

2024 CITY OF FULLERTON

**FIREWORKS SALES PERMIT
APPLICATION PACKET**



CITY OF FULLERTON

Office of the City Clerk

Dear Fireworks Stand Permittee:

Congratulations on advancing to Phase 2 of the safe and sane fireworks sales process. On November 6, 2012, Fullerton voters approved Measure X, which adopted Ordinance No. 3183 establishing the sale and use of safe and sane fireworks. City Council adopted Resolution No. 2022-18 on March 1, 2022 which establishes the rules for the sale and use of safe and sane fireworks within the City of Fullerton.

The fireworks sales application process has two phases: 1) application for fireworks stand lottery drawing and 2) application for fireworks stand sales permit.

Phase 1 – Lottery Application (Completed). Any group wishing to sell fireworks must first submit a completed application for the fireworks lottery drawing. The City will issue permits for up to 15 fireworks sales stands. Those organizations awarded a fireworks sales stand through the lottery drawing must then complete the second phase of the application process to obtain a fireworks sales permit.

The City accepted fireworks lottery applications during each business day the City was open in March. The City held the lottery drawing on Tuesday, April 16, 2024.

Phase 2 – Fireworks Stand Permit Application. Those organizations selected in the lottery, must next submit a fully completed permit application, in person, to the Fire Department by June 6, 2024.

Should you have any other questions, please refer to the City's website at www.cityoffullerton.com or contact the Fire Department at (714) 738-6500.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucinda Williams".

Lucinda Williams, MMC
City Clerk

THE EDUCATION COMMUNITY

303 West Commonwealth Avenue, Fullerton, California 92832-1775
(714) 738-6350 • Fax (714) 525-8071 • Web Site: www.ci.fullerton.ca.us

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
PERMIT APPLICATION**



FIRE DEPARTMENT

312 E. Commonwealth Avenue, Fullerton, CA 92832-2099 Website: www.cityoffullerton.com

Telephone (714) 738-6500
Fire Prevention Division Fax (714) 738-3392

APPLICATION TO SELL SAFE AND SANE FIREWORKS

Name of Non-Profit Organization: _____ Phone: _____
Address: _____

List at least two organizational officers contact info: If more, add additional sheet

Name: _____ Phone: _____
Address: _____
Name: _____ Phone: _____
Address: _____

Wholesaler/Distributor Name: _____ Phone: _____
Address: _____

Proposed Fireworks Stand Address: _____

List Hours of Operation

DAYS	July 1	July 2	July 3	July 4
HOURS				

PROVIDE THE FOLLOWING:

1. Copy of temporary sales tax permit from the California State Board of Equalization.
2. Copy of the requisite retail sales permit issued by the office of the California State Fire Marshal.
3. Proof of Operator Safety Class attendance and name of Safety Officer.
4. Separate 8" x 10" document plot plan/site map.
5. Plan on how the booth will be staffed during the hours of operation.
6. Written permission from the owner of record and/or lessor and/or Management Company of the property upon which said fireworks stand is proposed to be located.
7. Certificate of Insurance naming the City and its agents additionally insured.
8. Hold Harmless Agreement.
9. FEES: \$2900

The undersigned hereby applies for a permit to sell "Safe and Sane Fireworks" as a retailer pursuant to all rules and regulations adopted by the California State Fire Marshal, all other applicable code standards and to the safe and sane fireworks ordinance established by the City of Fullerton.

Name and title of authorized officer or director of non-profit organization (*Print name and title*)

Signature: _____ Date: _____

Certificate of applicant: I declare, under penalty of perjury under the laws of the state of California, that I am a duly appointed agent of the entity submitting this application and have been authorized by its board to submit this application on its behalf. I further declare, under penalty of perjury, that the information provided in this application is true and correct. I understand the issuance of this permit shall not be deemed or construed to be a permit to conduct an illegal act or unlawful business prohibited by law or requiring other approvals which have not yet been obtained. I further understand that any false statements may result in the denial of the requested permit or revocation of any issued permit.

Applicant's Name: _____ Phone: _____
(Print)

Applicant's Signature _____ Date: _____

Submit this form and materials to Fire Department no later than 5:00 p.m. on June 6, 2024.

