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ORDINANCE NO. 13-001

**ORDINANCE OF THE COUNCIL OF THE CITY OF DIXON
AMENDING SECTION 12.18.12 OF ARTICLE II OF THE DIXON CITY CODE REGULATING
THE POSSESSION, SALE, AND USE OF FIREWORKS WITHIN THE CITY OF DIXON**

WHEREAS, on April 26th 2011, the City Council of the City of Dixon adopted Ordinance No. 11-006 adopting a two-year pilot program regulating the possession, sale, and use of fireworks within the City of Dixon ("the Dixon Fireworks Pilot Program Ordinance"); and

WHEREAS, on January 24th 2012, the City Council of the City of Dixon adopted Ordinance No. 12-003 amending the Dixon Fireworks Pilot Program Ordinance; and

WHEREAS, at the September 25, 2012 City Council meeting, Council gave city staff direction to draft an ordinance amending the Dixon City Code to incorporate the Dixon Fireworks Pilot Program Ordinance, with further amendments included herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DIXON ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds as follows:

The following amendments to the City of Dixon City Code are consistent with the City of Dixon General Plan and the objectives of the Dixon Zoning Ordinance prescribed in Section 12.01.01 of the Dixon City Code.

SECTION 2. Section 12.18.12 of Chapter 12 of Article II of the Dixon City Code is hereby amended to read as follows:

12.18.12 Fireworks Stands and Public Displays of Fireworks

A. General.

1. Administration. This Section shall be administered by the Dixon Fire Department.
2. Definitions. For the purposes of this Section, the following definitions shall apply:
 - a. "City" means the City of Dixon.
 - b. "City Clerk" means the City Clerk of the City or the City Clerk's designee.
 - c. "City Manager" means the City Manager of the City or the City Manager's designee.

- d. "Dangerous Fireworks" means "Dangerous Fireworks" as defined in Health and Safety Code Section 12505 and 12561 and the relevant sections of Chapter 6, Title 19 of the California Code of Regulations, which are hereby incorporated by reference.
- e. "Fire Chief" means the Fire Chief of the City or the Fire Chief's designee.
- f. "Fireworks Sales Permit" means a permit issued in accordance with Article 3 of this Section 12.18.12.
- g. "Fireworks Stand" means a structure of a temporary nature used in the sale, offering for sale, or display for sale of Safe and Sane Fireworks.
- h. "Fireworks Wholesale" means any person, other than an importer, exporter, or manufacturer, who purchases fireworks from a manufacturer, importer or exporter for resale to a retailer or any other person for resale-or-any person who sells fireworks to other wholesalers or retailers for resale.
- i. "Nonprofit Organization" means any nonprofit association, charity or corporation organized primarily for veterans, patriotic, welfare, civic betterment, educational, youth development or charitable purposes which is tax exempt pursuant to Internal Revenue Code Sections 501(c)3, 4, 6, 7, 8, 9, 10, 19, 23, or 26, that serves, in whole or in part, the residents of the City of Dixon. Evidence of non-profit status shall consist of a "Letter of Determination" from the State of California Franchise Tax Board. If this letter cannot be obtained, other evidence must be offered and the Fire Chief and or City Clerk will determine if its validity.

Alternatively, a non-profit may submit a Franchise Tax Board FTB 199N or FTB199 as evidence the non-profit is current and in good standing with the taxing authorities.

- j. "Police Chief" means the Police Chief of the City or the Police Chief's designee.
- k. "Principal and permanent meeting place" shall include, but not limited to, a permanent structure, geographic area or service population which resides in or is located within the City of Dixon
- l. "Qualified Applicant" means any Nonprofit Organization which has met all of the following criteria for a continuous period of not less than one (1) full year preceding submittal of an application for a Fireworks Sales Permit and which continues to meet the criteria for the duration of the Fireworks Sales Permit:

- i. The Nonprofit Organization must have either; a minimum *bona fide* membership of at least twenty five (25) or 100%,

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whichever is less, adult members who either reside in the City, are employed in the City or who are owners or operators of a business located in the City. The organization shall upon request provide documentation demonstrating the minimum *bona fide* membership to the satisfaction of the Fire Chief.

