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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 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  
respectively ascribed to them by this section, as follows:

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

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

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

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

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

27 F. "Property" means any private property including but not limited to a home, yard, or  
28 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  
set by the State.

16 B. A person is subject to the issuance of an administrative citation for causing a code  
17 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  
18 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  
that may be issued to the offending minor.

21 D. A person is guilty of a separate offense for each and every day or portion thereof  
22 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.

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.

Section 4: If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, the remainder of the ordinance and the application of such provision to 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

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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