



Fireworks Display Event Permit Application

Introduction

This fireworks display event application contains important information for you, and requests information from you, concerning the requirements for obtaining a Fireworks Display Permit. The information in this application will also assist you and the Port of San Diego (Port) to ensure a successful event that minimizes impacts on and around the San Diego Bay including the environment, nearby residents, and businesses. Fireworks display events are governed by Article 14 of the San Diego Unified Port District Code, titled "San Diego Unified Port District Fireworks Display Event Ordinance" and referred to herein as the "Ordinance". The Ordinance is attached to this application.

Fireworks Permits – 60 days to approve a permit application

The permit process begins with your submittal of this application, which must be received no later than 60 days prior to your event. If your application is not received by this deadline, there may be insufficient time to process your application and it may be denied.

New Fireworks Events

If you are applying for a permit for a new Fireworks Display Event (i.e. not listed in Part D of this application), additional approvals and permit processing time will be required (Processing time could take 90 days). Please contact Port Development Services staff as soon as possible at (619) 686-6291 for additional information.

Permit Process

Upon receiving your application, our permitting staff will route it among applicable departments for review. If appropriate, we will schedule a site visit to review your proposed setup as well as review our guidelines to enable you to conduct your event.

Conditions of Permit Approval

Every permit will be subject to certain conditions of approval and/or mitigation measures which must be implemented by the applicant. These conditions of approval and mitigation measures consist of actions necessary to protect the health, safety, welfare and environment before, during and after Fireworks Display Events.

By applying for a fireworks display event permit, the applicant agrees to and is responsible for strict compliance with all conditions of approval and/or mitigation measures which apply to an approved permit. Non-compliance with any applicable conditions of approval and/or mitigation measure may result in the imposition of penalties provided in Section 14.09 of the Ordinance and the denial of future permit applications.

Fees

Full payment of all fees must be made no later than 60 days prior to your event date. If your application and fees are not received by this deadline, your permit may be revoked and your Fireworks Display Event may be prohibited.

Issuance of a Permit and Acceptance of Permit Conditions

When payment has been received in full, and your application has been approved, signed and returned to you, your signed application will serve as your permit to conduct a fireworks display. The signed approved permit is your acknowledgement and agreement to comply with all of the applicable terms and conditions that may be specified in the permit and the Ordinance. Note: Please ensure that you have an approved and signed permit before promoting your event.

Please complete each item on the following pages, attaching additional sheets as necessary, and return to:

**Port of San Diego
Attention: Fireworks Permits
P. O. Box 120488
San Diego, CA 92112-0488
fireworkspermits@portofsandiego.org
(619) 686-6200**

FAXED APPLICATIONS WILL NOT BE ACCEPTED



Port of San Diego Use Only

Event Date _____

Received _____

Issued _____

Fireworks Display Event Permit Application

Applicant Information [Part A]			
Applicant Name:		Applicant Email Address:	
Applicant Status:			
Sponsor <input type="checkbox"/> or Fireworks Organizer <input type="checkbox"/> Fireworks Operator <input type="checkbox"/>			
Applicant Work Phone () _____		Applicant Mailing Address (street #, city, state & zip code):	
Applicant Mobile Phone () _____			
Applicant Organization Name:			
Organization Type : <input type="checkbox"/> Private/Family <input type="checkbox"/> Charitable 501(c)(3) <input type="checkbox"/> Corporation <input type="checkbox"/> School <input type="checkbox"/> Government <input type="checkbox"/> Other: _____			
Event Information [Part B]			
Event Name:		Operator (if different than Applicant):	
Event Date(s):	Anticipated Event Attendance:	Time of Fireworks Display:	
		From: _____ To: _____	
Type of Launch Site: <input type="checkbox"/> Land-based <input type="checkbox"/> Floating Barge			
If barge, identify barge location during loading:		Event Type: (check <input checked="" type="checkbox"/> all applicable)	
Date and time of loading:		<input type="checkbox"/> 4th July <input type="checkbox"/> Public <input type="checkbox"/> Non- 4 th July <input type="checkbox"/> Private <input type="checkbox"/> Other: _____	
Duration of transit to launch site:			
Exact location of launch site (see Map A) Latitude/Longitude:	Dismantle/Completion/Cleanup:		Exact Location of staging area:
	Date _____ Time _____ AM/PM		
Total weight of fireworks:	Largest shell size (cannot exceed limits established in §14.07 of the Fireworks Display Ordinance):		Types of Fireworks:
Net Explosive Weight: _____ lbs	Number of largest shells:		Maximum altitude of shells:
Total (gross) Weight: _____ lbs	Total number of shells:		
On-Site Contact Information [Part C]			
A contact person representing the Fireworks Operator must be immediately available at the site during loading, setup, event and dismantle.			
Name	Email		Mobile Phone ()
Event Transportation and Parking Management Plan attached to the application as required by Ordinance § 14.05(b). <input type="checkbox"/>			
RWQCB permit/approvals/BMPs required by Ordinance § 14.05(c). <input type="checkbox"/>			
Port of San Diego Use Only			
BP #	Transaction #	D2 #	DM#
Deposit/Bond \$	Check/M.O.#	Credit Card#	Cash Receipt#
Event Fee \$	Check/M.O.#	Credit Card#	Cash Receipt#

Fireworks Display Event Permit Application

Event Guidelines and Ordinance Requirements [Part D]

Indemnity

The Applicant shall indemnify and hold harmless the Port, its board, officers and employees, from any and all claim of loss, liability or damage arising out of the Fireworks Display Event, including but not limited to the issuance of the Port Permit, or in connection with the handling, possession, storage, loading, staging, launching or detonating of Fireworks by the Applicant, its officers, employees, contractors, agents or other representatives, howsoever caused, whether such loss, liability or damage results, either directly or indirectly, from the acts, omissions or negligence of the Applicant, its officers, employees, contractors, agents or other representatives, in connection with the handling, possession, storage, loading, staging, launching or detonation of Fireworks pursuant to said Permit.

Insurance

Applicant must provide **certificate of insurance (COI) coverage naming "San Diego Unified Port District" as an additional insured and also be listed in the certificate holder box**. Insurance coverage must be in force for the duration of the event, including setup through takedown days. The Port of San Diego requires a minimum of \$1,000,000 for personal and bodily injury, one person and one occurrence; and a minimum of \$1,000,000 coverage for property damage. The same organization named as the insured on the certificate of insurance should also be listed in the applicant blank on this permit application.

Permit will not be effective until after such policy insurance has been received by the District. Insurance must be submitted to the District a minimum of 15 days prior to the event.

Performance Bond

For public Fireworks Display Events with **over 500 spectators**, the Applicant to shall post a faithful performance bond, in a form approved by the Port General Counsel, or in lieu thereof the equivalent in cash, in an amount sufficient in the opinion of the Executive Director to cover costs associated with the Fireworks Display Event allowed under the permit, including without limitation the costs of providing security for the protection of sensitive species and habitat, and cleaning up and removing debris, rubbish and trash. The permit shall not become effective until after such faithful performance bond, or cash in lieu thereof, has been posted with and received by the Port.

Fourth of July Fireworks Display Events shall occur only at the following locations (see also attached Map A):

- A. Big Bay Boom, at up to four (4) locations in northern San Diego Bay (not to exceed a cumulative 5,342 lbs with maximum shell size of 10 inches);
- B. Fourth of July Imperial Beach Fireworks, at one (1) location along the Imperial Beach Pier (not to exceed 456 lbs with maximum shell size of 10 inches);
- C. Fireworks Over Glorietta Bay, at one (1) location in Glorietta Bay (not to exceed 397 lbs with maximum shell size of 10 inches);
- D. Chula Vista Fourth of July, at one (1) location adjacent to the Chula Vista Bayfront (not to exceed 400 lbs with maximum shell size of 8 inches); and
- E. National City Fourth of July, at one (1) location adjacent to the National City Bayfront (not to exceed 400 lbs with maximum shell size of 8 inches).

Non-Fourth of July Fireworks Display Events shall occur only at the following locations (see also attached Map A):

- A. National Steel and Shipbuilding Company (NASSCO) shipyard, not to exceed two (2) displays per year along NASSCO Pier 12 (not to exceed 281 lbs with maximum shell size of 6 inches or a cumulative total of 439 lbs);
- B. U.S.S. Midway Museum, not to exceed twenty-three (23) displays per year on or adjacent to the U.S.S. Midway Museum (not to exceed 235 lbs with maximum shell size of 6 inches or a cumulative total of 1,759 lbs);
- C. San Diego Symphony Summer Pops Concerts, not to exceed twenty (20) displays per year adjacent to Embarcadero Marina Park South (not to exceed 95 lbs with maximum shell size of 6 inches or a cumulative total of 1,498 lbs);
- D. Our Lady of Rosary Church Annual procession, not to exceed one (1) display per year along Harbor Drive and at end of Grape Street Pier (not to exceed 281 lbs with maximum shell size of 6 inches); and
- E. Chula Vista Bayfront, not to exceed two (2) displays per year adjacent to the Chula Vista Bayfront (not to exceed 114 lbs with maximum shell size of 8 inches or a cumulative total of 228 lbs).

Note: if the location is not listed in Part D above, contact Port Development Services staff for assistance.

A permit for a Fireworks Display Event at a location not identified below and in Section 14.07 of the Ordinance may be granted by the Executive Director provided that **(i) environmental review** for the proposed Fireworks Display Event has been completed and approved or certified by the Port as required by the California Environmental Quality Act, Public Resources Code § 21000, et seq.; and **(ii) the applicant has obtained all other permits and approvals as required by law**, including without limitation approvals and permits required under the California Coastal Act, Public Resources Code § 30000, et seq.

