

ORDINANCE NO. 1328

AN ORDINANCE OF THE CITY COUNCIL OF
BALDWIN PARK AMENDING SECTIONS 93.01
AND 93.12 OF THE BALDWIN PARK MUNICIPAL
CODE DEFINING QUALIFYING ORGANIZATIONS
AND REGARDING REPORTS OF REVENUES AND
EXPENSES QUALIFYING ORGANIZATIONS MUST
FILE RELATING TO FIREWORKS

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BALDWIN PARK
DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 93.01 of the Baldwin Park Municipal Code shall be amended to
read as follows:

QUALIFIED ORGANIZATION. Any local nonprofit organization, corporation, association, or group, consisting of ten or more persons organized primarily to support veterans or youths, including through youth sports, which meets at least once quarterly within the city. The majority of the members of the organization must either reside, or be employed by or maintain a business, in the city. To meet this definition, proof the organization is organized primarily to support youths or veterans must be provided prior to being deemed a qualified organization. For a youth organization, such proof shall be in the form of a report consisting of at least one (1) year of complete financial statements demonstrating at least sixty percent (60%) of all gross expenditures for the immediately preceding fiscal year of that organization were spent directly for the support of youths, including through youth sports. For a veteran organization, such proof shall be in the form of a report consisting of at least one (1) year of complete financial statements demonstrating at least sixty percent (60%) of all gross expenditures for the preceding fiscal year of that organization were spent directly for charitable causes supportive of veterans.

SECTION 2. Section 93.12 of the Baldwin Park Municipal Code shall be amended to
read as follows:

§ 93.12 REPORTING OF REVENUES AND EXPENSES.

(A) No later than August 6 of the year for which the permit is applicable, the applicant shall file with the Business License Division a written report (“Sale End Report”), which identifies the revenues and expenses relating to the sale of fireworks conducted during that year and a description of how the applicant intends to spend the revenues remaining after deduction of expenses (the “net proceeds”). Proof the proposed expenditure of the net proceeds has been officially approved by the applicant shall be submitted with the sale end report and could be shown by official minutes of the applicant. The written report required by this subsection shall, at a minimum, include copies of (i) invoices for purchase of the fireworks and (ii) receipts for all expenses.

(B) No later than October 31 of the year in which the sale end report was required to be filed, the applicant shall file, with the Business License Division, a written report showing proof the net proceeds have actually been expended or allocated and of how the net proceeds identified in the applicant's most recent sale end report were actually expended, with proof the expenditure(s) were officially approved by the applicant, which could be shown by official minutes of the applicant. The written report required by this subsection shall, at a minimum, include copies of checks for any contributions made from net proceeds by the applicant showing the checks have been deposited by the payee.

(C) If the applicant fails to comply with subsection (A) of this section, then the Chief Executive Officer shall retain \$250 of the deposit; and unless the applicant can provide sufficient reasons, as reasonably determined by the Chief Executive Officer, why the applicant failed to comply with subsection (A), the applicant will not be able to apply for another permit during the 12-month period immediately following the applicable August 6 deadline.

(D) If the applicant fails to comply with subsection of this section, then the Chief Executive Officer shall assess a fine of \$250 on the applicant. The applicant (i) will not be permitted to apply for another permit or use a permit whose term has not yet expired unless and until that fine is paid in full and (ii) will not be permitted to apply for another permit during the 12-month period immediately following the applicable October 31 deadline, unless the applicant can provide sufficient reasons, as reasonably determined by the Chief Executive Officer, why the applicant failed to comply with subsection (B). The fine may be collected through whatever legal and equitable means are available, including, but not limited to, rescinding a permit, or requesting equitable relief to prevent the applicant from using a permit, whose term may not yet have expired.

(E) The person named pursuant to subsection 93.03(B)(3), shall sign all reports required by this section and certify, under penalty of perjury, each is accurate and complete.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law.

PASSED AND APPROVED ON THE 6th day of May 2009.

MANUEL LOZANO
Mayor

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BALDWIN PARK } ss:

I LAURA M. NIETO, Deputy City Clerk of the City of Baldwin Park, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a special meeting of the City Council of April 29, 2009. That there after said Ordinance was duly approved and adopted at a regular meeting of the City Council on May 6, 2009 by the following vote:

AYES:	COUNCILMEMBERS:	Anthony J. Bejarano, Ricardo Pacheco, Mayor Pro Tem Monica Garcia and Mayor Manuel Lozano
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	Marlen Garcia
ABSTAIN:	COUNCILMEMBERS:	NONE

LAURA M. NIETO, CMC
Deputy City Clerk