FOR OFFICE USE ONLY:

Permit Fee: \$ _____ Received By: _____ Date: _____ RM Approval: _____

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
PROPERTY OWNER
PERMISSION FORM**



City of Fullerton

Property Owner Permission Form

Permit to Sell "Safe and Sane" Fireworks

Permission is hereby granted to _____
(Fireworks Wholesaler)

and _____
(Nonprofit Organization)

for the exclusive right to use the property located at _____
(Stand Address)

Fullerton, California with Assessor's Parcel Number (APN) _____ - _____ - _____

for their _____ fireworks stand.
(Selling Year)

I understand that the nonprofit organization will conduct this sale in accordance with all City, County and State regulations.

THE ORGANIZATION HAS AGREED TO CLEAR THE TEMPORARY STAND AND ALL ACCOMPANYING LITTER FROM THE PROPERTY NO LATER THAN FIVE DAYS FOLLOWING THE LAST DAY OF FIREWORKS SALES

Property Owner's Name: _____ Phone: _____
(Please print)

Address: _____

Owner's Signature: _____ Date: _____

OR

Owner Representative's Name: _____ Phone: _____
(Please print)

Relationship to property owner: _____

Representative Address: _____

Representative Signature: _____ Date: _____

(Note: Submit original signed form. No copies.)

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
HOLD HARMLESS
AGREEMENT**



City of Fullerton

Hold Harmless Agreement

Permit to Sell "Safe and Sane" Fireworks

In consideration for the issuance of a Permit for the sale and/or display of safe and sane fireworks and to the furthest extent allowed by law, Applicant does hereby agree to indemnify, hold harmless and defend the City of Fullerton (hereinafter referred to as "City") and agency's officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability), including but not limited to personal injury, death at any time and property damage incurred by City, Applicant or any other person and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the issuance or use of the Permit. Applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, agents or unauthorized volunteers are negligent but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence or caused by the willful misconduct of City and any of its officers, officials, employees, agents or authorized volunteers.

Throughout the life of this Agreement, Applicant shall pay for and maintain in full force and effect all insurance as required.

Applicant shall conduct all defense at his/her/its sole cost. The fact that insurance is obtained by Applicant shall not be deemed to release or diminish the liability of Applicant, including, without limitation, liability assumed under this Agreement. The duty to indemnify shall apply to all claims regardless of whether any insurance policies are applicable. The duty to defend hereunder is wholly independent of and separate from the duty to indemnify and such duty to defend exists regardless of any ultimate liability of Applicant. The policy limits do not act as a limitation upon the amount of defense and/or indemnification to be provided by Applicant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Applicant, its officials, officers, employees, agents, volunteers or invitees.

Applicant shall furnish City with copies of actual policies upon request of the City and this requirement shall survive the expiration or termination of this Permit.

City shall be reimbursed for all costs and attorney's fees incurred by City in enforcing this Agreement. This indemnification and Hold Harmless Agreement shall survive the expiration or termination of the Permit.

The undersigned acknowledges that he/she (i) has read and fully understands the content of this indemnification and Hold Harmless Agreement; (ii) is aware that this is a contract between the City and Applicant; (iii) has had the opportunity to consult with his/her attorney, at his/her discretion; (iv) is fully aware of the legal consequences of signing this document; and (v) is the Applicant or his/her/its authorized signatory.

Signed, sealed and delivered on (date): _____

Witness (please print)

Applicant (organization)

Witness Signature

Applicant signature

2024 CITY OF FULLERTON

**FIREWORKS SALES
PERMIT APPLICATION
PACKET**

**TIMELINE FOR
APPLICATION AND SALES**

City of Fullerton

Timeline for Fireworks Stand Application and Sales

Step 1: Lottery Application (*Completed*)

- Non-profit organizations may obtain Fireworks Sales Lottery Applications during the month of March at www.cityoffullerton.com, from the City Clerk's Office located at 303 West Commonwealth, via email at cityclerksoffice@cityoffullerton.com or by calling (714) 738-6350.
- A representative of the non-profit organization may submit completed Fireworks Sales Lottery Application in person, along with required documentation (see Firework Stand Lottery Checklist) starting with the City's first day of business in the month of March through close of business on the City's last day of business in the month of March. The City Clerk's Office will not accept incomplete applications.
- Applicants must pay a \$28 non-refundable permit application fee when submitting the application.
- The lottery drawing will take place on Tuesday, April 16, 2024. The first five youth sports partner league group applications and first ten community organization applications randomly selected will proceed to Step 2 and apply for a fireworks sales permit. (The City will also randomly select up to an additional five applications to serve as youth sports partner league alternates and an additional five applications to serve as community group alternates, should any of the first 15 applicants not fulfill the stand requirements.)
- The City Clerk's Office will contact successful lottery applicants not present at the lottery drawing to inform them they may proceed to Step 2.
- Only organizations selected by lottery proceed to Step 2.

