



**STOCKTON FIRE DEPARTMENT • FIRE PREVENTION DIVISION
PERMIT CENTER • 345 NORTH EL DORADO STREET • STOCKTON, CA 95202
(209) 937-8271 • FAX (209) 937-8893 • www.stocktongov.com**

March 1, 2023

Revised: March 15, 2023

Dear Fireworks Applicant,

The Stockton City Council has authorized the sale and use of fireworks classified by the State Fire Marshal as “Safe and Sane Fireworks” within the City of Stockton.

Fireworks sales permits for the sale of these fireworks will be limited to 30 sale stands. Only non-profit organizations as defined in Section 8.92.010 E of the Stockton Municipal Code may apply. The 30 qualified applicants will be chosen by lottery.

This lottery application packet contains the following documents:

- 2023 Lottery Application - Permit to Sell “Safe and Sane” Fireworks,
- 2023 City of Stockton Fireworks Sales Application and Sales Timeline,
- 2023 Stockton Fire Department Fireworks Sales Administrative Rules and Procedures,
- State Fire Marshal Safe and Sane Fireworks Wholesalers List.

This packet is being provided for your information and should assist you throughout the application process. To start, each organization will submit a Fireworks Sales Lottery Application directly to the Fire Prevention Division. **All required information must be attached to your application at the time of submittal.**

The application period starts on March 1, 2023, at 8:00 a.m. and runs through the close of business on March 31, 2023, at 4:30 p.m. You may submit your completed application package during that period Monday through Thursday from 8:00 a.m. - 4:30 p.m., Friday, March 3 from 8:00 a.m. – 12:00 noon, Friday, March 17 from 8:00 a.m. – 4:30 p.m. Friday, March 10 and March 24 City offices will be closed.

Please remember that it is your responsibility to have all required information to the Fire Prevention Division by the close of business on March 31, 2023, at 4:30 p.m.

If you have any questions regarding the processing of your application or the information provided in this packet, please feel free to call us at (209) 937-8271.

**RICHARD J. EDWARDS
FIRE CHIEF**

RE:tj/vml



2023 Fireworks Sales Lottery Application



Control # 2023 FW _____

STOCKTON FIRE DEPARTMENT • FIRE PREVENTION DIVISION
345 North El Dorado Street • Stockton, CA 95202
(209) 937-8271 • Fax: (209) 937-8893



**SAFE AND SANE FIREWORKS SALES PERMIT
LOTTERY APPLICATION**

**Completed Lottery applications and all required documentation and fee must be submitted to the
Stockton Fire Department Fire Prevention Division, 345 North El Dorado Street, by
March 31, 2023, 4:30 p.m. Late applications will not be accepted.**

PRINT CLEARLY

Name of Nonprofit Organization _____

Address of Nonprofit Organization _____

Mailing Address _____ Email: _____

Contact Person _____ 24 Hr. Phone # _____

Please initial _____ I acknowledge that the \$35.00 application fee is non-refundable.

The following fee and documents must be submitted at the time of lottery application submittal.

- \$35.00 check made payable to the City of Stockton (non-refundable).
- Proof that the applicant is a non-profit organization as defined in Section 8.92.010 E of the Stockton Municipal Code.
- Proof of Stockton zip code and mailing address for at least twelve consecutive months (e.g., utility bills, official correspondence immediately prior to filing this application).
- A brief statement demonstrating that the organization primarily serves City of Stockton residents.

Is your organization associated with a public school: ☐ Yes ☐ No

If yes, you must provide a letter from the school explaining the organization's affiliation with the school.

Has your PTA/PTSA been advised of your Fireworks Sales application? ☐ Yes ☐ No

Are you an affiliate or subchapter of another non-profit? ☐ Yes ☐ No

If yes, are they aware of your application process? ☐ Yes ☐ No

REQUIRED SIGNATURES:

**TO THE BEST OF MY KNOWLEDGE, THE INFORMATION PROVIDED AND ATTACHED IS TRUE AND
CORRECT.**

President/Chairperson: _____
Print Name Signature

Other Officer: _____
Print Name Signature

FOR OFFICE USE ONLY

☐ **Approved** to Advance to Lottery

☐ **Denied** - Comments: _____

Check # _____ PHANTOM / TNT
Pay Code: 4 0 1 0 1 3

James Klein, Fire Marshal _____ Date _____



2023 Fireworks Sales Application and Sales Timeline



2023 City of Stockton Fireworks Sales Application and Sales Timeline



Step 1 - Lottery Application - March 1- March 31, 2023

- Fireworks Sales Lottery Applications can be obtained starting March 1, 2023, from the Stockton Fire Department, Fire Prevention Division located in the City of Stockton Permit Center, 345 North El Dorado Street, Stockton, CA 95202, or on-line at stocktonca.gov.
- Completed Fireworks Sales Lottery applications and the required documentation will be accepted starting March 1, 2023, through close of business on March 31, 2023. Incomplete or late applications will not be accepted.
- A \$35.00 non-refundable application fee must be paid at the time of Lottery Application submittal. Make checks payable to the City of Stockton.
- The lottery drawing will take place Wednesday, May 10, 2023, at 4:00 p.m. at the Civic Auditorium South Hall, 525 North Center Street.
- No more than 30 fireworks sales permits will be issued.
- Organizations will be notified by your selected vendor by telephone and/or email the next business day following the Lottery drawing.
- Only organizations selected by the lottery will move on to Phase II.

Step 2 - Sales Permit Application – May 11 – June 3, 2023

- Upon notification of lottery selection, the organization must complete a Fireworks Sales Permit Application. The application must be completed and submitted by June 3, 2023, at 4:30 p.m., along with additional required documentation, deposit, and fees listed below:
 1. Proper identification and signatures of the permit applicants.
 2. The proposed location of the fireworks sales stand.
 3. The dates and hours the applicant proposes to operate the stand.
 4. A detailed description of the fireworks proposed to be sold.
 5. The written consent of the owner of record and/or lessor in control of the property upon which the proposed sales stand will be located.
 6. The plan for staffing the stand during the proposed days and hours of operation.
 7. The fireworks distributor's business name, address, telephone number, and a person that is the point of contact.
 8. Proof of a temporary sales tax permit from the State Board of Equalization or proof of application.
 9. Proof of insurance to include one million dollars public liability, property damage, and product liability coverage with riders attached to the policies designating the City of Stockton as an additional insured.
 10. Proof of a State Fire Marshal Retail Fireworks License; and such other information and documentation that in the Fire Chief's reasonable discretion may require.
 11. Fireworks Sales Stand Deposit \$1,000, per stand (refundable).
 12. Fireworks Enforcement Fee \$600, per stand (not refundable).
 13. Fireworks Stand Inspection Fee \$202 per stand (not refundable).

Step 3 - Safe Operator Class – June 6, 7, and 8, 2023

- Organization representative(s) will be notified to attend a Safe Operator Class. Classes will take place on June 6, 7, and 8, 2023, at a location and time that will be determined and announced at a later date. No less than two members of the organization's sales staff must attend. **This is a mandatory requirement.** Failure to attend this class will result in immediate loss of the organization's sales permit.

Step 4 - Stand Drop-Off – no sooner than June 14, 2023

- Fireworks Stands can be dropped off at the site no sooner than June 14, 2023, and no later than June 23, 2023. Stand representative(s) must be present.

Step 5 - Stand Placement – no earlier than 8:00 a.m. on June 23, 2023

- Fireworks sales stands shall be put in place by the permittee no earlier than 8:00 a.m. on June 23, 2023.

Step 6 - Stand Inspections - June 26 and June 27, 2023, 8:00 a.m. to 4:30 p.m.

- Stand inspections will take place on June 26 and June 27, 2023. An inspection fee of \$202.00 must be paid prior to the date of inspection. If the inspection fee is not paid by the day prior to the inspection date, the inspection appointment will be canceled.

Step 7 - Sales Begin - June 28, 2023, 12:00 p.m., noon

- Sales begin no earlier than noon on June 28, 2023.
- Fireworks stock must be removed and stored nightly in an approved storage area.

Step 8 - Sales End - July 4, 2023, 9:00 p.m.

- All sales must end by 9:00 p.m. on July 4, 2023.
- All unsold stock must be removed upon closure.

Step 9 - Litter Clean-Up - July 4, 2023, 10:00 p.m.


- All litter from the stand site must be removed by 10:00 p.m. on July 4, 2023.

Step 10 - Stand Removal – July 7, 2023, 12:00 p.m., noon

- All fireworks sales stands must be removed by noon on July 7, 2023.

