Recommendation
Staff recommends that the City Council take two actions:
1. Adopt urgency Ordinance No.1075 prohibiting fireworks and setting forth the facts constituting such urgency.
2. Introduce and waive first reading and read by title only, Ordinance No. 1076 amending Menlo Park Municipal Code by adding a new Chapter 8.57 (Fireworks) to Title 8, and amending section 5.28.050 of Chapter 5.28 of Title 5 to remove inconsistencies with the new Chapter 8.57.

Policy Issues
Previously in Menlo Park, there have been no local ordinances in place giving the City a controllable and useful tool to hold those detonating fireworks responsible in our City. Although State Codes exist that fit some circumstances, the introduction of a specific City authority to hold those people responsible who endanger our community will be a useful tool in the effort to address a perennial issue that disturbs the peace and endangers our public.

Background
Every year, beginning several weeks before the Fourth of July holiday weekend, Menlo Park residents are besieged by fireworks as a public nuisance. Detonation of fireworks in the City of Menlo Park has the potential at any time to create injury or property damage, and cause significant distress to both humans and pets who are sensitive to the noise and flashing light of these devices. Additionally, during a period where this region has experienced significant damage from fires of various causes, coupled with predicted low-moisture conditions and other environmental factors making fire risk very high now and in future years, the potential for damaging and dangerous fires caused by fireworks is very real and very predictable. As what is predictable can often be preventable, the attached urgency Ordinance No. 1075 is designed to provide an immediate enforcement tool to Menlo Park authorities which can hold those endangering our public directly accountable, and the attached first reading of a regular fireworks Ordinance No. 1076 will provide for the City’s ability to continue to enforcing this accountability in the future.

Analysis
Historically, police and fire officials responding to and proactively encountering fireworks complaints have had limited authority for enforcement based on State Codes. However, the Health and Safety Code does allow for individual jurisdictions to create our own ordinances to streamline the accountability process. The urgency Ordinance No. 1075 and regular fireworks Ordinance No. 1076 provide the City of Menlo Park with a local
tool to protect our community and hold accountable those who may endanger it. Penalties pursuant to this new authority include nuisance abatement authority pursuant to existing Municipal Code Chapter 8.04, fine of $1000, and misdemeanor criminal penalties of fine and imprisonment. The ordinance also allows civil collection to recover expenses from city resources utilized to respond to repeated violations.

There are two components to this measure – first, an urgency ordinance is needed to provide immediate enforcement tools in advance of this coming July Fourth holiday – an ability to cite violators of this ordinance for the sale or use (firing, discharging or burning) of fireworks, and to provide a civil remedy to reimburse costs for any response required for a second or subsequent violation of the ordinance. Second, adoption of a regular ordinance is needed to ensure an enduring ability to enforce against this potentially dangerous activity for subsequent fireworks seasons to come.

**Impact on City Resources**
Expenses for the training of personnel in new enforcement options, and any accompanying administrative needs to facilitate such enforcement can be absorbed by existing budget.

**Environmental Review**
This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061 (b)(3) as it will not result in any direct or indirect physical change in the environment.

**Public Notice**
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**
A. Urgency Ordinance No. 1075 – Fireworks
B. Regular fireworks Ordinance No. 1076

Report prepared by:
David Norris. Chief of Police
ORDINANCE NO. 1075

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK PROHIBITING FIREWORKS AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, dangerous and unregulated fireworks are a health and safety concern to all members of the Menlo Park community and their visitors; and

WHEREAS, thousands of injuries are caused by fireworks across this country every year; and

WHEREAS fireworks can cause significant anxiety in adults and children, especially veterans and others with post-traumatic stress, as well as pets; and

WHEREAS, fireworks also pose a serious risk of fire under conditions that continue to demonstrate extraordinary risk of damaging fire, in the wake of a year that saw significant damage from wildfire in the immediate region, with predicted continued weather and low moisture conditions in the future continuing that risk according to Cal Fire; and

WHEREAS, there is a demonstrated need for enforcement tools with which emergency responders can hold those posing a significant risk to public health and safety through the possession and detonation of fireworks in this city; and