Step 2: Permit Application

- Organizations selected in the lottery drawing must complete a Permit Application to obtain a fireworks stand permit and proceed with fireworks sales. Organizations may obtain a Permit Application packet following the lottery draw from the City's website at www.cityoffullerton.com or from the Fire Department.
- Applicants must return completed Permit Applications, along with required documentation and fees, to the Fire Department by the close of business on June 6, 2024.
- Applicants must submit a \$2900 non-refundable permit fee at the time of application submittal.

Step 3: Operator Safety Class

- Organization representatives must attend an Operator Safety Class conducted by the fireworks vendor. Applicants must provide proof of attendance and the program syllabus with the permit application.

Step 4: Stand Inspection

- Applicants must complete a successful stand inspection prior to receiving a sales permit. Contact the Fullerton Fire Department at (714) 738-6500 to schedule an inspection at least 24 hours in advance.

Step 5: Fireworks Sales Begin – July 1

- Permit holders may sell fireworks on the following dates / times:
 - July 1, 2, 3 - Noon – 10:00 p.m.
 - July 4 - 10:00 a.m. – 9:00 p.m.

Step 6: Fireworks Sales End – July 4

- Permit holders must halt all fireworks sales by 9:00 p.m. on July 4

Step 7: Fireworks Stock Removal – July 5

- Permit holders must remove all fireworks stock from the City and return to the wholesaler / distributor by 4:00 p.m. on July 5. Permit holders must also remove all litter from stand site.

Step 8: Stand Removal – July 13

- Vendors shall remove all fireworks stands no later than July 13 and clear all litter from the location.

Step 9: Financial Reporting – September 1

- The permittee shall submit to the City Clerk a financial statement by the treasurer setting forth the total gross receipts from the fireworks stand and all expenses incurred and paid in connection with the purchase of fireworks and the sales thereof, along with the most recent report filed by the permittee to the State Board of Equalization on or before September 1. Failure to file the Financial Report will disqualify the organization from future fireworks sales lotteries.

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
PERMIT APPLICATION CHECKLIST**

City of Fullerton
Safe and Sane Fireworks Sale
Permit Application Checklist

Permit Application (submit to Fire Department)

- Completed Firework Stand Permit Application
- Receipt of a temporary sales tax permit from the State Board of Equalization - Tax Number
- Copy of State Fire Marshals Retail Fireworks License
- Name of Fireworks Stand Safety Officer and proof of Operator Safety Class attendance
- Firework stand location and two copies of the site map (fully dimensioned)
- Staffing schedule
- Written authorization from Property Owners - Permission Form
- Certificate of Insurance naming the City and its agents additionally insured
- Hold Harmless Agreement
- Check payable to the Fullerton Fire Department for \$2326

Conclusion of Sales (submit to City Clerk's Office)

- Follow Up Financial Report – On or before September 1st
(Failure to file this report will affect eligibility for future lottery drawings)

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
MINIMUM REQUIREMENTS FOR
FIREWORKS STANDS**

City of Fullerton

Minimum Requirements for Fireworks Stands

Permittees may only conduct retail sales of "Safe and Sane Fireworks" from within a temporary fireworks stand. Permittees may not conduct retail sales from any other building or structure. Temporary stands must comply with the most current edition of NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, as well as the following requirements:

Location and Approval

The individual responsible for the operation of each stand must attend a Stand Operator Safety Seminar conducted by the permitted fireworks wholesaler.

The stand operator must obtain a Firework Sales Stand Permit from the Fire Department and provide a detailed plot plan (with dimensions) showing distance from existing structures, parking, fire hydrants, roadways, entrances and exits to locations and location of fire extinguishers.

The stand operator must obtain a permit for stands with electrical service and / or generators.

The stand operator must obtain a State Fire Marshal Retail Fireworks License Permit.

The Public Works Department shall review ingress and egress to the site to ensure that the stand does not create undue traffic safety hazards.

No temporary stands located within 20 feet from any roadway / curb, within 30 feet from any combustibles or located less than 35 feet from any structures, recreational vehicles or trailers.

No sales or discharge of fireworks within 100 feet of any flammable or combustible liquid storage, pump or dispensing device or on any property storing or dispensing flammable liquids.

Each stand shall have at least ten off-street parking spaces.

