

**CITY OF HAWAIIAN GARDENS
RESOLUTION NO. 024-2022**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING APPLICATIONS FOR THE SALE OF SAFE AND SANE FIREWORKS AND FIREWORKS STANDS IN THE CITY OF HAWAIIAN GARDENS FOR THE YEAR 2022 INDEPENDENCE DAY CELEBRATION.

WHEREAS, the City Council of the City of Hawaiian Gardens permits the sale of Safe and Sane Fireworks within the City of Hawaiian Gardens pursuant to the Hawaiian Gardens Municipal Code Chapter 6.28; and

WHEREAS, the City Council of the City of Hawaiian Gardens shall have the power In its discretion to approve, conditionally approve or to deny applications for the conduct and sale of Safe and Sane Fireworks from fireworks stands within the City of Hawaiian Gardens, per Chapter 6.28 of the Hawaiian Gardens Municipal Code, hereafter referred to as "HGMC"; and

WHEREAS, the City Clerk's Office has received three (3) applications for Fireworks Permits from local non-profit organizations requesting to be allowed to conduct the sale of Safe and Sane Fireworks within the City of Hawaiian Gardens; and

WHEREAS, the City Clerk's Office has reviewed these applications for Fireworks Permits to determine compliance by these non-profit organizations, as required by Section 6.28.050 of the HGMC and these qualifying organizations are identified as part of Attachment "A" to this resolution; and

WHEREAS, the applicants as listed on Attachment "A" must comply with the provisions of the County of Los Angeles Fire Code; California State Health and Safety Code; the Standard List of Conditions as referenced herein as Attachment "B" and all the operation regulations and Fireworks Stand restrictions as set forth in Chapter 6.28 of the HGMC.

WHEREAS, the current three (3) applicants must comply with any and all corrections and submittals required by the City Clerk's Office for full compliance with the HGMC, by the deadline set by the City Clerk or Assistant City Clerk, prior to final approval and issuance of the Fireworks Permit.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AS FOLLOWS:

Section 1. The City Clerk's Office is hereby authorized to issue Fireworks Permits to those non-profit organizations as listed in Attachment "A" of this resolution, subject to the Conditions of Approval as imposed by the City Council.

Section 2. The City Clerk's Office and the Los Angeles County Fire Department are directed to verify compliance with all applicable State, County, and City Codes, Ordinances, Regulations, and the Standard List of Conditions, as listed in Attachment "B" of this resolution.

Section 3. The Mayor of the City of Hawaiian Gardens is hereby authorized to affix his/her signature to this Resolution signifying its approval and adoption by the City Council of the City Hawaiian Gardens.

Section 4. The City Clerk of the City of Hawaiian Gardens, or his/her duly appointed Deputy, is hereby directed to attest hereto; and shall cause this Resolution and its certification to be entered into the Book of Resolutions of the City Council of the City of Hawaiian Gardens.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hawaiian Gardens, California on this 10th day of May 2022.

CITY OF HAWAIIAN GARDENS

**LUIS ROA
MAYOR**

ATTEST:

**PABLO RUBIO
CITY CLERK**

**CITY OF HAWAIIAN GARDENS
ATTACHMENT "A"**

	APPLICANTS FOR APPROVAL	FIREWORK STAND LOCATION AND PROPERTY OWNER
1	CROSSROADS MULTINATION NAZARENE CHURCH Lee Jay Nestlerode 12229 E. Del Amo Blvd. Cerritos, CA 90703 562.809.4143 REP: TNT, Maria Ortiz	FOOD 4 LESS CENTER 12222 CARSON ST Zack Bickerton Ralphs Grocery Company
2	LAKWOOD ELKS LODGE #1570 Robert Stevens, Trustee 12507 Carson St Hawaiian Gardens, CA 90716 562.924.5744 REP: Phantom, Jahayra Solis	Lakewood Elks Lodge Parking Lot 12507 Carson St Robert Stevens, Trustee
3	THE WAY OUT MINISTRIES Rachel Perez 22427 Norwalk Blvd, Hawaiian Gardens, CA 90716 562.321.0844 REP: TNT, Maria Ortiz	The Way Out Ministries Parking Lot 22427 Norwalk Blvd Rachel Perez

**STANDARD LIST OF CONDITIONS FOR FIREWORKS STANDS
ATTACHMENT "B"**

The following conditions of approval shall be complied as listed below:

A. **COVID-19 PANDEMIC REGULATIONS:**

Failure to comply with any part or section will result in immediate revocation of the permit and the fireworks stand will be immediately closed and all operations terminated.

A.1 – The applicant, representatives, volunteers, and Fireworks Companies for each firework stand SHALL comply with all applicable State, County and City of Hawaiian Gardens Executive Orders, regulations, and guidelines.

A.2 – The applicant, representatives, volunteers, and Firework Companies for each firework stand, SHALL comply with Los Angeles County Public Health Department and CDC regulations, protocols and guidelines in effect during the setup, operation, tear down, and pick up of firework stands.

