

Stockton Municipal Code, Charter, and Civil Service Rules[Municipal Code Title 8 HEALTH AND SAFETY](#)**Chapter 8.92 FIREWORKS**

8.92.010 Definitions.

The following words and phrases, as used in this chapter, are defined as follows:

- A. “Applicant” means a nonprofit organization that applies for a fireworks sales permit as provided in this chapter.
- B. “City Manager” means the City Manager of the City of Stockton and/or designee or designees.
- C. “Dangerous fireworks” mean: (1) dangerous fireworks as set forth in California State Fireworks Law (Sections 12505 and 12561 of the [Health and Safety Code](#) and the relevant sections of Title 19, [Code of Regulations](#), Subchapter 6), as hereinafter may be amended from time to time, which are hereby incorporated by reference; or (2) safe and sane fireworks, as defined in subsection J below, that have been modified in any respect from their original design
- D. “Fire Chief” means the Fire Chief of the City of Stockton or the Fire Chief’s designee.
- E. “Nonprofit organization” means:
1. Any organization that: (a) has been created for charitable, religious, philanthropic or educational purposes, (b) has obtained tax exempt status from the Internal Revenue Service or the State Franchise Tax Board, (c) has had a Stockton zip code mailing address for more than 12 consecutive months immediately prior to filing an application, and (c) primarily serves City residents;
 2. An organization that: (a) itself has not obtained tax exempt status from the Internal Revenue Service or the State Franchise Tax Board but is an integral part of a recognized national organization that has obtained such tax exempt status, (b) has had a Stockton zip code mailing address for more than 12 consecutive months immediately prior to filing an application, and (c) primarily serves City residents;
 3. Any organization that: (a) has not obtained tax exempt status from the Internal Revenue Service or the State Franchise Tax Board but has been created for charitable, religious, philanthropic or educational purposes and the net proceeds of such organization are committed to the promotion of the objectives of the organization and not for private gain, (b) has had a Stockton zip code mailing address for more than 12 consecutive months immediately prior to filing an application, and (c) primarily serves City residents.
- F. “Permit” means a fireworks sale permit.
- G. “Permittee” means an applicant to which the City has issued a permit.
- H. “Person” means and includes any individual, firm, partnership, joint venture, association, concern, corporation, state, trust, business trust, receiver, syndicate, or any other group of combination acting as a unit.
- I. “Residents of the City” or “City residents” mean and include owners of businesses and/or property in the City as well as occupants of residential dwellings.
- J. “Safe and sane fireworks” or “fireworks” mean safe and sane fireworks as set forth in California State Fireworks Law (Sections 12529 and 12562 of the [Health and Safety Code](#) and the relevant sections of Title 19, [Code of Regulations](#), Subchapter 6), as hereinafter may be amended from time to time, which are hereby incorporated by reference.

K. "Stockton zip code" means those zip codes as established from time to time by the Fire Chief.
(Ord. 2012-02-28-1601 C.S. § 1)

8.92.015 Sale and discharge.

A. Subject to this chapter, the State Fireworks Law, Sections 12500 through 12726 of the [Health and Safety Code](#) of the State, and any regulations promulgated thereunder, only safe and sane fireworks may be sold within the Stockton City limits and only as follows:

June 28: Noon to 8:00 p.m.

June 29: 9:00 a.m. to 8:00 p.m.

June 30: 9:00 a.m. to 8:00 p.m.

July 1: 9:00 a.m. to 8:00 p.m.

July 2: 9:00 a.m. to 8:00 p.m.

July 3: 9:00 a.m. to 8:00 p.m.

July 4: 9:00 a.m. to 9:00 p.m.

B. Subject to this chapter, the State Fireworks Law, Sections 12500 through 12726 of the [Health and Safety Code](#) of the State, and any regulations promulgated thereunder, no person shall discharge any safe and sane fireworks within the Stockton City limits except as follows:

June 28: Noon to 11:00 p.m.

June 29: 9:00 a.m. to 11:00 p.m.

June 30: 9:00 a.m. to 11:00 p.m.

July 1: 9:00 a.m. to 11:00 p.m.

July 2: 9:00 a.m. to 11:00 p.m.

July 3: 9:00 a.m. to 11:00 p.m.

July 4: 9:00 a.m. to 11:00 p.m.

C. No person shall discharge any safe and sane fireworks on public property nor in or on a public street except in those areas approved in writing by the Fire Chief.

D. No person shall ignite, explode, project or use, nor permit the ignition, explosion, projection or use, of any safe and sane fireworks:

1. Upon or over the property of another person without that person's consent;
2. Within 10 feet of any residential dwelling or other structure used as a place of habitation; or
3. Within 50 feet of any fireworks sales stand.