Step 11 - Financial Reporting - On or Before September 1, 2023

- On or before September 1, of any year authorized pursuant to a permit, the permittee shall submit to the Fire Chief a financial statement by the treasurer or financial officer of the permittee setting forth the total gross receipts from the fireworks stand operated by the permittee; all expenses incurred and paid in connection with the purchase of fireworks and the sale thereof, and to whom and for what purpose the net proceeds were or will be disbursed along with the most recent report filed by the permittee to the State Board of Equalization. The filing of such a statement shall be a condition precedent to the granting of any subsequent permit.



2023 Fireworks Sales Administrative Rules and Procedures



STOCKTON FIRE DEPARTMENT FIREWORKS SALES ADMINISTRATIVE RULES AND PROCEDURES



Sales and Applications

It shall be unlawful to engage in the sale of "Safe and Sane" fireworks in the City of Stockton without first having secured a permit (Fireworks Sales Permit) to do so.

Applicants are limited to non-profit organizations (1) as defined in Section 8.92.010 E of the Stockton Municipal Code, (2) that have had a Stockton mailing address for at least twelve consecutive months immediately prior to filing this application, and (3) that primarily serve City of Stockton residents. Two or more non-profit organizations may submit a joint application so long as each non-profit organization meets the criteria set forth in the previous sentence. A non-profit organization may not submit an application as an individual applicant and as a joint applicant.

All applications must be filed in person at the Stockton Fire Prevention Division located at the City of Stockton Permit Center, 345 North El Dorado Street, Stockton, CA, during normal business hours between the first business day in March and the last business day in March of each year or as otherwise determined by the Fire Chief. Business hours are Monday through Friday, 8:00 a.m. - 4:30 p.m. (closed alternate Fridays). **Late applications will not be accepted.**

The following items must be provided with the application at the time of submittal. **Incomplete applications will not be processed.**

1. Non-refundable \$35.00 check made payable to the City of Stockton.
2. Proof that the organization is a non-profit organization as defined in Section 8.92.010 E of the Stockton Municipal Code.
3. Evidence demonstrating that the organization has had a Stockton zip code and mailing address for at least twelve consecutive months (e.g., utility bills, official correspondence, etc.) immediately prior to filing this application.
4. A brief statement demonstrating that the organization primarily serves City residents and the length of time the organization has provided such services.

Each organization that submits an application will be notified by telephone or email whether its application is complete. Any applicant who is notified that its application is incomplete may clarify the information submitted or provide additional information in support of its application. The City, in its sole discretion, will make the final determination as to whether an application is complete.

Fireworks Sales Permits will be issued by lottery. The lottery will take place during May of each year. Each applicant whose application was complete shall receive one (1) lot and shall be notified of the time and place when the lottery will be conducted.

If an organization is selected in the lottery, the organization, in order to receive a Fireworks Sales Permit, must provide to the City a cash deposit or other security acceptable to the City in an amount determined by the City Council to assure compliance with the City's Fireworks Ordinance.

The City will issue no more than 30 Fireworks Sales Permits each year

An organization that has received a Fireworks Sales Permit shall not transfer that permit. Any purported transfer will result in the immediate revocation of the Fireworks Sales Permit.

Applications and any Fireworks Sales Permits are good for one year, and any non-profit organization seeking a Fireworks Sales Permit must apply annually.

A non-profit organization may obtain a Fireworks Sales Permit only two years in a row. Any non-profit organization that obtains a Fireworks Sales Permit two years in a row must wait for one application cycle before reapplying.

Operation of Fireworks Stand

Only adult members or volunteers of the permitted non-profit organization may operate fireworks stand.

It is unlawful for a non-profit organization to pay any consideration to any person for selling or otherwise participating in the sale of fireworks at fireworks stand, except the hiring of a security person.

Any violation of this section shall result in the immediate revocation of the current Fireworks Sales Permit.

Operator Safety

Each year, two or more representatives from each permitted organization's sales staff shall attend a Stand Operator Safety class conducted by the Fire Department. The Fire Department will notify the permitted organization of the time and place of the class, and there will be no makeup class. Failure to attend the class shall result in the revocation of the organization's Fireworks Sales Permit for that calendar year.

Temporary Fireworks Stands

All retail sales of "Safe and Sane" fireworks shall be permitted only from within a temporary fireworks stand, and sales from any other building or structure are prohibited. Temporary fireworks stand shall not be set up before a Fireworks Sales Permit is issued.