B. Pursuant to the Hawaiian Gardens Municipal Code (Chapter 6.28)

all of the following are mandatory and SHALL be followed and complied with during the duration of this permit. Failure to comply with any part or section will result in immediate revocation of the permit and the fireworks stand will be immediately closed and all operations terminated.

1. Approval shall not take effect for any purpose until the applicant and the property owner has filed with the City of Hawaiian Gardens a signed affidavit stating that the applicant and property owner are/is aware of, and accepts all of the conditions of approval set forth by Resolution No. 024-2022 and/or any conditions of approval set forth by the City Council on the letter of approval.

2. **THE ADOPTED RESOLUTION, WITH THESE CONDITIONS, SHALL BE POSTED IN A VISIBLE LOCATION IN THE FIREWORKS STAND AT ALL TIMES.**

3. Failure to comply with the conditions set forth in the adopted Resolution will result in a Citation being issued and/or revocation proceedings which will automatically and immediately shut down the operation by any official of the Fire Department or the City Building Official.

4. **SET UP AND TEAR DOWN**

Activities carried on as part of this fireworks permit shall occur only during the following times and dates:

a **SET UP AND TEAR DOWN** of the stands shall take place between the hours of **8:00 AM and 7:00 PM.**

- b. NO FIREWORKS STAND SHALL BE ERECTED before **Monday, June 20, 2022 at 8:00 AM.**
(HGMC 6.28.090(I))
- c. The premises on which the FIREWORKS STAND IS ERECTED SHALL BE CLEARED of all structures and debris, no later than **Friday, July 8, 2022 at 12:00 PM.**

5. **SALES OF FIREWORKS**

Carried on as part of this permit shall occur as follow:

- a. **SALES MY BEGIN** no earlier than at twelve noon (12:00 PM) on **Friday, July 1, 2022.**
(HGMC 6.28.010).
- b. **SALES SHALL END** no later than at nine (9:00 PM) **Monday, July 4, 2022.** (HGMC 6.28.010).
- c. **HOURS OF OPERATION OF SALES** shall take place between 8:00 AM to 9:00 PM, with the exception of section 5.a (above).
- d. All retail sales of Safe and Sane Fireworks shall be permitted only from a temporary fireworks stand and the sale from any other building or structure or other location is prohibited.
- e. No fireworks shall be sold or offered for sale within the City which are classified as dangerous fireworks as defined by the Health and Safety Code of the State of California.
- f. Only sales of Safe and Sane Fireworks shall be permitted from the stands. Sale of any other goods or merchandise is hereby strictly prohibited from the stand.

6. **FIREWORKS STANDS – OPERATION STANDARDS**

- a. No person other than the licensee organization shall operate the fireworks stand for which the license is issued, or share or otherwise participate in the profits of the operation of such stand.
- b. Fireworks permits are non-transferable, and are granted for a limited time where subject to revocation for proper cause, for violations of the Fire Code of the State of California (Title 15), or violations of any requirements set forth in the permit or when necessary for public safety.

- c. No person, other than the individuals who are members of the licensee organization, or the spouses or children thereof, eighteen (18) years of age or older, shall sell or otherwise participate in the sale of fireworks at such stand. There shall be at least one supervisor, twenty-one (21) years of age or older, on duty at all times.
- d. Fireworks stand containing fireworks shall be guarded at all times. No person shall sleep or remain inside of any fireworks stand when it is not open.
- e. No person shall receive a salary or be compensated for selling or otherwise participating in the sale of fireworks at such fireworks stand.
- f. No fireworks shall be ignited within one-hundred (100) feet of the stand.
- g. No activities shall be conducted in a manner which disturbs, accosts, confronts, harasses, badgers, or annoys any person.
- h. Each person, group, or organization shall be limited to one (1) permit per year and each permit shall be limited to one (1) fireworks stands.

7. FIREWORKS STAND – DESIGN AND LOCATION RESTRICTIONS

- a. Fireworks stands need not comply with the provisions of the Building Code of the City provided, however, that all stands shall be erected under the supervision of the City's Building Inspector who shall require that such stands be constructed in a manner which will reasonably insure the safety of attendants and patrons.
- b. Stands erected without the supervision of the City's Building Inspector, shall request and inspection by the City's Building Inspector immediately upon erection of the stand.
- c. Fireworks stands shall comply with the Electrical Codes of the City. If electricity is to be utilized by any stand operator, an electrical permit will be required, regardless of the source of electricity.
- d. If in the judgment of the Los Angeles County Fire Department or Building Official, the construction of the fireworks stand or the conduct of the operators therein do not conform to the provisions of this chapter, such officer may order the fireworks stands immediately closed.
- e. Sleeping and/or security vehicles shall be at least twenty (20) feet from any fireworks stands.
- f. All fireworks shall be located at least twenty-five (25) feet away from building with a fire resistance of less than one (1) hour.

