

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: June 2nd, 2020

TITLE: Fireworks Permits

CASE NO's: (FW 20-01, FW 20-2, FW 20-3, FW 20-4, & FW 20-5)

PREPARED BY: Patricia Villagomez, Assistant Planner

REVIEWED BY: Rebecca Deming, Community Development Director

Standard Conditions

1. Each fireworks stand shall post the City Notice/State Notice stating the fines for unlawful use of fireworks.

Administrative Conditions

2. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings, including those involving environmental issues, against the City to attack, set aside, void, annul, and/or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the entitlement application. City shall promptly notify both the applicant/developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
3. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes.
4. The development of the Project on the project site shall be in substantial compliance with the exhibits contained in the project file, as shown in all Exhibits attached hereto and incorporated herein by this reference.

5. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the applicant shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.

Fire Department Conditions

6. Shall comply with all City and County directives/policies regarding Covid19 restrictions and procedures.
7. Shall comply with all conditions in Desert Hot Springs Municipal Code Section 8.28.010 – 8.28-180.

Code Compliance Conditions

8. No entity other than the permitted organization or business shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.
9. No persons other than the individuals (volunteers) who are members of the permitted organization or business or the spouses, immediate family, parents or adult children of such members shall sell or otherwise participate in the sale and or display of Safe and Sane fireworks at such stand.
10. The Fire Chief or designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any section within this Standard or the Health and Safety Code.
11. Seizure of fireworks: The Fire Chief or designee shall seize, take, remove or cause to be removed and destroy, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of these conditions of approval or Health & Safety Code.

Planning Department Conditions

12. The applicant/operator shall comply with Sections 8.28.010-180 of the DHSMC at all times.
13. Each application shall be accompanied by a filing fee totaling \$1,945.00 (\$1,835 for a firework program permit fee and \$110.00 for a firework safety permit fee) to defray the City's costs of providing public safety services; and a refundable cash deposit, certificate of deposit or a surety bond in the amount

of \$150.00 made payable to the City to assure compliance with the Ordinance in regard to the removal of the firework stand and clean-up up of the site.

14. Once issued, permits shall not be transferable, assignable or renewable. Any permit issued shall be valid only for the dates and location specified in the permit. Only one temporary fireworks stand may be operated by each permittee.
15. The applicant must be insured for the minimum coverage amounts of \$1,000,000/\$1,000,000 for potential public liability and property damage in connection with the operation of the temporary fireworks stand. The city must be named as an additional insured under the insurance policy.
16. Each permittee is required to obtain a State Board of Equalization Permit.
17. Each organization must be issued a license from the State Fire Marshal pursuant to Health and Safety Code Section 12500, et seq.
18. Each organization must be a nonprofit association or corporation organized primarily for veteran, youth, patriotic, welfare, civic betterment, or charitable purposes.
19. Each organization must have its principal and permanent meeting place within the territorial limits of the city, must have been organized and established for a minimum of one year continuously preceding the filing of the application for the retail sales permit, and must have a bona fide membership of at least 20 members, the majority of whom reside in the city.
20. Failure to meet any of the requirements will result in revocation of the application permit.
21. Temporary Fireworks Stand Requirements. Each of the selected permittees must submit to the Desert Hot Springs Fire Chief or designee, a plot plan approved by the owner of the property upon which the applicant will construct a temporary firework stand. The Desert Hot Springs Fire Chief or designee shall make an investigation of the proposed site to ensure compliance with the following:
22. The temporary fireworks stand erected for the retail sale of fireworks must be constructed under the supervision of the City Building Department Inspector in such a manner as will reasonably ensure the safety of salespersons and patrons. An electrical permit must be obtained if a temporary power pole is required.

23. The temporary fireworks stand shall have at least two exits, each at least 30" in width, in locations to be approved by the Desert Hot Springs Fire Chief or designee. The stand shall be located at least 25' from any other structure or property line of adjoining land. Minimum setback from the public sidewalk shall be ten feet. No stand shall have a floor area in excess of 260 square feet.
24. At least two water base fire extinguishers shall be present in each temporary firework stand. The extinguishers shall be subject to inspection by the Desert Hot Springs Fire Chief or designee.
25. There shall be at least one adult present in the temporary fireworks stand who is 21 years of age or over during all hours of retail sales. No person under 18 years of age shall sell fireworks at such stand.
26. No smoking shall be allowed in the temporary fireworks stand nor within ten feet thereof. No alcoholic beverages shall be allowed on the premises.
27. All weeds and combustible material shall be cleared from the location of the stand including a distance of at least 25' surrounding the stand.
28. Signs stating, "NO SMOKING" and "NO SALES TO ANYONE UNDER EIGHTEEN (18) YEARS OF AGE," and all permits must be posted in a conspicuous place.
29. An alert night watchman, at least 21 years of age, must be provided by the permittee to guard the temporary fireworks stand during the hours of storage.

Public Display. Notwithstanding any other provision of this chapter, fireworks may be lawfully possessed and used for public display within the city, as defined in Health and Safety Code Sections 12575 through 12577 and the Uniform Fire Code Article 78, upon written authorization by the Desert Hot Springs Fire Chief or designee.

Violation. Failure to remove the temporary fireworks stand in accordance with this chapter will result in the assessment of a penalty of \$50 per day that the stand remains in place, or portion thereof. The Desert Hot Springs Fire Chief or designee may revoke the permit granted to any permittee that is operating a temporary firework stand in violation of the provisions of the permit, or of this chapter. Such permittee shall not be eligible for a new permit for a period of one year thereafter.

30. Any/all permits may be subject to revocation if the applicant/ project is not in compliance with all of the conditions of approval contained herein.

31. No less than 90 percent of the proceeds derived from the sale of fireworks in the City by the organization shall be utilized for the direct advancement of charitable, religious, youth or civic purposes of such organization
32. The applicant shall maintain the Site after the installation of the stand and until the stand is removed, free of debris, trash or any other offensive, unhealthful and dangerous material. If the Applicant/Developer does not comply with the before mentioned criterion, the City may revoke the permit and issue violations
33. All appropriate permits shall be pulled with the City's Building Department.
34. All appropriate permits shall be pulled with the City's Fire Department.

Engineering Conditions

35. The Fireworks Stand shall not impede on-site circulation, drive-aisle access, pedestrian/sidewalk access, fire lanes, or any ADA access.