



# CITY OF HUNTINGTON PARK

Community Development Department  
City Council Agenda Report

**REVISED**

May 7, 2019

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

**CONSIDERATION AND APPROVAL OF AN ORDINANCE AMENDING TITLE 4  
“PUBLIC SAFETY,” CHAPTER 8 “FIREWORKS,” SECTIONS 4-8.02 THROUGH  
4-8.04 AND 4-8.06 THROUGH 4-8.08 OF THE HUNTINGTON PARK MUNICIPAL  
CODE TO UPDATE THE APPLICATION PROCESS, PROCEDURES, AND  
REQUIREMENTS FOR ISSUING FIREWORK SALES PERMITS**

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Waive first reading, and introduce Ordinance No. 2019-974, amending Title 4, “Public Safety,” Chapter 8 “Fireworks,” Sections 4-8.02 through 4-8.04 and 4-8.06 through 4-8.08 of the Huntington Park Municipal Code to update the application process and procedures for issuance of permits for firework sales; and
2. Schedule the adoption of said ordinance to the next regular city council meeting.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The Department of Community Development is requesting an Ordinance Amendment that proposes to amend Title 4, Chapter 8 of the Huntington Park Municipal Code to update the application process, procedures, and requirements for issuing firework sales permits.

- ***Ordinance Amendment***

Title 4, Chapter 8 of the Huntington Park Municipal Code provides the application process, procedures, and requirements for issuing fireworks sales permits. The chapter also details the safety requirements and operation standards for temporary fireworks stands. The proposed amendment is intended to update these requirements in order to identify the Community Development Department as the lead department for the application process, clarify applicant eligibility, and provide for additional safety

# **CONSIDERATION AND APPROVAL OF AN ORDINANCE AMENDING TITLE 4 “PUBLIC SAFETY,” CHAPTER 8 “FIREWORKS,” SECTIONS 4-8.03, 4-8.04 AND 4-8.06 THROUGH 4-8.08 OF THE HUNTINGTON PARK MUNICIPAL CODE TO UPDATE THE APPLICATION PROCESS, PROCEDURES, AND REQUIREMENTS FOR ISSUING FIREWORK SALES PERMITS**

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measures. Lastly, the amendment intends to make the City Council the final approval body for the issuance of firework sales permits.

For the purposes of this report, in the attached redline ordinance, all existing code text will be shown in normal font, all proposed text to be removed will be shown in ~~strike through~~ font, and all proposed text will be shown in **bold underline**. The proposed amendment will read as follows:

## **FISCAL IMPACT/FINANCING**

Fireworks sales permits will continue to generate required application fees including building permits, electrical permits, temporary use permits, and city business license fees. In addition, the permit fee for the sale of fireworks shall continue to be one percent of the gross retail sales as reported to the State of California Board of Equalization by the non-profit organization.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The proposed Ordinance Amendment will make the Community Development Department the lead department for application processes. Applicants shall file permit applications with the Director of Community Development, or designee, who will process the application for City Council review.

The proposed Ordinance Amendment will also clarify firework sales permit eligibility by requiring that permits be filed by local non-profit organizations only and that an active member of the local non-profit be listed on the application as an additional applicant.

Additionally, the Ordinance Amendment will provide for increased public safety measures by requiring minimum ages for adults in charge of fireworks stand operations requiring overnight security of stands, and updating sidewalk setback requirements in order to prevent obstruction of vehicular line of sight. It will also require Building and Safety inspections for the temporary stands.

Lastly, the proposed amendment will establish the City Council as the final approval body for all complete fireworks sale permit applications.

## **CONCLUSION**

Upon Council approval, staff will proceed with recommended actions.

**CONSIDERATION AND APPROVAL OF AN ORDINANCE AMENDING TITLE 4  
“PUBLIC SAFETY,” CHAPTER 8 “FIREWORKS,” SECTIONS 4-8.03, 4-8.04 AND  
4-8.06 THROUGH 4-8.08 OF THE HUNTINGTON PARK MUNICIPAL CODE TO  
UPDATE THE APPLICATION PROCESS, PROCEDURES, AND REQUIREMENTS  
FOR ISSUING FIREWORK SALES PERMITS**

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ricardo Reyes', with a stylized flourish at the end.

