

**CITY OF CLEVELAND
RESOLUTION
TEMPORARY CONSUMER FIREWORKS RETAIL SALES STANDS
POLICIES, PROCEDURES, AND FEES
2016-17**

PURPOSE:

The purpose of this resolution is to provide direction, policy and procedures to City of Cleveland Fire Services personnel for the inspection and licensing of temporary consumer fireworks retail sales stands. These guidelines shall apply to all City of Cleveland employees.

DISCUSSION:

It shall be the responsibility of all officers, acting officers, and incident commanders to see that procedures are followed.

I. GENERAL

This policy applies to all City of Cleveland Fire personnel and should be reviewed annually for updates and corrections.

II. DISSEMINATION

All Personnel.

General Information

City of Cleveland Government is authorized under O.C.G.A Chapter 25, to set policies, procedures, regulations and license regarding sale of consumer fireworks from a temporary consumer fireworks retail sales stand.

Upon finding that a distributor has met the requirements of the code section, the fire department is authorized to issue a license for a temporary consumer fireworks retail sales stand.

POLICY:

City of Cleveland – Fire Services Division shall, upon application from said distributor and inspection of temporary sales site issue a license which shall identify the temporary consumer fireworks retail sales stand applicable to such license within 15 days of request and shall expire on January 31 of the following year, after the issuance of such license.

The sales of consumer fireworks from such temporary consumer fireworks retail sales stand shall accrue to the benefit of a non-profit group. A non-profit group benefiting from the sale of consumer fireworks shall directly participate in operating the temporary consumer fireworks retail sales stand.

It shall be unlawful for a nonprofit group or any agent or any bona fide representative of a nonprofit group to knowingly lend the name of the group or allow the identity of the nonprofit group to be used for the license under the code if such nonprofit group is not directly participating in the operating of such temporary consumer fireworks retail sales stand.

The temporary consumer fireworks retail sales stand license fee is **\$500.00** per site payable to the governing authority and such fees expended for public safety purposes.

See Appendix A for notations from O.C.G.A concerning the licensing of temporary consumer fireworks retail sales stands.

PROCEDURE:

The following steps outline the procedures for licensing of temporary consumer fireworks retail sales stands in the incorporated areas of City of Cleveland, Georgia:

1. License applications may be obtained from the City of Cleveland, 85 South Main Street, Cleveland, GA 30528.
2. The applicant shall submit the license application a **minimum of 15 days** prior to the anticipated sales date to the City of Cleveland. See Appendix B for copy of application.
3. The applicant shall submit with license application a **\$500 non-refundable** application fee made payable to "CITY OF CLEVELAND".
4. The City Fire Inspector shall make determination **within 15 days** of submission of written license application to include site inspection and requirements of NFPA 1124.
5. The applicant will be notified of determination by issuance of license or letter of denial in accordance to O.C.G.A and requirements of NFPA 1124.
6. If the decision is not rendered within the 15 day period, or, if the application is denied, an appeal can be filed with the Judge of the Probate Court.
7. The license will be issued in accordance with O.C.G.A. and NFPA 1124. See Appendix C for copy of temporary consumer fireworks retail sales stand.

APPENDIX A

QUESTIONS AND NOTATIONS FROM O.C.G.A

1. WHERE CAN I FIND THE NEW FIREWORKS LAW?

The provisions of HB 110, passed in 2015, have been codified into O.C.G.A. §§ 16-11-127.1, 25-10-1, 25-10-2, 25-10-5.1, 25-10-6, 25-10-9, 25-10-10, 36-60-24, and 48-13-130 through 133. The text of this material is available in any bound copy of the O.C.G.A. or by accessing the Code online at the General Assembly website at:

<http://www.lexisnexis.com/hottopics/gacode/Default.asp>

2. WHAT IS 'NFPA 1124'?

NFPA 1124 is defined in O.C.G.A. § 25-10-1(6) as “the National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.” The full text of this material is available at the following URL, but know ahead of time the site is difficult to use and that there are a multitude of NFPA editions, so be sure to select the 2006 Edition:

www.nfpa.org

3. WHAT STATE RESTRICTIONS APPLY TO TEMPORARY CONSUMER FIREWORKS RETAIL SALES STANDS?

Consumer fireworks can only be sold at these temporary locations if: they comply with NFPA 1124; are within 1000 feet of a fire hydrant or fire department connection unless waived in writing by the chief administrative officer of the fire department; and are selling consumer fireworks of a licensed distributor. {O.C.G.A. § 25-10-2(b)(6)(B)}

There are limits on the number of temporary stands which can be operated by a licensee and only a limited number of temporary stands are allowed in certain geographic areas. {O.C.G.A. § 25-10-2(b)(6)(B)}

4. WHAT LOCAL RESTRICTIONS APPLY TO TEMPORARY CONSUMER FIREWORKS RETAIL SALES STANDS?

City or county regulation is not allowed unless the additional regulation is expressly authorized by general law. Consequently, it appears that these locations of temporary retail sales stands would be subject to both zoning and occupation taxes. {O.C.G.A. § 36-60-24(b)}

City or county regulation of distributor licenses or permits is expressly authorized. {O.C.G.A. § 36-60-24(c)}

Further regulation of the sale of consumer fireworks from temporary stands is expressly authorized. {O.C.G.A. § 36-60-24(d)}

If, as a part of such further regulation, the local government does in fact perform the requisite investigations or inspections, then regulatory fees under O.C.G.A. 48-13-9 could be imposed.

