



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: October 24, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, City Manager

PREPARED BY: Ari Delay, Fire Chief
Ryan Johansen, Police Chief

SUBJECT: Consider Adoption of an Ordinance Amending Title 6 (Public Peace, Morals and Welfare) Section 6.51.020 Prohibitions of the San Bruno Municipal Code to Prohibit Property Owners from Allowing Illegal Fireworks Activities on Their Property

BACKGROUND:

In 2005, San Bruno voters approved a ballot measure permitting the sale and use of Safe and Sane fireworks during the Fourth of July holiday. The City Council has authorized the issuance of Administrative Citations pursuant to San Bruno Municipal Code Section 6.51.020 "Prohibitions," including a fine of \$1,000, for individuals caught selling, using, displaying, or possessing illegal fireworks, or permitting minors to sell, use, or discharge dangerous fireworks.

On the Fourth of July, multiple City departments, such as Police, Fire, and Community Services, have increased staffing levels to address fireworks-related issues and service requests. The holiday and fireworks celebrations often lead to large gatherings in the community, which raise additional concerns, such as pedestrian safety and problems associated with alcohol consumption. In the days and weeks leading up to July 4th, the City has received numerous complaints from residents about noise, fire hazards, and other disruptions caused by illegal and dangerous fireworks.

At the City Council Regular Meeting on September 26, 2023, the City Council introduced, read by title only and waived further reading of an ordinance entitled "An Ordinance of the City Council of the City of San Bruno Amending Section 6.51.020 of the San Bruno Municipal Code to Prohibit Property Owners from Allowing Illegal Fireworks Activities on their Property".

Additionally, the City Council adopted a 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.

DISCUSSION:

The purpose of this consent calendar agenda item is for consideration of adoption of the ordinance. No changes have been made to the ordinance since introduction. The ordinance is presented as Attachment 1. If adopted, the ordinance would be effective in 30 days. The proposed amendment to San Bruno Municipal Code Title 6 (Public Peace, Morals and Welfare) Section 6.51.020 Prohibitions would add the following provision prohibiting a property owner and/or tenant from allowing illegal fireworks activities to take place on their property and/or at their gatherings:

B. Except as authorized by the fire chief in accordance with the currently adopted California Fire Code, no property owner or tenant shall allow or permit the sale, offer to sell, use, or possession of dangerous fireworks on their property when the property owner or tenant knows or should know of the sale, offer to sell, use, or possession of dangerous fireworks at the property.

Under the proposed amendment, homeowners and/or tenants who allow the use of dangerous fireworks on their property and/or in association with their gatherings, can be fined the same amount as those who possess and/or use dangerous fireworks, if they knew or should have known that such use was occurring. Adding this Social Host policy will enhance public safety by better enabling the Police Department to enforce dangerous fireworks violations, and by encouraging homeowners and/or tenants to disallow the use of dangerous fireworks on their property and/or in association with their gatherings.

FISCAL IMPACT:

There is no fiscal impact from the adoption of the ordinance.

ENVIRONMENTAL IMPACT:

The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION:

Adopt an Ordinance Amending Title 6 (Public Peace, Morals and Welfare) Section 6.51.020 Prohibitions of the San Bruno Municipal Code to Prohibit Property Owners from Allowing Illegal Fireworks Activities on Their Property

ALTERNATIVES:

1. Do not adopt the Ordinance.
2. Direct staff to make modifications to the ordinance; substantive modifications will require reintroduction at a subsequent meeting.

ATTACHMENTS:

1. Ordinance