

## Sacramento City Code

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**8.48.010 General prohibition against possession, sale or use of fireworks.**

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Except as otherwise provided in this chapter, no person shall possess, sell, use, display or explode any rocket, firecracker, roman candle, squib, torpedo, torpedo cane, fire balloon, wire core sparkler, wooden core sparkler, black cartridge or other combustible device or explosive substance or any kind of fireworks, by whatsoever name known, within the city. (Prior code § 15.03.375)

**8.48.020 Certain public displays—Exceptions.**

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Public displays of fireworks may be given with permission of the fire chief or the chief's designated representative where such display will take place under the supervision and direction of a state of California licensed operator. The applicant shall apply for such permission at least ten (10) days in advance of the date of the display for which the permit is sought. The application shall be in the form prescribed by the fire chief and shall set forth the name and address of the applicant, the date and nature of the event and such other information as the fire chief may reasonably require.

The fire chief shall grant the permit as applied for or with condition thereto, unless the chief finds that to do so would be contrary to the public health, safety and welfare. The decision of the fire chief shall be in writing and shall be mailed, postage prepaid, to the applicant.

Every application for permission to conduct a public display of fireworks shall be accompanied by a nonrefundable fee as established by resolution of the city council. This fee shall be in addition to any fee or tax imposed by Chapter [3.08](#) of this code.

Every applicant shall agree to hold the city, its officers and employees, harmless from any and all claims for damages or other costs arising out of the activity authorized by the permit. (Prior code § 15.03.376)

**8.48.022 Public displays within a building—Sprinklers required.**

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Public display of fireworks or pyrotechnics shall be permitted within a building only if an approved automatic sprinkler system is installed throughout the building. (Ord. 2003-030 § 11)

**8.48.030 Liability insurance.**

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Any person, firm or corporation applying for a public display permit shall furnish to the fire chief proof of coverage by a policy of public liability and property damage insurance. The policy shall provide limits of bodily injury and property damage liability of not less than one million dollars (\$1,000,000.00) combined single limits for each occurrence annually as payment for damages to persons or property which may result from or be caused by such public display of fireworks, or any negligence on the part of the licensee of his or her or its agents, servants, employees or subcontractors presenting such public display.

No permit shall be issued until the permittee furnishes the fire chief with a certificate of insurance for each policy required, executed by the company issuing such policy, and approved as to form by the city attorney. Such policies shall contain a provision which includes the city as an additional insured and declaring said insurance to be primary and that no other insurance carried by an insured party shall be called upon for contribution. Such insurance policies shall contain an endorsement that the company issuing such policy or policies will not allow the same to be canceled without serving, by first class mail, ten (10) days notice of cancellation upon the city clerk. Notwithstanding any other provision of this chapter, the failure of the permittee to carry such policy or policies in force and to properly renew said insurance during the time covered by such permit shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of the full amount of the permit fee required by Section [8.48.020](#) of this chapter shall be made to the city before any such revoked permit may be reinstated. (Prior code § 15.03.377)

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**8.48.040 Appeals.**

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The decision of the fire chief or the chief's designated representative in acting on an application for permission to conduct a public display of fireworks in accordance with the provisions of this chapter shall be subject to an appeal by the applicant to the city manager. Notice of such appeal shall be filed with the city manager within ten (10) days after the date of the decision regarding such fireworks permits. Upon failure to file such notice within the ten (10) day period, the action of the fire chief or the chief's designated representative shall be final and conclusive. The applicant may appeal the decision of the city manager to the city council by filing a notice of appeal with the city clerk within ten (10) days after the date of the city manager's decision. Upon failure to file such notice with the ten (10) day period, the action of the city manager, or the manager's designee, shall be final and conclusive. (Prior code § 15.03.378)

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**8.48.050 Safe and sane fireworks—Exception.**

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It is not unlawful to possess, sell, use, display or discharge within the city those fireworks as are defined and classified as "safe and sane fireworks" in the State Fireworks Law (Section 12500, et seq. of the [Health and Safety Code](#)) during that time period beginning at noon on June 28th and ending at 12:01 a.m. on July 5th of that same year.

