

**STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: JIM COPSEY, CHIEF OF POLICE/ACTING CITY MANAGER**  
**SUBJECT: DISCUSSION REGARDING THE INTERPRETATION OF GROVER BEACH MUNICIPAL CODE CHAPTER 12, SECTION 3993, REGARDING THE FIREWORK STAND PERMITS**

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**BACKGROUND**

In 2005, the City Council amended the Grover Beach Municipal Code Chapter 12 regarding the permitting and operations of fireworks stands within the City of Grover Beach. As part of that amendment, the Council selected two organizations eligible for the first right of refusal for a stand permit, the Grover Beach Chamber of Commerce and the Grover Beach Police and Fire Associations.

In 2012, the Grover Beach Chamber of Commerce merged with the Arroyo Grande Chamber of Commerce and the organization is now called the "Arroyo Grande & Grover Beach Chamber of Commerce."

**DISCUSSION**

On February 21, 2013, the Council received a letter from Judith Bean, CEO of the Arroyo Grande & Grover Beach Chamber of Commerce, regarding the potential operation and permit of a fireworks stand in the City of Grover Beach. (Attachment 1)

The Grover Beach Municipal Code Chapter 12, Section 3993, (Attachment 2) specifically outlines the number of permits and the organizations eligible to receive those permits. In the past the Grover Beach Chamber of Commerce was one of those associations that received a permit by right and had the first right of refusal. Now the Arroyo Grande & Grover Beach Chamber of Commerce has asked to continue being authorized to operate a fireworks stand by right.

As the language of the Code section is subject to different interpretations, the Council is empowered to make a determination as to whether or not the Arroyo Grande & Grover Beach Chamber of Commerce falls under the Section 3993 as a "by right " recipient of the permit.

Though no longer located within City limits, the Arroyo Grande & Grover Beach Chamber of

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**APPROVED FOR FORWARDING**

  
\_\_\_\_\_  
**ROBERT PERRAULT**  
**CITY MANAGER**

**Please Review for the Possibility of a Potential Conflict of Interest:**

- |  |                                   |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Lee      |
| <input type="checkbox"/> Peterson                            | <input type="checkbox"/> Marshall |
| <input type="checkbox"/> Bright                              | <input type="checkbox"/> Nicolls  |

**Meeting Date: March 4, 2013**

**Agenda Item No. 5**

March 4, 2013

Commerce still relies on the funds raised from operating the fireworks stand for operations, events, and activities that occur specifically in the City of Grover Beach. Staff has spoken to Judith Bean who has confirmed the Chamber is committed to continue using the funds raised from the fireworks sales in Grover Beach to benefit businesses located in Grover Beach.

### **ALTERNATIVES**

The City Council has the following alternatives to consider:

1. Review the Grover Beach Municipal Code Chapter 12, Section 3993 and make the determination to interpret that the Arroyo Grande & Grover Beach Chamber of Commerce has the first right of refusal for one (1) permit.
2. Review the Grover Beach Municipal Code Chapter 12, Section 3993 and provide direction to staff to prepare an amendment for Council consideration to provide that the Arroyo Grande & Grover Beach Chamber of Commerce has the first right of refusal for one (1) permit.
3. Provide other direction to staff.

### **RECOMMENDATION**

It is recommended that the Council review the Grover Beach Municipal Code Chapter 12, Section 3993 and make the determination to interpret that the Arroyo Grande & Grover Beach Chamber of Commerce has the first right of refusal for one (1) permit.

### **FISCAL IMPACT**

No fiscal impact is anticipated.

### **PUBLIC NOTIFICATION**

The agenda was posted in accordance with the Brown Act. A copy of the agenda and this staff report were sent to Judith Bean, President/CEO of the Arroyo Grande & Grover Beach Chamber of Commerce.