Stand operators must provide proof of written property owner authorization indicating permission to erect a fireworks stand and sell product before the issuance of any permits.

Stand Requirements

No electrical circuits, wiring, devices or lighting in temporary stands without a permit. Battery-operated portable lighting devices do not require a permit.

The stand operator will protect all exposed lamps from accidental contact or breakage with suitable guards. (CEC 590.4(F)).

All stands must: 1) be constructed of either wood or metal 2) have studs of sufficient size to adequately support the roof 3) have service openings located a minimum 40 inches from the ground level, with at least 12 inches of ½ inch wire mesh at the bottom of such service openings.

Stand operators shall maintain and keep clear to all exits, aisles at least 30 inches in width.

Each stand will have at least two exits, placed as to provide immediate egress from either end of the stand. Exit doors will be readily operable from the stand interior without special knowledge, effort or tools, including keys.

No locking or latching devices permitted on the inside of stand doors.

No slide bolts, hook / eye or other types of locks permitted. Stand operator will place a locked padlock through the latch of the stand's exterior locking device in the locked position to prevent the door locking from the outside whenever the stand is occupied.

The stand shall have suitable covers or shutters to completely seal off the service openings during those hours not in operation.

No fuel-powered generators or similar equipment allowed inside the stand.

Stand Operation

The stand operator shall post signs on the interior and exterior of the stand stating that the minimum age to purchase fireworks is 16 years of age.

The stand operator shall post an informational flyer on the outside of the stand indicating the allowable areas and times for fireworks discharge.

Permittees may only sell fireworks between the hours of Noon and 10:00 p.m. on July 1, 2 and 3 and between 10:00 a.m. and 9:00 p.m. on July 4.

No smoking allowed within 30 feet of any temporary stand. All temporary stands must have "No Smoking" signs posted both on the interior of the stand and outside the structure near all exterior openings.

No drinking or storage of alcoholic beverages in or around a temporary stand at any time.

At minimum, stands shall have a Class 2A:10BC fire extinguisher placed and maintained in locations readily accessible for use. Each person assisting in the operation of a temporary stand will receive instruction on the location and use of fire extinguishers.

No person under the age of 18 may sell fireworks nor be inside the stand at any time.

No person other than members of the permittee and / or joint venture nonprofit organizations(s), or the wives, husbands, parents or adult children of such members shall sell or otherwise participate in the sale of "Safe and Sane fireworks" at such stand.

No person shall receive payment or other consideration by the permitted nonprofit organization(s) or any wholesaler / distributor of "Safe and Sane" Fireworks for selling or otherwise participating in the sale of "Safe and Sane Fireworks" with the exception of licensed security personnel and the property owner of the stand location.

No person shall remain inside a temporary stand during non-business hours, except for the initial construction of the stand and for loading and unloading of merchandise.

No person shall light or cause or permit the lighting of any match, fireworks, device or other combustible article within a temporary stand or within 30 feet of a temporary stand.

The permittee shall include an informational flyer with every sale that indicates the allowable areas and times for fireworks discharge.

The permittee shall maintain a 30 foot area in all directions around each temporary stand in a neat and orderly manner, free from all weeds, trash, rubbish and other debris.

Permittees shall store or keep fireworks only inside the temporary stand. No fireworks may be stored in any garage, home, automobile or other structure.

Each temporary stand will have one or more designated persons over the age of 21 who will act and serve as a watchperson for the temporary stand during all hours when the stand is not in operation. The designated watchperson will remain outside but within eyesight of the temporary stand. The applicant will include watchperson's contact information and work schedule with the permit application materials.

The permittee shall remove the stand and clear the premises of all debris and restore to the condition prior to the establishment of the stand no later than July 13th.

Financial Reporting

On or before September 1st, the permittee shall submit to the City Clerk a financial statement by the treasurer setting forth the total gross receipts from the fireworks stand, all expenses incurred and paid in connection with the purchase and sale of fireworks and the most recent report filed by the permittee to the State Board of Equalization.

Noncompliance

Failure to comply with the rules and regulations governing the sale, possession and discharge of Safe and Sane Fireworks set forth in this document and Resolution No. 2022-018 will result in immediate invalidation of any current permit and forfeiture of eligibility for the lottery drawing in the next application cycle.

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
STATE FIRE MARSHAL SAFE AND
SANE FIREWORKS WHOLESALE LIST**

State Fire Marshal Approved Safe and Sane Fireworks Vendors

Permitees may only work with vendors approved by the State Fire Marshal. The link below will provide you with a list of state approved vendors.