Sale of "safe and sane fireworks" shall be permitted only between noon on June 28th and ten p.m. on July 4th of the same year. (Prior code § 15.03.379)

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**8.48.080 Safe and sane fireworks—Permits—Required.**

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It is unlawful for any person to sell "safe and sane fireworks" within the city without having first applied and received a city permit therefor. (Prior code § 15.03.380)

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**8.48.090 Safe and sane fireworks—Permits—Prerequisite for issuance.**

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A. No permit to sell fireworks shall be issued to any person except nonprofit organizations or corporations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes.

B. Each such organization shall have its principal and permanent meeting place within the city limits and shall have been organized and established in an area which is presently within the city limits for a minimum of one year continuously preceding the filing of the application for the permit and shall have a bona fide membership of at least twenty (20) members.

C. No organization shall submit more than two applications for permits to sell fireworks within the city and all unincorporated areas of Sacramento County for which the Sacramento Fire Department is the fire authority having jurisdiction. Submittal of more than two applications shall be grounds for denial of all applications. (Ord. 2003-030 § 3; prior code § 15.03.381)

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**8.48.100 Safe and sane fireworks—Permits—Application.**

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A. All applications for permits to sell fireworks shall be in writing to the fire chief on forms supplied by the city. Applications may be filed beginning January 2nd of each year up to and including February 15th of same year, at which time the filing period for that year will close. Applications shall set forth the proposed location of the fireworks stand being applied for, and other information as may be required by the fire chief.

Applications shall be accompanied by an assurance that, if the permit is issued to the applicant, the applicant shall, at the time of receipt of such permit, deliver to the city administration a \$50/100,000 public liability and twenty-five thousand dollars (\$25,000.00) property damage insurance policy and products liability insurance of three hundred thousand dollars (\$300,000.00), with riders attached to the policies designating the city as an additional insured thereunder. No policy will be acceptable which contains a provision allowing a deductible amount.

B. Applicants for such permits shall be notified on May 1st of each calendar year by the fire chief of the approval or disapproval of such applications for such permit. All organizations whose permits have been approved shall have up to and including May 15th of that year to pick up such permit.

C. Every application for a permit shall be accompanied by a nonrefundable application fee established by resolution of the city council. This application fee shall be in addition to any fee or tax imposed by Chapter 3.08 of this code. (Prior code § 15.03.382)

#### **8.48.110 Operator safety seminar.**

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Each year, one or more representatives from each organization that is granted a permit to sell fireworks shall attend a stand operator safety seminar conducted by the fire department and the fireworks industry. Failure of an organization to have a responsible individual(s) attend the seminar shall result in the revocation of the permit to sell fireworks. (Prior code § 15.03.383)

#### **8.48.120 Operation of stand.**

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- A. No person shall sell fireworks to any person under the age of eighteen (18).
- B. Sale of fireworks shall begin no earlier than noon on June 28th and shall not continue after ten p.m. on July 4th of the same year. Sale of fireworks shall be permitted only from nine a.m. to ten p.m. daily, except June 28th, when the hours shall be twelve noon to ten p.m.
- C. No person other than the permittee organization shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.
- D. No person other than the individuals who are members of the permittee organization or the wives, husbands, parents or adult children of such members shall sell or otherwise participate in the sale of fireworks at such stand.
- E. No person under the age of eighteen (18) shall sell or participate in the sale of fireworks.
- F. No person shall be paid any consideration by the permittee or any wholesale distributor of “safe and sane” fireworks for selling or otherwise participating in the sale of fireworks at such stand; provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on its property. The fire chief may revoke the fireworks storage permit of any wholesale distributor violating the terms of this section, as set forth in Section 8.48.150(B) of this chapter. (Ord. 2003-030 § 5; prior code § 15.03.384)

#### **8.48.130 Temporary fireworks stand.**

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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 prohibited. Temporary stands shall be subject to the following provisions:

