



CITY OF HUNTINGTON BEACH

2000 Main Street
California 92648

Phone: (714) 536-5227
www.huntingtonbeachca.gov

APPLICATION TO SELL SAFE AND SANE FIREWORKS 2020 – PART A

1. INSTRUCTIONS – PART A

Applicants shall complete “Part A” of this form in order to determine eligibility.

- Annual application filing period begins on March 1st and ends on the last business day of March.
- Applications are available in the City Clerk’s Office or on the City’s website at www.huntingtonbeachca.gov/fireworks/.
- *Applications obtained from the City’s website may be filled out on a computer, but cannot be saved electronically nor is the electronic signature feature available.*
- Completed original applications must be returned to the City Clerk’s Office by the last business day of March by 5:00 p.m. No emailed or faxed applications will be accepted.

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 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 information presented on the Qualified Organization’s Permit Application.

- Pursuant to the City Ordinance, a lottery will be held during the April 20 City Council meeting.
- A maximum of 15 permits will be issued.
- Applications are **not** given priority based on date of submittal

Please refer to City of Huntington Beach Municipal Code Chapter 5.90 and Resolution No. 2016-01 for additional and specific requirements.

PART A: Temporary Fireworks Stand Sales Application

1. Name and address of Qualified Organization:

2. **Does your Qualified Organization meet the criteria in categories (a-e) below?** **Yes** **No**
 - a) The organization meets the definition of a Qualified Organization, which is defined in Huntington Beach Municipal Code Chapter 5.90 as any non-profit including, but not limited to, 501(c)(3) or other charity as defined by Federal or State law, or a group which is an integral part of or recognized by a non-profit or charity and in existence for at least one year prior to submitting a Permit Application or an Elementary, Junior High and/or High School and/or school district and recognized affiliates that serves, the residents of the City or public and/or private community college, college and/or university which is located within the boundaries of the City.
 - b) The organization is organized primarily for veterans, patriotic, welfare, civic betterment, religious, athletic, educational, youth development, or charitable purposes.
 - c) The organization has its principle and permanent meeting place within the City of Huntington Beach.
 - d) The organization is one which provides direct and regular community services and benefits to the residents of the City of Huntington Beach.
 - e) The organization has not been administratively or criminally guilty of violating any local, State or Federal law nor had a Permit revoked within 24 calendar months prior to the organization's submittal of a Permit Application.

3. Attach proof of Qualified Organization's status as a non-profit organization.

4. Location of Qualified Organization's principle and permanent meeting location:

5. Indicate when the Qualified Organization was established and provide documentation:

6. Names and addresses of the officers of the Qualified Organization, if any:

7. If approved to be issued a Temporary Fireworks Stand Permit, prior to issuance of said Permit, will your Qualified Organization provide the City with a certificate evidencing policies of insurance, as required by the attached City Resolution 2016-01?

Yes No

8. Provide a written statement describing the benefits the Qualified Organization provides to the community:

9. Category Applicant requests: (Please choose only one)

Youth Sports, High School or Civic Organization

Youth Sports – Youth Sports organizations operating within the City whose main purpose is to benefit a valid youth sports activity. Examples include, but are not limited to, Little League, AYSO soccer, youth football, basketball, tennis, and golf. This category does not include individual club or travel sports teams, or high school extracurricular activities/sports. It could include elementary school or Jr. High Youth Sports.

High School – High Schools operating within the City which agree to use the proceeds for the benefit of valid student extracurricular activities/sports shall be allowed to submit one application. **(All student extracurricular activities/sports/booster groups should submit their applications directly to their high school which will hold their own lottery for not more than two groups to share a stand). Applying Huntington Beach Public High schools will each receive one stand, and applying Huntington Beach private high schools will be placed in a lottery for the one remaining stand.)**

Civic Organizations – Civic organizations operating within the City whose sole purpose is for civic betterment, or charitable or religious purposes to and for the citizens of Huntington Beach. This category does not include High School sport/extracurricular activities or youth or adult sports organizations.

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 and Resolution established by the City of Huntington Beach.

Name and title of authorized officer or director of Qualified 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 Printed Name: _____

Applicant's Signature: _____

Phone: _____ Date: _____

Email: _____

RESOLUTION NO 2016-01

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH REVISING AND RESTATING
RESOLUTION NO 2015-04 RELATED TO IMPLEMENTING
CHARTER SECTION 805 AND MUNICIPAL CODE CHAPTER 5 90
REGARDING SAFE AND SANE FIREWORKS

WHEREAS, the voters of the City of Huntington Beach approved an amendment to the Huntington Beach Charter adding Section 805 permitting the sale and discharge of Safe and Sane Fireworks subject to City Council regulations, and

The Council finds that orderly distribution and sale of Safe and Sane Fireworks will be accomplished by setting forth rules and procedures via resolution,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. The City Manager is hereby authorized to implement this resolution, Huntington Beach Municipal Code (HBMC) Chapter 5.90 and Charter Section 805.

SECTION 2 No Permit, as defined by the HBMC, shall be issued to any Qualified Organization that does not satisfy the requirements provided in this Resolution or HBMC Chapter 5.90.

- A. The maximum number of Permits that may be issued shall be fifteen Permits during any one calendar year as follows: a maximum of five Permits shall be issued to Qualified Organizations in each of the three categories provided below, to which an applicant may apply for only one of the categories:

Youth Sports – Youth sports organizations operating within the City whose main purpose is to benefit a valid youth sports activity. Examples include but are not limited to little league, "AYSO" soccer, youth football, basketball, tennis, or golf. This category does not include individual club or travel sports teams, or high school extracurricular activities/sports.

