

CHAPTER 20.

FIREWORKS.

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Article I. In General.

Sec. 20-1. Authority to Regulate.

In accordance with Sec. 12541 of the California Health and Safety Code, City Council of the City of Paramount hereby enacts this Ordinance for the purpose of regulating the sale, use, or discharge of fireworks within the City. (Ord. No. 937)

Sec. 20-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

City. The City of Paramount, California. (Ord. No. 937)

Dangerous Fireworks. Includes all of the following:

- (a) Any fireworks which contain any of the following:
  - (1) Arsenic sulfide, arsenates, or arsenites.
  - (2) Boron.
  - (3) Chlorates, except:
    - a. In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
    - b. In caps and party poppers.
    - c. In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
  - (4) Gallates or Gallic acid.
  - (5) Magnesium (magnesium-aluminum alloys, called magnalium, permitted).
  - (6) Mercury salts.
  - (7) Phosphorus (red or white except that red phosphorus is permissible in caps and party poppers).
  - (8) Picrates or picric acid.
  - (9) Thiocyanates.
  - (10) Titanium, except in particle size greater than 100-mesh.
  - (11) Zirconium.
- (b) Firecrackers.
- (c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
- (d) Roman candles, including all devices which discharge balls of fire into the air.
- (e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

- (f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.
- (g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.
- (h) Fireworks known as devil-on-the-walk, or any other fireworks which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.
- (i) Torpedoes of all kinds which explode on impact.
- (j) Fireworks kits.
- (k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

(Ord. No. 937)

Fireworks. Fireworks means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are used as pyrotechnic devices or for entertainment. (Ord. No. 937)

The term fireworks includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bonds, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have a burning material of any kind attached thereto or which require fire underneath to propel them), and fireworks kits. (Ord. No. 937)

Safe and Sane Fireworks. Safe and sane fireworks means, any fireworks which do not come within the definition of dangerous fireworks and, that have been classified and registered as “safe and sane” by the State Fire Marshal. (Ord. No. 937)

#### Sec. 20-3. Sale, Setting Off, Possession, etc., of Dangerous Fireworks Prohibited.

It shall be unlawful for any person in the City to sell, offer to sell, set off, discharge, possess, keep or store or permit the keeping or storing of any dangerous fireworks. (Ord. No. 937)

#### Sec. 20-4. Insurance.

Each applicant for a fireworks permit shall have filed with the City Clerk prior to the issuance of any permit, a policy of public liability insurance with coverage of at least five hundred thousand dollars (\$500,000), and a policy of property damage insurance with coverage of at least one hundred thousand dollars (\$100,000), or a certificate showing such amount of insurance. Each policy shall contain a separate endorsement therein listing and carrying the City as an additional assured under the policy with the provision that such policy cannot be terminated or suspended without 30 days written notice to the City. (Ord. No. 937)

#### Sec. 20-5. Limitation on Dates of Sale of “Safe and Sane” Fireworks.

No “Safe and “Sane” fireworks shall be sold or offered for sale except from noon to 10:00 p.m. on June 28 through July 4, inclusive, of each year. (Ord. Nos. 937, 1019)

Sec. 20-6. Limitation on Dates of Use.

No “safe and sane” fireworks shall be used, set off, or otherwise discharged except on July 3 through July 4. (Ord. No. 937)

Sec. 20-7. Age Limit to Purchase.

It shall be unlawful for any person under the age of 16 in the City to purchase “safe and sane” fireworks. It shall be unlawful for any operator, owner, or employee of a fireworks stand in the City to sell, or offer to sell any “safe and sane” fireworks to any person under the age of 16. (Ord. No. 937)

Sec. 20-8. Temporary Fireworks Stands.

All retail sales of “safe and sane” fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited.

Temporary stands shall be subject to the following provisions:

- (a) Only the following organizations are eligible for a fireworks permit from the City:

Church of God of Prophecy  
Downey Avenue Foursquare Church  
Emmanuel Reform Church  
First Assembly of God  
Knight of Columbus  
Lions Club  
Paramount Elks #1804  
Praise Chapel Paramount

- 1) Should any one or more organization(s) identified hereinabove not submit an application for a fireworks permit in any year as required under this chapter, within the time set forth in Sec. 20-12 herein, that organization(s) shall forfeit its privilege of a permit and no new permit will be issued to that organization(s) by the City in any future year, and the number of eligible organizations for a fireworks permit will be permanently reduced.

