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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
City's Fire Code and the effect of such conditions or activities on the safety and the use and
5 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
6 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
Fireworks Law; Section 12500 et seq.) as well as the administrative regulations adopted pursuant to
that law.

9
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 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
respectively ascribed to them by this section, as follows:

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

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

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

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

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

28 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
3 production for which a permit from the Chief is required for use or storage.

4 **1.18.020 Seizure and disposal.**

5 A. It shall be the duty of the Police Department, Fire Department, and Code
6 Enforcement Division to enforce the provisions of this Chapter. The City Manager may designate
7 others to enforce this Chapter.

8 B. 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 The Fire Chief and his or her authorized representative and the Police Chief and his or her
11 authorized representative may charge any person whose fireworks are seized pursuant to this section
12 a disposal fee to cover the cost of transporting, storing, handling, and disposing of the seized
13 fireworks.

14 **1.18.030 Special events.**

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

19 **1.18.040 Penalties.**

20 A. In addition to any remedy available at law, any person in violation of any provision of
21 this Chapter or Section 16.32.375 of this Code involving 25 pounds or less of fireworks is subject to
22 the issuance of an administrative citation of not less than one-thousand dollars (\$1,000.00) and a
23 disposal fee of up two-hundred fifty dollars (\$250.00).

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

28 C. Every parent, guardian or other person, having the legal care, custody or control of
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
that may be issued to the offending minor.

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.

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

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.

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

H. Nothing in this chapter shall be intended to limit any of the penalties provided for
under the Health and Safety Code, Penal Code, or other sections of this Code with regard any person

1 or entity who possess, keeps, stores, uses, shoots, discharges, sets-off, ignites, explodes,
2 manufactures, sells, offers to sell, or gives away any fireworks.

3 **1.18.050 Response costs.**

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

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

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

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

15 **1.18.060 Appeals.**

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

18 Section 3: Chapter 1.17.231 of the Riverside Municipal Code is amended to read as
19 follows:

20 **Section 1.17.231 Administrative citation fines for specific violations; assessment and
21 amounts.**

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

27 ~~1. RMC 16.32.100 Manufacturing, possession, storage, sale, use and handling of
28 fireworks.~~

12. RMC 16.32.020, CFC 107.6; overcrowding.

23. RMC 16.32.020, CFC 307; illegal burning.

34. RMC 16.32.020, CFC 308; open flame/unwanted fire.

45. RMC 16.32.020, CFC 901.2; installing a fire protection system without a permit.

56. RMC 16.32.020, CFC Chapter 23; High Piled Storage.

26 Section 4: If any provision of this ordinance or the application thereof to any persons or
27 circumstances is held invalid, the remainder of the ordinance and the application of such provision to
28 other persons or circumstances shall not be affected thereby.

Section 5: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3), 15061(b)(3), and 15301(c) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment, or have a significant impact on the environment.

Section 6: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its

Section 7: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 8: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 20____.

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

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 _____
City Clerk of the City of Riverside

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