

## CHAPTER 8

## FIRE PREVENTION

(For state law as to fires and fire protection generally, see H. & S. C., S. 1300 et seq. As to fire protection by cities, see Gov. C., SS 38600 to 38611. As to building regulations generally, see Ch. 6 of this Code.)

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#### Article I. In General

- 8-1 Damaging fire alarm system. It shall be unlawful for any person to cut or in any manner disable, interfere with or make inoperative any of the wires, guy wires, boxes, bell, tower or any other appliance connected with the fire alarm system of the city; provided, that when it becomes necessary for any person engaged in removing houses, or other structures, or any threshing or bailing outfit, to cut any of the wires or guy wires of the alarm system to let the same pass, such person shall give a notice of at least twelve hours to the chief or acting chief of the fire department, and such person so cutting any of the wires or guy wires shall not permit them to remain cut for a longer period than one hour, and such person so cutting the wires or guy wires must at their own expense repair the same to the satisfaction of the chief or acting chief of the fire department.

(Ord. 48)

#### Article II. Burning of Brush, Rubbish, etc.

8-2. Prohibited, generally. It shall be unlawful for any person in the City to burn any brush, grass, weeds, paper or other rubbish or material or vegetation of any kind whatsoever, or to make, build or burn any material within any street, alley, park, private property or place in the City. (Ord. 799)

8-3. Burning in receptacles prohibited. It shall be unlawful to burn brush, grass, weeds, paper or other rubbish or material or vegetation in any receptacle within the City. (Ord. 459)

8-4. Open fires. (Ord. 378 repealed by Ord. 459)

8-5. Supervision of fires. (Ord 378 repealed by Ord. 459)

8-6. Responsibility of property owner. The owner of property on which any fire is burning or smoldering, and the owner of any receptacle in which any fire is burning or smoldering, shall be conclusively presumed to be the person responsible for the fire and for any violation of this article occasioned by such fire. (Ord. 459)

### Article III. Fire Department

8-7. Established; composition. A fire department of the city is hereby created and established which shall be known as “the Imperial Fire Department” and which shall consist of a chief of the fire department and such other firemen as shall be appointed by the city council. (Ord. 199)

8-8. Reports of chief. The chief of the fire department shall report to the city council annually on the first Monday in march of each year, the number, location and condition of fire plugs, fire hydrants, cisterns and fire apparatus; and the state of the department, and of all property of the city in the keeping of the department; also all accidents by fire which have taken place, with the cause thereof, and the description of the property destroyed or injured, with the owner’s name and the amount of the loss and insurance; also all such other information and such recommendation as he may deem proper. He shall inquire into the causes of all fires. (Ord. 199)

8-9. Liability incurred by city. No liability shall be incurred against the city, except such as shall be first ordered or approved by the city council. (Ord. 199)

8-10. Removal of officer or member. The city council may, for cause, remove or expel any officer or member of the fire department. (Ord. 199)

8-11. Oath of office of chief. The chief of the fire department shall after his appointment take and file with the city clerk the constitutional oath of office. (Ord. 199)

8-12. Command; obedience to orders; supervision of department property. The chief of the fire department shall have command of the department at all times. All members of the fire department shall obey the orders of the officer in charge at any fire and to turn out to all fires. The chief shall have charge, subject to the order of the city council of all property of the department. (Ord. 199)

8-13. Rules and regulations. All officers and members of the fire department shall be subject to the rules and regulations contained in this article, or which may from time to time be established by the city council. (Ord. 199)

8-14. Minimum age of member. No person shall be a member of the fire department who is not at least eighteen years of age. (Ord. 199)

8-15. Taking apparatus outside city. None of the fire apparatus of the fire department shall be taken out of the limits of the city without the consent of the city council; except in the case of a fire, and then only by the order of the chief of the fire department. (Ord. 199)