Fireworks stand walls and roof shall be of plywood at least one-fourth (1/4) inch thick or of an approved noncombustible material.

The stand shall be provided with a roof. Stand square footage shall not exceed 260 square feet. Stand length shall not exceed 32 feet. Walls shall extend a minimum height of six feet, eight inches on at least three sides. These three sides shall be without openings, except for exit doors. The stand must have two exit doors.

Two exit doors with a minimum size of twenty-four inches in width and six feet in height shall be provided in each stand. Exits shall be maintained clear and unobstructed at all times.

The front wall of the stand shall provide a physical barrier not less than eighteen inches in height between the public and the merchandise on display.

Fireworks sales stands are subject to the following requirements

- a. Fireworks sales stands shall be put in place by the permitted organization no earlier than June 23, at 8:00 a.m.
- b. No fireworks sales stand shall be located within twenty-five feet of any other building or structure, within five feet of any curb line, or within one hundred feet of any gasoline pump.
- c. No fireworks stand shall be located within twenty-five feet of any building used as a school, daycare, hospital, place of detention, public garage, or a place of assembly that can accommodate 300 or more occupants.
- d. A minimum of twenty feet of separation shall be provided between the fireworks sales stand and any parked vehicle not belonging to a person selling fireworks.
- e. No weeds or other combustible materials shall be permitted within twenty-five feet of the fireworks sales stand.
- f. Within all fireworks sale's stands, the electrical wiring shall be in conduits, and breaker boxes shall consist of GFI breakers.
- g. Prior to opening for business, all fireworks sales stands shall be built (and thereafter maintained) in accordance with the safety requirements of the City.
- h. No generators shall be allowed within twenty-five feet of any fireworks sales stand.
- i. No signs shall be placed in the public right-of-way.
- j. Each fireworks sales stand shall be provided with two (2) two and one - half (2 ½) gallon pressurized water type fire extinguishers, or two (2) 2A10BC dry chemical/powder type fire extinguishers, in good working order, and easily accessible for use in case of fire.

- k. The fireworks sales stand shall be removed from the temporary location and the site cleaned by noon, on July 7. If the permitted organization does not remove the stand and/or clean the sales site as required, the City may do so or cause the same to be done, and the reasonable cost thereof shall be charged against the permitted organization and its security deposit. In addition, any permitted organization found to be in violation of this section shall be subject to an administrative penalty imposed in accordance with Section 8.92.150 of the Stockton Municipal Code.
- l. The fireworks sales permit shall be displayed in a prominent place in the fireworks sales stand.
- m. In addition to any other administrative procedures set forth by the City, it shall be the responsibility of the permitted organization to display a poster measuring 18" x 32" that shall be posted at the point of sale of the fireworks to notify the purchasers of all applicable restrictions established by the City's Fireworks Ordinance. The City shall provide the posters, which shall be returned to the City after use.

Stand inspections will be conducted. Fireworks may not be sold until the Fire Department has inspected and given approval of the stand. An inspection fee of \$202 must be paid prior to the date of inspection. If the inspection fee is not paid by the day before the date of inspection, the inspection appointment will be cancelled.

If a stand fails the first inspection, a second inspection will be conducted at no charge. If the stand fails the second inspection, the Fire Department will charge a reinspection fee of \$202 for the third inspection and \$202 for each thereafter until the stand is approved. If any after-hours inspection is requested, there will be an additional charge of \$297 per hour.

Fireworks Sales Stand Operation

Fireworks sales shall only be conducted during the approved sales period beginning June 28, at noon, and ending July 4, at 9:00 p.m. Violations for sales prior to noon, on June 28, will result in the immediate revocation of the organization's Fireworks Sales Permit and violations for sales on July 4, after 9 p.m. will result in the organization being ineligible to submit an application in the next calendar year. In addition:

- a. Only adult members and volunteers of the permitted organization may operate, sell, or handle for sale any fireworks.
- b. Those persons selling fireworks shall require all persons/customers who appear to be under the age of thirty years to provide proof of age and shall make no sales of fireworks to persons younger than eighteen years of age.
- c. No smoking or the consumption of alcoholic beverages shall be allowed within fifty feet of any fireworks sales stand, and "No Smoking" signs shall be displayed on and in the fireworks sales stand.

