



TEMPORARY FIREWORKS BOOTH SALES APPLICATION PACKET

REQUIREMENTS

A completed **application with required documents** to determine eligibility to receive a Temporary Use Permit for the sale of fireworks within the City of Riverbank shall be filed by the deadline with the City Clerk. Incomplete applications submitted by the deadline may result in denial of the application. **No applications will be accepted after March 31st.** All applications and questions are to be directed to the City Clerk (209) 863-7198 or cityclerk@riverbank.org.

Application packets are available at the City Clerk’s Office or at www.riverbank.org.

DATES TO REMEMBER	ACTION (2017) – During normal business hours.
March 1 st – March 31 st	Application period to file for a fireworks booth sale permit. <ul style="list-style-type: none"> File application during normal business hours of Monday – Thursday; 7:30 a.m. – 5:30 p.m., and <u>alternate</u> open Friday; 8:00 a.m. – 5:00 p.m. (closed on Fridays, March 10th and March 24th) All applications will be reviewed after March 31st.
Friday, March 31st	<ul style="list-style-type: none"> In accordance with the City’s laws, the deadline to file shall be no later than March 31ST (NO EXCEPTIONS).
Monday, May 15 th	A letter of notification as to the acceptance or rejection of the application will be mailed to the applicant.
Saturday, June 24 th	This is the first day that a fireworks stand may be erected.
Friday, July 7 th	All fireworks stands must be removed by this date.

Eligibility:

- Only nonprofit organizations or corporations, organized primarily for veteran, patriotic, welfare, civic betterment, charitable, or charitable purposes for the community of Riverbank, or an organization affiliated with the Riverbank Unified School District.
- Any qualified organization must have a minimum of ten members and have been organized or established in the Riverbank postal area for a period of one year.
- A completed application with all the required documents must be filed with the City Clerk before the deadline for determination of acceptance or rejection of a temporary use permit to sell fireworks.

Fees: A \$50 check for the permit processing fee must be attached to the application; the Business License \$50 fee is waived for nonprofit organizations.

Applicant: The applicant (A principle Officer of the organization who's information and signature is on the application):

- Shall be considered the responsible authorized representative of the Applicant Organization.
- Contact will be made with the applicant via email or phone.
 - Unless otherwise indicated on the application, the applicant will be the person who must appear before the City Clerk and provide his/her ID for verification in order to receive the permit. (*No exceptions will be made.*)
 - The **alternate officer**, designated on the application may pick up the permit on behalf of the Applicant upon verification of his/her ID.

Pertinent Information (This information is not all inclusive of all the laws on fireworks.)

- The Applicant shall read and abide by Title 9, Chapter 92, of the City's Municipal Code governing the sale of sane and safe fireworks in the City of Riverbank. (A copy is attached)
- No person under the age of 18 shall sell fireworks, or be sold fireworks.
- No person, other than the individuals who are members of the permitted organization, shall sell or otherwise participate in the sale of fireworks at the permitted stands.
- All sales of fireworks shall be permitted only from within a temporary fireworks stand; said stand must comply with applicable State and County Fire regulations, including dates to be raised and removed.
- Permits issued for the temporary sale of fireworks must be posted at the stand for public view, along with the copy of the notice provided by the State Fire Marshal for a retail fireworks License.

Notification on Status of Your Application

- The applicant will be notified by letter and/or email as soon as a decision is made, but no later than **May 15th**. To expedite the notification of the application, please ensure that a valid email address is provided. It is very important that the applicant periodically check the account during the application period and sale of fireworks period for any communication sent by the City.

Complete and Return the Required Document

This information and application materials are solely for the purpose for the nonprofit organization to be permitted, by receipt of a Temporary Use Permit issued by the City of Riverbank, to temporarily sell "safe and sane fireworks" only for the period indicated on the Permit issued by the City of Riverbank.

