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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ADDING CHAPTER 1.18 TO THE RIVERSIDE MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE CITY'S FIREWORKS LAWS AND AMENDING SECTION 1.17.231 OF THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside does ordain as follows:

Section 1: In enacting this ordinance, the City Council finds and takes legislative notice as follows:

- 1. That the Fire Chief has determined that the use, storage, and disposal of fireworks have reached critical proportions in the City of Riverside, thereby, endangering the public safety of its citizens.
- 2. That the use of illegal fireworks in the City is an immediate public peace, health, and safety concern.
- 3. That between July 1, 2015 and July 5, 2015, the Riverside Fire and Police Departments teamed up for citywide patrols to respond to fireworks-related calls. Officers responded to 205 calls and confiscated 620 pounds of fireworks.
- 4. That between July 1, 2016 and July 14, 2016, Riverside Fire and Police Department personnel investigated 160 fireworks incidents and confiscated approximately 800 pounds of fireworks.
- 5. That although fascinating to many children and adults, fireworks can be extremely dangerous. According to the U.S. Consumer Product Safety Commission's June 2015 annual death and injury report on fireworks, approximately 35 percent of fireworks injuries in 2014 occurred to children younger than 15 years of age.
- 6. That fireworks are often stored without safety precautions in residential neighborhoods.
- 7. That fireworks can be disassembled for the explosive powder they contain to make bombs and other explosive devices.
- 8. That fireworks often come from countries where safety regulations for making fireworks are not as stringent as those for fireworks manufactured in the United States.
- 9. That immediate action is needed to increase the penalties for the use and storage of fireworks in the City to deter illegal activities and preserve the public peace, health, safety, and welfare.
- 10. That the imposition of an administrative citation to any person constitutes but one remedy of the City to redress violations of the City's fireworks prohibition. By adopting this ordinance, the City does not intent to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this ordinance which the City may otherwise pursue.
- 11. That fines collected pursuant to this chapter related to "dangerous fireworks" shall be subject to Health and Safety Code Section 12726, which section currently provides that 65 percent of all administrative fines or penalties collected by the City shall be forwarded to the Controller of the State of California for deposit in the State Fire Marshal Fireworks Enforcement and

1 Disposal Fund, as described in Health and Safety Code Section 12728. The remaining 35 percent is
2 to reimburse the City for local public safety expenses, including, but not limited to, the costs for
handling, processing, photographing, and storing seized dangerous fireworks.

3 12. That because of the serious threat of fire or injury posed by fireworks that can
4 result from persistent or repeated failures to comply with the provisions of this ordinance and the
5 City's Fire Code and the effect of such conditions or activities on the safety and the use and
6 enjoyment of surrounding properties and to the public health, safety and welfare, this ordinance
imposes strict civil liability upon the owners of residential real property for all violations of this code
existing on their residential real property. Each contiguous use, display and/or possession shall
constitute a separate violation and shall be subject to a separate administrative fine.

7 13. That this ordinance does not supersede the State Fireworks Law, but is
8 intended to supplement the provisions of Division 11, Part 2, of the Health and Safety Code (State
9 Fireworks Law; Section 12500 et seq.) as well as the administrative regulations adopted pursuant to
that law.

10 Section 2: Chapter 1.18 is added to the Riverside Municipal Code to read as follows:

11 **Chapter 1.18**

12 **ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE CITY'S FIREWORKS**

13 **LAWS.**

14 **1.18.010 Definitions.**

15 **1.18.020 Prohibition, seizure and disposal.**

16 **1.18.030 Special events.**

17 **1.18.040 Penalties.**

18 **1.18.050 Response costs.**

19 **1.18.060 Appeals.**

20 **1.18.010 Definitions.**

21 The following words and phrases shall, for the purposes of this Chapter, have the meanings
22 respectively ascribed to them by this section, as follows:

23 A. "Dangerous fireworks" has the same meaning ascribed to it under the State
24 Fireworks Law.

25 B. "Fire Chief" means the Fire Chief of the City of Riverside or his or her designee.

26 C. "Minor" means a person under the age of eighteen (18) years.

27 D. "Person" means a natural person or a legal entity.

28 E. "Police Chief" means the Police Chief of the City of Riverside or his or her designee.

F. "Property" means any private property including but not limited to a home, yard, or
field, whether or not occupied as a dwelling and whether owned, leased, rented or used with or
without compensation.

1 G. "Pyrotechnic special effects material" means a low explosive material, other than
2 detonating cord, commonly used in motion picture, television, theatrical or group entertainment
production for which a permit from the Chief is required for use or storage.

3 **1.18.020 Prohibition, seizure and disposal.**

4 A. Pursuant to section 16.32.375 of the Riverside Municipal Code, the selling, offer for
5 sale, use, discharge, possession, storage, or transportation of fireworks is prohibited.

