



The Kiwanis Club is a 501 (c) 3 non-profit charitable organization run by volunteers dedicated to changing the world, one child and one community at a time. The fireworks show is a huge community event that attracts members from Sebastopol and the greater Sonoma County Area. The profits from the Annual Fireworks Show are given back to the community, with more than 50% going directly to local students.

Direct Benefits include but are not limited to:

- 9- \$1,000 scholarships to graduating seniors from all campuses
- 3- \$1,000 donations to Project Graduation at all campuses
- Grant Awards to various departments and athletic groups and booster organizations

Per City ordinance, the Kiwanis submitted the attached letter (Attachment 1) for the 2025 Fireworks event. City staff support the request to move forward with this event.

The Kiwanis are finalizing their plans for the 3rd of July Fireworks and Music Festival. These plans will be presented to the City Council later as part of the Special Event Permit and anticipated fee waiver.

#### **STAFF ANALYSIS:**

The Kiwanis Club has a proven track record of organizing large-scale public events with minimal incidents. The club will be required to coordinate with the Sebastopol Fire Department and other emergency services to ensure all safety protocols are in place

The fireworks show is expected to attract a large crowd, bringing positive economic benefits to the local businesses in Sebastopol. The event will also provide a family-friendly and community-oriented celebration.

#### **COMMUNITY OUTREACH:**

As of the writing of this staff report, the city has not received any public comment. However, if staff receive public comments from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

This item has been noticed per the Ralph M. Brown Act and was available for public viewing and review at least 72 hours before the scheduled meeting date.

#### **FISCAL IMPACT:**

There is no fiscal impact with the approval of Kiwanis Club's Letter of Intent for their Annual Fireworks Show.

#### **RESTATED RECOMMENDATION:**

That the City Council Approve the Letter from the Sebastopol Kiwanis Club to Conduct their Annual Fireworks Show on July 3, 2025, located on public property of the West Sonoma County Union High School District, Analy High School, 6950 Analy Avenue, Sebastopol.

#### **OPTIONS:**

The Council can deny the request, but staff strongly recommends against this option.

#### **ATTACHMENTS:**

- Sebastopol Kiwanis Club Letter
- Sebastopol Municipal Code Chapter 8.44 Fireworks Regulations

APPROVALS:

Department Head Approval: Dave Bray Approval Date: 2/27/25

CEQA Determination (Planning): John Jay Approval Date: 3/5/25

The proposed action is not a project under the California Environmental Quality Act (CEQA)

Administrative Services (Financial) Approval Date:

Costs authorized in City Approved Budget:  Yes  No N/A

Account Code (f applicable) \_\_\_\_\_

City Attorney Approval: Approval Date:

City Manager Approval: Approval Date:

## Attachment 1: Kiwanis Club of Sebastopol Letter of Intent



December 26, 2024

Chief Dave Bray  
Sebastopol Volunteer Fire Department/Gold Ridge Fire Protection District  
Bodega Avenue  
Sebastopol, CA 95472

Dear Chief Bray:

The Kiwanis Club of Sebastopol would like to inform you and the Sebastopol City Council that we are moving forward with our plans to hold the annual Fireworks and Music Festival on July 3, 2025. We have received permission from the West County Union High School District to launch the fireworks from the Analy High School baseball field, as we have done in the past. As you are aware, the school district has informed the Kiwanis club that the football field and north parking lot at Analy High School are not available to accommodate attendees to the show. We are in discussions with the businesses around Morris Street and The Barlow to create an alternative site for viewing the fireworks.

We will be in communication with the Sebastopol Police Department, the West County Union High School District, the City of Sebastopol, and your department to assure that we comply with all laws, rules and requirements to hold the event.

We look forward to holding a happy and safe event this summer.