- File the Application (pages 3 and 5), all listed required documents, and a \$50 check for the permit processing fee by the deadline.
- The application and documents will not be reviewed without payment of the \$50 processing fee.



*City of
Riverbank*

APPLICATION
FOR TEMPORARY USE
PERMIT FOR FIREWORKS
SALES

Deadline: 5:00 pm – 03/31/2017

Official Use Only (Date stamp upon receipt)

Complete and return this application with the required documents and payment to the City Clerk for a temporary use permit for the sale of fireworks.

PART – 1 of 3

Applicant Information

Organization's Name:		Principal Meeting Address:	
Applicant's First & Last Name (must serve as a principal Officer of the organization)		Organization's Mailing Address:	
Email Address:	Contact Phone No.	Emergency Phone No.	
Status of Organization (religious, charitable, veteran, etc.):		Date Organization came into existence:	
Organizations Purpose/Charitable Contribution to the Riverbank Community:			
State Board of Equalization Seller's Permit No.		Cal Fire License No.	Current Certificate of Tax Exemption No.

Property Owner Information (you must complete the City's Property Owner Consent Form)

Name of Property Owner:	Address:
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Three Principal Officers of the Organization

Name	Title	Address	Phone
		Bus./Res.	
		Bus./Res.	
		Bus./Res.	

Alternate Organization Officer to Receive Temporary Use Permit (must present ID)

First and Last Name of Authorized Alternate:	Officer's Title:	Contact Phone No.	Email Address:
As the Alternate Officer of the Organization authorized to receive the Temporary Use Permit, I agree to ensure the permit I receive from the City of Riverbank on behalf of the Organization will be provided to the Applicant Organization.			
Alternate Officer's Signature (Named Above):			Date:

I declare under penalty of perjury under the laws of the State of California, that I am a **duly appointed Officer of the Organization** and authorized by its Board to submit this application. I further declare that the above information submitted herein on this application is true and correct, and that any false information provided will result in denial or revocation of the permit. I acknowledge, as the applicant that I am the responsible Organization Officer and therefore shall ensure that all applicable state, County, and City laws will be adhered to. Furthermore, I authorize the stated **Alternate Officer** to receive the permit on my behalf, if so indicated above.

Applicants Signature:	Date:
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Fireworks Distributor/Wholesaler Information

Company Name		Address	
Contact Person		Phone No.	Email:

MISCELLANEOUS PROVISIONS

Applicant shall immediately contact the local Fire Department and/or Police Department if an emergency situation arises during the temporary period. Applicant shall also contact the City Clerk at cityclerk@riverbank.org (any time day/night) or (209) 863-7198 (during business hours).

Applicant shall maintain, prior to the beginning of and for the duration of the Temporary Use Permit, a liability insurance policy covering public liability and property damage insurance, naming the City of Riverbank, on a separate endorsement page, as additional insured.

RELEASE AND HOLD HARMLESS

I, fully understand that the sale of fireworks exposes our organization, as the Applicant, to the risk of claims for personal injury, death, or property damage. Applicant hereby acknowledges and agrees to assume any such risks resulting from the sale of fireworks.

As the **authorized Officer of the Applicant Organization**, I shall indemnify, defend and hold harmless the City of Riverbank, its officers, officials, agents' and employees from, and against any and all liability, loss, damage, injury, including death, expense, cost (including without limitation cost and fees of litigation) of every nature arising out of or in connection with the City of Riverbank's issuance of a permit for the sale of fireworks to the applicant organization or its failure to comply with any of its obligations set forth in the City, County, or State laws, including the passive negligence of the City, its officers, agents servants, and employees.