- ii. The Nonprofit Organization shall not have been found by any court of competent jurisdiction or City administrative hearing officer to be in violation of any civil or criminal local, state or federal law relating to fireworks, including this Section 12.18.12, within thirty-six (36) months prior to the Nonprofit Organization's submittal of an application for a Fireworks Sales Permit.
 - iii. The Nonprofit Organization must not have had a permit to sell fireworks revoked by any jurisdiction within thirty-six (36) months prior to the Nonprofit Organization's submittal of an application for a Fireworks Sales Permit.
 - iv. The organization must have its permanent meeting place and headquarters within the city limits of Dixon.
- m. "Safe and Sane Fireworks" means "Safe and Sane Fireworks" as defined in Health and Safety Code Sections 12529 and 12562.
- n. "Responsible Person" means a person who causes a violation of this Section 12.18.12 to occur or who allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur or allows a violation to exist or continue; provided, that:
- i. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and any lessee of a residential parcel, has notice of any violation existing on said property.
 - ii. More than one person may be a Responsible Person for a single violation.
 - iii. Any person, regardless of age, may be a Responsible Person. However, every parent, guardian or other person having the legal care, custody or control of any minor person is a Responsible Person for violations committed by such minor, in addition to the minor him- or herself, if such parent, guardian or other person knows or reasonably should know that a minor is in violation of this Section 12.18.12. There is a rebuttable presumption that any such parent, guardian or other person having the legal care, custody or control of a minor person knows or

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reasonably should know whether such minor is in violation of this Section 12.18.12.

3. **Fireworks Unlawful.** Except as otherwise provided in this Section, no person shall possess, sell, use, display or explode any "Dangerous Fireworks," or any "Safe and Sane Fireworks," including, but not limited to, any rocket, firecracker, roman candle, squib, torpedo, wire core sparkler, wooden core sparkler, black cartridge, aerial shell or other combustible device or explosive substance or any kind of firework, by whatever name known, within the City of Dixon.

B. Public Displays of Fireworks.

1. **Permits for Public Fireworks Displays.** The Fire Chief may grant permits for those activities enumerated in Section 12640 of the California Health and Safety Code, including supervised public displays of fireworks by a public agency, fair association, amusement park, or other organization, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator (as defined by Section 12527 of the California Health and Safety Code), and shall be of such character and so located, discharged or fired as in the opinion of Council, following the receipt of the recommendation by the Fire Chief, will not be hazardous or endanger any property or persons.
2. **Application Fee for Public Fireworks Displays.** Every application for a permit to conduct a public display of fireworks, or for other use of fireworks as permitted by Section 12.18.12(B), shall be accompanied by a non-refundable fee of Eighty Five Dollars (\$85.00).
3. **Defense and Indemnity of City.** Every applicant for a permit to conduct a public display of fireworks or for other use of fireworks as permitted by Section 12.18.12(B), shall agree to defend, indemnify and hold the City of Dixon, its officers and employees harmless from any and all claims for damages or other costs arising out of the activity authorized by the permit.
4. **Liability Insurance.** Every recipient of a permit to conduct a public display of fireworks or for other use of fireworks as permitted by Section 12.18.12(B) shall maintain a corporate surety bond or policy of public liability and property damage insurance. The policy shall provide coverage for bodily injury (including death) and property damage with policy limits of not less than five million dollars' (\$5,000,000) combined single limits. Such policies shall contain a provision which includes the City, its officers, officials, agents, and employees as additional insureds and provides that said insurance provides primary coverage as to the City without contribution by other City policies or self-insured retentions. Such policies shall also contain an endorsement that the company issuing such policy or policies will not allow the same to be cancelled without serving, by first class mail, ten (10) days' notice of cancellation upon the City Clerk.

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Following approval of the permit by the Fire Chief as provided in Section 12.18.12 (B), no permit shall be issued until the permittee furnishes the City Clerk a "Certificate of Insurance" for each insurance policy required by this Section, in a form approved by the City Attorney.

Notwithstanding any other provision of this Section 12.18.12, the failure of the permittee to carry such policy or policies in force shall result in the automatic revocation of the permit as of the date of expiration of such insurance policy or policies. Should a permit be automatically revoked as a consequence of this provision, the payment of the full amount of the permit fee required by this Section 12.18.12 shall be made to the City before the revoked permit may be reinstated.