RICARDO REYES  
City Manager

A handwritten signature in blue ink, appearing to read 'Sergio Infanzon', with a large circular flourish at the end.

SERGIO INFANZON  
Director of Community Development

**ATTACHMENT(S)**

- A. REVISED Ordinance No. 2019-974, amending Title 4, “Public Safety,” Chapter 8 “Fireworks,” Sections 4-8.02 through 4-8.04 and 4-8.06 through 4-8.08 of the Huntington Park Municipal Code.

# **CITY OF HUNTINGTON PARK**

**City Council Meeting Agenda  
Tuesday, May 7, 2019**

## **REGULAR AGENDA**

### **COMMUNITY DEVELOPMENT**

- 6. Consideration and Approval of an Ordinance Amending Title 4, “Public Safety,” Chapter 8 “Fireworks,” Sections 4-8.03, 4-8.04 and 4-8.06 Through 4-8.08 of the Huntington Park Municipal Code to Update the Application Process, Procedures, and Requirements for Issuing Sales Permits**

## **REVISED**

**ATTACHMENT A**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK, CALIFORNIA, AMENDING TITLE 4 “PUBLIC SAFETY,” CHAPTER 8 “FIREWORKS,” SECTIONS 4-8.03, 4-8.04 AND 4-8.06 THROUGH 4-8.08 OF THE HUNTINGTON PARK MUNICIPAL CODE PERTAINING TO FIREWORKS**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council hereby amends Title 4, Chapter 8 of the Huntington Park Municipal Code to read as follows:

4-8.01 Permits required.

No person shall offer for sale or sell any fireworks of any kind within the City without having first applied for and received a permit for fireworks sales during that year.

(§ 1, Ord. 908-NS, eff. June 20, 2013)

4-8.02 Fireworks defined.

Only safe and sane fireworks, as defined by Section 12529 of the Health and Safety Code of the State of California, may be sold in the City, such sales shall be limited to the time period of 12:00 noon on June 26th, and ending at 11:59 p.m. July 4th of each calendar year, provided such sales are made with a permit and in accordance with the provisions of this chapter. **The City shall have the right to assign and operate as many firework stand locations to City departments for City program fundraising.**

(§ 1, Ord. 908-NS, eff. June 20, 2013)

4-8.03 Permits—Applications.

(a) Applications for permits to sell fireworks:

(1) Shall be available in the ~~Building and Safety Division~~ **Community Development Department** located in City Hall;

(2) Shall only be accepted from a local non-profit organization, ~~or from a firework manufacturer/distributor, acting as an agent on behalf of the local non profit organization and organizations that have been exempted the non profit status requirement. The non profit status requirement for an organization may only be waived by the City Council provided that the application to waive the non profit status is filed no later than April 15th.~~

For purposes of this chapter, a “local non-profit organization,” “organization,” and “applicant” shall mean a non-profit organization, association, or group that:

(i) Possesses a valid and current non-profit status from the State of California, and

(ii) Is organized primarily for community service, religious or charitable purposes within the City of **Huntington Park**, or

(iii) Has been organized, established and provides services within the City of **Huntington Park** for a minimum of one year continuously preceding the filing of the application for the permit, or

~~(iv) Maintains a permanent meeting place in the City;~~

(3) Shall clearly identify the name and address of the organization. **In addition, the application shall include at least one active member's name and title as an additional applicant** and shall set forth such other information pertaining to the organization as the Building Official **City of Huntington Park** may reasonably request for his or her investigation;

(4) Shall be made in writing, addressed to and filed with the Building Official **Community Development Department**;

(5) Shall be submitted between ~~April~~ **March** 1st and ~~May~~ **April** 15th of each year except that when the last day falls on a day when the City Hall is closed, the application shall be submitted the following business day;

(6) Shall set forth the proposed location of the fireworks stand;

(7) Shall be accompanied by an assurance that, if the permit is granted to the applicant, the applicant, at the time of receiving notice that the permit has been granted, shall obtain insurance and provide the Building Official with a certificate issued to the applicant, for each fireworks stand location, showing insurance coverage in effect during the time covered by the permit as follows: insurance limits of not less than one million (\$1,000,000.00) dollars per occurrence for bodily injury, property damage, and products liability, with the City, and its officers and employees, named as additional insured. Such insurance certificate shall be furnished for each firework stand location prior to the issuance of such permit, with the form of the certificate approved by the City's Risk Manager, City Attorney or their designee;

(8) A copy of the required retail fireworks license from the State Fire Marshal shall be furnished prior to the issuance of such permit.