{O.C.G.A. § 36-60-24(e)}

5. WHAT PROCEDURES APPLY TO LICENSING OF TEMPORARY LOCATIONS BY THE LOCAL FIRE DEPARTMENT?

A local license can only be issued by “the fire department of the county, municipality, or other political subdivision or the chartered fire department legally organized to operate in this state pursuant to Chapter 3 of Title 25 and having operational authority of the area in which such temporary consumer fireworks retail sales stand shall be located or is proposed to be located.”. {O.C.G.A § 25-10-5.1(c)(1)}

The statute is silent regarding the specific procedures which are to be followed. It merely says that the applicable local fire department is required to make a determination within 15 days of submission of the written license application. The application form can be, but is not required to be specified by the local fire department. If the decision is not rendered within the 15 day period, or, of the application is denied, an appeal can be filed with the judge of the probate court. The probate judge may provide for the issuance or non-issuance of a license “in such manner as is consistent with O.C.G.A. § 25-10-5.1 (c).” {O.C.G.A § 25-10-5.1(c)(2)}



85 South Main Street
Cleveland, GA 30528
706-865-2017

APPLICATION FOR TEMPORARY CONSUMER FIREWORKS RETAIL STAND
Incomplete applications will not be considered

RETAIL SALES LOCATION (COMPLETE ALL BLANKS)

Address _____ City _____ Zip _____

Name of Licensed Georgia Distributor or Jobber Supplying Fireworks _____

PERMIT HOLDER (COMPLETE ALL BLANKS)

Name of Permit Holder _____ Date of Birth _____

Mailing Address _____ City _____ Zip _____

Phone Number of Permit Holder _____ 24HR Emergency Contact Number _____

Name of Non-Profit Organization or Group _____

FIREWORKS STORAGE (COMPLETE ALL BLANKS)

Address Where Fireworks Will Be Stored _____ City _____ Zip _____

☐ FIREWORKS PURCHASED OR ☐ ON CONSIGNMENT

ESTIMATED QTY (IN CASES) _____

- In applying for a temporary consumer fireworks retail sales stand, I am familiar and comply with NFPA 1124 and Georgia Code regarding temporary consumer fireworks retail sales.
- I agree I have not or will not purchase fireworks for my retail operation from any person or firm that does not have a valid Georgia fireworks distributor jobber license.
- I hereby authorize the City Fire Inspector, his/her deputy, or any duly authorized fire prevention officer to enter, examine, and inspect any premises, building, room, or establishment used in connection with this permit to determine compliance with NFPA 1124 and Georgia Code.
- By my signature, I verify the information on the application and its attachments are true and correct to policies and codes.
- My fireworks have been supplied by: _____ License #: _____

Signature _____

Date _____

MAKE CHECK PAYABLE TO:

CITY OF CLEVELAND

-- In the amount of \$ 500.00

FOR OFFICE USE ONLY:

Date Received: _____ Received By: (Name & Title) _____

Amount Paid: \$ _____ Check Number: _____ / Cash ____ / Credit ____


Date Inspected: _____ Inspected By: _____ Approved ☐ Denied ☐

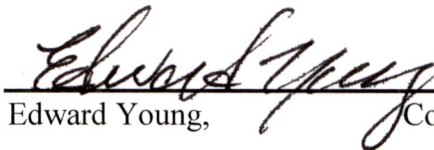
Comments: _____

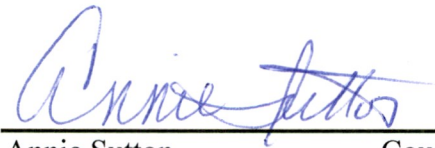
Signature of Cleveland Fire: _____ Date: _____

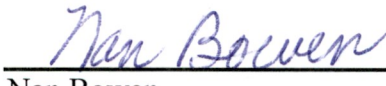
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Resolved to approve 2016-17 TEMPORARY CONSUMER FIREWORKS RETAIL SALES STANDS POLICIES, PROCEDURES, AND FEES this 21 day of November, 2016.



Shan Ash, Mayor


Edward Young, Council Member


Annie Sutton, Council Member


Nan Bowen, Council Member


Bradley Greene, Council Member

ATTEST: 
Connie Tracas, City Clerk

1st consideration - November 14, 2016
2nd consideration and adoption – November 21, 2016