C. Safe and Sane Fireworks Sale and Use During the Fourth of July Period.

1. **Possession or Use of Safe and Sane Fireworks Temporarily Permitted.** Notwithstanding any provisions of this Section 12.18.12 to the contrary, the possession of Safe and Sane Fireworks shall be lawful during the period of 12 noon on the 28th of June through 12 noon on the 6th of July of the same calendar year, provided, however, that it shall be unlawful to possess any modified or altered Safe and Sane Firework. It shall be unlawful to use or discharge any Safe and Sane Firework except between the hours of 9:00 a.m. and 11:00 p.m. on the days on which said Safe and Sane Fireworks may be possessed.
2. **Sale of Safe and Sane Fireworks.** Notwithstanding any provisions of this Section 12.18.12 to the contrary, the possession and retail sale to the public of Safe and Sane Fireworks is permitted between 12 noon and 10 p.m. on the 28th of June of each year and from 9 a.m. through 10 p.m. on June 29th through the 4th of July of the same calendar year, by those Nonprofit Organizations possessing a Fireworks Sales Permit.
3. **Applications for Fireworks Sales Permits and Lotteries.**
 - a. **Submission of applications by Qualified Applicants**
 - i. No Nonprofit organization shall submit more than one (1) application for a Fireworks Sales Permit. If the City receives two (2) or more applications containing the same tax identification number, only one (1) application shall be accepted.
 - ii. Each application will be screened by the Fire Chief to determine if the Nonprofit Organization submitting it meets the criteria to be classified as a "Qualified Applicant."
 - b. Every application for a Fireworks Sales Permit shall be accompanied by a non-refundable application fee of Twenty-Five Dollars (\$25.00) as imposed by this Section 12.18.12.

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- c. All applications for Fireworks Sales Permits shall be submitted in writing to the City Clerk on forms supplied by the City. Applications may be filed from January 1 through February 1, inclusive, unless set forth otherwise by resolution of City Council. Applications filed before or after this period, or the period set by resolution of City Council, shall not be accepted.
 - i. If there are more Qualified Applicants than the maximum number of Fireworks Sales Permits available, then the Fire Chief shall conduct a random categorical drawing to determine to whom the available Fireworks Sales Permits shall be issued.

The drawing for each calendar year, if necessary, shall occur on the third Thursday of March, and according to regulations set forth by the Fire Chief and approved by resolution of the City Council. Those Qualified Applicants which have been successful in being awarded a Fireworks Sales Permit shall have up to and including May 1 of the same calendar year to submit all information required by Section 12.18.12(C)(4)(d) and to pay the permit fee required by Section 12.18.12(C)(4)(d)(iii).
 - ii. Applications for Fireworks Sales Permits will be reviewed by the Fire Department, the Police Department and the City Clerk as needed, pursuant to this Section 12.18.12. Fireworks Sales Permits shall be issued by the Fire Chief.

4. Fireworks Sales Permit Requirements.

- a. Each Fireworks Sales Permit recipient may operate only one (1) Fireworks Stand. The maximum number of Fireworks Sales Permits which may be issued during any one (1) calendar year shall not exceed one (1) Fireworks Sales Permit for each 2,500 residents of the City of Dixon, or fraction thereof, as calculated by the City Clerk.
- b. Other provisions regarding Fireworks Sales Permit Applications.
 - i. After the maximum number of Fireworks Sales Permit recipients have been chosen, the remaining Qualified Applicants shall be drawn and assigned as alternates according to the order drawn. Each alternate, according to the order drawn, shall be offered a Fireworks Sales Permit if one of the original permittees fails to meet the requirements of this Section 12.18.12, if a permittee voluntarily surrenders its Fireworks Sales Permit, or if a Fireworks Sales Permit is revoked.

