

Chapter 5.24 FIREWORKS*

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* Prior ordinance history: Alameda County Ord. 76-34.

5.24.010 Definitions.

For the purpose of this chapter, the words and phrases “fireworks” and “safe and sane fireworks” shall have the respective meanings ascribed to them in Sections 12500 et seq. of the Health and Safety Code of the state of California. (Ord. 18-12 § 1 (part); Ord. 1-12 § 1 (part); Ord. 10 § 1, 1982)

5.24.020 Prohibitions.

A. The manufacture of fireworks is prohibited within the jurisdiction.

B. No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as “dangerous fireworks” by Section 12505 of the Health and Safety Code of the state of California.

C. The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as “safe and sane fireworks” by Section 12529 of the Health and Safety Code of the state of California is expressly permitted, except as limited by this chapter. (Ord. 18-12 § 1 (part); Ord. 1-12 § 1 (part); Ord. 10 § 2, 1982)

5.24.030 Exceptions.

Nothing in this chapter shall be construed as prohibiting the use of torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; or the sale or use of blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonials or

demonstrations; or the sale, discharge or display of fireworks by permittees having a permit as hereinafter provided; or the use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of such production; or the transportation of fireworks through the city in regular course, and in original packages or containers from any point outside the city to any other point outside the city. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 10 § 3, 1982)

5.24.040 Public display—Permit required.

A. Any person desiring to hold a public display of fireworks within the city shall submit an application for permit to the office of the city's Fire Chief at least two (2) months prior to the event. In the event a permit is granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

B. The Fire Chief shall have power to adopt reasonable rules and regulations for granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement park or other organization for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Chief and shall be of such character and so located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to persons or property.

C. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Chief for the payment of all damages which may be caused to a person or persons or to any property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors. By accepting a permit, permittee agrees to indemnify and hold the city harmless from any such damages.

D. All fireworks that remain unfired after the display is concluded shall be immediately disposed of in an approved manner for the particular type of fireworks remaining. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 2-99 §§ 3A, 3B; Ord. 2-89 § 1(a); Ord. 10 § 4, 1982)

5.24.050 Number of permits limited.

The maximum number of permits to sell safe and sane fireworks which may be issued pursuant to this chapter during any one calendar year shall not exceed one (1) permit per each three thousand (3,000) residents of the city of Dublin. The number of residents shall be based on population estimate data available from the California Department of Finance at the time of the random drawing. The most recent estimate of total city population will be adjusted by subtracting the most recent estimate of the group quarters population to equal the estimated household population. If the number of applications received up to and including the last day for making applications pursuant to this chapter exceeds the number of permits to be issued for the city, the Fire Chief shall immediately thereafter supervise an impartial drawing to determine an order of priority for each application. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 5-96 § 1 (part); Ord. 10 § 5, 1982)

5.24.060 Permit—Prerequisites for issuance.

A. No permit to sell safe and sane fireworks shall be issued to any person except nonprofit organizations with an active 501(c)(3) status or corporations which have obtained tax exempt status from the State Franchise Tax Board under Section 23701(b), (d), (f), (g), or (l) of the Revenue and Taxation Code. Only one (1) organization per ID number shall apply. Proof shall be provided at application.

B. Each such organization must have its principal and permanent meeting place in the city limits and must maintain a bona fide membership of at least twenty (20) Dublin resident members, and must have been organized and established within the city for a minimum of one (1) year continually preceding the filing of the application for the permit.

C. Each such organization must have an active business license within the city of Dublin at the time of application.

D. Each such organization must serve, in whole or in part, the Dublin community and its residents and must pledge to reinvest a portion of the proceeds from its sale of fireworks for the benefit of the Dublin community and its residents. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 10 § 6, 1982)

5.24.070 Safe and sane fireworks—Permit procedure.

A. Any nonprofit organization desiring to sell or to offer for sale safe and sane fireworks shall first make a written application to the Fire Chief for a permit to sell fireworks at a fireworks stand.

B. Every application for a permit shall be accompanied by a fee in the amount of one hundred fifty dollars (\$150) to cover reasonable costs of investigation and administration. If the application is denied for any reason, one-half of said fee shall be refunded.

C. The application shall state the name of the applicant, the address of the organization, and its principal or permanent meeting place.

D. The application shall state the date and time on which it is proposed that fireworks be sold, which in no event shall be for a period of time not within twelve p.m. (12:00 p.m.) on June 28th to twelve p.m. (12:00 p.m.) on July 5th of each year; however, no fireworks shall be sold after ten p.m. (10:00 p.m.) or before eight a.m. (8:00 a.m.) during these periods.

E. The application shall set forth the proposed location of the fireworks stand, including a map or plot plan of the lot or premises on which the stand is to be located depicting the stand and other structures on the premises. Any such stand must be located on private property located within commercially zoned districts, and must otherwise conform to zoning and other applicable laws and regulations. The written permission of the owner of record or lessees must also accompany the application.