I acknowledge that I am required to comply and will comply with the Port of San Diego Indemnity, Insurance Performance Bond, and Display Limitations requirements upon approval of this application.

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Fireworks Display Event Permit Application

Event Guidelines and Ordinance Requirements [Part D continued]

Best Management Practices (BMPs):

Fireworks Display Events shall implement the following BMPs for Fireworks Display Event preparation, discharge and clean-up:

1. Fireworks Display Events on barges shall be set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use.
2. Fireworks shall be brought to the barge and loaded in their U.S. Department of Transportation (DOT)-approved shipping cartons. Fireworks shall be encased in paper to prevent spillage of loose compounds. All packaging material and debris, including fuses, wires, shipping cartons and other wrapping, shall be properly disposed of in trash receptacles as the Fireworks Display Event is set up. Unless prohibited by the municipal fire marshal with jurisdiction over the Fireworks Display Event, barges shall be equipped with a fire-retardant debris barrier that extends six feet (6') in height, with openings no larger than ¼ inch, around the perimeter of the Fireworks launch area to contain debris.
3. Wires from the electric match placed in the Fireworks fuse shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the Fireworks Display Event.
4. Once the Fireworks are prepared for launch, all trash and debris shall be removed from the barge while it is at the loading facility and prior to the barge being moved into position. No loose material shall be allowed on the barges during the Fireworks Display Event.
5. Following the Fireworks Display Event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the Fireworks Display Event, the Fireworks Operator shall pick up all loose material on the barge, including all trash and debris resulting from the discharge of the Fireworks, to prevent it from being discharged into the water while the barge is underway.
6. Upon return to the loading facility, the Fireworks Operator shall clean the barge of all Fireworks related material and shall photograph and properly dispose of all Fireworks trash and debris. Unexploded Fireworks and related components shall be collected and disposed of by the Fireworks Operator in accordance with all applicable regulations. Fireworks Operators shall photograph the barge prior to and after cleaning.
7. Following the Fireworks Display Event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the event, the Fireworks Organizer shall provide cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent Fireworks using hand held fishnets, pool skimmers, or other similar equipment.
8. The morning after the Fireworks Display Event, the Fireworks Organizer shall conduct another sweep of the fireworks detonation zone and quays, piers and docks adjacent to the fireworks detonation zone to remove Fireworks trash and debris. The Fireworks Organizer shall collect, bag, weigh and photograph all trash and debris collected prior to its disposal.
9. The morning after the Fireworks Display Event, the Fireworks Organizer shall perform a cleanup of the shoreline using crews of not fewer than five persons per barge on the shoreline adjacent to each barge location. Each crew member shall be equipped with trash bags and a trash grabber. The Fireworks Organizer shall collect, bag, weigh, and photograph all trash and debris collected prior to its disposal.
10. Within ten (10) business days after a Fireworks Display Event, the Fireworks Organizer shall provide the Executive Director with the photographs and written evidence of the weight of the Fireworks trash and debris collected pursuant to subdivisions (5) through (9) above. If the dry weight of the Fireworks trash and debris collected is less than fifty percent (50%) of the net weight of fireworks launched during the Fireworks Display Event, the Fireworks Organizer shall offset the remaining amount by providing a crew of not fewer than two (2) persons for each barge or other launch site used in the Fireworks Display Event to participate in the next scheduled "Operation Clean Sweep" or other Port-sponsored clean-up event prior to the end of the calendar year to recover trash and debris from San Diego Bay and/or the Imperial Beach Oceanfront.
11. For all Fourth of July Fireworks Display Events and for Non-Fourth of July Fireworks Display Events which are advertised to the public, the Fireworks Organizer shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.

I acknowledge that I am required to comply and will comply with the Port of San Diego BMPs requirements upon approval of this application.

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Fireworks Display Event Permit Application

Event Guidelines and Ordinance Requirements [Part D continued]

Protection of Sensitive Species and Habitat

The following conditions shall apply to Fireworks Display Events that occur between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies:

- 1. Location.** Fireworks Display Events shall be located not less than one (1) mile from any federally or state-listed avian species nesting colony unless the maximum size of shells used in the event is limited to eight (8) inches.
- 2. Salutes.** Fireworks Display Events shall not use concussion type, non-color shells such as "salutes" or "reports" during the initial twenty-five percent (25%) of the duration of any display (e.g., within the first 5 minutes of a 20-minute display).
- 3. Security*.** For Fireworks Display Events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one-half mile of unprotected (i.e., unfenced) federally or state-listed nesting colonies or habitat areas, the Fireworks Organizer shall provide a minimum of two professional security guards to direct persons away from and to discourage trespass into sensitive nesting areas or habitat during such displays. In addition, the fireworks organizer shall provide security patrols of the water area to enforce the existing restrictions on access to unauthorized areas during such fireworks display events in the South Bay. (Please attach a Security Plan).
- 4. Signage.** For Fireworks Display Events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one half-mile of nesting colonies or habitat areas for federally or state-listed species, the Fireworks Organizer, in cooperation with the Port, shall post temporary signage along primary access points to sensitive nesting colonies and habitat areas to identify safe viewing locations, to educate visitors on locations of sensitive wildlife habitats, to prevent viewers from trespassing into sensitive areas and to encourage appropriate viewing behavior.
- 5. Education.** Beginning not less than seven (7) days before Fireworks Display Events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) located within one-half mile of federally or state-listed nesting colonies or habitat areas, the Fireworks Organizer shall implement a public education program using daily announcements on social media, press releases, and information posted at parks, boat launch facilities, marinas, yacht clubs and other viewing locations, to educate potential viewers regarding appropriate viewing and boat docking areas, to discourage trespass into sensitive wildlife habitat, and to reminds viewers of appropriate viewing behavior in and near sensitive nesting colonies and habitat areas (e.g., appropriate disposal of trash, prevention of illegal fireworks, and safe boating procedures).

Compliance with San Diego Regional Water Quality Control Board (RWQCB) General Permit

1. Prior to the issuance of a fireworks permit pursuant to this article, the Applicant shall demonstrate that it has applied for coverage and is enrolled under the San Diego Regional Water Quality Control Board General Permit.
2. The Applicant shall comply with all applicable terms, conditions and Best Management Practices required by the San Diego Regional Water Quality Control Board General Permit, which shall be incorporated into and considered in the terms, conditions and Best Management Practices of any permit issued pursuant to this article.
3. The Applicant shall submit to the Port copies of all applications, plans, reports and other documentation required by the San Diego Regional Water Quality Control Board General Permit, including without limitation the Notice of Intent, Fireworks Best Management Practices Plan, Public Fireworks Display Log and the Public Display of Fireworks Post Event Report, within the time required for the submission of such reports to the San Diego Regional Water Quality Control Board.

Eelgrass Avoidance and Mitigation

For Fireworks Display Events with launching sites located in shallow water (i.e., South San Diego Bay – south of Sweetwater Channel) with the potential for eelgrass to occur, fireworks barges shall be held in place by tugboats and shall not require temporary moorings. To the extent practicable, barges shall be located in unvegetated deep water channels outside of eelgrass beds. Pre-event and post-event eelgrass surveys shall be completed to identify the distribution of eelgrass to assist tug operators and to assess any impacts to eelgrass that may occur. Through a pre-event training, tug operators shall be made aware of shallow eelgrass and instructed not to use high thrust in the vicinity of eelgrass beds. If an unanticipated impact to eelgrass occurs, this impact shall be mitigated by replacing the eelgrass at a ratio determined by the California Eelgrass Mitigation Policy.

Fireworks Display Event Permit Application

Chemical Composition

- A. The Big Bay Boom Fourth of July Fireworks Display Event shall use Fireworks that contain no more than 0.32% copper (Cu) per pound of explosive firework material, unless the Applicant establishes in writing and to the satisfaction of the Executive Director that the total copper emissions from the proposed Big Bay Boom Fireworks Display Event will not exceed seventeen (17) pounds. Fireworks that do not conform to the foregoing requirement, but were lawfully purchased prior to the effective date of this article, may be used for a period of six months after the effective date of this article (June 26, 2017).
- B. All Fireworks Display Events shall use Alternative Fireworks produced with pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters, unless the Applicant establishes in writing and to the satisfaction of the Port that such Alternative Fireworks are not commercially available.

Packaging

- A. Prior to commencement of a Fireworks Display Event, the Fireworks Operator shall remove and properly dispose of all packaging, wrapping and labels (excluding labels mandated by State or Federal laws) from all Fireworks to be used in the event.
- B. Fireworks that include a plastic outer casing or non-biodegradable inner components that make up more than five (5) percent of the mass of the shell or device are prohibited.

I acknowledge that I am required to comply and will comply with the Port of San Diego Protection of Sensitive Species and Habitat, Eelgrass Avoidance and Mitigation, and RWQCB General Permit requirements upon approval of this application.

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Event Guidelines and Ordinance Requirements [Part D Continued]

Medical Services Plan

You are responsible for providing appropriate medical services for your event. Please provide the following information below whether it is voluntary service or a hired professional emergency medical service provider to develop and manage your event's medical plan.

Medical Service Provider

Direct Contact: _____

Direct Phone: () _____

Note: A specific on-site individual contact is required regardless of your event size.

*All events must have a first aid kit on-site and have knowledge of the nearest emergency facility.

Attach your medical plan including the types of resources that will be at your event, and manner in which they will be managed and deployed.

Security Company

Direct Contact: _____

Direct Phone: () _____

Note:

- A specific on-site individual contact is required regardless of your event size.
- Attach a Security Plan to this Application.

Event Transportation and Parking Management Plans.