WHEREAS, historically, Menlo Park has seen increased instances of use of fireworks in the summer months and specifically on and around the Fourth of July holiday; and

WHEREAS, recent data from the US Consumer Product Safety Commission showed that over 70% of the fireworks-related emergency room visits in 2019 occurred during the weeks immediately preceding the Fourth of July Holiday Weekend; and

WHEREAS, with the Fourth of July holiday approaching, the serious risk of fire conditions that are present in Menlo Park and surrounding communities, and the serious risk of fireworks-related injuries stemming from increased use of fireworks, there is an urgent and immediate need to prohibit all fireworks within the City in order to protect the threat to public health, safety and welfare; and

WHEREAS, this Ordinance is temporary and not a general ordinance in force required to be codified;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

SECTION 1. Declaration of Threat to Public Health, Safety, and Welfare Necessitating Urgency Ordinance

The City Council of the City of Menlo Park hereby finds and declares that there is a current and immediate threat to the public health, safety and welfare and a need for the immediate preservation of the public health and safety that warrants this urgency ordinance, which finding and declaration is based upon the facts, findings, and declarations stated in the recitals of this Ordinance, and all oral and written testimony presented at the June 8, 2021-Menlo Park City Council Meeting.
SECTION 2. Title

This Ordinance shall be known as the “Fireworks Ordinance.”

SECTION 3. Term

This Ordinance shall become effective immediately on June 8, 2021 upon its adoption by a 4/5 vote of the City Council of the City of Menlo Park pursuant to section 36937(b) of the California Government Code and shall remain in effect until Ordinance No. 1075 entitled “Fireworks Ordinance,” which Ordinance was approved upon first reading at the June 8, 2021 becomes effective. Once Ordinance No. 1076 becomes effective, this urgency ordinance shall have no further force and effect.

SECTION 4. Fireworks Prohibited

(a) Fireworks” means and includes:

(1) Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, whether manufactured, homemade or improvised;

(2) Fireworks classified by the State Fire Marshal as "dangerous fireworks" and as "safe and sane fireworks" pursuant to Health and Safety Code Sections 12561 and 12562;

(3) Any pyrotechnic devices for which the State Fire Marshal requires a license to manufacture, sell, transport or operate; and

(4) Firecrackers, torpedoes, skyrockets, roman candles, cherry bombs, sparklers, chasers, snakes or other fireworks of like or similar construction and any fireworks containing any explosive or flammable compound or substance and any device containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "firework" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps.

(b) Sale and Use of Fireworks Prohibited

(1) It is unlawful to sell or offer for sale fireworks of any kind or nature in the city.

(2) It is unlawful to fire, discharge, burn or use fireworks of any kind or nature within the city.

(3) Should the provisions of this section conflict with the provisions of any other ordinance or city code section of the city, the provisions of this chapter shall prevail.
(c) Enforcement

(1) The Chief of Police or his/her designee shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter.

(2) Violation of this chapter shall be deemed a public nuisance and may be abated pursuant to Chapter 8.04 of this Code. Additionally, the City may bring a civil action against the violator of this Chapter to abate, enjoin, or otherwise compel the cessation of the violation of any provision of this Chapter.

(3) Administrative Citation. Upon identification of a violation of this Chapter, any enforcement officer may issue an administrative citation or a notice of violation. The administrative fine shall be one thousand dollars ($1,000) for each citation issued to any person who violates this Chapter.

(4) Misdemeanor. In addition to the penalties described above, any person who violates this Chapter shall also be guilty of a misdemeanor punishable by a fine of not more than $1,000.00, imprisonment in the County Jail for a period not exceeding six months, or both, if the violation:

(a) Is a substantial factor in causing harm to persons or property; and

(b) Causes serious bodily injury to persons, defined as the serious impairment of physical condition, and may include, without limitation, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and/or serious disfigurement; and/or

(c) Causes damage to real or physical property in excess of $1,000.00.

(5) Non-exclusivity of Penalties. The penalties set forth herein are not intended to be exclusive of other penalties and remedies and are intended to be in addition to any other remedies provided in this Code or any other law, statute, ordinance or regulation, including, without limitation, the California Health and Safety Code or California Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of fireworks.