8-16. Notification as to repairs to apparatus, etc.; communications with city council. The chief of the fire department shall be notified at once of any necessary repairs to any house, apparatus, etc., and all such communications to the city council shall pass through the hands of such officer for his approval or disapproval, before coming before the council. (Ord. 199)

8-17. Compensation of members. The members of the fire department shall receive such compensation as the city council may authorize. (Ord. 199)

8-18. Responsibility for maintenance of apparatus. It shall be the duty of the chief of the fire department to see that all apparatus is properly cleaned and placed at their proper stations and that all tanks are filled with chemical, and that the apparatus is put into proper condition for immediate use. (Ord. 199)

#### Article IV. Uniform Fire Code

8-19. Adoption of Uniform Fire Code. The edition of the Uniform Fire Code, including all appendices thereto, and the Uniform fire Code Standards most recently published by the Western Fire Chiefs Association and the International Conference of Building Officials is hereby incorporated by reference and adopted as part of the Ordinances of the City of Imperial. (Ord. 718)

8-20. Definitions.

A. Whenever the word “administrator” is used in this Code, it shall be held to mean the City manager.

B. Whenever the word “building official” is used in this Code, it shall be held to mean the Community Development Director or the director’s duly authorized representative.

C. Whenever the term “corporation counsel” is used in this Code, it shall be held to mean the county’s district attorney or city attorney, depending on the nature of the reference.

D. Whenever the word “jurisdiction” or phrase “jurisdictional area” is used in this Code, it shall be held to mean all the incorporated areas of the City of Imperial.

E. Whenever the term “zone” is used in this Code, it shall refer to a specific land use zone as described in the Municipal Code for the City of Imperial. (Ord. 718)

8-21. Storage of flammable or combustible liquids in outside aboveground tanks prohibited when.

A. the limits referred to Article 79, Section 7902.2.2 of the California Fire Code, in which Class 1 flammable liquids in outside aboveground tanks is prohibited, are established as zone RR, RL, R-1, R-C, R-A, C-1, VC and MHP.

B. The limits referred to in Article 79, Section 7904.2.5.4.2 of the California Fire Code regarding new bulk plants for storage of flammable or combustible liquids are established to include all land use zones described in the City of Imperial Municipal Code, except zone I-2. (Ord. 718)

8-22. Bulk storage of liquefied petroleum gases restricted when. The limits referred to in Article 82, Section 8204 of the California Fire Code in which bulk storage of liquefied petroleum is restricted are established to include all specific land use zone as described in the City of Imperial Municipal Code, except zone I-2. (Ord. 718)

8-23. Storage of explosives and blasting agents prohibited when. The limits referred to in Article 77, Section 7701 of the California Fire Code in which bulk storage of explosives and blasting agents is prohibited are established as all land use zones described in the Imperial Municipal Code, except zones I-2 by conditional use permit. (Ord. 718)

8-24. Amendments to the California Fire Code.

A. Article 1, Section 103 of the California Fire Code is amended such that all references to the fire prevention bureau and its members shall be understood to refer to the City fire department, its chief and his or her authorized representatives.

B. Permits may be issued by the Fire Chief in accordance with Section 105 of the California Fire Code.

C. Article 9, Section 903.2 of the California Fire Code is amended by adding: “Plans for water supplies shall be submitted to the Fire Prevention Bureau for approval prior to the start of construction. All plans shall include a certification of the net gallon capacity for the cistern from the manufacturer.”

D. Article 9, Section 901.4.3 of the California Fire Code is amended by adding: “Identification: Draft hydrants shall be coated with a protective primer and paint, white in color with a four inch (4”) blue reflective tape strip installed six inches (6”) down from the outlet of the draft hydrant. Drafting hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions.”

E. Article 9, Section 903.2 of the California Fire Code is amended by adding: “The physical location of the rural fire protection water supply shall be a minimum of fifty feet (50’) and a maximum of one hundred fifty feet (150’) from the building being protected. The head pressure in the water supply shall be able to fill the water line to the dry draft hydrant.”