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- ii. Two or more eligible Nonprofit Organizations may jointly submit an application pursuant to this Section 12.18.12 and may receive a single Fireworks Sales Permit to jointly sell fireworks, provided that each must be a Qualified Applicant. Fireworks Sales Permit recipients may select one or more other Qualified Applicants to join it in a joint venture operation of the Fireworks Stand, provided that any such joint venture must have been a Qualified Applicant that applied unsuccessfully for a Fireworks Sales Permit that same year.
 - iii. Fireworks Sales Permits are valid only during the calendar year issued.
 - c. Each Nonprofit Organization receiving a Fireworks Sales Permit must have at least one representative attend a Fireworks Stand operator safety seminar approved by the Fire Chief for the same year in which the Fireworks Sales Permit is issued. Failure of a Nonprofit Organization to attend the seminar shall result in the revocation of the Fireworks Sales Permit.
 - d. Subsequent to selection for issuance of Fireworks Sales Permit but prior to the issuance of a Fireworks Sales Permit, and in addition to those other requirements set forth in this Section 12.18.12 or on the permit application, each permittee shall provide or demonstrate compliance with all of the following:
 - i. A copy of the permittee's retail sales permit issued by the Office of the California State Fire Marshal.
 - ii. A copy of the permittee's California State Board of Equalization Temporary Sales Tax Permit.
 - iii. Payment of a permit fee in the amount of one hundred fifty dollars (\$150.00). This fee is in addition to the application fee pursuant to Section 12.18.12(C)(3)(b) for the submission of the application.
 - iv. Insurance coverage as required by the provisions of Section 12.18.12(B)(4), provided that the limits of liability required by that Section shall be \$1,000,000 combined single limits.
5. Denial of Permit and Appeals Process.
- a. After conducting an investigation and preparing a report consistent with Health and Safety Code section 12640 *et seq.*, the Fire Chief shall issue a Fireworks Sales Permit to Qualified Applicants chosen pursuant to Section 12.18.12(C)(3), unless:

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- i. The Fire Chief finds, in writing, that the applicant has failed to provide sufficient plans, information or other data necessary to permit a determination respecting compliance with the requirements of this Section 12.18.12.
 - ii. The Fire Chief finds, in writing, that the applicant is not in compliance with any of the requirements of this Section 12.18.12.
 - b. Any denial of a Fireworks Sales Permit application or revocation of a permit to sell fireworks issued pursuant to the Fireworks Code may be appealed to the City Council consistent with Health and Safety Code Section 12647 within ten (10) days in writing.
- 6. Fireworks Stands.
 - a. All retail sales of Safe and Sane Fireworks shall be permitted from within a temporary fireworks stand only. The retail sale of fireworks from any other building or structure is prohibited.
 - b. No Fireworks Stand may be erected before June 23, or by any person not affiliated with a Nonprofit Organization to which a Fireworks Sales Permit has been issued.
 - c. Fireworks Stands must be located on lots that have an all-weather surface and adequate off-street parking to meet the requirements of any existing use or uses as well as the Fireworks Stand.
 - d. Fireworks Stands are permitted only in the following zoning districts, as defined and delineated in Chapter 12 of Article II of the Dixon City Code:
 - i. Neighborhood Commercial District (CN)
 - ii. Service Commercial District (CS)
 - iii. Community Commercial District (CC)
 - iv. Highway Commercial District (CH)
 - v. Light Industrial District (ML)
 - vi. Heavy Industrial District (MH)
 - e. Each Fireworks Stand must post each of the following in a prominent place inside the Fireworks Stand:
 - i. Fireworks Sales Permit.
 - ii. California State Board of Equalization Temporary Sales Tax Permit

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- iii. California State Fire Marshal Retail Sales Permit
- iv. Proof of Insurance
- f. Fireworks Stands shall not be located closer than three hundred (300) feet apart, unless separated by a major arterial roadway.
- g. Fireworks Stands shall comply with National Fire Protection Association standard NFPA 1124 for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.
- h. Fireworks Stands shall not be located within twenty-five (25) feet of any other building or structure.
- i. No fireworks shall be located within one hundred (100) feet of a location where gasoline or any other flammable liquids are stored or dispensed.
- j. Electrical wiring within a Fireworks Stand is prohibited.
- k. Lighting on or in Fireworks Stands shall consist of battery-powered lighting only.
- l. Each Fireworks Stand shall comply with fire prevention standards as adopted and enforced by the Fire Chief.
- m. All Fireworks Stands shall be inspected and approved by the Fire Chief prior to the sale of any fireworks.
- n. All weeds or other vegetation and combustible material shall be cleared from the location of the Fireworks Stand, up to a distance of at least twenty-five (25) feet surrounding the Fireworks Stand.
- o. No Fireworks Stand shall have a floor area in excess of five hundred (500) square feet or a length greater than fifty (50) feet.
- p. Each Fireworks Stand shall have at least two exits. Each Fireworks Stand in excess of forty (40) feet in length shall have at least three exits, equally spaced. In no case shall the distance between exits required by this Section exceed twenty (20) feet. Exit doors shall be not less than twenty-four (24) inches wide, six (6) feet in height, and must open in the direction of exit travel.
- q. "NO SMOKING" signs shall be prominently displayed on all sides of the Fireworks Stand. Smoking is prohibited within fifty (50) feet any Fireworks Stand.