E. Except as provided in subsection F of this section, no person under 18 years of age shall purchase, sell, possess, use or discharge safe and sane fireworks.

F. No person having the care, custody or control of a person under 18 years of age shall allow such person to possess, use or discharge:

1. Any dangerous fireworks; or
2. Any safe and sane fireworks unless such person under the age of 18 does so under the direct supervision of a person of age 18 or older and otherwise in compliance with the other requirements of this section.

G. No person shall discharge dangerous fireworks within the Stockton City limits. For purposes of this section, where dangerous fireworks are discharged at or in the street in front of a residential structure, the resident(s) in possession of the residential structure shall be deemed the person who has discharged dangerous fireworks. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.020 Permit required—Issuance—Limitations.

A. Except as provided in this chapter, it is unlawful to offer for sale or sell at retail safe and sane fireworks without having been issued a permit for such sales.

B. The City shall issue permits for the sale of safe and sane fireworks only to nonprofit organizations, and such fireworks shall be sold only at the fireworks sales stands, as more specifically set forth herein.

C. Except as provided in subsection D below, if more than one (1) nonprofit organization that meets the requirements of Section [8.92.010\(E\)\(1\)](#), (2) or (3) is from or is affiliated with (e.g., is incorporated under the same charter, shares the same tax exempt identification number, shares the same or substantially the same officers, is an auxiliary of the other, etc.) a particular charitable, religious, philanthropic or educational organization or institution, intend to apply for a permit, only one (1) such nonprofit organization, as determined by that charitable, religious, philanthropic or education organization or institution, may apply.

D. If a nonprofit organization meets the definition under Section [8.92.010\(E\)\(1\)](#) or (2) and can demonstrate to the reasonable satisfaction of the Fire Chief that it is separate (by reason of its officers, members, purpose, etc.) from other nonprofit organizations that are applying from the same charitable, religious, philanthropic or educational organization, the provisions of subsection C above shall not apply.

E. The City shall issue permits by lottery. Each applicant shall have one (1) lot. The lottery shall take place at a time, place and manner determined by the Fire Chief in accordance with administrative rules and procedures adopted by the Fire Chief.

F. The City shall issue no more than 30 permits annually.

G. An applicant to whom the City intends to issue a permit may allow one (1) or more other applicants which qualified for the lottery to be a co-permittee on the permit.

H. A nonprofit organization, including a nonprofit organization that is a co-permittee, may obtain a permit only two (2) years in a row and any nonprofit organization, including a nonprofit organization that is a co-permittee, that obtains a permit two (2) years in a row must wait one (1) application cycle before reapplying. A nonprofit organization cannot avoid this restriction by changing its name.

I. Any nonprofit organization that has had its permit suspended or revoked within the prior three (3) years shall be eligible to submit an application only upon demonstrating to the Fire Chief's reasonable satisfaction that suitable arrangements have been made to preclude future violations. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.030 Permit application—Regulations—Limitations.

A. All applications must be complete and filed with the Fire Department between the first business day in March and the last business day in March of each year or as otherwise determined by the Fire Chief.

All applications shall be accompanied by a nonrefundable application fee in an amount set by resolution of the City Council. Applications that are not complete or filed late shall not be processed.

B. All applications shall be made in writing on a form supplied by the City. A completed application shall be accompanied by an assurance that, if the applicant is issued a permit, the applicant shall, before receipt of such permit, deliver to the City the following items and/or information:

1. Proper identification and signature of the applicant;
2. The proposed location of the fireworks sales stand;
3. The dates and hours the applicant proposes to operate the stand;
4. A detailed description of the fireworks proposed to be sold;
5. The written consent of the owner of record and/or lessor in control of the property upon which the proposed fireworks sales stand will be located;
6. The fireworks distributor's business name, address, telephone number, and person that is the point of contact;
7. Proof of a temporary sales tax permit from the State Board of Equalization or proof of application to the State Board of Equalization;
8. Proof of insurance to include \$1,000,000.00 dollars public liability, property damage, and product liability coverage with riders attached to the policies designating the City as an additional insured;
9. Proof of a State Fire Marshal Retail Fireworks License; and
10. Such other information and documentation that the Fire Chief in his or her reasonable discretion may require. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.040 Notice of acceptance or rejection of applications—Appeals—Selection procedure—Fee.

A. The Fire Chief shall notify all applicants 30 days after the final permit application deadline whether its application has been accepted or rejected.

