are required to obtain a Temporary  
12 Sales Tax Permit from the regional office of the State Board of Equalization.

13 **6.32.100 - Display of license and Sales tax Permit.**

14 License to sell fireworks and Temporary Sales Tax Permit shall be displayed in a  
15 prominent place in the fireworks stand.

16 **6.32.110 - Sale—Operation regulations.**

- 17 A. No person other than the licensee organization shall operate the stand for  
18 which the license is issued or share or otherwise participate in the profits of the  
19 operation of such stand.

20 EXCEPTION: Except as allowed by Section 6.32.050G.

- 21 B. No person other than the individuals who are members of the licensee  
22 organization, or the wives or husbands or children sixteen years of age or older  
23 of such members, shall sell fireworks at such stand.

24 EXCEPTION: Except as allowed by Section 6.32.050G.

- 25 C. No person shall be paid any consideration for selling or otherwise participating  
26 in the sale of fireworks at such stand.

- 27 D. Licensee shall sell only at the stand described in its application. A licensee  
28 shall not operate more than one stand.

**6.32.120 - Temporary stand—Requirements.**

All retail sales of "Safe and Sane" fireworks shall be permitted only for within a  
temporary fireworks stand and sales from any other building or structure is prohibited.  
Temporary stands shall be subject to the following provisions:

- A. The temporary stand's site location shall be approved the Fire Department.

- B. Temporary fireworks stands shall be constructed entirely out of metal or  
synthetic materials or demonstrated low flammability and shall have metal

1 flooring attached. Temporary fireworks stands need not comply with the  
2 provisions of the City Building Code; provided, however, that all stands shall  
3 be erected under the supervision of the Building Official and shall be  
4 constructed in a manner that will reasonably ensure the safety of attendants and  
5 patrons.

- 6 C. No fireworks stand shall be located within twenty-five feet of any other  
7 building or within one hundred feet of any fuel dispensing operations.
- 8 D. No stand shall have a floor area in excess of four hundred square feet.
- 9 E. Each stand in excess of twenty-four feet in length must have at least two exits;  
10 and each stand in excess of forty feet in length must have at least three exits  
11 spaced approximately equidistantly apart; provided, however, that in no case  
12 shall the distance between exits exceed twenty-four feet.
- 13 F. Each stand shall be provided with a minimum of two, two and one-half gallon  
14 pressurized water type portable fire extinguishers or two ABC dry chemical  
15 type portable fire extinguishers with a minimum rating of 2A10BC.
- 16 G. There shall be no other structures or containers for the storage of surplus  
17 fireworks allowed at the site.

18 **6.32.130 - Sale—General requirements—Deposit or bond required.**

- 19 A. All weeds and combustible material shall be cleared from the location  
20 of the stand including a distance of at least twenty-five feet surrounding the  
21 stand.
- 22 B. "No Smoking" signs shall be prominently displayed on the fireworks stand.
- 23 C. Each stand must have an adult in attendance and in charge thereof while  
24 fireworks are stored therein. Sleeping or remaining in stand after close of  
25 business each day is forbidden.
- 26 D. The sale of fireworks shall not begin before noon on the twenty-eighth day of  
27 June and shall not continue after midnight on the fifth day of July.
- 28 E. All unsold stock and accompanying litter shall be removed from the location  
by five p.m. on the sixth day of July.
- F. The fireworks stands shall be removed from the temporary location by noon on  
the fourteenth day of July and all accompanying litter shall be cleared from the  
location by said time and date.
- G. Prior to the issuance of a license, each applicant shall file with the Fire  
Department a cash deposit, certificate of deposit or a surety bond made payable  
to the city in the amount of one hundred dollars to assure compliance with the  
provisions of this chapter. Such deposit or certificate shall be refundable upon  
compliance with the provisions and requirements of this chapter, including but  
not limited to the removal of the stand and the cleaning of the site. In the event  
the licensee does not so comply or remove the stand or clean the site, in a  
matter required by Fire Chief, the city may do so, or cause the same to be done

1 by other persons, and the reasonable cost thereof shall be a charge against the  
2 licensee and his surety and the deposit, certificate or bond.

3 H. Portable generators when used for temporary electrical service shall be located  
4 a minimum of twenty-five feet from the fireworks booth when in operation.

5 I. A clear space of twenty-five feet shall be maintained around all portions of the  
6 fireworks booth by the use of barrier tape, signs or other suitable means as  
7 approved by the Fire Chief.

8 J. The Fire Department issued permit shall be prominently displayed in each  
9 fireworks stand.

10 K. All accumulated litter and trash shall be removed from the booth daily.

11 **6.32.140 - Discharge—Prohibitions.**

12 It is unlawful for any person to ignite, explode, project, or otherwise fire or use, any  
13 fireworks, or permit the ignition, explosion or projection thereof, upon or over or onto the  
14 property of another without his consent, or to ignite, explode, project or otherwise fire or  
15 make use of, any fireworks within ten feet of any residence, dwelling or other structure used  
16 as a place of habitation by human beings.

17 **6.32.150 - Discharge—Permitted where.**

18 A. The use of "Safe and Sane" Fireworks, as defined by the Health and Safety  
19 Code, Section 12529, in the city shall be limited to private property except as  
20 otherwise provided herein. No fireworks shall be discharged on public,  
21 semipublic or private open areas such as parking lots, vacant properties or in a  
22 public street or right-of-way, except in public parks and those areas approved  
23 by the Chief of the Fire Department.

24 B. It is unlawful for any person to allow or permit a fire nuisance as defined by  
25 Section 12510 of the Health and Safety Code. No fireworks shall be discharged  
26 in any high fire hazard areas within the City as determined by the Fire Chief.

27 **6.32.160 - Provisions of chapter additional to State Law—Applicability of Chapter  
28 15.16.**

A. The provisions of this chapter are in addition to applicable State Law,  
including the California Administrative Code, Title 19, Article 5, Section 993,  
which requires a license from the State Fire Marshal. Each package of  
fireworks shall be marked as "Safe and Sane" fireworks and shall bear the  
State Fire Marshal's classification label.

B. All criminal and administrative penalties that apply to violations of this chapter  
shall also apply to any violation of Chapter 15.16 of this Code.

**6.32.170 - Violation—Penalty.**

Persons violating this chapter shall be deemed guilty of a misdemeanor and upon  
conviction thereof, shall be punished by a fine not to exceed one thousand dollars, or by  
imprisonment in the City or County Jail for a period not exceeding six months, or by both  
such fine and imprisonment. Further, the license shall be revoked.