F. Fireworks stands shall be located only in an area bearing a commercial zoning designation.

G. Each applicant shall post a deposit in the amount of two hundred dollars (\$200) for the purposes set forth herein. If the requirements of Section [5.24.100\(E\)](#) are met by the dates and times set forth therein, the deposit shall be returned on or before July 15th. If the requirements of Section [5.24.100\(E\)](#) are not met by the times and dates set forth therein, the Fire Chief shall order the cleanup and/or removal of the stand and the deposit will be forfeited in full. Each applicant shall pay the required amount for the purposes of inspection services as outlined in the city's current fee schedule.

H. Two (2) or more nonprofit organizations meeting the requirements of Section [5.24.060](#) may jointly apply for a permit to sell fireworks at a fireworks stand. The application shall conform to all of the provisions of this section. (Ord. 18-12 § 1 (part); Ord. 1-12 § 1 (part); Ord. 21-99 §§ 1, 3; Ord. 2-99 §§ 1, 3C; Ord. 4-97 § 1; Ord. 2-89 § 1 (b); Ord. 2-88 § 1; Ord. 10 § 7, 1982)

5.24.080 Operation of stand—Permittee only.

A. No person other than the permittee shall operate the stand for which the permit 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 permittee organization, or the parents, wives or husbands or adult children of such members, shall sell or otherwise participate in the sale of fireworks at such stand.

C. Notwithstanding the foregoing, a permittee may receive assistance in operating the stand from, and share the profits of the operation of the stand with, any nonprofit organization which meets the requirements of Section [5.24.060](#); provided, that advance written notice is given to the Fire Chief no later than June 27th. (Ord. 18-12 § 1 (part); Ord. 1-12 § 1 (part); Ord. 4-97 § 2; Ord. 10 § 8, 1982)

5.24.090 Fireworks stands—Requirements.

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

A. No fireworks stand shall be located within twenty-five (25) feet of any other building nor within one hundred (100) feet of a gasoline pump;

B. Each stand in excess of twenty-four (24) feet in length must have at least two (2) exits; and each stand in excess of forty (40) feet in length must have at least three (3) exits spaced approximately equidistant apart; providing, however, that in no case shall the distance between exits exceed twenty-four (24) feet;

C. Permittee shall provide each stand with one (1) two-and-one-half (2 1/2) gallon water fire extinguisher suitable for class A fires. The extinguishers shall be serviced and tagged by a licensed State Fire Marshal's authorized technician within the past year and be easily accessible for use in case of fire and approved as to type by the Fire Chief and conforming to the provisions of this code. (Ord. 18-12 § 1 (part); Ord. 1-12 § 1 (part); Ord. 10 § 9, 1982)

5.24.100 General requirements for permittees.

A. All weeds and combustible material shall be cleared from the location of the stand including a distance of at least twenty (20) feet surrounding the stand.

B. "No smoking" signs shall be prominently displayed on the fireworks stand.

C. The sale of fireworks shall not (1) be made to any person under the age of eighteen (18), (2) begin before twelve p.m. (12:00 p.m.) on the twenty-eighth day of June of each year nor continue after twelve p.m. (12:00 p.m.) on the 5th of July each year.

D. An information brochure concerning instructions as to the use of safe and sane fireworks and the hazards attendant with their use by minors shall be furnished each purchaser by the permittee. No fireworks, or other explosives of any nature, shall be discharged upon the premises or lot upon which a fireworks stand is located.

E. For any stands permitted to sell fireworks during any period from June 28th through July 5th, all unsold stock and accompanying litter shall be removed from the location of the stand by five p.m. (5:00 p.m.) on the fifth day of July, and the fireworks stand shall be removed from the location no later than five p.m. (5:00 p.m.) on the eighth day of July. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 21-99 §§ 2, 3; Ord. 2-99 § 2; Ord. 2-89 § 1 (c); Ord. 12 § 1, 1982; Ord. 10 § 10, 1982)

5.24.110 Temporary sales tax permit required.

Organizations licensed for the selling of fireworks are required to obtain a temporary sales tax permit from the Regional Office of the State Board of Equalization. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 10 § 11, 1982)

5.24.120 Permit display required.

The permit to sell fireworks and temporary sales tax permit shall be displayed in a prominent place in the fireworks stand. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 10 § 12, 1982)

5.24.130 Seizure of fireworks.

The Fire Chief shall have the authority to 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. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 10 § 14, 1982)

5.24.140 Supplement to state statutes.

The provisions of this chapter shall supplement and be construed in harmony with the State Fireworks Law (Part 2, Division 11 of the Health and Safety Code of the state of California) and other applicable provisions of the laws of the state of California. (Ord. 18-12 § 1 (part): Ord. 1-12 § 1 (part): Ord. 10 § 13, 1982)

5.24.150 Violation—Penalty.

Persons violating this chapter shall be deemed guilty of an infraction, and, upon conviction, shall be punished as provided in Section 36900(b) of the Government Code, or its successor statute. (Ord. 18-12 § 1 (part); Ord. 1-12 § 1 (part); Ord. 6-02 § 1; Ord. 10 § 15, 1982)