

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY AMENDING CATHEDRAL CITY MUNICIPAL CODE CHAPTER 5.80 “SALE AND DISCHARGE OF SAFE AND SANE FIREWORKS” RELATED TO ENFORCEMENT PROCEDURES AND FINES

WHEREAS, pursuant to CCCMC Section 5.80.110, it is unlawful to discharge or cause to be discharged within the City limits any fireworks not designated by the state as “Safe and Sane” fireworks, in violation of any provision of Chapter 5.80 of the CCCMC; and

WHEREAS, currently Section 5.80.150 “Administrative Citation” establishes the City may issue an administrative citation, pursuant to Chapter 13.58 of the Cathedral City Municipal Code, to any person responsible for committing, causing or maintaining the subject violation; and

WHEREAS, currently Section 5.80.160 “Administrative Fine” of the CCMC establishes that the City can impose administrative fines for the discharge of any fireworks not designated as “Safe and Sane” within the City limits; and

WHEREAS, in-order-to further deter the discharge of any fireworks not designated as “Safe and Sane” within the City limits, the Council desires to increase the amount of the fines imposed for violations and hold owners, lessees, or persons in lawful possession of the property on which the violation occurred responsible; and

WHEREAS, the City Council finds the passage of this Ordinance amendment is in the best interest of public health, safety and welfare.

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

SECTION 1: Amendment of Section 5.80.150.

Section 5.80.150 of the Code is amended to read as follows, with additions shown in italics:

“Section 5.80.150. Administrative Citation.

- A. In lieu of issuing an infraction citation, the City may issue an administrative citation, pursuant to Chapter 13.58 of the Cathedral City Municipal Code, to any person responsible for committing, causing or maintaining the subject violation *and to any person who*

owns, leases or is otherwise in lawful possession of the property on which any person commits, causes, or maintains the subject violation.

- B. Nothing in this section shall preclude the City from also issuing an infraction citation upon the occurrence of the same subject offense on a separate day.

SECTION 2: Amendment of Section 5.80.160.

Section 5.80.160 of the Code is amended to read as follows, with additions shown in italics and deletions shown in strikethrough:

“Section 5.80.160. Administrative Fine.

Any person issued an administrative citation under this Chapter, for each separate violation, shall be subject to a fine as follows: (a) an administrative fine in an amount not to exceed one thousand dollars (\$1,000.00) for the first violation; (b) an administrative fine in an amount not to exceed two thousand dollars (\$2,000.00) for a second violation of the same offense within a twelve (12) month period of the date of the first offense; and (c) an administrative fine in an amount not to exceed three thousand dollars (\$3,000.00) for a third and any subsequent violation of the same offense within a twelve (12) month period of the date of the first offense.

SECTION 3: Addition of Section 5.80.180.

Section 5.80.180 of the Code is added to the Code to read as follows:

“Section 5.80.180. Enforcement.

The Fire Chief is authorized to enforce the provisions of this Chapter pursuant to Title 13 of this Code.”

Section 4. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action of competent jurisdiction or by reason of any preemptive legislation, the remaining provision, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 5. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to amend the City's Bail Schedule to conform to the revised penalty and fine provisions established by this ordinance and to cause such amended Bail Schedule to be filed with the local branches of the Superior Court of the County of Riverside.

Section 6. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

Section 7. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2018 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Stan Henry, Mayor

ATTEST:

Gary Howell, City Clerk

APPROVED AS TO FORM

Eric Vail, City Attorney