F. Article 9, Section 903.3 of the California Fire Code is amended by : “at a minimum, the City of Imperial Fire Department requires the installation of a four thousand (4,000) gallon water storage cistern for all rural single family residential applications under three thousand six hundred (3,600) square feet and the installation of a ten thousand (10,000) gallon water storage cistern for commercial applications that is not served by a pressurized water distribution system that meets the required fire flow and the fire flow duration in Appendix III-A of the California Fire Code. These are minimum requirements and may be increased depending on the building size, location and level of hazard when require by the fire chief. The current adopted fire code shall be used as a guideline for fire flow and fire flow duration. The fire protection water supply must be independent of domestic water or any other water use.

“Irrigation canals are not a reliable source of water for fire protection and shall not be utilized as such. Water from swimming pools is not recommended unless the swimming pool is adapted with an approved design for a draft hydrant that meets requirements of sections 903.4 of the California Fire Code, this Code and approved by the fire chief.”

G. Article 9, Section 903.4 of the California Fire code is amended to add the following draft hydrant requirements:

“1. All pipe and fittings shall be a minimum of six inch (6”) schedule forty (40) PVC.

“2. All six inch (6”) diameter in-tank strainers shall be located inside the tank at the lowest possible point.

“3. A four inch (4”) National Standard tread male metal connector with cap and strainer shall be connected at the output of the drafting hydrant.

“4. Two (2) six inch (6”) forty-five degree (45°) bends to bring pipe above grade level.

“5. One (1) six inch (6”) valve if the system has any head pressure.

“6. All pipe and fittings exposed to sunlight shall be primed and painted white in color.

“7. Outlet shall be nor more than thirty-six (36”) and no less than eighteen inches (18”) above ground surface.”

H. Article 9, Section 903.4.2 of the California Fire Code, entitled “Required Installations,” is amended by adding: The draft hydrant shall be a minimum of fifty feet (50’) and a maximum of one hundred fifty feet (150’) from the building being protected. It will be accessible to the fire department and at a maximum of ten feet (10’) from an all weather surface roadway or driveway.”

I. Article 9, Section 902.2.2.4 of the California Fire Code, entitled “Dead Ends” and Appendix III-D, shall be amended as follows: “All dead-end fire access roads in excess of one hundred fifty feet (150’) in length shall be provided with approved provisions for the turning around of emergency apparatus. A cul-de-sac shall be provided in the residential areas where the access roadway serves more than two (2) structures. Minimum unobstructed paved radius width for a cul-de-sac shall be sixty feet (60’) in residential areas. The fire chief shall establish a policy identifying acceptable turnarounds for various project types. EXCEPTION: The fire chief may allow a dead-end driveway of up to two hundred (200’) in length without a turnaround if all structures for which the driveway provides access are protected by automatic fire sprinkler systems.

(Ord. 718)

#### 8-25. Violation – Penalties.

A. Any person who violates any of the provisions of this Code, or fails to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or who shall fail to comply with an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand five hundred dollars (\$1,500) or by confinement in the county jail for not more than one hundred twenty (120) days, or by both such fine and imprisonment. Each separate day, or any portion thereof, during which any violation of this code occurs or continues constitutes a separate offense punishable as provided herein.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 718)

8-26. Fire Department Miscellaneous Fees.

Fees for services set forth in this ordinance may be established by resolution.

(Ord. 718)

8-27. Storage of hay, straw and cotton.

Except for a permissible nonconforming use, it is unlawful for any person, firm or corporation, whether as principals, servants, agents, tenants or owners, to store or maintain in stack or stacks or in pile or piles any hay, straw, cotton, brush, refuse matter or other known flammable materials on land in the City of Imperial. Provided, however, no more than 64 small bales may be maintained for retail sale (if otherwise permissible under this code) or for use of animals residing on the subject site. (Ord. 718)

8-28. Section 8-28 of Article IV, Chapter 8 of the Ordinances of the City of Imperial is hereby repealed. (Ord. 625)

Article V. Fireworks (Ord. 799)

8-30. Purpose and authority.