(Ord. Nos. 937, 953, 1019)

- (b) No fireworks stand shall be located less than a one-quarter mile distance from another. (Ord. Nos. 937, 953)
- (c) No fireworks stand shall be located within twenty-five feet of any structure or property line. Minimum setback from the public sidewalk shall be fifteen feet. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty-five feet surrounding the stand. (Ord. Nos. 937, 953)
- (d) All stands shall meet the structural stability requirements of the building regulations of the City, and all lighting circuits and other electrical equipment shall meet the requirements of the electrical regulations of the City. (Ord. Nos. 937, 953)

- (e) No stand shall have a floor area in excess of four hundred square feet. (Ord. Nos. 937, 953, 1019)
- (f) Stands shall have exit doors at least thirty inches in width at both ends of the structure and one additional door for each twenty-five feet of rear wall in excess of twenty-five feet. All doors shall open outward from the stand and all doorways shall be kept free and clear from all supplies and materials at all times. (Ord. Nos. 937, 953)
- (g) Each stand shall be provided with two and one-half gallon water type fire extinguishers, in good working order, and easily accessible for use in case of fire. (Ord. Nos. 937, 953)
- (h) There shall be at least one supervisor, twenty-one years of age or older, on duty at all times. No person under eighteen years of age shall be allowed inside the stand at any time, nor shall any person under eighteen years of age work at or about any premises where “safe and sane” fireworks are sold or offered for sale. (Ord. Nos. 937, 953)
- (i) No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business. (Ord. Nos. 937, 953)
- (j) “NO SMOKING” signs with four inch letters shall be prominently displayed, both inside and outside the stand. No smoking shall be permitted within the stand, or within fifteen feet of the stand. (Ord. Nos. 937, 953)
- (k) No stand shall be erected before June 10 of any year. The premises on which the stand is erected shall be cleared of all structures and debris, no later than 72 hours after midnight on July 45h and shall be done to the satisfaction of the Fire Department. (Ord. Nos. 937, 953, 1019)
- (l) No fireworks shall be discharged in or within twenty-five feet of any fireworks stand. (Ord. Nos. 937, 953)
- (m) No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire nuisance to exist. (Ord. Nos. 937, 953)
- (n) No fireworks stand shall remain unattended at any time regardless of whether the fireworks stand is open for business or not. If any fireworks are stored they shall only be stored at such places as are approved for storage of fireworks by the state fire marshal. (Ord. Nos. 953)
- (o) All owners, operators or employees of fireworks stands in the City shall provide literature and information (“Fireworks Information”) regarding (1) the provisions of this chapter and the violations contained therein and (2) safety information. The Fireworks Information will be prepared by the City and given to those persons issued a fireworks permit required under this chapter. The permittee shall reproduce and distribute the Fireworks Information to anyone who purchases “safe and sane” fireworks. (Ord. Nos. 953)

Sec. 20-9. Compliance with State Law and City Regulations.

It shall be the duty of every person issued a fireworks permit to comply with all the provisions of the state fireworks law, the rules and regulations of the state and fire marshal and the provisions of this Chapter 20 of the Paramount Municipal Code. In accordance with SB 839 the following additional state law provisions are integrated into this Section 20-9:

- (a) City will adopt by resolution a cost reimbursement policy to the Office of the State Fire Marshal for the collection of disposal costs; and
- (b) All fines collected pursuant to this Chapter 20 shall not be subject to disbursement required by Section 12706 of the California Health and Safety Code; and
- (c) The prohibition on the possession of dangerous fireworks under this Chapter 20 is limited to 25 pounds or less.

(Ord. Nos. 937, 1019)

Article II. Permit.

Sec. 20-10. Required.

Unless a valid fireworks permit has been issued by the City, no person shall do any of the following:

- (a) Import, export, possess for the purpose of sale, offer for sale or sell any “safe and sane” fireworks for any use or purpose including agricultural purposes or wild life control.
- (b) Make a public display of “safe and sane” fireworks any place.
- (c) Transport safe and sane fireworks, except as provided for in the state fireworks law.

