

RESOLUTION NO. 2023 - 105

RESOLUTION AMENDING RESOLUTION NO. 2008-67 TO AMEND THE RULES AND REGULATIONS PERTAINING TO TEMPORARY FIREWORKS STANDS PURSUANT TO SAN BRUNO MUNICIPAL CODE SECTION 6.50.060

WHEREAS, California Health and Safety Code section 12500, *et seq.*, provides that cities may authorize the sale, use and discharge of "safe and sane" fireworks, as defined by state law; and

WHEREAS, San Bruno Municipal Code Chapter 6.50 provides for the limited sale, use and discharge of "safe and sane" fireworks; and

WHEREAS, San Bruno Municipal Code §6.50.050 provides that it is unlawful for any person 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; and

WHEREAS, San Bruno Municipal Code §6.50.060 provides that the city council shall establish by resolution the rules and regulations pertaining to temporary fireworks stands; and

WHEREAS, on June 24, 2008, the City Council adopted Resolution No. 2008-67 to establish rules and regulations pertaining to temporary fireworks stands; and

WHEREAS, the City desires to amend Section 4 of Resolution No. 2008-67 to align the cost recovery rules with City practice.

NOW, THEREFORE, BE IT RESOLVED that Section 4 of Resolution No. 2008-67 is hereby amended as follows (additions shown with underlines and deletions shown with ~~strikethrough~~):

"Section 4. Cost recovery fee.

A non-refundable application fee established by resolution of the city council shall accompany every application for a permit. In addition to the application fee and any other required fees, each applicant receiving a permit shall be required to pay, each year, to the city a pro rata portion of the costs incurred by the city for fireworks public education, enforcement of the requirements of San Bruno Municipal Code Chapter 6.50 and this resolution, fire prevention, fire suppression, and fireworks clean-up. The pro rata share of the costs shall be determined using gross sales as shown on each permittee's Sales and Use Tax Return for the applicable period. Copies of each permittee's Return shall be submitted to the City no later than September 30 following July 4 of the same year."

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I hereby certify that foregoing **Resolution No. 2023 - 105** was introduced and adopted by the San Bruno City Council at a regular meeting on September 26, 2023, by the following vote:

AYES: Councilmembers: Alvarez, M. Medina, Salazar, Hamilton, Mayor R. Medina

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Lupita Huerta, City Clerk