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- r. Each Fireworks Stand shall be provided with two (2) two and one-half (2-1/2) gallon pressurized-water-type fire extinguishers in good working order which are easily accessible in case of fire.
- s. Each Fireworks Stand must have an adult in attendance and in charge thereof when the Fireworks Stand is open to the public for the sale or dispensing of fireworks and when fireworks are being either delivered to or taken from the Fireworks Stand.
- t. No person may remain in the Fireworks Stand after close of business.
- u. When the Fireworks Stand is not being used for the sale and/or display of fireworks, all fireworks shall be stored in a manner consistent with one of the following:
 - i. Within a reinforced, heavy metal, fully-enclosed container, a walk-in type drop box, or equivalent, as approved by the Fire Chief.
 - ii. Returned daily to a Fireworks Wholesaler for storage at an approved and properly zoned location.
- v. No fuel-powered generator or similar equipment shall be allowed within fifty (50) feet of a Fireworks Stand.
- w. No person other than individuals who are bona fide members of the Nonprofit organization which holds the Fireworks Sales Permit, and/or joint venture nonprofit organization(s), or the spouses, registered domestic partners, parents or adult children of such members, shall sell or otherwise participate in the sale of fireworks.
- x. No minor person shall sell or participate in the sale of Safe and Sane fireworks or handle any fireworks.
- y. Drinking or possession of alcoholic beverages in a Fireworks Stand or within one hundred feet (100) feet of a Fireworks Stand is prohibited, except within a permanent business establishment unaffiliated with the Fireworks Stand and which preexisted the Fireworks Stand.
- z. No person shall be paid any consideration by the permittee or any Fireworks Wholesaler for selling or otherwise participating in the sale of Safe and Sane Fireworks. Notwithstanding the foregoing, compensation may be paid for licensed security personnel and to any person permitting or leasing the location of the Fireworks Stand on its property as a payment for such permit or lease.
- aa. All fireworks shall be retained at the Fireworks Stand. In no event shall unsold fireworks be removed from the approved location to

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any other place without written approval of the Fire Code Official. This provision shall not apply to the storage of fireworks pursuant to Section 12.18.12(C)(6)(u)(ii) of this Chapter.

- bb. All unsold stocks of fireworks in the hands of the permittee after 10:00 p.m. on the 4th day of July shall be returned to the Fireworks Wholesaler by 12:00 p.m. on July 6th of the same calendar year.
 - cc. No later than July 10th of each calendar year, each Fireworks Stand shall be completely removed and the premises upon which it was located shall be cleared of all debris and restored to the condition it was in prior to the establishment of the Fireworks Stand.
 - dd. Fireworks Stands shall be permitted to have no more than two (2) double-sided signs with a maximum area of sixty-four (64) square feet per side. All such signs shall be located on the same site as the Fireworks Stand they identify or advertise. Signs may not be placed in such a manner as to interrupt the normal flow of vehicle or pedestrian traffic or to cause any sight distance problems for such traffic. Placement of such signs shall be subject to the review and approval of the Fire Chief, the Community Development Department and the Police Department. In no case shall the sign placement interfere with traffic or any other safety-related concern. The above-described signs may be displayed from June 23rd through the end of sales on July 4th.
7. Sales to Minors. It is unlawful to sell fireworks to minors.
8. Financial Reports. On or before November 1st of any year during which a Nonprofit Organization received a Fireworks Sales Permit, the Nonprofit Organization shall submit to the City Clerk a financial statement, prepared by its treasurer or officer of the Nonprofit Organization, setting forth:
- a. A copy of the most recent report filed by the Nonprofit Organization with the State Board of Equalization.
 - i. The filing of such statement shall be a condition precedent to the granting of any subsequent Fireworks Sales Permit.
9. Revocation of Fireworks Sales Permits and Appeal.
- a. The Fire Chief may revoke the Fireworks Sales Permit of any permittee who violates any of the provisions of this Section 12.18.12. If the revocation occurs between June 22 and July 5, the Fire Chief shall inform the permittee that it may seek review of the decision by the City Manager on the next business day. The decision of the City Manager shall be final.