- d. It is unlawful for the permitted organization to pay any consideration to any person for selling or otherwise participating in the sale of fireworks.
- e. No person may sleep in or remain in the stand after the close of business.
- f. All unsold fireworks must be securely stored at a designated central storage location, approved by the Fire Chief, during non-sale periods.
- g. Each sale stand must have present at all times during the sales period, at least one person who attended the required City of Stockton Fire Department Operator Safety class.
- h. The sale of fireworks shall conform to requirements of Section 8.92.015 of the Stockton Municipal Code.
 - 1. Subject to provisions of this chapter, the State Fireworks Law, Sections 12500 through 12726 of the Health and Safety Code of the State, and any regulations promulgated thereunder, safe and sane fireworks, as defined in the Ordinance, may be sold within the City limits of the City of Stockton only during the period beginning at noon on June 28, and shall not continue after 9:00 p.m. on July 4. The sale of fireworks shall be permitted only from noon to 8:00 p.m. on June 28, and from 9:00 a.m. to 8:00 p.m. daily, June 28 through July 3. On July 4th the sale of fireworks will be from 9:00am- 9:00pm. No fireworks classified as "dangerous fireworks" by Section 12505 of the Health and Safety Code of the State of California may be sold within the City.
 - 2. Subject to the provisions of the City's Fireworks Ordinance, and the State Fireworks Law, Sections 12500 through 12726 of the Health and Safety Code of the State, and any regulations promulgated thereunder, Safe and Sane Fireworks, as defined in the City's Fireworks Ordinance, may be discharged within the City limits of the City of Stockton only during the period beginning at noon to 11:00 p.m. on June 28, and from 9:00 a.m. to 11:00 p.m. daily on June 29, through July 4. No fireworks classified as "dangerous fireworks" by Section 12505 of the Health and Safety Code of the State of California may be discharged within the City.
 - 3. The use or discharge of fireworks within fifty feet of any fireworks sales stand is prohibited.
- i. All unsold stock and litter must be removed from the sales location by 10:00 p.m. on July 4.

Stand Construction

Walls and roof shall be of plywood at least one-fourth (1/4) inch thick or of an approved noncombustible material.

The stand shall be provided with a roof. Stand square footage shall not exceed 260 square feet. Stand length shall not exceed 32 feet. Walls shall extend a minimum height of six feet, eight inches on at least three sides. These three sides shall be without openings, except for exit doors. The stand must have two exit doors.

Two exit doors with a minimum size of twenty-four inches in width and six feet in height shall be provided in each stand. Exits shall be maintained clear and unobstructed at all times.

The front wall of the stand shall provide a physical barrier not less than eighteen inches in height between the public and the merchandise on display.

Revocation of Permit and Seizure of Fireworks

The Fire Chief may suspend immediately and without notice or hearing the permit of any permitted organization that violates any rule, regulation, or ordinance while operating or preparing to operate a fireworks sales stand during or immediately preceding any period of sale. If the Fire Chief reasonably believes that a violation has occurred during or immediately following the authorized period of sale, the Fire Chief may prohibit the permitted organization from applying for a Fireworks Sales Permit in the next calendar year.

