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RESOLUTION NO. 2015-130

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING CERTAIN FINDINGS AND THE POLICY DIRECTIVES TO
IMPLEMENT THE SALES AND USE OF SAFE AND SANE FIREWORKS FOR 2016
AS ALLOWED BY TITLE 8, CHAPTER 8.04 OF THE SUISUN CITY CODE**

WHEREAS, the Suisun City Code has been amended to permit the sales of Safe and Sane Fireworks, and to regulate other fireworks-related activities; and

WHEREAS, the sale of Safe and Sane Fireworks has benefitted the City of Suisun City by providing local Nonprofit Organizations who work for the benefit of the community with an opportunity to raise funds; and

WHEREAS, the City Council deems it necessary to adopt Certain Findings for the sale and use of Safe and Sane Fireworks; and

WHEREAS, the City Council deems it necessary to adopt Policy Directives for the sales and use of Safe and Sane Fireworks.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City hereby finds that Fireworks stands are categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15311 as minor accessory structures appurtenant to existing commercial, industrial, or institutional facilities; and

BE IT FURTHER RESOLVED that the City Council of the City of Suisun City hereby adopts the following Policy Directives:

1. **Number of permits.** Three (3) Fireworks Sales Permits will be made available for the sale of Safe and Sane Fireworks in the City of Suisun City.

2. **Locations of fireworks stands.** Fireworks stand locations will be approved by the City Manager.

3. **Fireworks stands.** Fireworks stands may be put in place by the permittee no earlier than 8:00 a.m. on June 21.

1 Signs for fireworks sales shall be displayed no earlier than seven days (June 21) before the
2 approved start of sales, June 28, and must be removed four (4) days after the fireworks sales
3 period ends. (July 8)

4 All unsold fireworks and accompanying litter shall be cleared from the location by 5:00 p.m.
5 two (3) days after the fireworks sales period ends, (July 7, 2016).

6 The fireworks stand shall be removed from the temporary location by 12:00 p.m. on July 10,
7 2016.

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9 **4. Permissible hours of use.** It shall be unlawful to discharge any "Safe and Sane
10 Fireworks" except during the hours of 9:00 am to 10:00 pm June 28 through July 5, 2016.

11 **5. Permissible hours of sale.** Dates and Hours of the sale of "Safe and Sane Fireworks"
12 shall begin no earlier than 12:00 noon on June 28 and shall not continue after 9:00 pm on July
13 4 of the same year. Sale of fireworks shall be permitted only from 12:00 noon to 9:00 pm on
14 June 28 and from 9:00 am to 9:00 pm daily June 29 through July 3, and 9:00 am to 9:00 pm
15 on July 4.

16 **6. Filing Application for Firework sales on July 4th.** Applications will be accepted
17 from January 1, until February 6, 2016, until 5:00 pm.

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19 **7. Permittee selection process.** The process for selection of permittees to hold and use
20 Fireworks Sales Permits shall be consistent with the following policy directives:

21 a. Only Qualified Applicants, as that term is defined in section 8.04.010 of the
22 Suisun City Code, shall be eligible to submit an application for a permit. Applicants
23 are qualified on the basis of the following criteria:

24 i. Organizations that have proved they are qualified by documentation of
25 charitable nonprofit status with the State and IRS 501 3c. The
26 organization bylaws or Articles of incorporation shall state organized
27 for a charitable, educational, religious, or scientific purposes, and, a
28 nonprofit organization.

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- ii. Charitable organizations “Primarily Serving Suisun City Residents and Businesses,” as that phrase is defined in the Municipal Code, and are organized primarily to benefit youth, schools, veterans, or local businesses in Suisun City shall be given preference in the first lottery drawing.
- iii. The organization has at least 10 members that will staff the booth and a plan to keep the booth open for the full sales period.
- iv. Organizations with less than 10 members shall produce an agreement with another nonprofit organization for a joint application.

b. The lottery shall take place at a time, place, and manner determined by the Fire Chief in accordance with the administrative rules and procedures adopted by the Fire Chief. In 2016, the lottery will be held on February 24, 2016, at 10:00 am in the Council Chambers.

- i. If three or less organizations with the above preference apply, these organizations will be drawn in a lottery to determine selection for available permits.
- ii. The choice of fireworks stand sites will be drawn separately after the permits have been determined.
- iii. After the authorized number of permits has been awarded, the remaining qualified applicants shall be drawn in a second lottery as alternates. Each alternate, according to the order drawn, shall be offered a permit if one of the original permittees cannot meet the requirements of this Chapter or if a permittee voluntarily surrenders its permit.

8. Fireworks Wholesaler—Distribution agreement.

a. All fireworks wholesalers who seek to do business in the City and supply and contract with applicants for fireworks booth permits in the city shall enter into and

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execute a fireworks wholesaler distribution agreement with the City no later than May 3, 2016.

9. Fireworks Wholesaler Public Education Plan.

a. Each fireworks distributor/wholesaler supplying one or more nonprofit organizations who are permittees under this chapter, shall submit a public education plan to the City by no later than 5:00 pm on May 26, 2016.

10. City Manager to administer fireworks program. The City Manager is hereby directed to administer the Suisun City Fireworks Program; the City Council of the City of Suisun City authorizes the City Manager to execute any and all necessary documents pertaining to implementation of the Sales and the Use of Safe and Sane Fireworks in the City Suisun City.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 1st of December 2015, by the following vote:

AYES:	Councilmembers:	<u>Day, Hudson, Segala, Wilson, Sanchez</u>
NOES:	Councilmembers:	<u>Segala</u>
ABSENT:	Councilmembers:	<u>None</u>
ABSTAIN:	Councilmembers:	<u>None</u>

WITNESS my hand and the seal of said City this 1st day of December 2015.



Donna Pock, CMC
Deputy City Clerk