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- b. Any permittee whose Fireworks Sales Permit has been revoked shall be barred from receiving a future Fireworks Sales Permit under this Section 12.18.12, or under any subsequent ordinance establishing a Fireworks Sales Permit, for up to five (5) years from the date of the revocation.
10. Discharge of Safe and Sane Fireworks – Regulations.
- a. It shall be unlawful for any person to ignite, discharge, project or otherwise fire or use any Safe and Sane Fireworks upon or over or onto the property of another without his/her consent, or to ignite, discharge, project or otherwise fire or make use of any Safe and Sane Fireworks within ten (10) feet of any residence, dwelling or other structure used as a place of habitation by human beings.
 - b. It shall be unlawful to discharge fireworks of any type on City property, including but not limited to parks, recreation areas or parking lots. Discharge on a City Street in a residential zone is permitted so long as it does not impede traffic, except that discharge shall not be permitted on the following streets: North First Street, South First Street/State Route 113, East A Street and West A Street.
 - c. Notwithstanding the foregoing, it shall be lawful to discharge fireworks in any portion of any City park that is officially designated by the Fire Chief as a fireworks discharge area.
11. Supervision of Minors in Use of Fireworks.
- a. It is unlawful for minors to sell, purchase, possess, use or discharge fireworks of any type; provided, however, that minors under the direct supervision of their parent, guardian or other adult person having care, custody or control of said minor, may possess and discharge Safe and Sane Fireworks during the times, and in the manner that such discharge is permitted by this Section 12.18.12.
 - b. It shall be unlawful for any person having the care, custody or control of a minor to permit said minor to discharge, explode, fire or set off any Dangerous Fireworks at any time, or to permit such minor to discharge or set off any Safe and Sane Fireworks unless said minor does so under the direct supervision of a person over 18 years of age and during the hours and on the days permitted by this Section 12.18.12.
12. Seizure of Fireworks. The Fire Chief or Police Chief may seize, take, remove or cause to be removed, at the expense of the holder of a Fireworks Sales Permittee or licensed Fireworks Wholesaler, all stock of fireworks offered or exposed for sale, stored or held in violation of this Section 12.18.12 when such violation creates an imminent danger and a grave threat to public health or safety. The official removing such

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fireworks shall immediately provide written notice to the owner thereof, and shall provide an opportunity within twenty-four (24) hours to be heard with respect to such seizure.

In the event the violation does not pose an imminent danger and a grave threat, the Fire Chief and the Police Chief shall provide written notice and an opportunity to be heard prior to any seizure.

13. **Public Education.** Each Fireworks Wholesaler supplying one or more permittees under this Article shall annually submit a Public Education Plan to the Fire Chief no later than 5:00 pm on June 1. Said Public Education Plan shall outline the public safety and education efforts for that year that have been initiated, supported and/or delivered by each Fireworks Wholesaler within the City.

D. **Administrative Regulations.** The Fire Chief is authorized to promulgate administrative regulations and procedures necessary for the successful and effective implementation of this Section 12.18.12 including, but not limited to, rules and procedures governing the submission and random selection of applications to sell Safe and Sane Fireworks and rules and procedures governing situations where two or more Fireworks Sales Permit recipients propose to establish Fireworks Stands within three hundred (300) feet of each other, in violation of Section 12.18.12(C)(6)(f).

E. **Enforcement.**

1. **Violation Unlawful – Administrative Citations.**

a. It is unlawful and a misdemeanor to violate any provision of this Section 12.18.12; provided, however, that a violation of this Section 12.18.12 may, in the discretion of the Police Chief or the Fire Chief, be charged and prosecuted as an infraction.

b. In addition to any other enforcement mechanism prescribed by law, this Section 12.18.12 may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code).