- A. No fireworks shall be located within twenty-five (25) feet of any other building or within one hundred (100) feet of any gasoline pump or distribution point.
- B. Fireworks stands need not comply with the provisions of the building code of the city; provided, however, that all stands shall be erected under the supervision of the inspector, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons; and provided further than any electrical installations shall comply with all applicable codes.
- C. No stand shall have a floor area in excess of seven hundred fifty (750) square feet.
- D. Each stand shall have at least two exits. Each stand in excess of forty (40) feet in length shall have at least three exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty (20) feet. Exit doors shall be not less than twenty-four (24) inches wide and six feet in height and shall swing in direction of exit travel.
- E. Each stand shall be provided with two, two and one-half gallon “water type” (minimum rating 2A) fire extinguishers in good working order and easily accessible for use in case of fire.
- F. All temporary fireworks stands shall be disassembled and removed not later than July 20 of that year. (Ord. 2003-030 § 6; prior code § 15.03.385)

#### **8.48.140 General requirements for permittees.**

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- A. Stands shall not be located closer than six hundred (600) feet apart, unless separated by a principal arterial roadway.
- B. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty-five (25) feet surrounding the stand.
- C. “NO SMOKING” signs shall be prominently displayed on the fireworks stand.
- D. Each stand must have an adult watchman in attendance and in charge thereof when the stand is being used for sale, dispensing or storage of fireworks.
- E. All unsold stock of fireworks in the hands of the retailer after ten p.m. on July 4th shall be returned to the distributor or wholesaler immediately. On closing of stands, all litter shall be removed from premises.
- F. No fuel-powered generator or similar equipment shall be allowed within fifty (50) feet of a fireworks stand. (Ord. 2003-030 §§ 7—8; prior code § 15.03.386)

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#### **8.48.150 Revocation of permit—Appeal.**

A. The fire chief, or the chief’s designee, may revoke, immediately and without notice or hearing, the permit of any permittee who violates any of the following provisions: Section [8.48.120\(A\)](#), (B) and (E), Section [8.48.140\(D\)](#). If the revocation occurs between June 22nd and July 5th, the chief shall inform the permittee that the permittee may seek review of the chief’s decision by the city manager, or the city manager’s designee, on the next business day. At the earliest opportunity on the next business day after the revocation, the chief shall provide the city manager with written notice that a fireworks permit has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. The city manager, or the city manager’s designee, shall meet with the permittee and the chief on that day, upon the permittee’s request, to review the fire chief’s decision. The decision of the city manager shall be final. If the revocation occurs before or after the specified period, the appeal procedures of subsection B of this section shall apply.

B. The fire chief, or the chief’s designee, may revoke the permit of any permittee who violates any provision of this chapter not specified in subsection A of this section. Such revocation shall not take effect for five days, during which time the permittee may seek review of the chief’s decision by submitting a written request for review to the city manager. The chief shall provide the city manager with written notice that a fireworks permit has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. The city manager, or the city manager’s designee, shall meet with the permittee and the chief to review the chief’s decision. The decision of the city manager shall be final.

C. Any permittee whose permit has been revoked, pursuant to subsection A or B of this section, shall be barred from receiving a permit under this chapter for five years from the date of revocation. (Prior code § 15.03.387)

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#### **8.48.152 Wholesale storage of safe and sane fireworks.**

Wholesale storage of California State Fire Marshal-listed “safe and sane fireworks” may be allowed under the provisions of this section and chapter. All wholesale storage facilities or buildings shall conform to the applicable building and fire codes of the city of Sacramento. Any storage arrangements approved prior to the adoption of this section that are not in compliance with current building and fire codes may continue for temporary storage between June 1st and July 15th only, but in no event after July 15th, 2006. An annual storage permit shall be required from the city fire department for the wholesale storage of fireworks. The annual storage permit shall be annually renewable, subject to inspection clearance. (Ord. 2003-030 § 9)

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#### **8.48.154 Manufacture of fireworks prohibited.**

No person, firm or corporation shall manufacture fireworks within the city of Sacramento. (Ord. 2003-030 § 10)

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#### **8.48.160 Seizure of fireworks.**

The fire chief, or the chief’s designee, shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this chapter. (Prior code § 15.03.388)