B. Any applicant may appeal the Fire Chief's decision to the City Manager by filing a written appeal within five (5) calendar days of the Fire Chief's decision. The City Manager will hear the appeal as soon as possible with the goal to have all appeals heard and decided by May 10th of each year. The City Manager shall affirm, modify or reverse the Fire Chief's decision. The City Manager's decision shall be final.

C. The Fire Chief shall conduct a lottery for those applicants whose applications have been accepted on or about May 10th of each year, or when all appeals have been decided, whichever is later. Those applicants selected in the lottery are eligible to obtain a permit.

D. The Fire Chief shall notify all applicants regarding the results of the lottery, the names of the applicants who are eligible to receive a permit, and the names of the alternates who are eligible to receive a permit.

E. Those applicants that are eligible to receive a permit will have until June 3rd to submit their documents and information required in subsection C of Section [8.92.030](#). If any applicant fails to submit its documents and information by the deadline, the Fire Chief shall notify the requisite number of alternates that they have until a date certain to submit their documents and information as required by subsection C of Section [8.92.030](#).

F. All applicants that are eligible to receive permits shall, prior to issuance of the permit, pay a permit fee, a refundable cash deposit (or other security in a form acceptable to the City), and a regulatory fee in amounts set by resolution of the City Council. The permit fee is intended to cover the cost of the first inspection of the fire works stand. Any necessary subsequent inspections shall be subject to a reinspection fee

in an amount as set by resolution of the City Council. The refundable cash deposit shall be held by the City to cover the cost of removal of the fireworks sales stand, in accordance with subsection M of Section [8.92.070](#). The regulatory fee is to cover the cost of enforcement of this chapter.

G. Each applicant that has been granted a permit shall have no less than two (2) members of its sales staff attend an operator safety seminar administered by the City Fire Department. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.050 Suspension of permit—Appeal procedure.

A. The Fire Chief may suspend immediately and without notice or hearing a permit when the Fire Chief determines a permittee has violated any rule, regulation or ordinance while operating or preparing to operate a fireworks sales stand during or immediately preceding any period of sale. If the Fire Chief determines after the period of sale that a violation occurred during, immediately preceding, or immediately following the authorized period of sale, the Fire Chief may prohibit the permittee from applying for a permit in the future.

B. Any decision of the Fire Chief made pursuant to this section shall be subject to appeal to the City Manager. When the decision being appealed affects the current sales period, such appeal shall be conducted at the earliest possible time that the permittee, the City Manager and the Fire Chief can schedule the appeal. For decisions that do not affect the current sales period the appeal shall be filed within 10 days of the decision and shall be conducted within 10 business days after the appeal has been filed. The City Manager may set aside, modify or reverse the decision. The decision of the City Manager shall be final. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.060 Fireworks sales stand—Operation.

A. It is unlawful for a permittee to allow any person other than the permitted applicant, to operate the fireworks sales stand for which a permit has been issued, or to share in the proceeds of the sales.

B. It is unlawful for the permittee to allow any person other than individuals who are members of the permitted applicant and at least 18 years old, or the spouses or children of such members who are at least 18 years old, to sell, be within the fireworks sales stand or otherwise participate in the sale of fireworks.

C. It is unlawful for the permittee to pay any consideration to any person for selling or otherwise participating in the sale of fireworks.

D. During the time fireworks are sold, each sales stand must have an adult present satisfying the requirements of subsection B above and satisfying the requirements of subsection G below.

E. No person may sleep in or remain in the sales stand after close of business.

F. All unsold fireworks must be securely stored at a designated central storage location, approved by the Fire Chief, during nonsale periods.

G. Each sales stand must have present at all times during the sales period at least one person who attended the Fire Department's operator safety seminar as required by Section [8.92.040\(G\)](#).

H. The sale of fireworks shall conform to restrictions of Section [8.92.015](#).

I. All unsold fireworks and any litter shall be removed from the sales location by 10:00 p.m. on July 4th.

J. Permittees shall require all persons who appear to be under the age of 30 to provide proof of age and shall make no sales of fireworks to persons younger than 18.

K. The City's permit to sell fireworks and the temporary sales tax permit required by Section [8.92.080](#) of this chapter shall be displayed in a prominent place in the sales stand.

L. The permittee shall display a poster measuring 18 inches by 32 inches notifying purchasers of applicable restrictions established by this chapter. The City shall provide such posters that shall be returned to the City after the sales period. (Ord. 2012-02-28-1601 C.S. § 1)

[8.92.070 Fireworks sales stands—Requirements.](#)

All retail sales of safe and sane fireworks shall be made only from within a temporary fireworks sales stand, and sales from any other building or structure is hereby prohibited. Fireworks sales stands are subject to the following requirements:

A. Fireworks sales stands shall be put in place by the permittee no earlier than 8:00 a.m. on June 23rd of each year.

B. No fireworks sales stand shall be located within 25 feet of any other building or structure within five feet of any curb line, or within 100 feet of any gasoline pump.