The purpose of this chapter is to regulate the discharge and sale of fireworks within the City of Imperial. The city council enacts this chapter pursuant to its general police powers and the State of California Fireworks Law, Sections 12500 through 12728 of the California Health and Safety Code, and State of California Fireworks Regulations, Chapter 6 of Title 19 of the California Code of Regulations.

8-31. Title.

This Article may be cited as the "Imperial Fireworks Ordinance."

8-32. Administration.

This chapter shall be administered by the Imperial Fire Department.

8-33. Definitions.

For the purposes of this chapter, the following definitions shall apply:

"City" means the City of Imperial.

"City Clerk" means the city clerk of the City or the City Clerk's designee.



"City Manager" means the city manager of the City or the City Manager's designee.

"Dangerous fireworks" means dangerous fireworks as defined in Health and Safety Code Section 12505.

"Fire Chief" means the Fire Chief of the City or the Fire Chief's designee.

"Fireworks sales permit" means a permit issued in accordance with Article.

"Fireworks stand" means a structure of a temporary nature used in the sale, offering for sale, or display for sale of safe and sane fireworks.

"Fireworks wholesaler" means any person who sells fireworks to other persons for resale by such persons.

"Nonprofit organization" means any nonprofit association, charity or corporation organized primarily for veterans, patriotic, welfare, civic betterment, educational, youth development or charitable purposes which is tax exempt pursuant to Internal Revenue Code Sections 501(c)3, 4, 6, 7, 8, 9, 10, 19, 23, or 26, that serves, in whole or in part, the residents of the City of Imperial. The City will issue permits for up to, and not to exceed, three (3) non-profit organizations per year. A nonprofit organization having its principal place of business in the City of Imperial will have priority in the issuance of a permit, all other factors being equal. All qualified applicants will be subject to a lottery selection process.

"Police Chief" means the Police Chief of the City or the Police Chief's designee.

"Qualified applicant" means any nonprofit organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for a fireworks sales permit and which continues to meet the criteria for the duration of the fireworks sales permit.

- (a). The nonprofit organization must have a minimum bona fide membership of at least ten adult members who either reside in the City, are employed in the City or who are owners or operators of a business located in the City. The organization shall upon request provide documentation demonstrating the minimum bona fide membership to the satisfaction of the Fire Chief.
- (b). The nonprofit organization shall not have been found by any court of competent jurisdiction or city administrative hearing officer to be in violation of any civil or criminal local, state or federal law relating to fireworks, including this Article within thirty-six months prior to the nonprofit organization's submittal of an application for a fireworks sales permit.
- (c). The nonprofit organization must not have had a permit to sell fireworks revoked by any jurisdiction within thirty-six months prior to the nonprofit organization's submittal of an application for a fireworks sales permit.

"Safe and sane fireworks" means safe and sane fireworks as defined in Health and Safety Code Section 12529 and 12562.

"Responsible person" means a person who causes a violation of this chapter to occur or who allows a violation to exist or continue, by his or her action or failure to act, or

whose agent, employee or independent contractor causes a violation to occur or allows a violation to exist or continue. Provided, that:

- (a). There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and any lessee of a residential parcel, has notice of any violation existing on said property.
- (b). More than one person may be a responsible person for a single violation.
- (c). Any person, regardless of age may be a responsible person. However, every parent, guardian or other person, having the legal care, custody or control of any minor person (defined as any person under eighteen years of age) is a responsible person for violations committed by such minor, in addition to the minor him or herself, if such parent, guardian or other person knows or reasonably should know that a minor is in violation of this Article. There is a rebuttable presumption that any such parent, guardian or other person having the legal care custody or control of a minor person knows or reasonably should know whether such minor is in violation of this Article.

8-34. Fireworks unlawful.

Except as otherwise provided in this chapter, no person shall possess, sell, use, display or explode any "dangerous fireworks," within the City of Imperial.