For all Fireworks Display Events that are advertised to the public, the Fireworks Organizer shall prepare and attach an event transportation and parking management plan (ETPMP) to the permit application. The ETPMP shall be designed to ensure safe and convenient access to public viewing areas while limiting conflicts in areas of sensitive habitats and between transportation modes and reducing impacts on surrounding transportation facilities to the maximum extent feasible.

The ETPMP shall take into account anticipated attendance, existing transportation and parking facilities, and other concurrent public events in the surrounding areas, and shall include but is not limited to the following:

1. **Transportation management strategies**, including but not limited to, a public awareness program, traffic management and enforcement, incident management, and public transit and alternative modes of transportation management, which shall be implemented for the Fireworks Display Event; and
2. **Parking management strategies**, including but not limited to a public awareness program, coordination with parking vendors, off-site parking arrangements, designated areas for taxi and rideshare pick up/drop off, promotional programs with rideshare vendors, joint event ticketing programs with public transit agencies, and expanded shuttle operations.

I acknowledge that I am required to comply and will comply with the Port of San Diego Medical Services Plan, Chemical Composition and Packaging, Security, Event Transportation and Parking Management Plans and Other Permit requirements upon approval of this application.

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Fireworks Display Event Permit Application

Compliance with Other Required Permits

Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the Port Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city which has jurisdiction over all or any part of the activity allowed under said Permit.

Port of San Diego Use Only

Verification of Approvals and Requirements

i) CEQA Completed <input type="checkbox"/>		D2 #	DM#
ii) Other Applicable Permits Obtained	Coastal Development Permit <input type="checkbox"/>	D2 #	DM#
	RWQCB Permit <input type="checkbox"/>	D2 #	DM#
	Port of San Diego Special Event/Park Permit <input type="checkbox"/>	D2 #	DM#
	Other <input type="checkbox"/> Describe:	D2 #	DM#

Port of San Diego Special Event/Park Permit Requirements

In addition to the Fireworks Display Event Permit Application, an approved Port of San Diego Special Event/Park Permit is required for Fireworks Display Events that utilize a Port of San Diego Park. See Park Permit Application and guidelines on Port website at www.portofsandiego.org/

I certify that the information contained in my permit application is true and correct to the best of my knowledge. I understand and agree to abide by the rules and regulations governing the proposed Fireworks Display Event pursuant to Article 14 of the San Diego Unified Port District Code.

Applicant Name (PRINT)

Applicant Signature

Date

Submit application and attachments to: **Port of San Diego Fireworks Permits, P.O. Box 120488, San Diego, CA 92112-0488** or by email at fireworkspermits@portofsandiego.org. Applications WILL NOT be accepted by FAX.

Port of San Diego Approval

Special Events Associate Signature

Date

Special Events Manager Signature

Date

All information provided above has been reviewed for consistency with the "San Diego Unified Port District Fireworks Display Event Ordinance" (Article 14, San Diego Unified Port District Code) and the Mitigation Monitoring and Reporting Program (MMRP) from the Final Environmental Impact Report for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project (Clerk Document No. 66738).

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
Biological Resources			
<p>Mitigation Measure Applies to:</p> <p><input type="checkbox"/> (d) 2. A and B Applies to all displays.</p> <p><input type="checkbox"/> (f) 1. Applies to displays using barge launch.</p> <p><input type="checkbox"/> (f) 2. – 6. Applies to displays using barge launch.</p>	<p>MM-BIO-1: Implementation of Biological Resources–Related Conditions of the Proposed Ordinance for Direct Impacts. The fireworks organizer and operator are required to comply with the following biological resources-related conditions of the proposed ordinance.</p> <p>Section 14.07 – Permits – Conditions of Approval</p> <p>(d) Fireworks Chemical Composition and Packaging.</p> <p style="margin-left: 20px;">2. Packaging.</p> <p style="margin-left: 40px;">A. Prior to commencement of a fireworks display event, the fireworks operator shall remove and properly dispose of all packaging, wrapping and labels (excluding labels mandated by State or Federal laws) from all fireworks to be used in the event.</p> <p style="margin-left: 40px;">B. Fireworks that include a plastic outer casing or non-biodegradable inner components that make up more than five (5) percent of the mass of the shell or device are prohibited.</p> <p>(f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up:</p> <p style="margin-left: 20px;">1. Fireworks display events on barges shall be set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use.</p> <p style="margin-left: 20px;">2. Fireworks shall be brought to the barge and loaded in their U.S. Department of Transportation (DOT)-approved shipping cartons. Fireworks shall be encased in paper to prevent spillage of loose compounds. All packaging material and debris, including fuses, wires, shipping cartons and other wrapping, shall be properly disposed of in trash receptacles as the fireworks display event is set up. Unless prohibited by the municipal fire marshal with jurisdiction over the fireworks display event, barges shall be equipped with a fire-retardant debris barrier that extends six feet (6') in height, with openings no larger than ¼ inch, around the perimeter of the fireworks launch area to contain debris.</p>	<p>Timing: Prior to issuance of a fireworks permit, prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: Port</p>

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
<input type="checkbox"/> (f) 3. Applies to displays using barge launch.	3. Wires from the electric match placed in the Fireworks fuse shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the fireworks display event.		
<input type="checkbox"/> (f) 4. Applies to displays using barge launch.	4. Once the fireworks are prepared for launch, all trash and debris shall be removed from the barge while it is at the loading facility and prior to the barge being moved into position. No loose material shall be allowed on the barges during the fireworks display event.		
<input type="checkbox"/> (f) 5. Applies to displays using barge launch.	5. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the fireworks display event, the fireworks operator shall pick up all loose material on the barge, including all trash and debris resulting from the discharge of the fireworks, to prevent it from being discharged into the water while the barge is underway.		
<input type="checkbox"/> (f) 6. Applies to displays using barge launch.	6. Upon return to the loading facility, the fireworks operator shall clean the barge of all fireworks related material and shall photograph and properly dispose of all fireworks trash and debris. Unexploded fireworks and related components shall be collected and disposed of by the fireworks operator in accordance with all applicable regulations. Fireworks operators shall photograph the barge prior to and after cleaning.		
<input type="checkbox"/> (f) 7. – 10. Applies to all displays.	<p>7. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the event, the fireworks organizer shall provide cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent fireworks using hand held fishnets, pool skimmers, or other similar equipment.</p> <p>8. The morning after the fireworks display event, the fireworks organizer shall conduct another sweep of the fireworks detonation zone and quays, piers and docks adjacent to the fireworks detonation zone to remove fireworks trash and debris. The fireworks organizer shall collect, bag, weigh and photograph all trash and debris collected prior to its disposal.</p> <p>9. The morning after the fireworks display event, the fireworks organizer shall perform a</p>		

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
<input type="checkbox"/> (i) Applies to all displays.	cleanup of the shoreline using crews of not fewer than five persons per barge on the shoreline adjacent to each barge location. Each crew member shall be equipped with trash bags and a trash grabber. The fireworks organizer shall collect, bag, weigh, and photograph all trash and debris collected prior to its disposal.		
	10. Within ten (10) business days after a fireworks display event, the fireworks organizer shall provide the Executive Director with the photographs and written evidence of the weight of the fireworks trash and debris collected pursuant to subdivisions (5) through (9) above. If the weight of the fireworks trash and debris collected is less than fifty percent (50 percent) of the net weight of fireworks launched during the fireworks display event, the fireworks organizer shall offset the remaining amount by providing a crew of not fewer than two (2) persons for each barge or other launch site used in the fireworks display event to participate in the next scheduled "Operation Clean Sweep" or other Port-sponsored clean-up event prior to the end of the calendar year to recover trash and debris from San Diego Bay and/or the Imperial Beach Oceanfront.		
<input type="checkbox"/> (j) Applies to all displays.	(i) Compliance with San Diego Water Board General Permit. <ol style="list-style-type: none"> 1. Prior to the Executive Director's issuance of a permit pursuant to this article, the Applicant shall demonstrate that it has applied for coverage and has been enrolled under the San Diego Water Board General Permit. 2. The Applicant shall comply with all applicable terms, conditions and Best Management Practices required by the San Diego Water Board General Permit, which shall be incorporated into and considered in the terms, conditions and Best Management Practices of any permit issued by the Executive Director pursuant to this article. 3. The Applicant shall submit to the Port copies of all applications, plans, reports and other documentation required by the San Diego Water Board General Permit, including without limitation the Notice of Intent, Fireworks Best Management Practices Plan, Public Fireworks Display Log and the Public Display of Fireworks Post Event Report, within the time required for the submission of such reports to the San Diego Water Board. 		
	(j) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall		

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
<input type="checkbox"/> (k) Applies to all displays.	<p>demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the Port Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city which has jurisdiction over all or any part of the activity allowed under said Permit.</p> <p>(k) Compliance with Laws: The Applicant shall comply with any and all applicable rules and regulations promulgated by the Port, including without limitation the Port Code, the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan, and with the laws, rules and regulations of the United States of America and the State of California, and of any department or agency thereof, and with the applicable ordinances, rules and regulations of any city which has jurisdiction over all or any part of the activity allowed under said Permit. The Applicant's failure to comply with any applicable law, ordinance, rule or regulation shall be cause for immediate revocation of said permit and for the denial of applications for future Permits.</p>		
<p>Mitigation Measure Applies to:</p> <p><input type="checkbox"/> (e) 3., 4., and 5. Apply to displays occurring between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies, AND have public viewing areas within 1/2-mile of unprotected nesting colonies or habitat areas</p>	<p>MM-BIO-2: Implementation of Biological Resources–Related Conditions of the Proposed Ordinance for Indirect Impacts. The fireworks organizer and operator are required to comply with the following biological resources–related condition of the proposed ordinance.</p> <p>Section 14.07 – Permits – Conditions of Approval</p> <p>(e) Protection of Species and Habitat. The following conditions shall apply to <u>fireworks display events that occur between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies:</u></p> <p>3. Security. For fireworks display events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one-half mile of unprotected (i.e., unfenced) federally or state-listed nesting colonies or habitat areas, the fireworks organizer shall provide a minimum of two professional security guards to direct persons away from and to discourage trespass into sensitive nesting areas or habitat during such displays. In addition, the fireworks organizer shall provide security patrols of the water area to enforce the existing restrictions on access to unauthorized areas during such fireworks display events in the South Bay.</p> <p>4. Signage. For fireworks display events with</p>	<p>Timing: Prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Port, Fireworks Organizer, Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: Port</p>