High School – High schools operating within the City that agree to use the proceeds for the benefit of valid student extracurricular activities/sports shall be allowed to submit one application.

Civic Organizations – Civic organizations operating within the City whose sole purpose is for civic betterment, or charitable or religious purposes to and for the citizens of Huntington Beach, shall be allowed to submit one application. This category does not include high school extracurricular activities or youth or adult sports organizations.

- B Applications may be filed with the City Clerk beginning March 1st, continuing up to 5 00 p m on the last business day in March of the same year, at which time the filing period for that year will be closed
- C The City Clerk shall conduct a lottery to choose fifteen qualified Permittees that may sell fireworks in the City pursuant to HBMC Chapter 5.90. The lottery will be conducted during a City Council meeting with the City Clerk using some means of random selection.
- D In addition to the requirements of HBMC Chapter 5.90, Qualified Applicants must be organized primarily for veterans, patriotic, welfare, civic betterment, religious, athletic, educational, youth development or charitable purposes; must have their principal and permanent meeting place within the City; and provide direct and regular community services and benefits to the residents of the City
- E If more than one application is submitted on behalf of any nonprofit organization or affiliated organization, the City may disregard one or all of the applications at its sole discretion. Any attempt to transfer an application shall void that application and may preclude an applicant from participating in the lottery in future years.
- F. On a form provided by the City, Qualified Organizations shall provide: the proposed location of the fireworks stand; the name, address and 24-hour telephone number of one or more responsible adults who will be in charge of and responsible for the fireworks stand during the period fireworks are sold, displayed or stored at such location, and 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, the proof of the applicant's status as a qualified organization, date when the applicant was organized and established, the names and addresses of the officers, if any, of the applicant, the name, address, and California State Fire Marshal's license number of any wholesaler or distributor from whom the Qualified Applicant or retailer proposes to purchase for resale, the applicant's State Board of Equalization sales tax permit number, the manner, method and times regarding how the applicant proposes to sell Safe and Sane Fireworks, a copy of the requisite retail sales permit issued by the Office of the California State Fire Marshal, and evidence of a temporary sales tax permit from the California State Board of Equalization

SECTION 3 Permittees shall provide evidence of insurance evidencing the following minimum coverage and limits. Insurance shall be provided by an insurer authorized to do business in California with a current A M Best's rating of no less than an A- VI

- A General Liability Commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than one million dollars (\$1,000,000.00) per occurrence, two million dollars (\$2,000,000.00) general aggregate, for bodily injury, personal injury, and property damage without limitation, blanket contractual liability. General liability policies shall provide or be endorsed using Insurance Services Office forms CG 20 26 or equivalent, to provide that City and its

officers, elected or appointed officials, employees, agents and volunteers shall be additional insureds under such policies. There shall be no exclusions, included in or added to the policy, for fireworks sales or similar activities allowable under this permit.

- B. The insurance coverage provided and limits required hereunder are minimum requirements and are not intended to limit Permittee's indemnification obligations under Section 4 below, nor do the indemnity obligations limit the rights of the insured parties to the coverage afforded by their insured status. Requirements of specific coverage features or limits contained in this Section 3 are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.
- C. Any deductibles, self-insured retentions or similar forms of coverage limitations or modifications must be declared to and approved by the City.
- D. Permittee shall include all sub-Permittees or subcontractors, if any, as insureds under its policies or shall furnish separate certificates and endorsements to each sub-Permittee.
- E. Permittee shall provide to City, certificates of insurance and endorsements, as required, as evidence of the insurance coverage required herein.

SECTION 4 Permittees agree, as a condition of receiving a Permit, to protect, defend, indemnify, and hold harmless, the City, the City Council, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all third party claims, damages, losses, expenses, judgments, demands and defense costs, however caused, resulting from death or injury to Permittee employees, volunteers, customers, and/or any third party, and/or damage to Permittee property, arising directly or indirectly out of the obligations or operations undertaken by Permittee by virtue of the Permit issuance, caused in whole or in part by any act or omission of the Permittee, any subcontractors, anyone directly or indirectly employed or volunteers or anyone for whose acts any of them may be liable, including but not limited to, concurrent active negligence, except where caused by the sole active negligence, or willful misconduct of the City.

In the event of an injury, claim, lawsuit, or any other dispute, the Permittee will conduct all legal defenses to those injuries, claims, lawsuits, or any other disputes, including the defense of the City if applicable, at its sole cost and expense, and at no cost or expense to the City.

The City shall approve selection of Permittee's counsel. This defense and indemnity obligation shall apply to all claims and liability regardless of whether any defenses and insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Permittee.

SECTION 5 Each Fireworks Wholesaler shall provide the City with a listing of reported profit from each of its Fireworks Stands located in the City

SECTION 6. City Council Resolution No 2015-04, and all other resolutions in conflict herewith, are hereby repealed

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of January, 2016



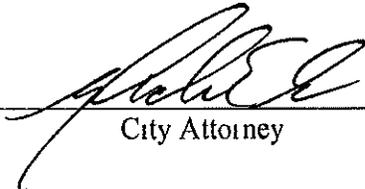
Mayor

REVIEWED AND APPROVED



City Manager

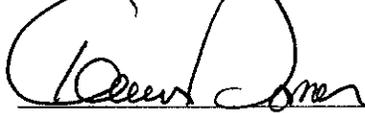
APPROVED AS TO FORM.



City Attorney

pe
11/7/2015

INITIATED AND APPROVED



Assistant City Manager