C. No fireworks stand shall be located within 100 feet of any building used as a school, day care, hospital, place of detention, public garage or place of assembly that can accommodate 300 or more occupants.

D. A minimum of 20 feet of separation shall be provided between the fireworks sales stand and any parked vehicle that is not under the immediate control of the permittee.

E. No weeds or other combustible materials are permitted within 25 feet of the fireworks sales stand.

F. The locations of all fireworks sales stands shall be approved by the Fire Chief.

G. Within all fireworks sales stands the electrical wiring shall be in conduits and breaker boxes shall consist of GFI breakers.

H. All fireworks sales stands shall be built in accordance with the safety requirements of the City prior to opening for business and shall be maintained in accordance with such safety requirements during the sales period.

I. No generators shall be allowed within 25 feet of any fireworks sales stand.

J. Smoking and the consumption of alcoholic beverages shall not be allowed within 50 feet of any fireworks sales stand and "No Smoking" signs shall be displayed on and in the fireworks sales stand.

K. Permittees shall place no signs in the public right-of-way.

L. Each fireworks sales stand shall be provided with two (2), two and one-half (2 1/2) gallon pressurized water type fire extinguishers, or two (2) 2A10BC dry chemical/powder type fire extinguishers, in good working order, and easily accessible for use in case of fire.

M. The fireworks sales stand shall be removed from its location and the site cleaned by 12:00 p.m. on July 7th. If the permittee does not remove the stand and/or clean the site as required by this section, the City may do so, or cause the same to be done, and the reasonable cost thereof shall be charged to the permittee or deducted from the permittee's security deposit. In addition, any permittee found to be in violation of this section shall be subject to an administrative penalty imposed under Section [8.92.090](#). (Ord. 2012-02-28-1601 C.S. § 1)

[8.92.080 Temporary sales tax permit.](#)

Each permittee must obtain a temporary sales tax permit from the State Board of Equalization. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.090 Administrative penalties—Appeals.

In addition to any other remedy available at law, any person who possesses, uses, stores, sells, and/or displays dangerous fireworks or any person who sells, possesses, uses or discharges safe and sane fireworks on or at dates, times, and/or locations other than those permitted by this chapter, or any permittee who violates any provision of this chapter, is subject to an administrative penalty, in an amount as provided below:

A. The amount of the administrative penalty shall be \$250.00 dollars for the first violation, \$500.00 for a second violation within any 12-month period, and \$1000.00 for any subsequent violations within any 12-month period.

B. Appeals of administrative penalties shall be made and heard in accordance with Chapter 1.44 of this Code. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.100 Financial reporting.

On or before September 1st each permittee shall submit to the Fire Chief a financial statement by the treasurer or financial officer of the permittee setting forth the total gross receipts from the sales of fireworks; all expenses incurred and paid in connection with the purchase and sale of fireworks; to whom and for what purpose the net proceeds of the fireworks sales were or will be disbursed; and a report filed by the permittee with the State Board of Equalization that reflects the sales of the fireworks. Any permittee that files the written financial statement and/or the State Board of Equalization report after September 1st shall not be eligible to submit an application for the following year and will not be eligible to submit an application for any year after that until the statement and the report have been filed. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.110 Concurrent authorities.

This chapter is not the exclusive regulation for fireworks within the City of Stockton. It shall supplement and be in addition to the other codes, statutes, regulations and ordinances heretofore and hereinafter enacted by the City of Stockton, the State of California or any other entity or agency having jurisdiction. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.120 Provisions supplementary.

The provisions of this chapter are supplementary to the provisions of the Fire Code of the City of Stockton. In case of direct conflict between the provisions of the Fire Code of the City, and the provisions of this chapter, the provisions of this chapter shall prevail. Except with respect to such direct conflict, the provisions of the Fire Code of the City of Stockton shall remain in full force and effect. (Ord. 2012-02-28-1601 C.S. § 1)

8.92.130 Administrative regulations.

The Fire Chief may promulgate administrative regulations and procedures necessary to implement this chapter, including rules and procedures governing the submissions of applications, inspections and operation of fireworks sales stands and such other regulations as may be necessary for the protection of life and

property. Administrative regulations and procedures shall be in writing and shall be approved by the City Attorney. (Ord. 2012-02-28-1601 C.S. § 1)

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