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
<input type="checkbox"/> (f) 11. Applies to fourth of July displays and Non-fourth of July displays advertised to the public	<p>public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one half-mile of nesting colonies or habitat areas for federally or state-listed species, the fireworks organizer, in cooperation with the Port, shall post temporary signage along primary access points to sensitive nesting colonies and habitat areas to identify safe viewing locations, to educate visitors on locations of sensitive wildlife habitats, to prevent viewers from trespassing into sensitive areas and to encourage appropriate viewing behavior.</p> <p>5. Education. Beginning not less than seven (7) days before fireworks display events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) located within one-half mile of federally or state-listed nesting colonies or habitat areas, the fireworks organizer shall implement a public education program using daily announcements on social media, press releases, and information posted at parks, boat launch facilities, marinas, yacht clubs and other viewing locations, to educate potential viewers regarding appropriate viewing and boat docking areas, to discourage trespass into sensitive wildlife habitat, and to remind viewers of appropriate viewing behavior in and near sensitive nesting colonies and habitat areas (e.g., appropriate disposal of trash, prevention of illegal fireworks, and safe boating procedures).</p> <p>(f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up:</p> <p>11. For all Fourth of July fireworks display events and for Non-Fourth of July fireworks display events which are advertised to the public, the fireworks organizer shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.</p>		
	<p>Mitigation Measure Applies to:</p> <p><input type="checkbox"/> (g) Applies to displays using barge launch in shallow water.</p> <p>MM-BIO-3: Implementation of the Biological Resources-Related Conditions of the Proposed Ordinance for Direct Eelgrass Impacts. The fireworks organizer and operator are required to comply with the following biological resources-related conditions of the proposed ordinance.</p> <p>Section 14.07 – Permits – Conditions of Approval</p> <p>(g) Eelgrass Avoidance and Mitigation. <u>For fireworks display events with launching sites located in</u></p>	<p>Timing: Prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer, Fireworks Operator</p> <p>Monitoring and Reporting: Qualified agent, approved by the Port, Fireworks Organizer, Fireworks</p>

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
	shallow water with the potential for eelgrass to occur, fireworks barges shall be held in place by tugboats and shall not require temporary moorings. To the extent practicable, barges shall be located in unvegetated deep water channels outside of eelgrass beds. Pre-event and post-event eelgrass surveys shall be completed to identify the distribution of eelgrass to assist tug operators and to assess any impacts to eelgrass that may occur. Through a pre-event training, tug operators shall be made aware of shallow eelgrass and instructed not to use high thrust in the vicinity of eelgrass beds. If an unanticipated impact to eelgrass occurs, this impact shall be mitigated by replacing the eelgrass at a ratio determined by the California Eelgrass Mitigation Policy.		Operator Verification: Port
Mitigation Measure Applies to: <input type="checkbox"/> Applies to displays in the South Bay within 1 mile of sensitive avian nesting colonies	MM-BIO-4: Fireworks Biological Monitoring Plan. Not less than 30 days before <u>any fireworks display event in the South Bay that would occur within 1 mile of sensitive avian nesting colonies</u> , the fireworks organizer shall submit to the Port an Avian Species Nesting Colony Monitoring Plan (Monitoring Plan). The Monitoring Plan shall be prepared by a qualified biologist and approved by the Port in coordination with USFWS and CDFW. A qualified biologist is a person who, by reason of his or her knowledge of the natural sciences and the principles of wildlife biology, acquired by education and experience. The Monitoring Plan shall identify the monitoring protocol that will be used to assess the effectiveness of mitigation measures MM-BIO-1 and MM-BIO-2 and shall, at a minimum, include the following: <ol style="list-style-type: none"> 1. A literature review which refines the proposed methodology. 2. A list of target species identified for each individual event based on the season of the event, proximity of the event to nesting colonies, sensitivity of species, and capacity for the fireworks display event to cause species disturbance/effects. 3. Species behavior and noise data shall be collected at least 1 hour prior to, during, and 1 hour after the fireworks display event. 4. Documentation of the following data: <ol style="list-style-type: none"> a. Site location, name of monitor, date and time of observations b. Number of adults, nests, and chicks observed within one-half mile of spectator viewing areas c. Sources of stressors (e.g., light, noise, trespass, debris) 	Timing: A minimum of 30 days prior to, during, and within 30 days following each fireworks display event Method: Prepare a Monitoring Plan for fireworks display events in the South Bay that would occur within 1 mile of sensitive nesting colonies, conduct biological monitoring, and prepare a Monitoring Report documenting the results of the biological monitoring.	Implementation: Fireworks Organizer Monitoring and Reporting: Qualified agent, approved by the Port, Fireworks Organizer Verification: Port

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
	<p>d. Unauthorized access within nesting colonies</p> <p>e. Counts of illegal pyrotechnics</p> <p>Within 30 days following the completion of the fireworks display event, the qualified biologist shall prepare a Monitoring Report for submittal to the Port that details the findings of the monitoring results. This report shall include background/introduction, methods, results, discussion, and recommendations sections. The Port shall provide a copy of the report to the USFWS and CDFW and shall coordinate with these agencies regarding the results and recommendations of the report. Based on the review of the reports for two consecutive years of monitoring, the Port, in coordination with these agencies, shall determine whether continued monitoring is required.</p>		
Hydrology and Water Quality			
<p>Mitigation Measure Applies to:</p> <p><input type="checkbox"/> (d) 1. B. and 2. A. and B. Apply to all displays.</p> <p><input type="checkbox"/> (f) 1. – 6. Applies to displays using barge launch.</p>	<p>MM-WQ-1: Implementation of Water Quality–Related Conditions of the Proposed Ordinance for Fireworks Debris. The fireworks organizer and operator are required to comply with the following water quality-related conditions of the proposed ordinance.</p> <p>Section 14.07 – Permits – Conditions of Approval</p> <p>(d) Fireworks Chemical Composition and Packaging.</p> <ol style="list-style-type: none"> 1. Chemical Composition. <ol style="list-style-type: none"> B. All fireworks display events shall use alternative fireworks produced with pyrotechnic formulas which replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters, unless the Applicant establishes in writing and to the satisfaction of the Executive Director that such alternative fireworks are not commercially available. 2. Packaging. <ol style="list-style-type: none"> A. Prior to commencement of a fireworks display event, the fireworks operator shall remove and properly dispose of all packaging, wrapping and labels (excluding labels mandated by State or Federal laws) from all fireworks to be used in the event. B. Fireworks that include a plastic outer casing or non-biodegradable inner components that make up more than five (5) percent of the mass of the shell or device are prohibited. <p>(f) Best Management Practices (BMPs). Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up:</p> <ol style="list-style-type: none"> 1. Fireworks display <u>events on barges</u> shall be 	<p>Timing: Prior to issuance of a fireworks permit, prior to, during, and following each fireworks display event</p> <p>Method: Implement conditions of approval per Fireworks Display Ordinance</p>	<p>Implementation: Fireworks Organizer and Fireworks Operator</p> <p>Monitoring and Reporting: Fireworks Organizer, Fireworks Operator</p> <p>Verification: Port</p>

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
	<p>set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use.</p> <ol style="list-style-type: none"> 2. Fireworks shall be brought to the barge and loaded in their California Department of Transportation (DOT)-approved shipping cartons. Fireworks shall be encased in paper to prevent spillage of loose compounds. All packaging material and debris, including fuses, wires, shipping cartons and other wrapping, shall be properly disposed of in trash receptacles as the fireworks display event is set up. Unless prohibited by the municipal fire marshal with jurisdiction over the fireworks display event, barges shall be equipped with a fire-retardant debris barrier that extends six feet (6') in height, with openings no larger than ¼ inch, around the perimeter of the Fireworks launch area to contain debris. 3. Wires from the electric match placed in the fireworks fuse shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the fireworks display event. 4. Once the fireworks are prepared for launch, all trash and debris shall be removed from the barge while it is at the loading facility and prior to the barge being moved into position. No loose material shall be allowed on the barges during the fireworks display event. 5. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the fireworks display event, the fireworks operator shall pick up all loose material on the barge, including all trash and debris resulting from the discharge of the fireworks, to prevent it from being discharged into the water while the barge is underway. 6. Upon return to the loading facility, the fireworks operator shall clean the barge of all fireworks related material and shall photograph and properly dispose of all fireworks trash and debris. Unexploded 		