### **ATTACHMENT**

1. Letter from Judith Bean, President/CEO, Arroyo Grande & Grover Beach Chamber of Commerce
2. Grover Beach Municipal Code Chapter 12, Section 3993



CITY OF GROVER BEACH

FEB 21 2013

RECEIVED

February 19, 2013

Mayor Debbie Peterson  
City of Grover Beach  
154 South 8<sup>th</sup> Street  
Grover Beach, CA 93433

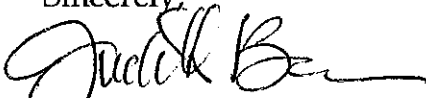
Dear Mayor Peterson and members of the Council:

As you probably know, the Grover Beach Chamber of Commerce has operated a fireworks booth for several years as a fundraiser for the Chamber. The booth was guaranteed each year through an agreement with the City of Grover Beach. However, that agreement stipulated that the Chamber have a physical location within the city limits. Although it is the eventual goal of the newly-merged Chamber to have an office within the city limits, at this time our physical location is in Arroyo Grande.

We would like to respectfully request that the regulations be changed so that the Chamber can continue to operate a fireworks booth in Grover Beach. We see this as not only a good fundraiser, but as an opportunity to meet face-to-face with residents of the community.

If you need further information, please don't hesitate to contact me.

Sincerely,

  
Judith Bean, ACE  
President/CEO

Section 3993. Number of Permits. No association may receive more than one permit for fireworks sales during any one calendar year. No association shall operate more than one fireworks stand under permit during any one calendar year. No more than one permit for every 3,000 people of population in Grover Beach shall be issued by the City in any calendar year. The Grover Beach Chamber of Commerce shall have the right of first refusal for one (1) permit. The Grover Beach Police and Fire Associations shall have the right of first refusal to share one (1) permit. Remaining permits shall be issued per Section 3994 of this Chapter. (Am. Ord. 05-04)

Section 3994. Prerequisites to Issuance of Permit; Selection of Permittee's; and Approval of Locations.

(A) No permit shall be issued except to an applicant who is a non-profit association or corporation organized primarily for veteran, patriotic, welfare, city betterment, religious or charitable purposes, having on file with the City proof of non-profit status from either the IRS, California Secretary of State, or the State Attorney General; and having its principal and permanent meeting place in the City of Grover Beach; and having been organized and established in the City for a minimum of three years continuously preceding the filing of the application for the permit; and having three years continuously preceding the filing of the application for the permit, a track record of providing programs and/or services to residents of the City.

(B) If on the closing date for filing applications for permits there are more applications than the number of permits allowed, the permittees shall be selected by a drawing conducted by the City Clerk or City Clerk's designee.

(C) Prior to the installation of any stand for which a permit has been obtained, the City Clerk or City Clerk's designee shall first submit the proposed location of each stand to the Chief of Police who has the authority to disapprove the location if in the Chief's opinion, a traffic hazard will be created thereby; and to the Fire Chief who has the authority to disapprove the location if in the Chief's opinion the location would pose a fire hazard. (Ord. 97-4; Am. Ord. 05-04)

Section 3995. Financial Statement. (A) Each association granted a permit shall by the 1st of May of the Calendar year after which the permit was issued submit a verified financial statement to the City Clerk or City Clerk's designee showing the total gross receipts, all expenses incurred and paid in connection with the purchase of fireworks and the sale thereof, and to whom and for what purpose the net proceeds were distributed.

(B) Such financial statements shall be made on forms furnished by the City Clerk or City Clerk's designee or photocopied directly from the association's financial report.

(C) The filing of such verified financial statement shall be a condition precedent to the granting of any subsequent permit to any such association. (Ord. 97-4; Am. Ord. 05-04)

Section 3996. Public Discharge Period. Discharge of "safe and sane fireworks" shall only occur from noon on the third of July through midnight on the fifth of July and noon on the thirtieth of December through midnight on the first of January. No person under eighteen (18) years of age may possess or discharge "safe and sane fireworks" except when under the direct supervision of a person twenty-one (21) years of age or older. (Ord. 11-02)