Best,

Callie Konno and Philena Chantha  
Kiwanis Club of Sebastopol

## Attachment 2: Sebastopol Municipal Code Chapter 8.44 Fireworks Regulations

## Chapter 8.44

### FIREWORKS REGULATIONS

Sections:

- 8.44.010 Purpose and scope.**
- 8.44.020 Definitions.**
- 8.44.030 Manufacturing and transport of fireworks.**
- 8.44.040 Prohibition on possession, storage, sale or use of fireworks.**
- 8.44.050 Supervision of minors.**
- 8.44.060 Enforcement.**
- 8.44.070 Determining violations – Penalties for violations.**

#### **8.44.010 Purpose and scope.**

A. The City of Sebastopol has deemed the use of dangerous and safe and sane fireworks, as defined in California Health and Safety Code Section [12500](#) et seq., to pose a risk to public health and safety, and prohibits the use of any kind of firework by members of the general public. The provisions of this chapter are intended to regulate the use of all fireworks to provide for the safety of the community and the prevention of fires.

B. This chapter provides for the regulation of the manufacture, transportation, possession, use, and sale of fireworks within the City of Sebastopol and the imposition, enforcement, collection, and administrative review of administrative fines, related to the possession, use, storage, sale and/or display of fireworks, including those classified as "dangerous fireworks" and "safe and sane fireworks" as defined in California Health and Safety Code Section [12500](#) et seq., with the exception of the use of fireworks with a pyrotechnic license when operating pursuant to and in accordance with the terms of that license.

C. The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the City authorized under this chapter; and the issuance of a citation to any person constitutes but one remedy to redress violations of this code by any person. By adopting this chapter, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this code or State law by any person.

D. The imposition of fines related to "dangerous fireworks" under this chapter shall be limited to persons who possess, sell, use and/or display, or the seizure of, 25 pounds or less (gross weight) of such dangerous fireworks.

E. Fines collected pursuant to this chapter related to "dangerous fireworks" shall not be subject to California Health and Safety Code Section [12706](#). However, the City shall provide cost reimbursement to the State Fire Marshal for the transportation and disposal of "dangerous fireworks" seized by the City where applicable. These costs will be included in addition to any administrative fines imposed under this chapter.

As provided in Chapter [15.04](#) SMC:

F. The City's Fire Official shall have the power to adopt reasonable rules and regulations for the granting of a single permit for a supervised public display of fireworks by a jurisdiction, fair association, amusement parks, other organizations, or for the use of fireworks by artisans in pursuit of their trade. Such use or display shall be handled by a competent operator approved by the City's Fire Official and shall be of such character and so located, discharged, or fired, as in the opinion of the City's Fire Official after proper investigation, so as not to be hazardous to property or endanger any person.

G. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the City's Fire Official for the payment of all damages which may be caused either to persons or property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors. (Ord. 1133 § 2, 2021)

### **8.44.020 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings:

"Dangerous fireworks" shall mean dangerous fireworks as defined in California Health and Safety Code Sections [12505](#) and [12561](#) and the relevant sections of Title [19](#), Code of Regulations, Subchapter 6, which are hereby incorporated by reference.

"Fireworks" shall mean either dangerous fireworks or safe and sane fireworks.

"Pyrotechnic display" means public fireworks display used in conjunction with special effects, for motion pictures, theatrical and group entertainment productions operated by a professional California State-licensed pyrotechnician, provided such display secures a permit from the Fire Code Official and meets all applicable requirements of [California Health and Safety Code](#).

"Safe and sane fireworks" and "State-approved fireworks" shall mean State-approved fireworks defined in California Health and Safety Code Sections [12529](#) and [12562](#) and the relevant sections of Title [19](#), Code of Regulations, Subchapter 6, which are hereby incorporated by reference.