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
<input type="checkbox"/> (f) 7. – 10. Applies to all displays.	fireworks and related components shall be collected and disposed of by the fireworks operator in accordance with all applicable regulations. Fireworks operators shall photograph the barge prior to and after cleaning.		
	<p>7. Following the fireworks display event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the event, the fireworks organizer shall provide cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent fireworks using hand held fishnets, pool skimmers, or other similar equipment.</p> <p>8. The morning after the fireworks display event, the fireworks organizer shall conduct another sweep of the fireworks detonation zone and quays, piers and docks adjacent to the fireworks detonation zone to remove fireworks trash and debris. The fireworks organizer shall collect, bag, weigh and photograph all trash and debris collected prior to its disposal.</p> <p>9. The morning after the fireworks display event, the fireworks organizer shall perform a cleanup of the shoreline using crews of not fewer than five persons per barge on the shoreline adjacent to each barge location. Each crew member shall be equipped with trash bags and a trash grabber. The fireworks organizer shall collect, bag, weigh, and photograph all trash and debris collected prior to its disposal.</p> <p>10. Within ten (10) business days after a fireworks display event, the fireworks organizer shall provide the Executive Director with the photographs and written evidence of the weight of the Fireworks trash and debris collected pursuant to subdivisions (5) through (9) above. If the dry weight of the fireworks trash and debris collected is less than fifty percent (50 percent) of the net weight of fireworks launched during the fireworks display event, the fireworks organizer shall offset the remaining amount by providing a crew of not fewer than two (2) persons for each barge or other launch site used in the fireworks display event to participate in the next scheduled "Operation Clean Sweep" or other Port-sponsored clean-up event prior to the end of the calendar year to recover trash and debris from San Diego Bay and/or the Imperial Beach Oceanfront.</p> <p>(i) Compliance with San Diego Water Board General Permit.</p>		

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
	<ol style="list-style-type: none"> 1. Prior to the Executive Director's issuance of a permit pursuant to this article, the Applicant shall demonstrate that it has applied for coverage and has been enrolled under the San Diego Water Board General Permit. 2. The Applicant shall comply with all applicable terms, conditions and Best Management Practices required by the San Diego Water Board General Permit, which shall be incorporated into and considered in the terms, conditions and Best Management Practices of any permit issued by the Executive Director pursuant to this article. 3. The Applicant shall submit to the Port copies of all applications, plans, reports and other documentation required by the San Diego Water Board General Permit, including without limitation the Notice of Intent, Fireworks Best Management Practices Plan, Public Fireworks Display Log and the Public Display of Fireworks Post Event Report, within the time required for the submission of such reports to the San Diego Water Board. 		
<input type="checkbox"/> (i) Applies to all displays.	(i) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the Port Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city which has jurisdiction over all or any part of the activity allowed under said Permit.		
<input type="checkbox"/> (j) Applies to all displays.	(j) Compliance with Laws: The Applicant shall comply with any and all applicable rules and regulations promulgated by the Port, including without limitation the Port Code, the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan, and with the laws, rules and regulations of the United States of America and the State of California, and of any department or agency thereof, and with the applicable ordinances, rules and regulations of any city which has jurisdiction over all or any part of the activity allowed under said Permit. The Applicant's failure to comply with any applicable law, ordinance, rule or regulation shall be cause for immediate revocation of said permit and for the denial of applications for future Permits.		

Fireworks Display Event Permit Application

[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
Mitigation Measure Applies to: <input type="checkbox"/> (f) 11. Applies to Fourth of July displays and any Non-Fourth of July fireworks displays advertised to the public	MM-WQ-2: Implementation of Water Quality–Related Conditions of the Proposed Ordinance for Human-Generated Trash and Litter. The fireworks organizer and operator are required to comply with the following water quality–related condition of the proposed ordinance. Section 14.07 – Permits – Conditions of Approval (f) Best Management Practices. Fireworks display events shall implement the following BMPs for fireworks display event preparation, discharge and clean-up: 11. <u>For all Fourth of July fireworks display events and for Non-Fourth of July fireworks display events which are advertised to the public</u> , the fireworks organizer shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.	Timing: Prior to and following each fireworks display event Method: Implement conditions of approval per Fireworks Display Ordinance	Implementation: Fireworks Organizer and Fireworks Operator Monitoring and Reporting: Fireworks Organizer, Fireworks Operator Verification: Port
Noise and Vibration			
Mitigation Measure Applies to: <input type="checkbox"/> (e) Applies to displays occurring between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies	MM-NOI-1: Implementation of Noise-Related Conditions of the Proposed Ordinance. The fireworks organizer and operator are required to comply with the following noise related conditions of the proposed ordinance. Section 14.07 – Permits – Conditions of Approval (e) Protection of Sensitive Species and Habitat. The following conditions shall apply to Fireworks Display <u>Events that occur between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies:</u> 1. Location. Fireworks display events shall be located not less than one (1) mile from any federally or state-listed avian species nesting colony unless the maximum size of shells used in the event is limited to eight (8) inches. 2. Salutes. Fireworks display events shall not use concussion type, non-color shells such as “salutes” or “reports” during the initial twenty-five percent (25 percent) of the duration of any display (e.g., within the first 5 minutes of a 20-minute display).	Timing: During each fireworks display event Method: Implement conditions of approval per Fireworks Display Ordinance	Implementation: Fireworks Organizer and Fireworks Operator Monitoring and Reporting: Fireworks Organizer, Fireworks Operator Verification: Port
Transportation, Circulation, and Parking			
Mitigation Measure Applies to: <input type="checkbox"/> (h) Applies to fourth of July displays and	MM-TRA-1: Implementation of the Transportation-Related Conditions of the Proposed Ordinance. The fireworks organizer is required to comply with the following transportation-related condition of the proposed ordinance. Section 14.07 – Permits – Conditions of Approval (h) Event Transportation and Parking Management Plans.	Timing: Prior to, during, and following each fireworks display event Method: Implement conditions of approval per Fireworks Display	Implementation: Fireworks Organizer Monitoring and Reporting: Fireworks Organizer

Fireworks Display Event Permit Application

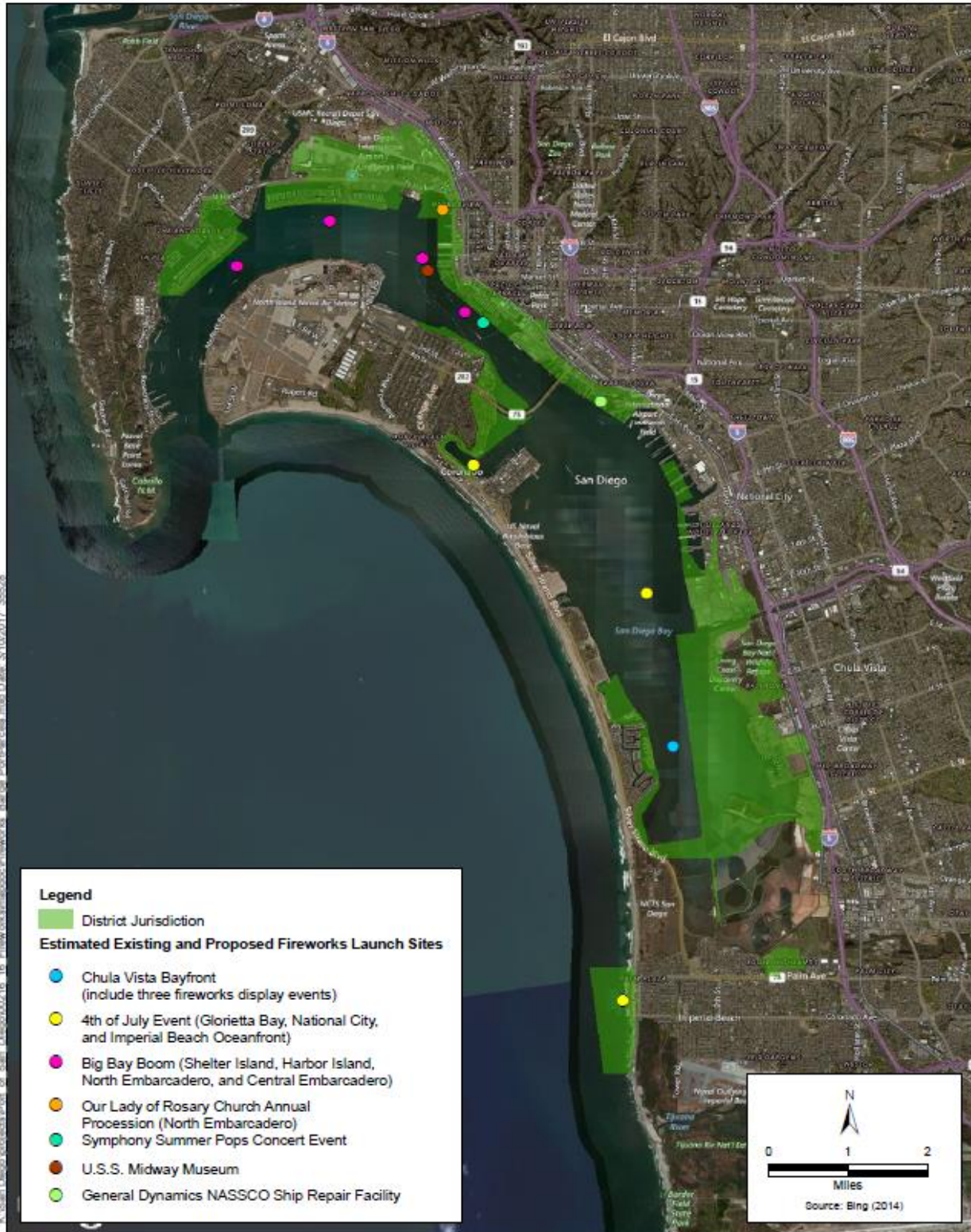
[Part E] - All Applicable Mitigation Measures Must be adhered to by the Applicant			
Applicability	Mitigation Measures	Timing and Methods	Responsible Parties
Non-Fourth of July fireworks displays advertised to the public.	<p>For all Fourth of July fireworks display events and for <u>non-Fourth of July fireworks display events that are advertised to the public</u>, the fireworks organizer shall prepare and submit an event transportation and parking management plan to the Executive Director for approval as part of the Application, which shall be designed to ensure safe and convenient access to public viewing areas while limiting conflicts between transportation modes and reducing impacts on surrounding transportation facilities to the maximum extent feasible. The Event Transportation and Parking Management Plan shall take into account anticipated attendance, existing transportation and parking facilities, and other concurrent public events in the surrounding areas, and shall include but is not limited to the following:</p> <ol style="list-style-type: none"> 1. Transportation management strategies, including but not limited to a public awareness program, traffic management and enforcement, incident management, and public transit and alternative modes of transportation management, which shall be implemented for the fireworks display event; and 2. Parking management strategies, including but not limited to a public awareness program, coordination with parking vendors, offsite parking arrangements, designated areas for taxi and rideshare pick-up/drop-off, promotional programs with rideshare vendors, joint event ticketing programs with public transit agencies, and expanded shuttle operations. 	Ordinance	Verification: Port
<input type="checkbox"/> (i) Applies to all displays	(i) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state, and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the Port Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city that has jurisdiction over all or any part of the activity allowed under said Permit.		