8-35. Permits for public fireworks displays.

It shall be unlawful to cause, allow, permit, aid, abet, or suffer any discharge of "dangerous fireworks" (including a public display) or any use of special effects without having first obtained a permit from the Fire Chief as provided herein.

The Fire Chief may grant permits for those activities enumerated in Section 12640 of the California Health and Safety Code, including supervised public displays of fireworks by a public agency, fair association, amusement park, or other organization, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator (as defined by Section 12527 of the California Health and Safety Code), and shall be of such character and so located, discharged or fired following the receipt of the recommendation by the fire chief, will not be hazardous or endanger any property or persons.

8-36. Application fee for public fireworks displays.

Every application for permit to conduct a public display of fireworks or for other use of fireworks as permitted by ordinance shall be accompanied by a nonrefundable fee.

8-37. Defense and indemnity of City.

Every applicant for a permit to conduct a public display of fireworks or for other use of fireworks as permitted by Section 8-35 shall agree to defend, indemnify and hold the City of Imperial, its officers and employees, harmless from any and all claims for damages or other costs arising out of the activity authorized by the permit.

8-38. Liability insurance.

Every recipient of a permit to conduct a public display of fireworks or for other use of fireworks as permitted by section 8-35 shall maintain a corporate surety bond or policy of public liability and property damage insurance. The policy shall provide coverage for bodily injury (including death) and property damage with policy limits of not less than \$5,000,000.00 combined single limits. Such policies shall contain a provision which includes the City, its officers, officials, agents, and employees as additional insured's and provides that said insurance provides primary coverage as to the City without contribution by other City policies or self-insured retentions. Such policies shall also contain an endorsement that the company issuing such policy or policies will not allow the same to be cancelled without serving, by first class mail, ten days' notice of cancellation upon the City Clerk.

Following approval of the permit by the Fire Chief as provided in section 8-35, no permit shall be issued until the permittee furnishes the City Clerk a "certificate of insurance" for each insurance policy required by this Section, in a form approved by the city attorney.

Notwithstanding any other provision of this chapter, the failure of the permittee to carry such policy or policies in force shall result in the automatic revocation of the permit as of the date of expiration of such insurance policy or policies. Should a permit be automatically revoked as a consequence of this provision, the payment of the full amount of the permit fee required by this Article shall be made to the City before the revoked permit may be reinstated.

8-39. Possession and discharge of safe and sane fireworks permitted.

Notwithstanding any provisions of this Article to the contrary, the possession of safe and sane fireworks shall be lawful during the period of 12:00 noon on the 28th of June through 12:00 noon on the 6th of July of the same calendar year; provided, however, that it shall be unlawful to possess any modified or altered safe and sane fireworks. It shall be lawful to use or discharge any safe and sane fireworks; provided, however such use and discharge shall only take place on private property with permission of the owner of the property. Discharge may also take place on publicly owned, controlled and maintained rights of way. Discharge shall not occur in or about public parks or other public property. The discharger of the safe and sane fireworks shall be responsible for removal of all trash and debris associated with the discharge and it shall be unlawful to fail to remove such debris.

8-40. Sale of safe and sane fireworks.

Notwithstanding any provisions of this chapter to the contrary, the possession and retail sale to the public of safe and sane fireworks is permitted between 12:00 noon and 10:00 p.m. on the 28th of June of each year and from 9:00 a.m. through 10:00 p.m. on June 29th through the 4th of July of the same calendar year, by those nonprofit organizations possessing a current firework sales permit.

8-41. Applications for fireworks sales permits and lotteries.