(6) Response costs. Any person who has been issued a second administrative citation and/or written notice of violation under this Chapter within any 12-month period may, in addition to the penalties provided for in this Chapter 5.28, also be held liable for response costs incurred in responding to a violation of this Chapter 5.28. All violators shall be jointly and severally liable for the response costs incurred.
(7) Payment of Fines and Costs.

(a) All administrative fines and/or response costs shall be paid to the City within 30 days from the date of service of the citation, unless the person charged in the citation requests a hearing as set forth below in Section 5.28.070(i).

(b) Payment of a fine and/or response costs under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

(8) Appeal/Hearing Request.

(a) Any recipient of an administrative citation may contest that there was a violation of this Chapter 5.28 or that he or she is liable for the violation by requesting an appeal hearing within 30 days from the date of service of the citation. The contesting party shall identify the date and location of the alleged violation and indicate in the appeal that he or she is requesting a hearing. The appealing party shall attach a copy of the citation to the appeal.

(b) The person requesting the appeal hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

(c) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, a copy of such report also shall be served on the person requesting the hearing at least five days before the date of the hearing.

(d) The City Manager, or designee(s), shall designate the hearing officer for the administrative citation appeal hearing.

(9) Appeal/Hearing Procedure.

(a) A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for appeal hearing is filed in accordance with the provisions of this Chapter.

(b) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(c) The failure of any recipient of an administrative citation to appear at the appeal hearing shall constitute a failure to exhaust administrative remedies.

(d) The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.
(e) The hearing officer may continue the appeal hearing and request additional information from the enforcement officer or the recipient of the administrative citation before issuing a written decision.

(f) After considering all of the testimony and evidence submitted at the appeal hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall set forth in the decision the reasons for that decision. The decision of the hearing officer shall be final. If the hearing officer determines that the administrative citation should be upheld, then the responsible person shall pay the fine amount within 30 days. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

(g) The employment, performance evaluation, compensation, and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

(10) Late Payment Charges.

(a) Unless otherwise provided in this Code, any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before the date that fine is due, shall also be liable for the payment of a late payment charge 10% of the amount of the delinquent fine.

(b) Any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before 30 days after its due date shall also pay a second 10% of the delinquent amount.


(a) The City may collect any past due administrative citation fine or late payment charge by use of all available legal means, including filing a civil lawsuit.

(b) Any person who fails to pay any obligation shall be liable in any action brought by the City for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs, and attorneys’ fees.

(c) Collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the delinquent obligation.

(d) Collection costs imposed under this provision shall be added to and become a part of the underlying obligation.

(12) Right to Judicial Review. Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative
decision by filing a petition for review with the Superior Court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(13) Notices.

(a) The administrative citation required to be given by this Chapter shall be served on the violator in the same manner as summons in a civil action in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. All subsequent notices shall be served by personal delivery or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified at his or her last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

SECTION 5. Severability

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court or competent jurisdiction, such invalidity shall not affect other provisions or clauses or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

SECTION 6. California Environmental Quality Act

The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

PASSED AND ADOPTED as an urgency ordinance of the City of Menlo Park at a regular meeting of said City Council on the eighth day of June, 2021 by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_________________________
Drew Combs, Mayor

ATTEST:

_________________________
Judi A. Herren, City Clerk
ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE MENLO PARK MUNICIPAL CODE BY ADDING CHAPTER
8.57 (FIREWORKS) TO TITLE 8 (PEACE, SAFETY AND MORALS) AND
AMENDING SECTION 5.28.050 (SALE OF CHRISTMAS TREES, PUMPKINS
OR FIREWORKS) OF CHAPTER 5.28 (LICENSE FEES FOR VARIOUS
MISCELLANEOUS BUSINESSES) OF TITLE 5 (BUSINESS LICENSES AND
REGULATIONS) OF THE MENLO PARK MUNICIPAL CODE, AND FINDING
ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

WHEREAS, dangerous and unregulated fireworks are a health and safety concern to all
members of the Menlo Park community and their visitors; and