I acknowledge that I am aware of the Port of San Diego requirements and understand my responsibilities.

Initial Here→

Fireworks Display Event Permit Application

MAP A: Approved Fireworks Locations



SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2892

ORDINANCE ESTABLISHING THE "SAN DIEGO UNIFIED PORT DISTRICT FIREWORKS DISPLAY EVENT ORDINANCE" AS ARTICLE 14 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE TO GOVERN EXISTING AND PROPOSED NEW FIREWORKS DISPLAYS

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Sections 4, 21, 35, 55, 56 and 87 of the Port Act grant the District broad general police powers, including the ability to enact ordinances to protect, preserve and enhance physical access to the bay, the natural resources of the bay, and the quality of water in the bay; and

WHEREAS, Section 55(a) of the Port Act requires the Board of Port Commissioners (BPC) to make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tidelands and submerged lands, filled or unfilled, and other lands within the territorial limits of the District; and

WHEREAS, Section 55(b) of the Port Act requires the BPC to regulate and control the anchoring, mooring, towing and docking of all vessels; and

WHEREAS, Section 55(c) of the Port Act authorizes the BPC to establish and maintain a harbor police and harbor fire protection within the territorial limits of the District; and

WHEREAS, Section 56 of the Port Act requires the BPC to make and enforce such local police and sanitary regulations relative to the construction, maintenance, operation, and use of all public services and public utilities in the District, operated in connection with or for the promotion or accommodation of commerce, navigation, fisheries, and recreation therein as are now vested in the District; and

WHEREAS, it is necessary for the District to regulate fireworks display events within San Diego Bay or the Imperial Beach oceanfront that require a discretionary action by the District or that are operated by the District's tenants in order to encourage and promote commerce, navigation, fisheries, and recreation in and through its jurisdiction; and

WHEREAS, the regulations included in this Ordinance are adopted pursuant to the authority granted to the District by the Port Act and the Port District Code to regulate the use and control of all navigable waters and all tidelands and submerged lands, filled or unfilled, and other lands within the territorial limits of the District, to regulate and control the anchoring, mooring, towing and docking of all vessels, and to enact ordinances to protect, preserve and enhance physical access to the bay, the natural resources of the bay, and the quality of water in the bay; and

WHEREAS, on May 25, 2017, the District has considered and certified a Final Environmental Impact Report pursuant to the California Environmental Quality Act, State CEQA Guidelines, and District procedures relative to the adoption of this Ordinance; and

WHEREAS, the District Clerk has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the District Clerk; and

WHEREAS, the District has considered all comments received at the public meeting on May 25, 2017 prior to adoption of this Ordinance; and

WHEREAS, the District's approval of this Ordinance reflects the BPC's independent judgement and analysis.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That the San Diego Unified Port District Code is amended to add Article 14 regulating fireworks display events requiring a discretionary approval from the San Diego Unified Port District as follows:

ARTICLE 14 - FIREWORKS DISPLAY ORDINANCE

Section 14.01 – TITLE

The title of this article shall be known as the "San Diego Unified Port District Fireworks Display Event Ordinance."

Section 14.02 - PURPOSE

The purpose of this article is to establish a defined set of requirements and procedures by which the District and users of the District tidelands may continue to enjoy fireworks displays in and around San Diego Bay and the Pacific Ocean near Imperial Beach. Further, it is the intent of this article to protect the health,

safety and welfare of persons, property and the environment within the District's jurisdiction and to comply with federal, state and local laws and regulations governing the handling, possession, storage, loading, staging, launching and detonating of fireworks.

Section 14.03 – DEFINITIONS

For purposes of this article, certain words and phrases not otherwise defined in District Code section 0.03 shall be defined as follows, unless the context requires a different meaning:

"Alternative fireworks" means fireworks produced with new pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters.

"Applicant" means a person who submits an application to the District for a permit pursuant to this article.

"Application" means the District's written form to be submitted by a person requesting a permit pursuant to this article.

"Barge" means a water vessel from which fireworks are launched or detonated.

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, pollution prevention and educational practices, maintenance procedures, tools and other management practices used to prevent or reduce the discharge of pollutants directly to receiving waters to the maximum extent practicable. BMPs may include any type of pollution prevention and pollution control measure that can help to achieve compliance with this article.

"District" means the San Diego Unified Port District.

"District General Counsel" means the General Counsel of the District or her/his designee.

"Executive Director" means the Executive Director (President/CEO) of the District or her/his designee.

"Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment, including aerial shells, low-level comet or multi-shot devices or ground-level displays. The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

“Fireworks Display Event” means the handling, possession, storage, loading, staging, launching or detonating of fireworks on the land or waters within the District’s jurisdiction for viewing by the public or any group of persons exceeding twenty-five (25) in number.

“Fireworks Operator” means a pyrotechnic operator licensed by the State of California, who by examination, experience and training has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted, and who is responsible for supplying, staging, launching or detonating the fireworks used in a fireworks display event.

“Fireworks Organizer” means a person who proposes to conduct a fireworks display event and who is responsible for obtaining the funding and approvals for a fireworks display event and for contracting with a fireworks operator to produce a fireworks display event.

“Fourth of July Fireworks Display Event” means a fireworks display event that occurs annually on the Fourth of July to express patriotism and civic pride and to celebrate the signing of the Declaration of Independence of the United States of America.

“Non-Fourth of July Fireworks Display Event” means a fireworks display event that occurs on a date other than the Fourth of July.

“Operation Clean Sweep” means the annual cleanup event sponsored by the San Diego Port Tenants Association and District, among others, where volunteers remove trash and debris from San Diego Bay.

“Permit” means the District-issued authorization for an applicant to conduct a fireworks display event pursuant to this article.

“Person” means an individual, association, partnership, nonprofit organization, corporation, limited liability company, trustee, municipality, public agency or other legal entity, or the agent or employee thereof.

“Pounds” means the net explosive weight of fireworks.

“Salute” means an aerial shell as well as other pyrotechnic items whose primary effects are loud noise generated by detonation and flash of light.

“San Diego Bay Fourth of July Fireworks Display Event” means the annual fireworks display event which occurs on the Fourth of July at up to four (4) locations in northern San Diego Bay and is currently known as the “Big Bay Boom.” The San Diego Bay Fourth of July Fireworks Display Event will be referred to in this article as the Big Bay Boom.

"San Diego Water Board" means the California Regional Water Quality Control Board for the San Diego Region.

"San Diego Water Board General Permit" means California Regional Water Quality Control Board for the San Diego Region Order No. R9-2011-0022/NPDES No. CAG999002, General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Firework Pollutant Waste Discharges to Waters of the United States, including any updates and amendments thereto.

"Sponsor" means a person who contributes funds, services, or other forms of assistance to a fireworks organizer in support of a fireworks display event.

Section 14.04 – PROHIBITIONS

(a) It shall be unlawful for any Person to handle, possess, store, load, stage, launch or detonate Fireworks on land or water within District jurisdiction without first having obtained a Permit from the Executive Director as provided in this section. By signing said Permit, each Permit recipient acknowledges and agrees to comply with all of the applicable terms and conditions that may be specified in such Permit and this article.

(b) Any Person who receives a discretionary lease, permit, license or other entitlement for use or a contract, grant, subsidy, loan or other form of financial assistance from the District in connection with a Fireworks Display Event shall also obtain a Permit from the Executive Director as provided in this article. By signing said Permit, each Permit recipient acknowledges and agrees to comply with all of the applicable terms and conditions that may be specified in such Permit and this article.

Section 14.05 - PERMITS - APPLICATION

Whenever the privilege of doing any of the acts hereinbefore enumerated in this article requires obtaining a Permit from the Executive Director, the following procedure shall be followed:

(a) An application for a Permit shall be filed with the District not less than sixty (60) days before the date on which the Fireworks Display Event is proposed to occur.

(b) The application shall be in writing, in a form approved by the District, and shall include, at minimum, the following information: the Person who proposes to handle, possess, store, load, stage, launch or detonate Fireworks, including if applicable the Fireworks Organizer, Fireworks Operator and Sponsor of the Fireworks Display Event; the date, time and duration of the proposed Fireworks Display Event; the location(s) of the proposed Fireworks Display Event, including the loading, staging and launching sites; the total number of

pounds, shell sizes and types of Fireworks to be used; and the proposed event transportation and parking management plan for the Fireworks Display Event.

(c) The application shall include copies of the Applicant's Notice of Intent for coverage under the San Diego Water Board General Permit, the San Diego Water Board's Notice of Enrollment of the proposed Fireworks Display Event under said General Permit, and the Best Management Practices Plan approved by the San Diego Water Board for the proposed Fireworks Display Event.