"Strictly liable" means liable for a wrongful act irrespective of such person's intent, knowledge, negligence or lack thereof in committing the wrongful act. (Ord. 1133 § 2, 2021)

### **8.44.030 Manufacturing and transport of fireworks.**

The manufacturing and/or transportation of any fireworks is prohibited, except by a person who has been issued a permit by the office of the State Fire Marshal or is otherwise permitted to do so pursuant to provisions of State law, and such manufacturing or transportation is being performed in compliance with applicable requirements of the California Fire Code and [Vehicle Code](#). Travel outside of State-approved routes shall be subject to the approval

of a permit issued by the Fire Code Official in accordance with California Health and Safety Code Section [12562](#). (Ord. 1133 § 2, 2021)

#### **8.44.040 Prohibition on possession, storage, sale or use of fireworks.**

The possession, storage, sale and use of any dangerous or safe and sane fireworks shall be prohibited by any person throughout the City of Sebastopol except when a permit is issued, in advance, by the Fire Code Official or his or her designee for the exceptions below:

- A. Storage and handling of fireworks in accordance with Section 5605 of the California Fire Code.
- B. The use of fireworks for pyrotechnic displays in accordance with Section 5608 of the California Fire Code.
- C. Only one such permit may be granted in any calendar year.

The prohibition on the possession of fireworks in this section shall not apply to manufacturing and transportation activities permitted under SMC [8.44.030](#). (Ord. 1133 § 2, 2021)

#### **8.44.050 Supervision of minors.**

- A. It shall be unlawful for any person having the care, custody or control of a minor (under 18 years old) to permit such minor to discharge, explode, fire or set off any fireworks, at any time.
- B. Any person having the care, custody, or control of a minor shall be strictly liable for any unlawful ignition, use, or discharge of any fireworks. (Ord. 1133 § 2, 2021)

#### **8.44.060 Enforcement.**

- A. This chapter shall be enforced pursuant to the procedures set forth in Chapter [1.04](#) SMC. The amount of the administrative penalty for violations of this chapter pertaining to fireworks shall be governed by SMC [8.44.070](#).
- B. The Fire Code Official or his/her designee shall enforce the provisions of this chapter. (Ord. 1133 § 2, 2021)

#### **8.44.070 Determining violations – Penalties for violations.**

- A. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- B. Each person who violates any provisions of this chapter by possessing, using, storing, selling, and/or displaying any dangerous firework, or violates SMC [8.44.040](#) or [8.44.050](#) and such violation involves dangerous



fireworks, is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the City, any person convicted of a misdemeanor under the ordinances of the City shall be punished by a fine not exceeding \$5,000, or by imprisonment for any term not exceeding one year, or by both such fine and imprisonment.

C. Each person who violates any provisions of this chapter by possessing, using, storing, selling, and/or displaying any safe and sane fireworks or State-approved fireworks, or violates SMC [8.44.040](#) or [8.44.050](#) and such violation involves any safe and sane fireworks or State-approved fireworks, is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the City, any person convicted of a misdemeanor under the ordinances of the City shall be punished by a fine not exceeding \$5,000, or by imprisonment for any term not exceeding one year, or by both such fine and imprisonment.

D. In addition to such administrative penalties, each violator shall be liable for all costs incurred by the office of the State Fire Marshal for the transportation and disposal of any fireworks seized from the person. The costs incurred by the office of the State Fire Marshal will be calculated based upon the regulations promulgated by that office. If those regulations have not been adopted by the office of the State Fire Marshal at the time a person is cited for possession of dangerous fireworks under this code, the City will reserve 25 percent of any fine collected under this provision to cover the actual cost of disposal to the office of the State Fire Marshal.

E. Nothing in this section shall be intended to limit any of the penalties provided for under the [California Health and Safety Code](#) or [Penal Code](#) with regard to the sale, use, possession, delivery, storage, and/or transportation of dangerous fireworks. The penalties set forth herein are intended to be nonexclusive and are intended to be in addition to any other remedies provided in this chapter or any other law, statute, ordinance or regulation. (Ord. 1133 § 2, 2021)

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**The Sebastopol Municipal Code is current through Ordinance 1150, passed July 16, 2024.**

Disclaimer: The City Clerk's Office has the official version of the Sebastopol Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: [www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

Hosted by [General Code](#).

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