(b) The approval or denial of an application shall take place in the following manner:

**(1) All complete applications submitted on or before April 15<sup>th</sup> will be presented to the City Council at the first meeting in June for consideration. Approval of fireworks permits shall be subject to the City Council.**

~~(2)~~**(2)** Applicants for such permits shall be notified by the Building Official **Community Development Department** or designee of the approval or denial of their application not later than the ~~second Monday in June~~ of each calendar year **following business day preceding the City Council's determination.**

~~(2)~~**(3)** The findings of the Building Official **City Council**, shall be endorsed on each of the applications and indicated by the words "granted" or "denied." If the application is denied, the Building Official **Community Development Department** shall give notice of such decision to the applicant and the reasons for the denial.

(§ 1, Ord. 908-NS, eff. June 20, 2013)

4-8.04 Fees—Application and permit.

(a) Application Fee. The non-refundable application fee for the processing of permit applications shall be two hundred thirty-five (\$235.00) dollars plus one hundred (\$100.00) dollars per each firework stand location payable at the time of application.

**(b) Temporary Use Fee. The non-refundable application fee for a Temporary Use Permit shall be submitted along with a complete application to the Planning Division. Temporary Use Permit fees shall be pursuant to the City Fee Schedule.**

~~(b)~~**(c)** Permit Fee. The permit fee for the sale of fireworks shall be one percent of gross retail sales as reported to the State of California Board of Equalization by the non-profit organization. No later than September 30th following the sale of fireworks, the non-profit organization shall submit the permit fee and a copy of the gross retail sales report to the ~~Building Official~~ **Community Development Department**. Any non-profit organization who does not provide the aforementioned items and pay the permit fee in a timely manner or falsify any information or documentation shall be assessed a penalty for an amount of ten (10%) percent of the permit fee and may not be eligible to apply for a fireworks permit the following calendar year.

~~(c)~~**(d)** The fees collected by the City of Huntington Park from the issuance of fireworks permits shall be used for City-sponsored fireworks shows, activities and City services related to fireworks such as environmental and police services.

~~(d)~~**(e)** Organizations selling fireworks shall be required to obtain a temporary sales tax permit from the State Board of Equalization.

**(f) Organizations shall be required to pay and obtain a City of Huntington Park Business License.**

(§ 1, Ord. 908-NS, eff. June 20, 2013)

4-8.06 Permits—Number limited.

(a) The City shall not issue more than ~~eighteen (18)~~ **seven (7)** permits in any one calendar year **not including the City operated locations.**

~~(b) Organizations who have received permits in permit years 2003 and 2004 (grandfathered organizations) which concurrently file for permits each year thereafter will receive a permit each year, provided the organization remains in full compliance with the provisions of this chapter. Those organizations who do not file for each year concurrently will lose the right to be granted the permit as a grandfathered organization.~~

~~(c)~~ **(b)** In the event that the City receives more than ~~eighteen (18)~~ **seven (7)** applications from eligible organizations by the application deadline date of ~~May~~ **April** 15th, then the City shall conduct a lottery to select applicants to receive permits up to the maximum number of permits available for issuance. ~~The grandfathered organizations are exempt from the lottery process.~~

~~(d)~~**(c)** Only one permit application from any one organization shall be accepted during the calendar year with the exception of schools ~~and religious organizations~~. Public schools, charter schools and private schools and religious organizations may submit two (2) permit applications provided the applications are submitted from two different groups, divisions, or sections within the same school or religious organizations. Organizations with multiple branches or subsidiaries shall be treated as one organization for purposes of this section.