WHEREAS, thousands of injuries are caused by fireworks across this country every year; and

WHEREAS fireworks can cause significant anxiety in adults and children, especially veterans
and others with post-traumatic stress, as well as pets; and

WHEREAS, fireworks also pose a serious risk of fire under conditions that continue to
demonstrate extraordinary risk of damaging fire, in the wake of a year that saw significant
damage from wildfire in the immediate region, with predicted continued weather and low
moisture conditions in the future continuing that risk according to Cal Fire; and

WHEREAS, there is a demonstrated need for enforcement tools with which emergency
responders can hold those posing a significant risk to public health and safety through the
possession and detonation of fireworks in this city; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO
PARK:

SECTION 1. Adoption of Chapter 8.57 (Fireworks) of Title 8 (Peace, Safety and Morals) of the
Menlo Park Municipal Code

Chapter 5.87 Entitled “Fireworks” is Hereby Adopted and Added to Title 8 (Peace, Safety and
Morals) of the Menlo Park Municipal Code to read as follows:

(a) "Fireworks" means and includes:

(1) Any combustible or explosive composition or any substance or combination of
substances or articles prepared for the purpose of producing a visible or an audible
effect by combustion, explosion, deflagration or detonation, whether manufactured,
homemade or improvised;

(2) Fireworks classified by the State Fire Marshal as "dangerous fireworks" and as "safe
and sane fireworks" pursuant to Health and Safety Code Sections 12561 and 12562;

(3) Any pyrotechnic devices for which the State Fire Marshal requires a license to
manufacture, sell, transport or operate; and
(4) Firecrackers, torpedoes, skyrockets, roman candles, cherry bombs, sparklers, chasers, snakes or other fireworks of like or similar construction and any fireworks containing any explosive or flammable compound or substance and any device containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "firework" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps..

(b) Sale and Use of Fireworks Prohibited

(1) It is unlawful to sell or offer for sale fireworks of any kind or nature in the city.

(2) It is unlawful to fire, discharge, burn or use fireworks of any kind or nature within the city.

(3) Should the provisions of this section conflict with the provisions of any other ordinance or city code section of the city, the provisions of this chapter shall prevail.

(c) Enforcement

(1) The Chief of Police or his/her designee shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter.

(2) Violation of this chapter shall be deemed a public nuisance and may be abated pursuant to Chapter 8.04 of this Code. Additionally, the City may bring a civil action against the violator of this Chapter to abate, enjoin, or otherwise compel the cessation of the violation of any provision of this Chapter.

(3) Administrative Citation. Upon identification of a violation of this Chapter, any enforcement officer may issue an administrative citation or a notice of violation. The administrative fine shall be one thousand dollars ($1,000) for each citation issued to any person who violates this Chapter.

(4) Misdemeanor. In addition to the penalties described above, any person who violates this Chapter shall also be guilty of a misdemeanor punishable by a fine of not more than $1,000.00, imprisonment in the County Jail for a period not exceeding six months, or both, if the violation:

(a) Is a substantial factor in causing harm to persons or property; and

(b) Causes serious bodily injury to persons, defined as the serious impairment of physical condition, and may include, without limitation, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and/or serious disfigurement; and/or

(c) Causes damage to real or physical property in excess of $1,000.00.
(5) Non-exclusivity of Penalties. The penalties set forth herein are not intended to be exclusive of other penalties and remedies and are intended to be in addition to any other remedies provided in this Code or any other law, statute, ordinance or regulation, including, without limitation, the California Health and Safety Code or California Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of fireworks.

(6) Response costs. Any person who has been issued a second administrative citation and/or written notice of violation under this Chapter within any 12-month period may, in addition to the penalties provided for in this Chapter 5.28, also be held liable for response costs incurred in responding to a violation of this Chapter 5.28. All violators shall be jointly and severally liable for the response costs incurred.

(7) Payment of Fines and Costs.

(a) All administrative fines and/or response costs shall be paid to the City within 30 days from the date of service of the citation, unless the person charged in the citation requests a hearing as set forth below in Section 5.28.070(i).