F. **Conflict with Dixon Municipal Code or Dixon City Code.** In the event that any provision of this Section 12.18.12 conflicts with any provision of the Dixon Municipal Code or the Dixon City Code, the provisions of this Section 12.18.12 shall prevail.

SECTION 3. Section 12.18.05, along with accompanying Figure 18-1, of the Dixon City Code, shall be amended to add fireworks stands and displays as a permitted temporary use, as follows:

12.18.05 Identification of Permitted Temporary Uses

The following temporary use shall be permitted as specified by these regulations:

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- A. Construction office. A temporary construction office used during the construction of a building or road, including grading related thereto.
- B. Existing building. The continuing but temporary use of an existing, lawfully established building during construction of a new building on the same building site.
- C. Animal husbandry and agricultural education project. A temporary animal husbandry or agricultural education activity or project conducted primarily for education purposes.
- D. Seasonal sales. A temporary facility used for the sale of Christmas trees, pumpkins and other permitted items.
- E. Mobile home as accessory use. The temporary use of a mobile home as a caretaker's or manager's residence.
- F. Mobile home unit or structure used for commercial purposes. Mobile unit or structure means any structure not permanently affixed to the ground with a foundation, as determined by the Building Official. This includes, but is not limited, to any trailer, house car, or mobile home, whether or not the wheels are attached.
- G. Assembly uses. The temporary gathering of people for religious purposes or for entertainment such as a circus, carnival, rodeo, or livestock show.
- H. Fireworks Stands. Temporary Fireworks Stands used for the seasonal sale of fireworks, in accordance with the regulations set forth in Section 12.18.12.

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Figure 18-1 Location of Temporary Uses

ZONING DISTRICT	TEMPORARY USE									
	Construction Office	Existing Building	Animal Husbandry Project	Seasonal Sales, Christmas Tree and Pumpkin	Mobile Home as Accessory Use	Mobile Unit for Commercial	Agricultural Products Stand	Assembly Uses	Subdivision Sales Office	Fireworks Sales and Display
<i>Agricultural</i>										
A			•	•	•		•	•		
<i>Residential</i>										
R1	•	•	•	•	•		•		•	
R2	•	•	•	•						
RM	•	•								
<i>Commercial</i>										
CN	•	•		•		•		•		•
CC	•	•		•		•		•		•
CS	•	•		•		•	•	•		•
CH	•	•	•	•		•	•	•		•
PMU	•	•				•				
<i>Industrial</i>										
ML	•	•		•	•	•				•
MH	•	•		•	•	•				•
<i>Medical</i>										
PAO	•	•								

• Permitted Use Upon Approval of Administrative Permit

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SECTION 4. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Ordinance. The Council of the City of Dixon hereby declares that it would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

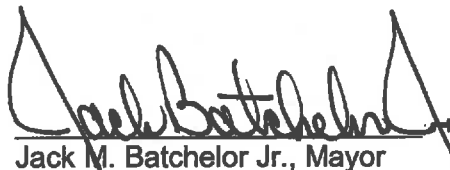
SECTION 5. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Ordinance. The Council of the City of Dixon hereby declares that it would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after its adoption.

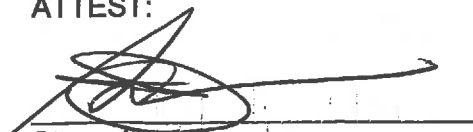
SECTION 7. PUBLICATION. The City Clerk shall cause this Ordinance or a summary thereof to be published in a newspaper of general circulation in the City of Dixon within fifteen (15) days after its enactment.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Dixon duly held on the 11th day of December, 2012, and was approved and enacted at a duly held regular or adjourned regular meeting of the City Council held on the 8 day of January, 2013 ~~2012~~ by the following vote on roll call:

AYES: Besneatte, Bird, Bogue, Castanon, Batchelor
NOES: None
ABSENT: None


Jack M. Batchelor Jr., Mayor

ATTEST:


Steve Johnson
Acting City Clerk
2011674.1

ORDINANCE NO.: 13-001
DATE: JAN 08 2013