



City of Adelanto

Business License Division

FIREWORKS PERMIT APPLICATION 2019

INSTRUCTIONS FOR FILING AN APPLICATION FOR A LICENSE TO SELL FIREWORKS

NOTE: PLEASE READ CAREFULLY TO AVOID UNDUE DELAY.

PROCEDURES AND TIMING:

This application must be filled out completely and submitted together with the required forms by April 1st 2019 at 5:00 PM.

Applicants shall be notified by the Planning Department whether the application for the sale of fireworks is granted or rejected. If there are more applicants than there are licenses available a drawing will be conducted.

FORMS REQUIRED:

The applicant must complete the attached forms as prescribed and all of the following information must be attached with the application for the license to sell fireworks.

- a. The applicant shall, at the time of filing the application for a license to sell fireworks, deliver to the Planning Department Office a policy of liability insurance in the amount \$100,000/\$300,000 and a \$50,000 property insurance certificate indemnifying and holding harmless the City of Adelanto and its applicant(s) from any damage that should occur from the sale of said fireworks. Also required is a copy of the requisite permit, indemnifying and holding harmless the City of Adelanto and its applicant(s), from the State Fire Marshall.
- b. An agreement between the manufacturer and/or wholesaler of the fireworks that indemnifies and holds harmless the City of Adelanto and its applicant(s) from damage resulting from defective fireworks.
- c. A license **fee of \$200.00** shall be made payable to the City of Adelanto. This application fee is non-refundable.
- d. Temporary Use Permit: The following temporary uses shall be subject to review and approval or conditional approval by the Director of Planning pursuant to Chapter 17.155 of the Adelanto Municipal Code. PLEASE PROVIDE A PLOT PLAN AND OTHER GRAPHICS NECESSARY TO INDICATE THE LOCATION. **Fee: \$275.00**
- e. A **\$600 fee** due at the time of application as a cleanup fee.
- e. Signed Community Agreement form.

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- f. Failure to complete any of the above items may result in revocation of License to Sell Fireworks, or effect eligibility for the following year.

UPON ISSUANCE OF APPROVED LICENSE, THE FOLLOWING IS REQUIRED:

- a. A temporary "Sales Tax Permit" from the Regional Office of the State Board of Equalization.
- b. Safety Inspection from the San Bernardino County Fire department.
- c. All unsold stock and litter shall be removed from the stand by 5pm on July 6th, and the fireworks stand shall be removed and temporary site cleaned within 500 feet of the stand by 12pm on July 10th.
- d. A financial statement is due to the planning department by September 3, detailing costs and revenue from the fireworks stand. The statement shall also describe how the money received from the sale of fireworks goes back into the community, and should identify the number of Adelanto residents that are benefited.
- e. Failure to perform any of the above mentioned items may result in revocation of license or inability to gain license the following year.

Section 2. Fireworks; Sale of; License required. Except as provided herein, no person shall offer for sale or sell any fireworks of any kind in said City without having first applied for and received a license.

Section 3. Prerequisites to Issuance of License; The following qualifications must be met by each applicant for a license issued hereunder.

- a. No license shall be issued to any person, firm, or corporation, except non-profit associations or corporations organized primarily for civic betterment or youth activities. At least 80% of the group's members must be Adelanto residents. In the circumstance that a drawing must take place to select applicants that receive the license, the organization may be asked to supply the Planning Department with proof of member's residency within the City.
- b. Each such organization must have its principal and permanent meeting place in the corporate limits of said City, must maintain a bona fide membership of at least twenty (20) Adelanto resident members, and must have been organized and established in said City's corporate limits for a minimum of one (1) year continuously preceding the filing of the application for the license.
- c. No organization may receive more than one (1) license for fireworks sale during any one (1) calendar year. One (1) license may be issued to two (2) or more qualifying applicants as a joint venture, but may only operate one (1) stand. The maximum number of licenses which may be issued pursuant to this Ordinance during any one (1) calendar year shall not exceed one (1) license for each three thousand (3,000) residents of the City, or fraction thereof, based on the latest official roster, State of California census estimate.
- d. If the number of applications exceeds the number of licenses allowed to be issued, the license shall be granted by a drawing supervised by the City Clerk. The drawing will be

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held at a council meeting, the applicants will be notified of the drawing date and notification of selection will be performed the following day.