(b) Payment of a fine and/or response costs under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

(8) Appeal/Hearing Request.

(a) Any recipient of an administrative citation may contest that there was a violation of this Chapter 5.28 or that he or she is liable for the violation by requesting an appeal hearing within 30 days from the date of service of the citation. The contesting party shall identify the date and location of the alleged violation and indicate in the appeal that he or she is requesting a hearing. The appealing party shall attach a copy of the citation to the appeal.

(b) The person requesting the appeal hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

(c) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, a copy of such report also shall be served on the person requesting the hearing at least five days before the date of the hearing.

(d) The City Manager, or designee(s), shall designate the hearing officer for the administrative citation appeal hearing.
(9) Appeal/Hearing Procedure.

(a) A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for appeal hearing is filed in accordance with the provisions of this Chapter.

(b) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(c) The failure of any recipient of an administrative citation to appear at the appeal hearing shall constitute a failure to exhaust administrative remedies.

(d) The administrative citation and any additional report submitted by the enforcement officer shall constitute \emph{prima facie} evidence of the respective facts contained in those documents.

(e) The hearing officer may continue the appeal hearing and request additional information from the enforcement officer or the recipient of the administrative citation before issuing a written decision.

(f) After considering all of the testimony and evidence submitted at the appeal hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall set forth in the decision the reasons for that decision. The decision of the hearing officer shall be final. If the hearing officer determines that the administrative citation should be upheld, then the responsible person shall pay the fine amount within 30 days. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

(g) The employment, performance evaluation, compensation, and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

(10) Late Payment Charges.

(a) Unless otherwise provided in this Code, any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before the date that fine is due, shall also be liable for the payment of a late payment charge 10% of the amount of the delinquent fine.

(b) Any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before 30 days after its due date shall also pay a second 10% of the delinquent amount.

(a) The City may collect any past due administrative citation fine or late payment charge by use of all available legal means, including filing a civil lawsuit.

(b) Any person who fails to pay any obligation shall be liable in any action brought by the City for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs, and attorneys’ fees.

(c) Collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the delinquent obligation.

(d) Collection costs imposed under this provision shall be added to and become a part of the underlying obligation.

(12) Right to Judicial Review. Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(13) Notices.

(a) The administrative citation required to be given by this Chapter shall be served on the violator in the same manner as summons in a civil action in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. All subsequent notices shall be served by personal delivery or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified at his or her last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

SECTION 2. Amendment to Section 5.28.050 (Sale of Christmas trees, pumpkins or fireworks) of Chapter 5.28 (License Fees for Various Miscellaneous Businesses) of Title 5 (Business Licenses and Regulations) of the Menlo Park Municipal Code

Section 5.28.050 (Sale of Christmas trees, pumpkins or fireworks) of Chapter 5.28 (License Fees for Various Miscellaneous Businesses) of Title 5 (Business Licenses and Regulations) of the Menlo Park Municipal Code is hereby amended to read as follows (deletions in strikethrough, additions in underline):
(a) Where Christmas trees, or pumpkins or fireworks are sold from a fixed place of business in the city, the license fee to carry on and maintain the business and use licensed at the location at which it is proposed to sell the above items shall be fifty dollars per year.

(b) The licensee shall furnish a cash deposit or bond in the sum of one hundred dollars. The conditions of the deposit or bond shall be determined by the license collector when the license is issued.

(c) The term "Christmas trees," as used in this section, means Christmas trees, garlands and wreaths only, and shall not include ornaments, toys, light bulbs, Christmas tree lights or strings of lights and shall not include candies, fruits, novelties or other merchandise.

(d) Charity or eleemosynary organizations or institutions shall pay twenty-five dollars, and no bond will be required; provided, that a responsible person of the organization or institution guarantees compliance to conditions under which a bond would normally be required.

SECTION 3. Severability

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court or competent jurisdiction, such invalidity shall not affect other provisions or clauses or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

SECTION 4. California Environmental Quality Act

The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Menlo Park, California and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

INTRODUCED on the eighth day of June, 2021.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-second day of June, 2021 by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Drew Combs, Mayor

ATTEST:

Judi A. Herren, City Clerk