

ORDINANCE NO. 1840

ORDINANCE OF THE CITY OF SAN BRUNO AMENDING MUNICIPAL CODE CHAPTER 6.50 CHANGING THE HOURS OF SALE AND USE OF SAFE AND SANE FIREWORKS

Chapter 6.50 SAFE AND SANE FIREWORKS

6.50.010 Sale, use or discharge of safe and sane fireworks allowed.

The sale, use, or discharge of safe and sane fireworks, which shall have the meaning ascribed to it in Section 12529 of the California Health and Safety Code, is allowed in accordance with the permitting process and the time, manner and place limitations provided in this chapter. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.020 Use or discharge of safe and sane fireworks limited.

A. It is unlawful to use or to discharge any safe and sane fireworks during prohibited fireworks use hours. "Prohibited fireworks use hours" means anytime other than from noon until nine p.m. on June 28th through July 3rd and from noon until eleven p.m. on July 4th.

B. It is unlawful to possess safe and sane fireworks with intent to use or to discharge during prohibited fireworks use hours, as defined in subsection A of this section.

C. It is unlawful for any person to ignite, discharge, project or otherwise fire or use, any safe and sane fireworks, or permit the ignition, discharge or projection thereof, upon or over or onto the property of another within ten feet of any residence, dwelling or other structure.

D. The use of safe and sane fireworks within the city shall be limited to private property, except as otherwise provided herein. No safe and sane fireworks shall be discharged on public, semi-public, or private open areas such as parking lots, vacant property, or in public streets or rights-of-way, absent written consent of the owner. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.030 Supervision of minors.

It is unlawful for any person having the care, custody or control of a minor (under eighteen years old) to permit such minor to possess, use, discharge, explode, fire or set off any safe and sane fireworks unless such minor does so under the direct supervision of an adult (eighteen years old or older) and only during the hours, days and locations permitted by this chapter. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.040 Sale of safe and sane fireworks limited.

The sale of safe and sane fireworks shall be limited from noon until eight p.m. on June 28th and from 10:00 a.m. until 8:00 p.m. on June 29th to July 4th. The provisions of this section shall not be applicable to public agencies or manufacturers or suppliers of fireworks for public display or storage. Organizations to which permits have been issued may accept delivery of safe and sane fireworks for stocking purposes no more than seventy-two hours prior to the time allotted for safe and sane fireworks sales. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.050 Safe and sane fireworks—Permit required.

It is unlawful for any person or organization to possess for sale or to sell safe and sane fireworks within the city without having first applied for and received a city permit authorizing such sale. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.060 Rules and regulations pertaining to permits and temporary fireworks stands.

The city council shall establish by resolution the rules and regulations pertaining to temporary fireworks stands. It is unlawful for any permittee to fail to comply with the rules and regulations pertaining to temporary fireworks stands. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.070 Violation—Penalties.

A. Any person in violation of this chapter shall be subject to the penalties and fines established by the city council pursuant to resolution. If the city council has not adopted such a resolution prior to the effective date of the Safe and Sane Fireworks Initiative, the following penalties shall apply until the city council does so:

1. An administrative fine not exceeding one hundred dollars for a first violation;
2. An administrative fine not exceeding two hundred dollars for a second violation within one year;

3. An administrative fine not exceeding five hundred dollars or a third violation within one year.

B. Every parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen years, who knows or reasonably should know that a minor is in violation of this chapter may be issued an administrative fine in accordance with the provisions of this section.

C. Administrative fines shall be issued and processed in accordance with the provisions of San Bruno Municipal Sections 5.08.010 through 5.08.110.

D. In addition to the penalties and fines set forth above, a violation of any of the provisions of this chapter or any of the conditions imposed upon a permit issued hereunder shall subject the permittee to suspension or revocation of its permit and its permittee status, as provided by resolution of the city council in the rules and regulations pertaining to temporary fireworks stands. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

6.50.080 Amendment or repeal.

The city council may amend this chapter to: (1) limit or expand the hours during which safe and sane fireworks may be used or sold, provided that in no event shall such hours commence prior to that allowed by state law or extend beyond July 4th; and (2) make minor or technical adjustments consistent with the purposes as set forth in the Safe and Sane Fireworks Initiative. Except as otherwise provided in the preceding sentence, this chapter may only be amended or repealed by vote of the voters of the city of San Bruno. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

ATTEST:




Jim Ruane, Mayor



Carol Bonner, City Clerk

APPROVED AS TO FORM:



Marc Zafferano, City Attorney

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I hereby certify that foregoing **Ordinance No. 1840** was introduced at a regular meeting of the San Bruno City Council on August 23, 2016, and adopted by the San Bruno City Council at a regular meeting on September 13, 2016, by the following vote:

AYES: Councilmembers: Ibarra, M. Medina, R. Medina, O'Connell, Mayor Ruane

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Carol Bonner, City Clerk