<https://osfm.fire.ca.gov/divisions/fire-engineering-and-investigations/fireworks/>

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
CITY AND FIRE DEPARTMENT STAFF
CONTACT INFORMATION**

CITY CONTACT INFORMATION

Lottery and Sales Permit Packets, General Information

Contact: City Clerk's Office

Telephone: (714) 738-6350

Email: cityclerksoffice@cityoffullerton.com

Fireworks Stand Inspections and Permits (Phase 2)

Contact: Fire Prevention Bureau

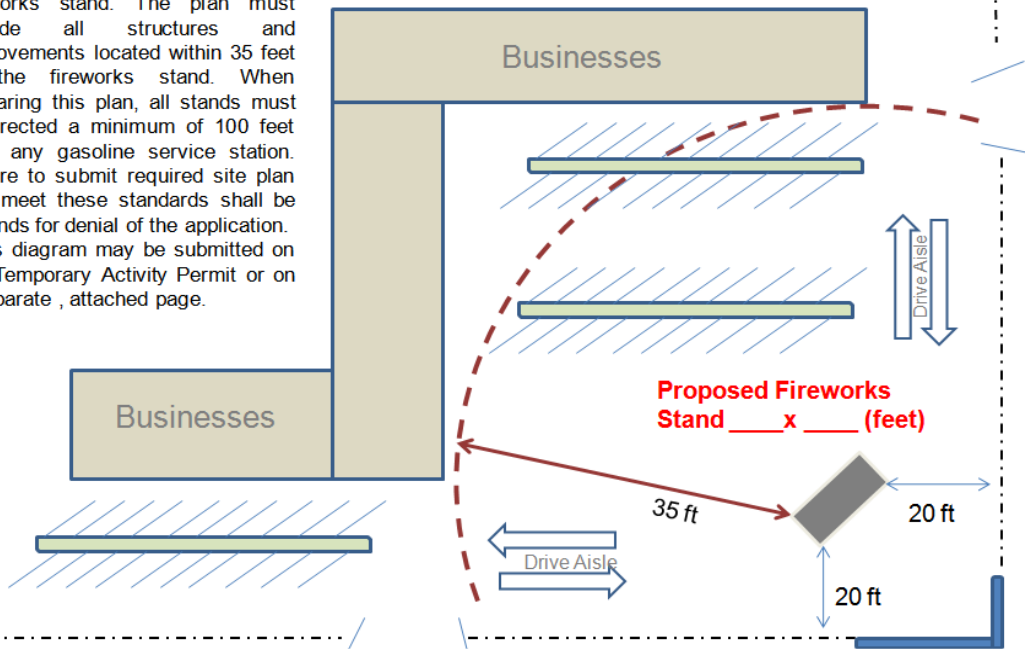
Telephone: (714) 738-6500

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
SITE PLAN**

City of Fullerton Sample Site Plan

SAMPLE SITE PLAN – Fireworks Stand

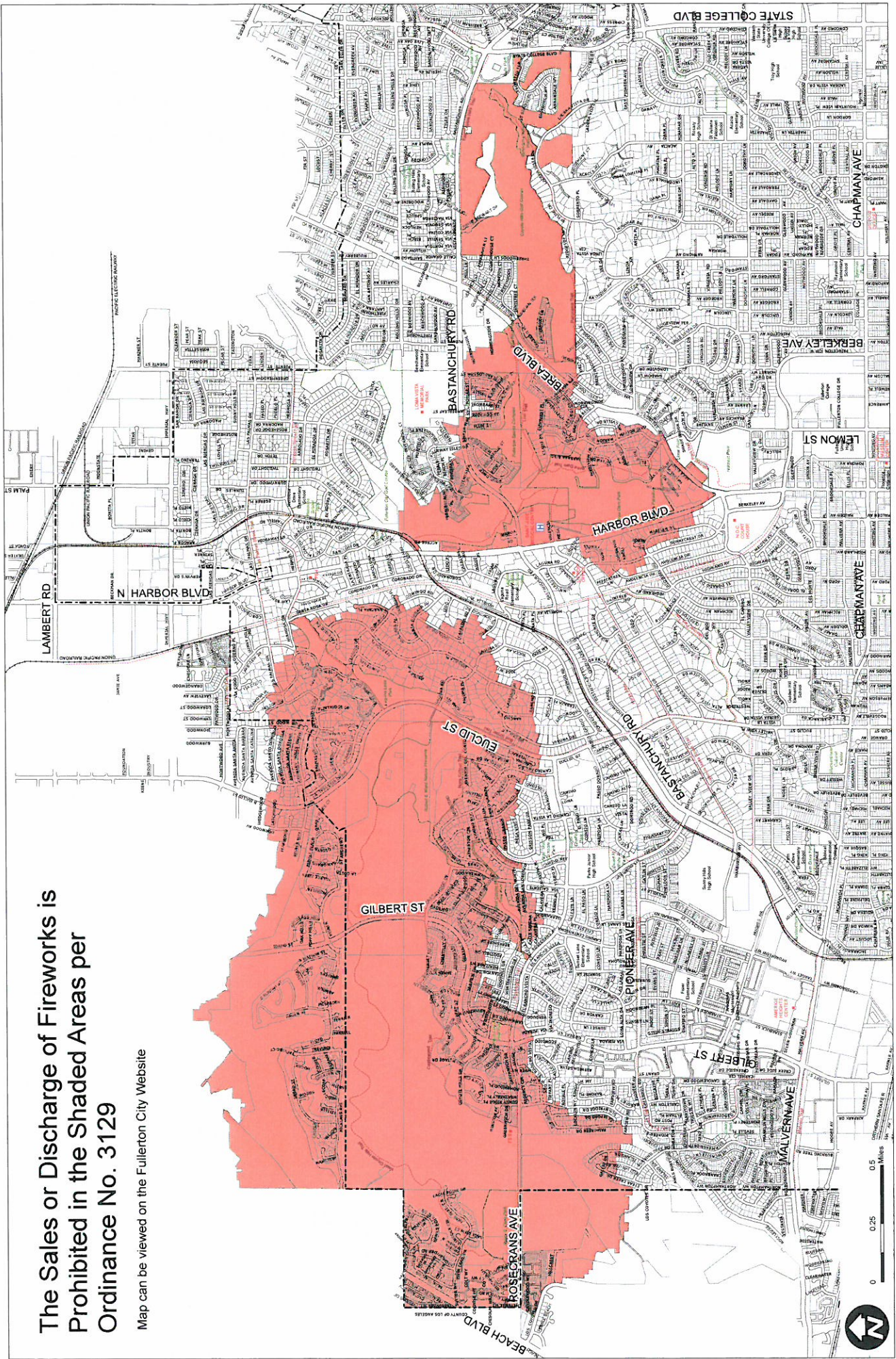
- Each application must be accompanied by a fully dimensioned site plan, drawn to scale, showing the exact location of the proposed fireworks stand. The plan must include all structures and improvements located within 35 feet of the fireworks stand. When preparing this plan, all stands must be erected a minimum of 100 feet from any gasoline service station. Failure to submit required site plan that meet these standards shall be grounds for denial of the application.
- This diagram may be submitted on the Temporary Activity Permit or on a separate, attached page.



**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
FIRE HAZARD SEVERITY MAP**

The Sales or Discharge of Fireworks is Prohibited in the Shaded Areas per Ordinance No. 3129