- g. No fireworks stands shall be placed within one hundred (100) feet from storage or use of flammable or combustible agents (i.e. gasoline dispensers).
- h. Fireworks stands shall be set back a minimum of fifteen (15) feet from the curb line, but in no case shall fireworks stands be placed within the road or public right-of-way. The front, sides, and rear of the stand shall be unobstructed and having an open area of minimum of five (5) feet.
- i. No stand shall be constructed with a depth of more than twelve (12) feet.
- j. NO SMOKING signs shall be prominently displayed, both inside and outside of the structure/fireworks stand. Letters shall not be less than four (4) inches high. No smoking shall be permitted within the stand or within five (5) feet of the fireworks stand.
- k. Signs shall be posted clearly and legibly stating Fireworks shall not be sold to any persons under sixteen (16) years of age.
- l. All fireworks on premises must bear the State Fire Marshall and SAFE AND SANE label.
- m. All weeds, dry grass and combustible materials shall be cleared from the location of the fireworks stands for at least twenty-five (25) feet in all directions. No rubbish shall be allowed to accumulate in or around any fireworks stand, nor shall a fire nuisance be permitted to exist.
- n. All fireworks stands must be equipped with a minimum of two (2), 2.5 gallon water-type fire extinguishers in good working condition at easily accessible at all times, to be located at each exit of the stand. Each fire extinguisher shall be approved as to efficiency and safety by the Los Angeles County Fire Department Fire Inspector.
- o. Each fireworks stand in excess of twenty (20) feet in length must have at least two (2) exits. Each fireworks stand in excess of forty (40) feet must have at least three (3) (3) exits, spaced approximately equidistance apart; provided, however, that in no case shall the distance between exits exceed twenty (20) feet.
- p. Stands shall be of wood or metal construction, built with solid roof, rear wall, and ends. The front shall be of solid wood or metal - three feet six inches (3' 6") in height from ground level to the display shelf.
- q. The display shelf shall have a panel of unbreakable or wire mesh glass or window screen wire a minimum of twenty-four (24) inches in height between the public and the display of fireworks.
- r. There shall be no storage or display of goods outside of any fully enclosed structure.

- s. There shall be no open flames, smoking, bar-b-ques, or tiki-torches, or other flame device, located within twenty-five feet (25'0") of the fireworks stand.
8. The permittee shall keep and maintain the property in a neat, clean, and safe condition and shall conduct all operation in a neat, orderly, safe, and a sanitary manner at all times.
9. Prior to the opening of business, the permittee shall obtain any and all necessary permits as required, including but not limited to building permits, electrical permits or other permits (as applicable) from the Building and Safety Department of the City of Hawaiian Gardens and the Fire Marshall. All work done under these permits must be completed by the project applicant or by a State Licensed Contractor, with a valid City business license. These permits shall be placed in plain view at all times while conducting business.
10. The use of amplified sound-making devices, including horns to advertise, draw attention to or announce the presence of the stand shall be prohibited.
11. There shall be no use of any mechanical equipment, appliance, or motor which generates noise detectable from outside the property on which the building is located except for the use of an electrical generator.
12. **INSURANCE COVERAGES** - The permittee shall obtain and maintain for the duration of the fireworks stand permit insurance against claims and injuries to persons or damages to property which may arise from or in connection with performance of such fireworks stand. Evidence of liability insurance shall be filed with the City. The minimum amount of insurance shall be no less than the following (Subsections a-f):
 - a. General Liability - \$1,000,000.00 per occurrence for bodily injury, personal injury, and property damage. If Commercial General Liability or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately or the general aggregate limit shall be for a minimum of \$5,000,000 or twice the required occurrence limit whichever is higher.
 - b. Indemnification Clause and Hold Harmless Clause.
 - c. Additional Insured – The following shall be included:
The City of Hawaiian Gardens, the Public Housing Authority, SARDA, and the Public Financing Authority, their officers, employees and agents shall be named as additional insured on the Certificate of Insurance Form or proper Accord Form.

- d. The Scope of the insurance shall include Worker's Compensation Insurance as required by the State of California and Employer's Liability Insurance.
 - e. Permittee shall furnish the City with original endorsements affecting coverage. The endorser shall be signed by person authorized by the insurer to bind coverage on its behalf.
13. Prior to the first day of business final inspection and approval shall be obtained from the Building Official and release shall be obtained from the Los Angeles County Fire Department. A release form must be completed and returned to the Hawaiian Gardens Community Development Department. Requests for inspection must be made by calling:
- a. Los Angeles County Fire Station No. 34, 21207 S. Norwalk Boulevard, Hawaiian Gardens, CA 90716. Call **(562) 865-4119**, to schedule an inspection.
 - b. City of Hawaiian Gardens, Building and Safety Division.
Due to the COVID-19 pandemic situation, Counter Hours may not be available. Contact Building and Safety Division by email buildingtech@hgcity.org or call (562) 420-2641, Ext. 224.
You are required to schedule your inspection at least 48 hours in advance.
14. All applicants are hereby required to submit and file a completed City's "Fireworks Follow-up Budget Information" Form by the established due date. Failure to complete and file in a timely manner, may result in denial of future applications for lack of compliance.
(City Clerk's Office Policy)

[FORM DUE DATE IS THURSDAY, AUGUST 25, 2022 BY 5:00 PM.](#)