

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTIONS 5.90.070 AND 5.90.080 OF THE  
HUNTINGTON BEACH MUNICIPAL CODE  
RELATING TO FIREWORKS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 5.90.070 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**5.90.070 Sale of Safe and Sane Fireworks—Application Process**

Each year, the City Manager may issue Permits for the sale of Safe and Sane Fireworks to Qualified Organizations by means of a lottery system. The number of Permits considered for the lottery shall be determined by City Council by Resolution. If a question arises as to whether a nonprofit, charity or group is a Qualified Organization as defined in this Chapter, the City Council Liaisons to the 4th of July Board will make the determination at their sole discretion.

Prior to the lottery, any Qualified Organization that wishes to participate in selling Safe and Sane Fireworks must complete a Permit Application and return it to the City Clerk prior to the dates and times described by Resolution. No Qualified Organization shall be permitted more than one location to sell Safe and Sane Fireworks. If more than one Permit Application is submitted, the City may disregard one, or all, of the Permit Applications at its sole discretion.

Each of the four Huntington Beach public high schools shall, upon submittal of an application, be awarded one Permit. Private Huntington Beach high schools may each enter one application and a lottery drawing will be held among the private high school Applicants for a fifth high school Permit. Each high school which receives a Permit will hold its own lottery between its student clubs and organizations and dedicate the stand to not more than two groups. If no private high school submits an application, then the four public high schools will be entered into a lottery for the fifth high school Permit.

In addition to information required in the Permit Application, the Qualified Organization shall provide the following:

- A. A written and signed statement, that the Qualified Organization, prior to receipt of a Permit, will provide the City a certificate evidencing policies of insurance as required by the City pursuant to its administrative regulations.
- B. Proof that the Qualified Organization meets the requirements of this Chapter.
- C. The Permit Application shall be signed by an authorized officer or director of the Qualified Organization who shall attest to the veracity of all statements in the Permit Application.

- D. At least one or more representatives of a Permittee shall attend a Fireworks Stand safety seminar approved by the City. The failure of a Permittee to attend the safety seminar may result in the revocation of its Permit to sell Safe and Sane Fireworks.

The final Permit Applications with supporting documentation shall be filed with the City Clerk as set forth by Resolution. In the event the Qualified Organization is unable to provide the information required on the Permit Application and any supplemental information required by the City Clerk, prior to submittal deadline, the Qualified Organization will not be permitted to participate in the lottery. The City Clerk may request information clarifying or explaining the Qualified Organization's Permit Application.

SECTION 2. Section 5.90.080 of the Huntington Beach Municipal Code is hereby amended to read as follows:

**5.90.080 Safe and Sane Fireworks—Operation of Fireworks Stand**

- A. No person shall knowingly sell fireworks to any person under the age of 18 years old.
- B. It shall be illegal to sell fireworks except between noon and 10:00 p.m. on July 1st, 2nd and 3rd and between 10:00 a.m. and 9:00 p.m. on July 4th.
- C. No person under the age of 18 years old shall sell or participate in the sale of Safe and Sane Fireworks.
- D. No person shall be paid any consideration by the Permittee or any Fireworks Wholesaler of Safe and Sane Fireworks for selling or otherwise participating in the sale of Safe and Sane Fireworks. This shall not apply to licensed security personnel during sale or non-sale hours and to the party authorizing the location of the Fireworks Stand on its property. The Fire Chief or his or her designee may revoke the fireworks storage permit and/or local business permit of any Fireworks Wholesaler violating the terms of this section.
- E. Safe and Sane Fireworks must remain at the location listed on the Permit unless written approval to relocate is obtained from the Fire Chief or his or her designee.

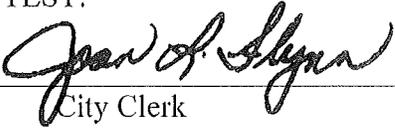
Unsold Safe and Sane Fireworks may be transported back to the Fireworks Wholesaler, outside of the City, in compliance with Department of Transportation regulations for transporting fireworks after 9:00 p.m. on July 4th.

SECTION 4. This Ordinance shall become effective 30 days after its adoption.

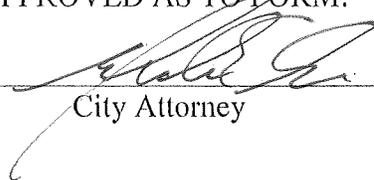
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of February, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:

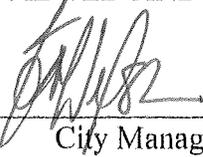
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

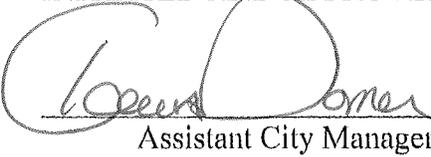
  
\_\_\_\_\_  
City Attorney

*File  
1/17/2016*

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Assistant City Manager

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss:  
CITY OF HUNTINGTON BEACH )

I, JOAN L. FLYNN, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **January 19, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **February 1, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

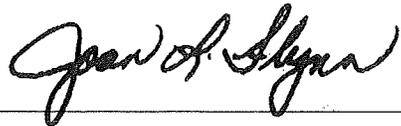
**AYES:** Posey, O’Connell, Sullivan, Katapodis, Hardy, Delgleize, Peterson

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

I, Joan L. Flynn, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on February 11, 2016.  
In accordance with the City Charter of said City  
Joan L. Flynn, City Clerk  
Senior Deputy City Clerk



\_\_\_\_\_  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California