- (a) Submission of applications by qualified applicants.
  - 1. No nonprofit organization shall submit more than one application for a fireworks sales permit. If the City receives two or more applications containing the same tax identification number, only one application shall be accepted.
  - 2. Each application will be screened by the Fire Chief to determine if the nonprofit organization submitting it meets the criteria to be classified as a "qualified applicant."
- (b) Every application for a fireworks sales permit shall be accompanied by a nonrefundable pyrotechnics and special effects California Fire Code permit application fee.
- (c) All applications for fireworks sales permits shall be submitted in writing to the Community Development Department on forms supplied by the City. Applications may be filed from, May 1 through May 30, inclusive. Applications filed before or after these periods will not be accepted.
  - 1. If there are more qualified applicants than the maximum number of fireworks sales permits available, then the Fire Chief shall conduct a random drawing to determine to whom the available fireworks sales permits shall be issued.

The drawing shall occur in March of each year. Those qualified applicants which have been successful in being awarded a fireworks sales permit shall have up to thirty calendar days to submit all information required by the fire chief.
  - 2. Applications for fireworks sales permits will be reviewed by the Fire Department, Police Department and the City Clerk, as needed, pursuant to this chapter. Fireworks sales permits shall be issued by the Fire Chief.

8-42. Fireworks sales permit requirements.

- (a) Each fireworks sales permit recipient may operate only one fireworks stand. The maximum number of fireworks sales permits which may be issued during any one calendar year shall be no greater than five.
- (b) Other provisions regarding fireworks sales permit applications.
  - 1. After the maximum number of fireworks sales permit recipients has been chosen, the remaining qualified applicants shall be drawn and assigned as alternates according to the order drawn. Each alternate, according to the order

drawn, shall be offered a fireworks sales permit if one of the original permittees fails to meet the requirements of this Article, or if a permittee voluntarily surrenders its fireworks sales permit, or if a fireworks sales permit is revoked.

2. Two or more eligible nonprofit organizations may jointly submit an application pursuant to this chapter and may receive a single fireworks sales permit to jointly sell fireworks, provided that each must be a qualified applicant. Fireworks sales permit recipients may select one or more other qualified applicants to join it in a joint venture operation of the fireworks stand, provided that any such joint venture must have been a qualified applicant that applied unsuccessfully for a fireworks sales permit that same year.
  3. Fireworks sales permits are valid only during the calendar year issued.
- (c) Each nonprofit organization receiving a fireworks sales permit must have a least one representative attend a fireworks stand operator safety seminar, approved by the Fire Chief, for the same year in which the fireworks sales permit is issued. Failure of a nonprofit organization to attend the seminar shall result in the revocation of the fireworks sales permit.
- (d) Subsequent to selection for issuance of fireworks sales permit, but prior to the issuance of a fireworks sales permit, and in addition to those other requirements set forth in this Article or on the permit application, each permittee shall provide or demonstrate compliance with all of the following:
1. A copy of the permittee's retail fireworks license issued by the office of the California State Fire Marshal.
  2. A copy of the permittee's California State Board of Equalization Temporary Sellers Permit.
  3. Payment of a refundable City of Imperial fireworks sales permit application fee.
  4. Insurance coverage as required by the provisions of this Article.
  5. Pyrotechnics and Special Effects California Fire Code Permit issued by the Imperial Fire Department.

8-43. Denial of permit and appeals process.

- (a) After conducting an investigation consistent with Health and Safety Code Section 12640 et seq., the Fire Chief shall issue a fireworks sales permit to qualified applicants chosen unless:

The Fire Chief finds, in writing, that the applicant has failed to provide sufficient plans, information or data necessary to safely and/or responsibly achieve compliance with the requirements of this Article.

The Fire Chief finds, in writing, that the applicant is not in compliance with any of the requirements of this Article.

- (b) Any denial of a fireworks sales permit application to sell fireworks issued pursuant to the fireworks code may be appealed to the City Council consistent with Health and Safety Code Section 12647 within ten calendar days in writing.

8-44. Fireworks stands.