(d) When the application is deemed complete, the Executive Director shall review the application and determine whether the proposed Fireworks Display Event complies with all of the requirements of section 14.07 (Permit – Conditions of Approval) of this article. If the proposed Fireworks Display Event complies with all of the requirements of section 14.07 (Permit – Conditions of Approval) of this article, the Executive Director shall issue a Permit.

(e) Each Permit issued shall state the date, time and location of the Fireworks Display Event for which it is issued, the name of the Person to whom it is issued and all mandatory conditions upon which the Permit is given.

(f) An application for a permit for a Fireworks Display Event at a location not identified in Section 14.07(a) of this article may be granted by the Executive Director provided that (i) environmental review for the proposed Fireworks Display Event has been completed and approved or certified by the District as required by the California Environmental Quality Act, Public Resources Code § 21000, et seq. prior to issuance of a permit and (ii) the applicant has obtained all other permits and approvals as required by law, including without limitation approvals and permits required under the California Coastal Act, Public Resources Code § 30000, et seq.

Section 14.06 - PERMITS – PUBLIC NOTICE

(a) Within five (5) business days after the issuance of a Permit pursuant to this article, the Executive Director shall give public notice of the issuance of such Permit by posting a copy of the Permit on the District's website.

Section 14.07 - PERMITS - CONDITIONS OF APPROVAL

All permits issued by the Executive Director shall be subject to the following terms and conditions:

(a) Location of Fireworks Display Events.

1. Fourth of July Fireworks Display Events shall occur only at the following locations:

A. Big Bay Boom, at up to four (4) locations in northern San Diego Bay;

B. Fourth of July Imperial Beach Fireworks, at one (1) location along the Imperial Beach Pier;

C. Fireworks Over Glorietta Bay, at one (1) location in Glorietta Bay;

D. Chula Vista Fourth of July, at one (1) location adjacent to the Chula Vista Bayfront; and

E. National City Fourth of July, at one (1) location adjacent to the National City Bayfront.

2. Non-Fourth of July Fireworks Display Events shall occur only at the following locations:

A. National Steel and Shipbuilding Company (NASSCO) shipyard, not to exceed two (2) displays per year along NASSCO Pier 12;

B. U.S.S. Midway Museum, not to exceed twenty-three (23) displays per year on or adjacent to the U.S.S. Midway Museum;

C. San Diego Symphony Summer Pops Concerts, not to exceed twenty (20) displays per year adjacent to Embarcadero Marina Park South;

D. Our Lady of Rosary Church Annual procession, not to exceed one (1) display per year along Harbor Drive and at end of Grape Street Pier; and

E. Chula Vista Bayfront, not to exceed two (2) displays per year adjacent to the Chula Vista Bayfront.

(b) Duration of Fireworks Display Events.

1. Fourth of July Fireworks Display Events shall not exceed twenty (20) minutes in duration.

2. Non-Fourth of July Fireworks Display Events shall not exceed ten (10) minutes in duration.

(c) Size of Fireworks Display Events.

1. Fourth of July Fireworks Display Events:

A. Big Bay Boom, not to exceed a cumulative 5,342 pounds of fireworks with shell sizes not to exceed 10 inches;

B. Fourth of July Imperial Beach Fireworks, not to exceed 456 pounds of fireworks with shell sizes not to exceed 10 inches;

C. Fireworks Over Glorietta Bay, not to exceed 397 pounds of fireworks with shell sizes not to exceed 10 inches;

D. National City Fourth of July, not to exceed 400 pounds of fireworks with shell sizes not to exceed 8 inches; and

E. Chula Vista Fourth of July, not to exceed 400 pounds of fireworks with shell sizes not to exceed 8 inches.

2. Non-Fourth of July Fireworks Display Events:

A. NASSCO shipyard, not to exceed 281 pounds of fireworks per display with shell sizes not to exceed 6 inches, or a cumulative total of 439 pounds of fireworks per year;

B. U.S.S. Midway Museum, not to exceed 235 pounds of fireworks per display with shell sizes not to exceed 6 inches, or a cumulative total of 1,759 pounds of fireworks per year;

C. San Diego Symphony Summer Pops Concerts, not to exceed 95 pounds of fireworks per display with shell sizes not to exceed 6 inches, or a cumulative total of 1,498 pounds of fireworks per year;

D. Our Lady of Rosary Church Annual procession, not to exceed 18 pounds of fireworks with shell sizes not to exceed 6 inches; and

E. Chula Vista Bayfront, not to exceed 114 pounds of fireworks per display with shell sizes not to exceed 8 inches, or a cumulative total of 228 pounds of fireworks per year.

(d) Fireworks Chemical Composition and Packaging.

1. Chemical Composition.

A. The Big Bay Boom Fourth of July Fireworks Display Event shall use Fireworks which contain no more than 0.32% copper (Cu) per pound of explosive firework material, unless the Applicant establishes in writing and to the satisfaction of the Executive Director that the total copper emissions from the proposed Big Bay Boom Fireworks Display Event will not exceed seventeen (17) pounds. Fireworks which do not conform to the foregoing

requirement, but were lawfully purchased prior to the effective date of this article, may be used for a period of six months after the effective date of this article.

B. All Fireworks Display Events shall use Alternative Fireworks produced with pyrotechnic formulas which replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke and reduce pollutant waste loading to surface waters, unless the Applicant establishes in writing and to the satisfaction of the Executive Director that such Alternative Fireworks are not commercially available.

2. Packaging.

A. Prior to commencement of a Fireworks Display Event, the Fireworks Operator shall remove and properly dispose of all packaging, wrapping and labels (excluding labels mandated by State or Federal laws) from all Fireworks to be used in the event.

B. Fireworks that include a plastic outer casing or non-biodegradable inner components that make up more than five (5) percent of the mass of the shell or device are prohibited.

(e) Protection of Sensitive Species and Habitat. The following conditions shall apply to Fireworks Display Events that occur between February 15 and September 15 (i.e., avian breeding season) and are located less than one (1) mile from any federally or state-listed avian species nesting colonies:

1. Location. Fireworks Display Events shall be located not less than one (1) mile from any federally or state-listed avian species nesting colony unless the maximum size of shells used in the event is limited to eight (8) inches.

2. Salutes. Fireworks Display Events shall not use concussion type, non-color shells such as "salutes" or "reports" during the initial twenty-five percent (25%) of the duration of any display (e.g., within the first 5 minutes of a 20-minute display).

3. Security. For Fireworks Display Events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one-half mile of unprotected (i.e., unfenced) federally or state-listed nesting colonies or habitat areas, the Fireworks Organizer shall provide a minimum of two professional security guards to direct persons away from and to discourage trespass into sensitive nesting areas or habitat during such displays. In addition, the fireworks organizer shall provide security patrols of the water area to enforce the existing restrictions on access to unauthorized areas during such fireworks display events in the South Bay.

4. Signage. For Fireworks Display Events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) that occur within one half-mile of nesting colonies or habitat areas for federally or state-listed species, the Fireworks Organizer, in cooperation with the District, shall post temporary signage along primary access points to sensitive nesting colonies and habitat areas to identify safe viewing locations, to educate visitors on locations of sensitive wildlife habitats, to prevent viewers from trespassing into sensitive areas and to encourage appropriate viewing behavior.

5. Education. Beginning not less than seven (7) days before Fireworks Display Events with public viewing areas (i.e., parks, promenades, publicly accessible piers, and other similar facilities) located within one-half mile of federally or state-listed nesting colonies or habitat areas, the Fireworks Organizer shall implement a public education program using daily announcements on social media, press releases, and information posted at parks, boat launch facilities, marinas, yacht clubs and other viewing locations, to educate potential viewers regarding appropriate viewing and boat docking areas, to discourage trespass into sensitive wildlife habitat, and to remind viewers of appropriate viewing behavior in and near sensitive nesting colonies and habitat areas (e.g., appropriate disposal of trash, prevention of illegal fireworks, and safe boating procedures).

(f) Best Management Practices. Fireworks Display Events shall implement the following BMPs for Fireworks Display Event preparation, discharge and clean-up:

1. Fireworks Display Events on barges shall be set up at a loading facility in accordance with the requirements and under the supervision of the municipal fire department with jurisdiction over the event. Barges shall be inspected for leaks and other potential safety issues. Idling time for delivery trucks and loading equipment shall not exceed three (3) minutes and all such trucks and equipment shall be shut down when not in use.

2. Fireworks shall be brought to the barge and loaded in their U.S. Department of Transportation (DOT)-approved shipping cartons. Fireworks shall be encased in paper to prevent spillage of loose compounds. All packaging material and debris, including fuses, wires, shipping cartons and other wrapping, shall be properly disposed of in trash receptacles as the Fireworks Display Event is set up. Unless prohibited by the municipal fire marshal with jurisdiction over the Fireworks Display Event, barges shall be equipped with a fire-retardant debris barrier that extends six feet (6') in height, with openings no larger than ¼ inch, around the perimeter of the Fireworks launch area to contain debris.

3. Wires from the electric match placed in the Fireworks fuse shall be secured to avoid strain (such as wrapped around nails that are on the racks, tied to the racks, or tied to the mortar) to prevent wires from being pulled

out and falling into the water. Wire cables connected to computer firing equipment modules shall also be properly secured to ensure they remain on the barge during the Fireworks Display Event.

4. Once the Fireworks are prepared for launch, all trash and debris shall be removed from the barge while it is at the loading facility and prior to the barge being moved into position. No loose material shall be allowed on the barges during the Fireworks Display Event.

5. Following the Fireworks Display Event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the Fireworks Display Event, the Fireworks Operator shall pick up all loose material on the barge, including all trash and debris resulting from the discharge of the Fireworks, to prevent it from being discharged into the water while the barge is underway.