(Ord. No. 937)

Sec. 20-11. Application Generally; Fee.

Any person desiring to sell “safe and sane” fireworks shall make application to the Community Development Director or designee for a fireworks permit. Each applicant shall pay to the City a fee of fifteen dollars (\$15) at the time he or she files the application. In the event a fireworks permit is not issued by the City, the City shall refund the applicant’s fee. (Ord. No. 937)

Sec. 20-12. Time for Filing Application.

Each application for a permit to sell “safe and sane” fireworks shall be filed with the Community Development Director or designee no earlier than February 1 or later than April 1 of the calendar year for which the permit is sought. (Ord. No. 937)

Sec. 20-13. Contents of Application.

Each applicant for a permit shall file an application with the Community Development Director or designee. Each application shall require the following:

- (a) The name and address of applicant;
- (b) The applicant's status as a nonprofit, charitable, religious or eleemosynary corporation or association;
- (c) The purpose for which the applicant is primarily existing and for which it was organized;
- (d) The names and addresses of the officers, if any, of the applicant;
- (e) The location where the applicant will sell "safe and sane" fireworks;
- (f) When the applicant was organized and established;
- (g) The location of the applicant's principal and permanent meeting place;
- (h) The name, address and state fire marshal's license number of any wholesaler or distributor from whom the retailer proposes to purchase "safe and sane" fireworks for resale;
- (i) The applicant's state board of equalization sales tax permit number;
- (j) The manner, method and times, when and how the applicant proposes to sell "safe and sane" fireworks; and
- (k) Such other information as the Community Development Director may require to make his investigation.

(Ord. No. 937)

Sec. 20-14. Qualifications of Applicant.

A fireworks permit shall be issued only to those applicants identified under Sec. 20-8 hereinabove, but which shall meet both of the following qualifications:

- (a) A City sponsored youth group or charitable, or religious association organized and existing primarily for veteran, patriotic, religious, charitable or civic betterment purposes.

The association must have its principal and permanent meeting place in the City and have been organized and established in the City for a period of at least two years prior to the date of application made for a fireworks permit. (Ord. No. 937)

Sec. 20-15. Investigation of Application.

The Public Works Director shall cause an investigation to be made of each application and shall submit a report of his findings and recommendations to the City Council should any one or more organization(s) identified in Section 20-8 (a) not submit an application for a fireworks permit as required under this chapter. (Ord. Nos. 937, 953)

Sec. 20-16. Actions of City Council.

The City Council shall have the power in its discretion to grant or deny any application, subject to such reasonable conditions, if any, as it shall prescribe. (Ord. No. 937)

Sec. 20-17. Term; Number Authorized for Each Applicant; Nontransferable.

A fireworks permit issued pursuant to this chapter shall be valid only within the calendar year in which issued. Only one permit shall be issued to any applicant, and such permit shall be valid only for the premises or location for which issued. No permit shall be transferable, assignable or renewable. (Ord. No. 937)

Sec. 20-18. Scope.

A fireworks permit issued pursuant to this chapter authorizes only the retail sale of “safe and sane” fireworks by the applicant at the location or premises designated in the permit. (Ord. No. 937)

Sec. 20-19. Annual Fireworks Seminar.

At the discretion of the Public Safety Director, an annual meeting may be called requiring City representatives, law enforcement and fire personnel, and those members of each fireworks provider to attend. The purpose of the meeting is for those organizations present to discuss problems, if any, regarding illegal fireworks vendors and fireworks education programs. (Ord. No. 937)

Sec. 20-20. Penalties.

Every violation of this chapter shall be punishable in accordance with Section 1-16 of the Paramount Municipal Code. (Ord. No. 937)

Sec. 20-21. Repeal of Prior Regulations.

To the extent there are regulations, ordinances or resolutions existing prior to the effective date of this Ordinance, such regulations, ordinances and resolutions are hereby repealed. (Ord. No. 937)

(Ord. Nos. 273, 711, 816, 937, 953, 1019)

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