- (a) All retail sales of safe and sane fireworks shall be permitted from within a temporary fireworks stand only. The retail sale of fireworks from any other building or structure is prohibited.
- (b) No fireworks stand may be erected more than seven calendar days prior to July 4 by any person not affiliated with a nonprofit organization to which a fireworks sales permit has been issued.
- (c) Fireworks stands must be located on lots that have an all-weather surface and adequate off-street parking to meet the requirement of any existing use or uses as well as the fireworks stand.
- (d) Fireworks stands are permitted only in the following zoning districts, as defined and delineated in the Imperial City Code:
  - 1. Neighborhood Commercial (C1).
  - 2. Medium Commercial (C2).
  - 3. Heavy Commercial (C3).
  - 4. Light Manufacturing (M1).
  - 5. Heavy Manufacturing (M2).
- (e) Each fireworks stand must post each of the following in a prominent place inside the fireworks stand:
  - 1. Fireworks sales permit issued by the City of Imperial Fire Department.
  - 2. Temporary seller's permit issued by California State Board of Equalization.
  - 3. Retail fireworks license issued by California State Fire Marshal.
  - 4. Proof of insurance.
  - 5. "No Smoking" signs.
- (f) Fireworks stands shall not be located closer than three hundred feet apart, unless separated by a major arterial roadway.
- (g) Fireworks stands shall comply with current National Fire Protection Association standard NFPA 1124 for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles.
- (h) Fireworks stands shall not be located within twenty-five feet of any other building or structure.
- (i) No fireworks shall be located within one hundred feet of a location where gasoline or any other flammable liquids are stored or dispensed.

- (j) Each fireworks stand shall comply with fire prevention standards as adopted and enforced by the Fire Chief.
- (k) All fireworks stands shall be inspected and approved by the Fire Chief prior to the sale of any fireworks.
- (l) All weeds or other vegetation, and combustible material shall be cleared from the location of the fireworks stand to at least a twenty-five-foot radius surrounding the fireworks stand.
- (m) No fireworks stand shall have a floor area in excess of five hundred square feet or a length greater than fifty feet.
- (n) Each fireworks stand shall have at least two exits. Each fireworks stand in excess of forty feet in length shall have at least three exits, equally spaced. In no case shall the distance between exits required by this section exceed twenty feet. Exit doors shall be not less than twenty-four inches wide, six feet in height and must open in the direction of exit travel.
- (o) "NO SMOKING" signs shall be prominently displayed on all sides of the fireworks stand. Smoking is prohibited within fifty feet any fireworks stand.
- (p) Each fireworks stand shall have two, currently certified, dry chemical fire extinguishers in good working order that are easily accessible in case of fire.
- (p) Each fireworks stand shall have two, currently certified, dry chemical fire extinguishers in good working order that are easily accessible in case of fire.
- (q) Each fireworks stand must have an adult in attendance and in charge thereof when the fireworks stand is open to the public for sale or dispensing of fireworks and when fireworks are being delivered to, or taken from, the fireworks stand.
- (r) No person may remain inside the fireworks stand after close of business.
- (s) When the fireworks stand is not being used for the sale and/or display of fireworks, all fireworks shall be stored in a manner consistent with one of the following:
  - 1. Within a reinforced, heavy metal, fully-enclosed container, a walk-in type drop box, or equivalent, as approved by the fire chief.
  - 2. Returned daily to a fireworks wholesaler for storage at an approved and properly zoned location.
- (t) No fuel-powered generator or similar equipment shall be allowed within fifty feet of a fireworks stand.
- (u) No person other than individuals who are bona fide members of the nonprofit organization which holds the fireworks sales permit, and/or joint venture nonprofit organization(s), or the spouses, registered domestic partners, parents or adult children of such members, shall sell or otherwise participate in the sale of fireworks.
- (v) No minor (defined as any person under the age of eighteen years) shall sell or participate in the sale of safe and sane fireworks or handle any fireworks.
- (w) Drinking or possession of alcoholic beverages in a fireworks stand or within one hundred feet of a fireworks stand is prohibited, except within a permanent business

establishment unaffiliated with the fireworks stand and which preexisted the fireworks stand.