Print Name	Signature	Date:
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ACKNOWLEDGEMENT TO ONLY SELL "SANE AND SAFE" FIREWORKS

I hereby certify that all fireworks that will be sold during the permitted period and under the conditions set forth by the City of Riverbank will meet the definition of "Safe and Sane Fireworks" under the California Health and Safety Code and shall not come within the definition of "dangerous fireworks" or "exempt fireworks". I understand that this application and the permit, if issued are not transferable to another organization, and all sales shall be sold and shall cease in accordance with the period indicated on the City of Riverbank's issued Temporary Use Permit, which coincides with the State Fire Marshal's issued permit for Retail Fireworks License.

I further certify that I understand that I must also meet and comply with all requirements set by the local Stanislaus Consolidated Fire Protection District, to sell and store fireworks in the City of Riverbank.

Print Name	Signature	Date:
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CHECKLIST OF REQUIRED DOCUMENTS (Must be attached to this application)

Below is a list of items that you must submit along with your completed application. Please ensure that all the items required are completed and attached.

- Proof of 501(c) (3) or 23701d designation for nonprofit Federal tax Exempt Status, or proof of State Tax Exemption: Section 214 of the Tax and Revenue Code.
- A list of contact information of (10) organization members; of which (3) are principle officers.
- First time applicant: Provide proof that the organization has existed in the City of Riverbank postal area code for at least one year.
- Property Owner or Lessor Consent Form (City Form), with original signature (no copy).
- Certificate of Liability Insurance
 - Must have combined limits of \$500,000 per occurrence for bodily injury and property damage, including premises and operations and product liability.
 - Must indicate a 30-day notice prior to cancellation or material change.
 - A separate Insured Endorsement page is required to be attached to the certificate naming the City of Riverbank as an Additional Insured.
- Cal Fire – State Fire Marshal Retail Fireworks License Application (copy)
- Map – Depicting the fireworks stand location and the required distance requirements set by the Fire Protection District.
- California Board of Equalization Temporary Sellers Permit (copy)
- \$50.00 Check for permit processing fee (per Municipal Code): Made out to “City of Riverbank”.
Please note: This payment does not guarantee issuance of a permit by the City.

DETERMINATION OF APPLICATION (for City official use only)

PERMIT:	Granted <input type="checkbox"/>	Denied: <input type="checkbox"/>	\$50 Check #: <input type="checkbox"/>	Temporary Use Permit # 2017-
Reason for Denial:				
Notes:				
Applicant Notified by:	Email <input type="checkbox"/>	Date:	USPS Letter <input type="checkbox"/>	Date:
		Phone <input type="checkbox"/>	Date:	
Authorized by: Annabelle Aguilar, CMC, City Clerk				
Signature:				Date:



City of Riverbank

Office of the City Clerk / Elections

6707 Third Street • Suite A • Riverbank CA 95367

Dept.: (209) 863-7122 • Direct: (209) 863-7198 • FAX: (209) 869-7100

E-mail: cityclerk@riverbank.org

PROPERTY OWNER AUTHORIZATION FORM

This form must be completed by the **Owner of Record of the property** where the fireworks stand will be located and attached to the City's Fireworks Temporary Use Permit Application.

Permission is hereby granted to _____ and
(Fireworks wholesaler/distributor)

_____ for the exclusive right to use the
(Organization's name and address)

property located at _____ in the City of
(Fireworks stand location (address))

Riverbank, California, for a temporary fireworks stand to sell safe and sane fireworks during the period **beginning June 24, 2017, and ending midnight on July 7, 2017**. It is understood that the retail fireworks operations will be conducted in accordance with all City, County, and State regulations. In addition, I will ensure that the permitted Organization shall not leave any debris, litter, or any other evidence of temporary use.

Property Owner Name:		Title	
Mailing Address			
Email:		Phone No.	
Signature:			Date:

(The originally signed form must be submitted along with the application (no copies))

CHAPTER 92: FIRE PROTECTION AND PREVENTION

Section

Fire Protection District

92.01 City included in county fire protection district

Sale of Fireworks

92.10 Purpose

92.11 Permitted types of fireworks

92.12 Sale permit required; qualified organizations

92.13 Sale permit application

92.14 Issuance notice

92.15 Nontransferability; permittees exclusive

92.16 Salary prohibited

92.17 Stands specifications

Smoking Restrictions

92.30 Smoking restrictions in city owned buildings

Cross-reference:

Adoption of Uniform Fire Code, see § 150.05

FIRE PROTECTION DISTRICT

§ 92.01 CITY INCLUDED IN COUNTY FIRE PROTECTION DISTRICT.