(§ 1, Ord. 908-NS, eff. June 20, 2013)

#### 4-8.07 General requirements.

(a) Fireworks stands may be located only in the commercial, manufacturing or public Open Space zones of the City, excepting the Downtown Huntington Park Specific Plan area where fireworks shall be prohibited. All locations shall be approved by the City's Planning Division and County of Los Angeles Fire Department.

(b) All dry grass, weeds, and combustible materials shall be cleared from the location of the stand, including a distance of at least twenty (20) feet surrounding the stand.

(c) "No Smoking" signs in letters of not less than four (4) inches in height shall be prominently displayed on both the inside and outside of the fireworks stand. There shall be no smoking permitted within fifteen (15) feet of the fireworks stand.

(d) Each stand shall have at all times an adult **of at least 21 years of age** in attendance and in charge thereof when the stand is being used for the sale, dispensing, or storage of fireworks. Storage shall be as directed by the Fire Chief.

(e) All unsold stock and accompanying litter shall be removed from the location by 12:00 noon on July 6th.

(f) Sleeping or remaining in the stand after the close of business each day shall be prohibited.

(g) The fireworks stand shall be removed from the temporary location by July 18th, and all accompanying litter shall be cleared from such location by such time and date.

(h) The fireworks stand shall be set back ~~fifteen (15)~~ **five (5)** feet from the sidewalk. **Firework stands shall not obstruct vehicular and pedestrian traffic. Firework stands shall not obstruct vehicular line of sight.**

(i) Signs, not smaller than eight and one-half (8 1/2) inches by eleven (11) inches, explaining the discharging prohibitions required by Section 4-8.10 shall be displayed at each sale window, in a manner that is clearly visible to firework purchasers.

**(j) Overnight security shall be provided at the close of business and shall remain at the site until the fireworks booth is reopened for business.**

(§ 1, Ord. 908-NS, eff. June 20, 2013)

#### 4-8.08 Temporary stands.

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and such sales from any other building or structure shall be prohibited. Temporary stands shall be subject to the following provisions:

(a) All stands shall be constructed in a manner which will reasonably insure the safety of attendants and patrons.

**(b) All firework stands shall be inspected by the City Building Inspector and shall comply with the requirements of the Building Code.**

~~(b)~~ **(c)** All stands must comply with the requirements for position, placement, composition as set forth in this section and the Los Angeles County Fire Code.

(e) (d) An electrical permit shall be obtained by a licensed contractor for all electrical work requiring electrical permit.

(§ 1, Ord. 908-NS, eff. June 20, 2013)

#### 4-8.09 Operation of stands.

(a) No person, other than the individuals who are members of the permittee organization, or the wives or husbands or adult children of such members, shall sell or otherwise participate in the sale of fireworks at such stand. No person under eighteen (18) years of age may occupy the interior of the stand, and no person, other than the members actually engaged in selling the fireworks, shall occupy the interior of the stand.

(b) No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at such stand.

(c) No sale shall be made to any person under sixteen (16) years of age.

(d) All counters, aisles, cases, and storage places shall be kept clear of all papers and combustible trash, which shall be removed daily or more often as required.

(e) Fireworks shall be stored in stands only and shall not be stored in any other location during the legal sale period. No supplies or other materials shall be stored in front of exit doors. Storage shall be as directed by the Fire Chief.

(f) It shall be unlawful for anyone to light, or cause to be lighted, any fireworks or other combustible materials within any such stand or within fifteen (15) feet of the stand.

(g) State licenses and City permits to sell fireworks, and the temporary sales tax permit, shall be displayed in a prominent place in the fireworks stand.

(h) No sales shall start until stands are inspected and approved by both the City's Building Inspector and County of Los Angeles Fire Inspector.

(§ 1, Ord. 908-NS, eff. June 20, 2013)

**SECTION 2. SEVERABILITY.** If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Huntington Park hereby declares that it would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after approval by the City Council.

**SECTION 4. PUBLICATION.** The City Clerk shall certify to the adoption of this Ordinance causing it to be posted as required by law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of May, 2019

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Karina Macias,  
Mayor

**APPROVED AS TO FORM:**

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Arnold M. Alvarez-Glasman  
City Attorney

**ATTEST:**

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Donna Schwartz  
City Clerk

DRAFT