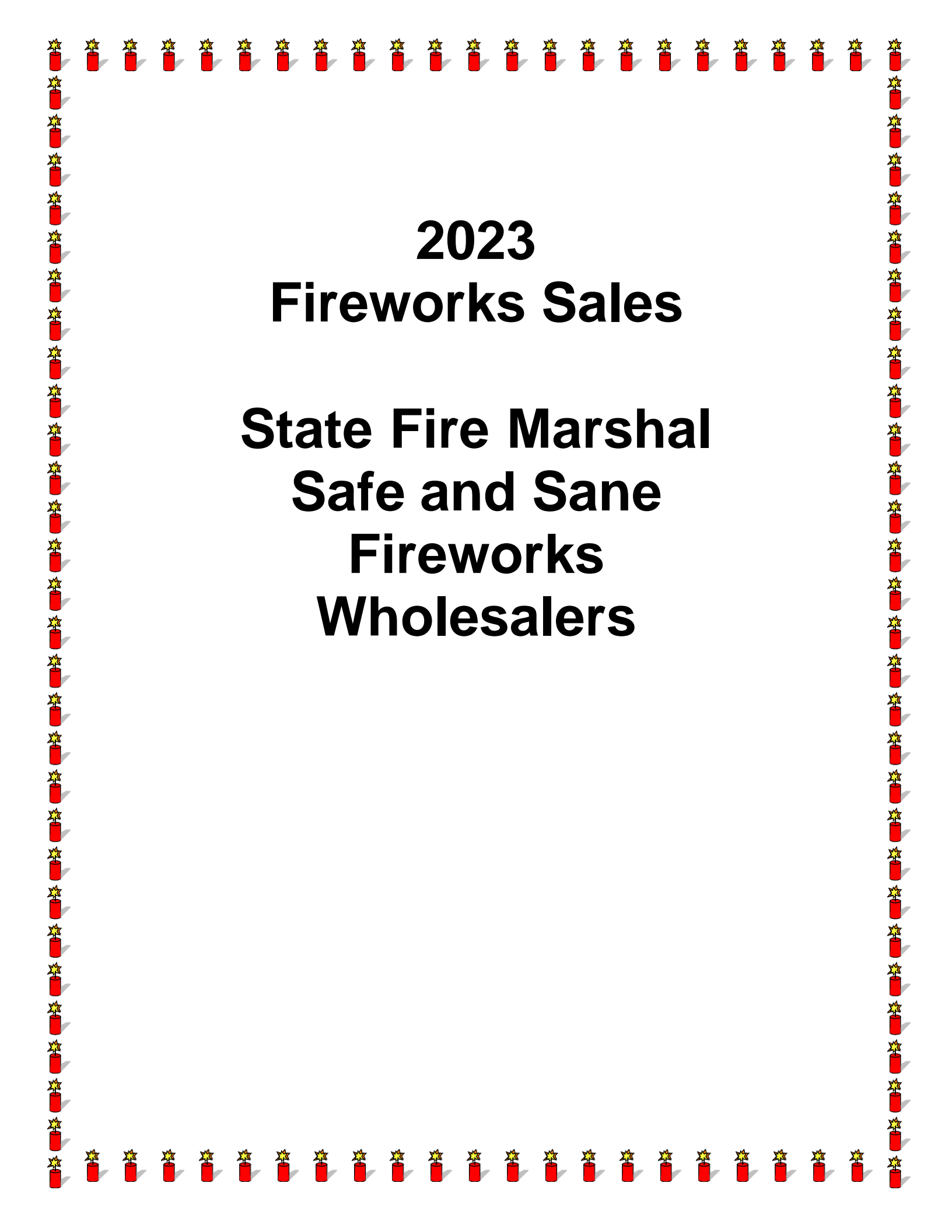
Any decision of the Fire Chief made under the City's Fireworks Ordinance shall be subject to review by the City Manager. When the decision being reviewed affects the current sales period, such review shall be held at the earliest possible time that the permitted organization, the City Manager, and Fire Chief can schedule a hearing for such review. For decisions that do not affect the current sales period, the review shall be held within ten City business days after the request for review, which request must be made within ten calendar days after notice of the decision being reviewed. The City Manager, using reasonable discretion, may modify the Fire Chief's decision. The decision of the City Manager shall be final.

Any permitted organization whose Fireworks Sales Permit is revoked will not be eligible to apply for a Fireworks Sales Permit in the next calendar year.

The Fire Department may seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of these regulations.

Financial Reporting

On or before September 1 of each year, the organization that has been issued a Fireworks Sales Permit shall submit to the Fire Chief a written financial statement by the treasurer or financial officer of the organization setting forth the total gross receipts from the sale of fireworks; all expenses incurred and paid in connection with the purchase and sale of fireworks; and to whom and for what purpose the net proceeds were or will be disbursed, along with the organization's most recent State Board of Equalization report that reflects the organization's sale of fireworks. Any organization that files the written financial statement and/or the State Board of Equalization report after September 3, shall not be eligible to submit an application for a Fireworks Sales Permit for the following calendar year.



2023 Fireworks Sales

**State Fire Marshal
Safe and Sane
Fireworks
Wholesalers**

**STATE FIRE MARSHAL APPROVED
SAFE AND SANE
FIREWORKS WHOLESALEERS**

PHANTOM FIREWORKS

Telephone (800) 733-7771

Contact: Ryne Conder or Tim Matalone

Ryne Conder Office: (209) 491-5180

Tim Matalone Cell: (209) 324-9914

TNT FIREWORKS, INC

Contact: Don Pascarella

Office (209) 521-0360

Cell (209) 985-4458

Contact: Jennifer Schnell

Office (559) 252-5391

Cell (559) 362-9308