The City Council hereby declares and determines its intention and desire that the city be embraced and included within the Stanislaus County Consolidated Fire District, and become a part thereof.

(67 Code, § 8-1-1) (Ord. 35½, passed 5-1-31)

SALE OF FIREWORKS

§ 92.10 PURPOSE.

The purpose of this subchapter is to restrict the sale of fireworks within the city.

(Ord. 96-04, passed 4-8-96)

§ 92.11 PERMITTED TYPES OF FIREWORKS.

No person shall sell or offer for sale or expose for sale at retail for use within the city a squib, rocket, firecracker, roman candle or fire balloon or other explosive type firework, any article for the making of a pyrotechnical display within the city, except that such fireworks are defined and classified as “safe and sane fireworks” in Cal. Health & Safety Code § 12529.

(Ord. 96-04, passed 4-8-96)

§ 92.12 SALE PERMIT REQUIRED; QUALIFIED ORGANIZATIONS.

(A) It is unlawful for any person, firm, or corporation to sell safe and sane fireworks within the city without having first applied and received a city permit therefor.

(B) No permit shall be issued to a person, firm or corporation, except non-profit organizations or corporations organized primarily for veteran, patriotic, welfare, civic betterment, charitable, or charitable purposes, or an organization affiliated with the Riverbank Elementary School District or the Oakdale Joint Union High School District. In addition, any qualified organization must have a minimum of ten members and have been organized or established in the Riverbank postal area for a period of one year. The organizations must provide the city with a tax exempt certificate except those organizations affiliated with a local school district. Each organization to qualify must have its principal and permanent meeting place in the city postal area.

(Ord. 96-04, passed 4-8-96)

§ 92.13 SALE PERMIT APPLICATION.

All applications for permits shall be made in writing to the City Clerk and shall be filed no earlier than the first day of March and no later than March 31 of each year. The applications shall set forth the proposed location of the fireworks stand applied for and be accompanied by assurance that if the license is issued to applicant, applicant shall at the time of receipt of such license deliver to the City Manager a Certificate of Insurance indicating combined limits of \$500,000 per occurrence for bodily injury and property damage liability, including premises and operations, and product liability, with the city named as an additional insured on all policies, and requiring a 30-day notice prior to cancellation or material change. Applications shall set forth such other data or information as may be required relating to the issuance of such fireworks permits.

(Ord. 96-04, passed 4-8-96)

§ 92.14 ISSUANCE NOTICE.

Applicant for any such license shall be notified by the City Clerk of the granting or rejection of their application for license no later than May 15 of each year. Successful applicants shall pay a \$50 firework permit fee to defray the cost of administrating the fire permit process.

(Ord. 96-04, passed 4-8-96)

§ 92.15 NONTRANSFERABILITY; PERMITTEES EXCLUSIVE.

(A) No person other than the licensee organization shall operate the stand for which the license 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 licensee organization, or the wives or husbands or adult children of such members shall sell or otherwise participate in the sale of fireworks at such stands.

(Ord. 96-04, passed 4-8-96)

§ 92.16 SALARY PROHIBITED.

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

(Ord. 96-04, passed 4-8-96)

§ 92.17 STANDS SPECIFICATIONS.

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 are subject to the following provisions:

(A) Stand construction shall meet all requirements for construction and maintenance as required by the Chief Building Official;

(B) All stands may be erected no earlier than June 24 and must be removed by July 7 of each year.

(Ord. 96-04, passed 4-8-96)