- (x) No person shall be paid any consideration by the permittee or any fireworks wholesaler for selling or otherwise participating in the sale of safe and sane fireworks. Notwithstanding the foregoing, compensation may be paid for licensed security personnel and to any person permitting or leasing the location of the fireworks stand on its property as a payment for such permit or lease.
- (y) All fireworks shall be retained at the fireworks stand. In no event shall unsold fireworks be removed from the approved location to any other place without written approval of the Fire Chief.
- (z) All unsold stocks of fireworks in the hands of the permittee after 10:00 P.M. on the 4th day of July shall be returned to the fireworks wholesaler by 12:00 P.M. on July 6 of the same calendar year.
- (aa) No later than July 10 of each calendar year, each fireworks stand shall be completely removed and the premises upon which it was located shall be cleared of all debris and restored to the condition it was in prior to the establishment of the fireworks stand.
- (bb) Fireworks stands shall be permitted to have no more than two double-sided signs with a maximum area of sixty-four square feet per side. All such signs shall be located on the same site as the fireworks stand they identify or advertise. Signs may not be placed in such a manner as to interrupt the normal flow of vehicle or pedestrian traffic or to cause any sight distance problems for such traffic. Placement of such signs shall be subject to the review and approval of the fire chief, the community development department and the police department. In no case shall the sign placement interfere with traffic or any other safety related concern. The above-described signs may be displayed seven calendar days prior to July 4.

8-45. Sales to minors.

It is unlawful to sell fireworks to minors.

8-46. Revocation of fireworks sales permits and appeal.

- (a) The Fire Chief may revoke the fireworks sales permit of any permittee who violates any of the provisions of this Article. The Fire Chief shall inform the permittee that it may seek review of the decision by the City Manager on the next business day. The decision of the City Manager, or his or her designee, shall be final.
- (b) Any permittee whose fireworks sales permit has been revoked shall be barred from receiving a future fireworks sales permit under this Article or under any subsequent ordinance establishing a fireworks sales permit for up to three years from the date of the revocation.

8-47. Seizure of fireworks.



The Fire Chief or Police Chief may seize, take, remove or cause to be removed, at the expense of the holder of a fireworks sales permit or licensed fireworks wholesaler, all stock of fireworks offered or exposed for sale, stored or held in violation of this Article when such violation creates an imminent danger and a grave threat to public health or safety. The official removing such fireworks shall provide written notice to the owner thereof, and an opportunity within two business days to be heard by the Fire Chief with respect to such seizure.

In the event the violation does not pose imminent danger and a grave threat, the Fire Chief or Police Chief shall provide written notice and an opportunity to be heard prior to any seizure.

8-48. Public education.

Each fireworks wholesaler supplying one or more permittees under this article shall annually submit a public education plan to the Fire Chief no later than 5:00 p.m. on June 1. Said public education plan shall outline the public safety and education efforts for that year that have been initiated, supported and/or delivered, by each fireworks wholesaler within the City.

8-49. Administrative regulations.

The Fire Chief is authorized to promulgate administrative regulations and procedures necessary for the successful and effective implementation of this Article including, but not limited to, rules and procedures governing the submission and random selection of applications to sell safe and sane fireworks and rules and procedures governing situations where two or more fireworks sales permit recipients propose to establish fireworks stands within three hundred feet of each other, in violation of section 8-44(f) of this Article.

8-50. Violation unlawful—Administrative citations.

- (a) It is unlawful, and a misdemeanor, to violate any provision of this chapter, provided, however, that a violation of this chapter may, at the discretion of the Police Chief, Fire Chief or prosecuting attorney, be charged and prosecuted as an infraction.
- (b) In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Imperial Municipal Code.

8-51. Conflict with Imperial Municipal Code.

In the event that any provision of this chapter conflicts with any provision of the Imperial Municipal Code, the provisions of this Article shall prevail.

8-52. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the

remaining portions of the Article. The Council of the City of Imperial hereby declares that it would have passed this chapter and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.