6. Upon return to the loading facility, the Fireworks Operator shall clean the barge of all Fireworks related material and shall photograph and properly dispose of all Fireworks trash and debris. Unexploded Fireworks and related components shall be collected and disposed of by the Fireworks Operator in accordance with all applicable regulations. Fireworks Operators shall photograph the barge prior to and after cleaning.

7. Following the Fireworks Display Event and upon expiration of any safety period required by the municipal fire marshal with jurisdiction over the event, the Fireworks Organizer shall provide cleanup crews and boats to conduct sweeps of the fireworks detonation zone to gather any floating debris from spent Fireworks using hand held fishnets, pool skimmers, or other similar equipment.

8. The morning after the Fireworks Display Event, the Fireworks Organizer shall conduct another sweep of the fireworks detonation zone and quays, piers and docks adjacent to the fireworks detonation zone to remove Fireworks trash and debris. The Fireworks Organizer shall collect, bag, weigh and photograph all trash and debris collected prior to its disposal.

9. The morning after the Fireworks Display Event, the Fireworks Organizer shall perform a cleanup of the shoreline using crews of not fewer than five persons per barge on the shoreline adjacent to each barge location. Each crew member shall be equipped with trash bags and a trash grabber. The Fireworks Organizer shall collect, bag, weigh, and photograph all trash and debris collected prior to its disposal.

10. Within ten (10) business days after a Fireworks Display Event, the Fireworks Organizer shall provide the Executive Director with the photographs and written evidence of the weight of the Fireworks trash and debris

collected pursuant to subdivisions (5) through (9) above. If the dry weight of the Fireworks trash and debris collected is less than fifty percent (50%) of the net weight of fireworks launched during the Fireworks Display Event, the Fireworks Organizer shall offset the remaining amount by providing a crew of not fewer than two (2) persons for each barge or other launch site used in the Fireworks Display Event to participate in the next scheduled "Operation Clean Sweep" or other District-sponsored clean-up event prior to the end of the calendar year to recover trash and debris from San Diego Bay and/or the Imperial Beach Oceanfront.

11. For all Fourth of July Fireworks Display Events and for Non-Fourth of July Fireworks Display Events which are advertised to the public, the Fireworks Organizer shall double the number of trash receptacles at major viewing areas prior to each fireworks display event; trashcans shall be emptied and parks and viewing areas shall be cleaned following the event.

(g) Eelgrass Avoidance and Mitigation. For Fireworks Display Events with launching sites located in shallow water with the potential for eelgrass to occur, fireworks barges shall be held in place by tugboats and shall not require temporary moorings. To the extent practicable, barges shall be located in unvegetated deep water channels outside of eelgrass beds. Pre-event and post-event eelgrass surveys shall be completed to identify the distribution of eelgrass to assist tug operators and to assess any impacts to eelgrass that may occur. Through a pre-event training, tug operators shall be made aware of shallow eelgrass and instructed not to use high thrust in the vicinity of eelgrass beds. If an unanticipated impact to eelgrass occurs, this impact shall be mitigated by replacing the eelgrass at a ratio determined by the California Eelgrass Mitigation Policy.

(h) Event Transportation and Parking Management Plans. For all Fourth of July Fireworks Display Events and for Non-Fourth of July Fireworks Display Events which are advertised to the public, the Fireworks Organizer shall prepare and submit an event transportation and parking management plan (ETPMP) to the Executive Director for approval as part of the Application, which shall be designed to ensure safe and convenient access to public viewing areas while limiting conflicts between transportation modes and reducing impacts on surrounding transportation facilities to the maximum extent feasible. The ETPMP shall take into account anticipated attendance, existing transportation and parking facilities, and other concurrent public events in the surrounding areas, and shall include but is not limited to the following:

1. Transportation management strategies, including but not limited to, a public awareness program, traffic management and enforcement, incident management, and public transit and alternative modes of transportation management, which shall be implemented for the Fireworks Display Event; and

2. Parking management strategies, including but not limited to a public awareness program, coordination with parking vendors, off-site parking arrangements, designated areas for taxi and rideshare pick up/drop off, promotional programs with rideshare vendors, joint event ticketing programs with public transit agencies, and expanded shuttle operations.

(i) Compliance with San Diego Water Board General Permit.

1. Prior to the Executive Director's issuance of a permit pursuant to this article, the Applicant shall demonstrate that it has applied for coverage and has been enrolled under the San Diego Water Board General Permit.

2. The Applicant shall comply with all applicable terms, conditions and Best Management Practices required by the San Diego Water Board General Permit, which shall be incorporated into and considered in the terms, conditions and Best Management Practices of any permit issued by the Executive Director pursuant to this article.

3. The Applicant shall submit to the District copies of all applications, plans, reports and other documentation required by the San Diego Water Board General Permit, including without limitation the Notice of Intent, Fireworks Best Management Practices Plan, Public Fireworks Display Log and the Public Display of Fireworks Post Event Report, within the time required for the submission of such reports to the San Diego Water Board.

(j) Compliance with Other Required Permits: Prior to the Executive Director's issuance of a Permit pursuant to this article, the Applicant shall demonstrate that it has obtained and shall comply with all other permits and approvals required by federal, state and local laws and regulations including, without limitation, such permits and approvals as are required by the United States Coast Guard, California Coastal Act, the District Code, including Article 10 (Stormwater Management and Discharge Control), and the fire marshal of any city which has jurisdiction over all or any part of the activity allowed under said Permit.

(k) Compliance with Laws: The Applicant shall comply with any and all applicable rules and regulations promulgated by the District, including without limitation the District Code, the Chula Vista Bayfront Master Plan Settlement Agreement and Natural Resources Management Plan, and with the laws, rules and regulations of the United States of America and the State of California, and of any department or agency thereof, and with the applicable ordinances, rules and regulations of any city which has jurisdiction over all or any part of the activity allowed under said Permit. The Applicant's failure to comply with any applicable law, ordinance, rule or regulation shall be cause for immediate revocation of said permit and for the denial of applications for future Permits.

(l) Indemnity: The Applicant shall indemnify and hold harmless the District, its board, officers and employees, from any and all claim of loss, liability or damage arising out of the Fireworks Display Event, including but not limited to the issuance of the District Permit, or in connection with the handling, possession, storage, loading, staging, launching or detonating of Fireworks by the Applicant, its officers, employees, contractors, agents or other representatives, howsoever caused, whether such loss, liability or damage results, either directly or indirectly, from the acts, omissions or negligence of the Applicant, its officers, employees, contractors, agents or other representatives, in connection with the handling, possession, storage, loading, staging, launching or detonation of Fireworks pursuant to said Permit.

(m) Insurance: The Applicant shall file with the Executive Director, in a form approved by the District General Counsel, a policy of public liability and property damage insurance, in such amounts and form as the Executive Director may specify, indemnifying the District, its boards, officers and employees, as their interest may appear under the terms and conditions of said Permit. The Permit shall not become effective until after such policy of insurance has been received by the District.

(n) Performance Bond: For public Fireworks Display Events with over 500 spectators the Applicant shall post a faithful performance bond, in a form approved by the District General Counsel, or in lieu thereof the equivalent in cash, in an amount sufficient in the opinion of the Executive Director to cover costs associated with the Fireworks Display Event allowed under the permit, including without limitation the costs of providing security for the protection of sensitive species and habitat, and cleaning up and removing debris, rubbish and trash. The permit shall not become effective until after such faithful performance bond, or cash in lieu thereof, has been posted with and received by the District.

(o) Mitigation Measures: All permit applications shall be reviewed by the District for consistency with the Mitigation Monitoring and Reporting Program (MMRP) from the Final Environmental Impact Report for the San Diego Bay and Imperial Beach Oceanfront Fireworks Display Events Project, as certified by the Board of Port Commissioners, and all applicable mitigation measures from the MMRP shall be identified as required conditions of the approved permit issued by the District.

Section 14.8 – GENERAL PROVISIONS

(a) Preemption. The provisions of this article do not apply where any federal or state law regulates the handling, possession, storage, loading, staging, launching or detonating of Fireworks if the federal or state law preempts local regulation or the federal or state law is more restrictive.

(b) Severability. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this section are severable.

(c) Cost Recovery. The Applicant shall pay a fee to the District for the cost of services and administrative acts of the District incurred in processing a permit application.

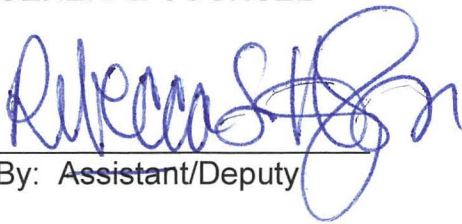
Section 14.9 – ENFORCEMENT

Any person who violates this article or who fails to comply with the terms and conditions of a permit issued pursuant to this article shall be subject to punishment in accordance with District Code section 0.11, General Penalty, and section 0.13, Permit Violations.

Section 2. The administrative record for the District's approval of this Ordinance is maintained at the District's Administrative Building located at 3165 Pacific Highway, San Diego, CA 92101. The custodian of records is the District Clerk.

Section 3. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

A handwritten signature in blue ink, appearing to be "Rufina S. H. S.", is written over the printed text "By: Assistant/Deputy".

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 25th day of May, 2017, by the following vote:

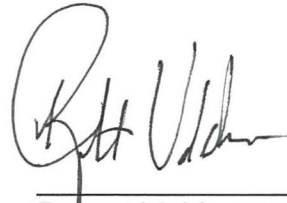
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: None.

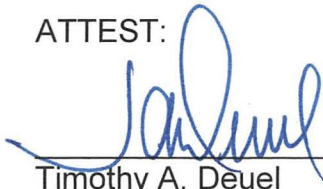
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)