6 B. It shall be the duty of the Police Department, Fire Department, and Code
7 Enforcement Division to enforce the provisions of this Chapter. The City Manager may designate
others to enforce this Chapter. Such persons shall be considered "Enforcement Officers" within the
meaning of Chapter 1.17 of this Code.

8 C. The Fire Chief and his or her authorized representatives and the Police Chief and his
9 or her authorized representatives shall have the authority to seize, take, and remove any fireworks.

10 **1.18.030 Special events.**

11 Every person who applies for and receives a permit for special events to use City streets,
12 parks, facilities and services pursuant to Chapter 2.28 of this Code or similar license or approval
required by the City to close a street or otherwise reserve or use a piece of city property shall make
all reasonable efforts necessary to ensure that dangerous fireworks are not used at said event.

13 **1.18.040 Penalties.**

14 A. In addition to any remedy available at law, any person in violation of any provision of
15 this Chapter or Section 16.32.375 of this Code involving 25 pounds or less of fireworks is subject to
the issuance of an administrative citation of one-thousand dollars (\$1,000.00) and a disposal fee as
16 set by the State.

17 B. A person is subject to the issuance of an administrative citation for causing a code
18 violation to occur or allowing a violation to exist or continue, by his or her action or failure to act, or
whose agent, employee or independent contractor causes a violation to occur, or allows a violation to
exist or continue.

19 C. Every parent, guardian or other person, having the legal care, custody or control of
20 any person under the age of 18 years, who knows or reasonably should know that a minor is in
violation of this Chapter, is subject to the issuance of an administrative citation in addition to any
21 that may be issued to the offending minor.

22 D. A person is guilty of a separate offense for each and every day or portion thereof
during which he or she commits, continues, or permits a violation of this chapter.

23 E. Any person, irrespective of age, found in violation of any provision of this chapter
24 may be issued an administrative citation in accordance with the provisions of this Chapter.

25 F. Fines collected pursuant to administrative citations shall be subject to cost
reimbursement to the Office of the State Fire Marshal to the extent mandated by state law.

26 G. Fines collected pursuant to administrative citations shall not subject to Health and
27 Safety Code Section 12706.
28

1 H. Nothing in this chapter shall be intended to limit any of the penalties provided for
2 under the Health and Safety Code, Penal Code, or other sections of this Code with regard any person
3 or entity who possess, keeps, stores, uses, shoots, discharges, sets-off, ignites, explodes,
4 manufactures, sells, offers to sell, or gives away any fireworks.

5 I. Any property owner or person in control of property who has knowledge of a person
6 selling, using, discharging, possessing fireworks, or providing fireworks to a minor on the property
7 owned by such person or under such person's control, shall be in violation of this section.

8 **1.18.050 Response costs.**

9 A. A person who has violated this chapter shall be liable for response costs incurred in
10 responding to the unpermitted sale, offer for sale, use, discharge, possession, storage, or transport of
11 fireworks.

12 B. If a person who violated this chapter is a minor charge, the legal guardian(s) of the
13 minor charge and the minor charge shall be jointly and severally liable for the response costs
14 incurred pursuant to this chapter.

15 C. To incur liability for response costs imposed by this chapter, a person who violates
16 this chapter need not be present at the event that causes the response giving rise to the imposition of
17 response costs.

18 D. Response costs imposed by this chapter are in addition to any other costs that may be
19 recovered under this Code.

20 **1.18.060 Appeals.**

21 A citation issued for failure to comply with the provisions of this section may be appealed to
22 an Administrative Hearing Officer pursuant to procedures established in Chapter 1.17.

23 Section 3: Section 1.17.231 of the Riverside Municipal Code is hereby amended in its
24 entirety to read as follows:

25 **Section 1.17.231 Administrative citation fines for specific violations; assessment and
26 amounts.**

27 A. Due to the significant risks of certain violations to public health, safety and welfare,
28 the amount of fine to be imposed for the following violations of this code and assessed by means of
an administrative citation shall be Five Hundred Dollars (\$500.00) for the first and each subsequent
occurrence of the same type of violation. Notwithstanding this section, the amount of fine to be
assessed by means of an administrative citation may be established by resolution of the City Council.

1. RMC 16.32.020, CFC 107.6; overcrowding.
2. RMC 16.32.020, CFC 307; illegal burning.
3. RMC 16.32.020, CFC 308; open flame/unwanted fire.
4. RMC 16.32.020, CFC 901.2; installing a fire protection system without a permit.
5. RMC 16.32.020, CFC Chapter 23; High Piled Storage.

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 20____, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 20____,
5 by the following vote, to wit:

6 Ayes:

7
8 Noes:

9 Absent:

10 Abstain:

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this _____ day of _____, 20____.

13
14 _____
15 City Clerk of the City of Riverside

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