Map can be viewed on the Fullerton City Website



**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
COMMUNITY GROUP
FINANCIAL REPORT**



City of Fullerton Community Group Fireworks Sales Financial Report

On or before September 1st, the permittee shall submit to the City Clerk a financial statement by the organization treasurer setting forth the total gross receipts from the fireworks stand; all expenses incurred and paid in connection with the purchase of fireworks and the sales thereof; along with the most recent report filed by the permittee to the State Board of Equalization. **The timely filing of such statement shall be a condition precedent to the granting of any subsequent firework sales permit.**

Organization: _____ Year: _____

Booth Location: _____ Wholesale Vendor : _____

Fireworks Sales:

A) Gross Sales and Receipts \$ _____

B) Sales Tax Paid to State Board of Equalization \$ _____

C) Net Sales (Line A – B) \$ _____

Expenses

D) Total Paid in Fireworks Product \$ _____

E) Total Paid in Licenses, Rent, Fees \$ _____

F) Other Expenses (Power, Advertising, etc.) \$ _____

G) Total Expenses (Lines D + E + F) \$ _____

Profit

Net Funds Collected (Line C – G) \$ _____

The Organization will use proceeds from sale of fireworks towards the following: _____

**2024 CITY OF FULLERTON
SAFE AND SANE FIREWORKS SALES
FEEDBACK FORM**