Section 4. Operation of Stand;

- a. No person other than the licensee organization shall operate the stand for with the license is issued or share or otherwise participate in the profits of the operation of such stand.
- b. No person other than the individuals who are members of the license organization, and their immediate, adult age family members, shall sell or otherwise participate in the sale of fireworks at such stand. In no instance shall a person under the age of eighteen (18) years be permitted to sell or otherwise participate.
- c. No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at such stand.

Section 5. Temporary Firework Stands. All sales of "Safe and Sane" fireworks shall be permitted only from within a temporary fireworks stand, and sales from any other building or structure is hereby prohibited. Temporary stands shall be subject to the following provisions:

- a. No fireworks stand shall be located within twenty-five (25) feet of a building or within one hundred (100) feet of any gasoline pump.
- b. Fireworks stands need not comply with the provisions of the building code of said City, however, the Building and Safety department may inspect the stand at any time to reasonably insure the safety of attendants and patrons.
- c. No stand shall have a floor area in excess of three hundred (300) square feet.
- d. Each stand must have at least two (2) unobstructed exits; and each stand in excess of forty (40) feet in length must have at least three (3) exits spaced approximately equidistance apart, provided, however, that in no case shall the distance between exits exceed twenty-four (24) feet.

Section 6. General requirements for Licensees.

- a. All weeds and combustible material shall be cleared from the location of the stand including a distance of at least fifty (50) feet surrounding the stand before operation of stand.
- b. "No Smoking within 100 Feet" signs shall be prominently displayed on the fireworks stand.
- c. Each stand must have an adult in attendance and in charge thereof while fireworks are stored therein.
- d. Each firework stand shall obtain a safety inspection by the San Bernardino County Fire Department prior to opening.
- e. The sale of fireworks shall not begin before 12pm on June 28th, and shall not continue after 11:59pm on July 4th.

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- f. Each stand shall display a sign of at least ten (10) square feet stating that discharge of fireworks is only legal within Adelanto city limits between 12:00 noon, June 28th and 11:59pm midnight July 4th.
- g. During the days allowed for sale of fireworks, no sales shall be made except between the hours of 7:00 A.M. and 12:00 midnight, except the first day (June 28th), during which sales must start no earlier than noon.
- h. All unsold stock and litter shall be removed from the stand by 5pm on July 6th, and the fireworks stand shall be removed and temporary site cleaned within 500 of feet of the stand by 12pm on July 10th.

Section 7. Display of License and Sales Tax Permit; License to sell fireworks and temporary sales tax permit shall be displayed in a prominent place in the fireworks stand.

Section 8. Prohibitions on Discharge; It shall be unlawful for any person to ignite, explode, project, or otherwise fire or use, any fireworks, or permit the ignition, explosion or projection thereof, upon or over onto the property of another without his consent, or to ignite, explode, project, or otherwise fire or make use of, any fireworks within ten (10) feet of any resident, dwelling or other structure used as a place of habitation by human beings or within one hundred (100) feet of any fireworks stand.

I, WE, HEREBY CERTIFY that I (We) have read and understand the information contained within this application and furthermore agree to comply strictly with the terms of this license and the provisions of the Ordinance.

Signature of Applicant Print Name/Title Date

Email address: _____ Phone Number: _____

Community Agreement

I, _____, as an authorized representative of _____, understand that the organization listed is required to participate in two yearly community clean up days and to participate in the Adopt-A-Street program in order to receive a license to sell fireworks.

Please Initial the below to confirm that you agree to the following:

Clean-Up Day:

_____ Applicant has been participating and will continue to participate in two yearly community clean-up days.

_____ Applicant has been informed of the clean-up days they may be assigned: February 17, April 21, July 21, and October 13. Applicant understands that planning staff will be assigning community clean up dates and times accordingly.

_____ Organization members are required to participate for four (4) hours on two (2) different days for a total of eight (8) hours. The events are held at Adelanto Stadium, 12000 Stadium Way.

_____ Applicant understands that at least 20% of its members must participate in each clean-up day.

Adopt-A-Street:

_____ Applicant has been participating and will continue to participate in the Adopt-A-Street program, which is to be done monthly.

_____ Applicant will contact Public Works through Virginia Cervantes or the Public Works designee at 760-246-2300 x11124 to request trash bags for the Adopt-A-Street days they select.

_____ Applicant will inform the same contact as above when and where the trash bags should be picked up by Public Works so that bags are not left at the site.

_____ Applicant understands that at least 20% of its members must participate in each Adopt-A-Street event.

Eligibility:

_____ Applicant understands that failure to participate in the Adopt-A-Street and Clean-up will result in ineligibility for a fireworks permit.