

CITY OF GARDEN GROVE
INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal

From: Dave Bertka

Dept: City Manager

Dept: Fire

Subject: MODIFICATION OF ELIGIBILITY
REQUIREMENTS FOR FIREWORK
STAND PERMITS

Date: March 24, 2009

OBJECTIVE

To introduce an amendment to Chapter 5.28 of the Municipal Code modifying the eligibility requirements for fireworks stand permits. Currently, only federally or state certified non-profit tax-exempt organizations can obtain a permit to operate a fireworks stand; the amendment would further require that organizations be located within the city limits, and primarily benefit the Garden Grove community.

BACKGROUND/DISCUSSION

In 1965 the Garden Grove Municipal Code was amended to include sections on the issuance of temporary stand permits for the sale of safe and sane fireworks. The amendment contained numerous regulatory conditions as well as a section on eligible organizations. Additionally, in 1999 Chapter 5.28 was amended to require permits to be issued only to federally tax-exempt organizations. In both the 1965 and 1999 Municipal Codes, the sections on eligible organizations contained language that required the organizations be based in Garden Grove, or have the majority of the members reside in Garden Grove.

In 2003 there were significant alterations to Chapter 5.28 including: adding a restriction on the number of permits, a lottery for new applicants, and restrictions on the location of and hours of operation stands. Furthermore, existing sections, including the eligibility section, were amended. It was during that revision when the eligibility section was changed to require organizations be only federally or state certified tax-exempt.

In 2007 and 2008 the number of permits fell to below the maximum allowed, and a lottery was utilized to select new permit holders. As a result of the lottery, several of the temporary stand permits issued were to organizations based outside the Garden Grove community. Additionally, some existing permit holders may have moved their organizations outside of Garden Grove.

In 2009 there are two Garden Grove based youth sports organizations requesting permits, and it is unknown at this point in time if they will be able to obtain a permit; while other organizations that are not Garden Grove based hold permits.

MODIFICATION OF ELIGIBILITY REQUIREMENTS FOR FIREWORK STAND PERMITS
MARCH 24, 2009
Page 2

In order to minimize the impacts on existing non-profit organizations that are currently eligible for permits, the proposed ordinance, if adopted, will not become effective until August 1, 2009. For the July 4 holiday in 2010, all non-profit organizations will be required to comply with these additional requirements if the ordinance is adopted.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY VISION IMPLEMENTATION

The Fire Department works to promote a family-oriented community, and maintain a commitment to the betterment of the individual, the organization and the community.

RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of the attached ordinance limiting non-profit organizations eligible for temporary fireworks stands to those located in and primarily benefiting the Garden Grove community.



DAVE BERTKA
Fire Chief

Recommended for Approval



Matthew Fertal
City Manager

Attachment: Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GARDEN GROVE AMENDING SECTION
5.28.020 OF CHAPTER 5.28 OF TITLE 5 OF THE
GARDEN GROVE MUNICIPAL CODE RELATING
TO TEMPORARY FIREWORKS STAND PERMITS**

City Attorney Summary

This ordinance adds requirements for eligibility to obtain temporary fireworks stand permits by requiring permittees, in addition to being certified non-profit tax exempt organizations, to be located in and primarily benefiting the Garden Grove community. The ordinance also requires permittees to distribute firework safety educational materials.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

Section 1. Code Amendment.

Section 5.28.020 "Eligible organizations" of Chapter 28 "Fireworks" of Title 5 of the Municipal Code is hereby amended in its entirety to read as follows:

"Section 5.28.020. Eligible Organizations.

(a) The City Council finds that locally based tax exempt organizations consistently contribute to the public health and safety of city residents by: donating time and funding to a variety of community events; assisting individuals with medical, educational, and moral support; conducting unique volunteered events contributing to the city's historical and cultural heritage. These organizations further contribute to the city's mission of providing cost effective public services to the community. They are also uniquely qualified to assist in educating city residents in fire safety procedures as further provided herein. Accordingly, based upon these contributions, the City Council finds and determines that it is appropriate to designate such organizations located within city limits as the only organizations eligible to sell fireworks under the conditions set forth in this section.

(b) Only federally and/or state certified non-profit tax exempt organizations located within the city limits and primarily benefiting the Garden Grove community are eligible to receive temporary fireworks stand permits. Applicants for temporary fireworks stands shall provide to the City documentation which establishes, to the reasonable satisfaction of the City, compliance with these requirements.

(c) As a condition to receiving a temporary fireworks stand permit, each permittee shall work with the Fire Chief to prepare and deliver educational material to customers pertaining to fire safety in the use of fireworks at any location. In addition, each permittee agrees to present such educational materials in a programmed manner to its members on an annual basis and to the public in conjunction with sales from fireworks stands.”

Section 2. This ordinance shall become effective August 1, 2009.