ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF REDWOOD CITY AMENDING CHAPTER 12 OF THE REDWOOD CITY CODE REGARDING FIRE PREVENTION TO ADD AN ARTICLE III REGARDING FIREWORKS

WHEREAS, Chapter 12 of the Redwood City Code governs fire prevention; and

WHEREAS, the City Council now desires to add an Article III to Chapter 12 of the Redwood City Code to address fireworks regulation specifically; and

WHEREAS, the City Council of the City of Redwood City is the decision-making body for this Ordinance.

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

SECTION 1. The foregoing recitals are true and correct and constitute the findings in this matter.

SECTION 2. Article III “Fireworks” of Chapter 12 “Fire Prevention” of the Redwood City Code is added to read as follows:

Article III. - FIREWORKS

Sec. 12.31. - DEFINITIONS:

The most current adopted definitions set forth in the State Fireworks Law (California Health and Safety Code Sections 12500 et seq.) will define the terms used in this Article unless otherwise modified herein.

A. “Dangerous fireworks” means any fireworks specified as such in Section 12505 of the California Health and Safety Code, including any safe and sane fireworks altered in a manner such that they fall within the definition of dangerous fireworks.

B. “Safe and sane fireworks” means any fireworks specified as such in Section 12529 of the California Health and Safety Code.

C. “Social host” means any of the following:

1. Any owner of private property as listed on the most recent assessment roll;
2. Any person who has the right to use, possess or occupy a public or private property under a lease, permit, license, rental agreement, or contract; or

3. Any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property.

D. “Strictly liable” means liability for a wrongful act irrespective of such person’s intent, knowledge, negligence or lack thereof in committing the wrongful act.

Sec. 12.32. - GENERAL PROHIBITION AGAINST IGNITION, USE, DISCHARGE, OR DISPLAY OF DANGEROUS FIREWORKS:

No person shall ignite, use, discharge, or display any dangerous fireworks within the City without a permit issued by the Fire Chief or their designee pursuant to Section 12640 of the California Health and Safety Code.

Sec. 12.33. - GENERAL PROHIBITION AGAINST IGNITION, USE, DISCHARGE, OR DISPLAY OF SAFE AND SANE FIREWORKS:

No person shall ignite, use, discharge, or display any safe and sane fireworks within the City.

Sec. 12.34. - STRICT LIABILITY FOR UNLAWFUL IGNITION, USE, DISCHARGE OR DISPLAY OF FIREWORKS BY ANOTHER PERSON:

A. Ignition, use or discharge by minors: Any person having the care, custody or control of a minor shall be strictly liable for any unlawful ignition, use, discharge or display of dangerous fireworks or safe and sane fireworks in violation of Sections 12.32-12.33.

B. Social host liability: Any social host shall be strictly liable for any unlawful ignition, use, discharge or display of any dangerous fireworks or safe and sane fireworks in violation of Sections 12.32-12.33 at their property or gathering; except that:

1. No owner of private property shall be liable under this Subsection B for a violation of Sections 12.32-12.33 on that property if the owner can demonstrate that at the time of such violation they (i) had rented or leased the property to another, (ii) was not present, and (iii) had no prior knowledge of the violation.

2. No person who has the right to use, possess or occupy a unit in a multifamily residential property under a lease, rental agreement or contract shall be liable under this Subsection B for violations of Sections 12.32-12.33 occurring in the common areas of the property.
3. Nothing in this Subsection B shall limit the liability of any social host for a violation of Sections 12.32-12.33 of this Article by the social host.

Sec. 12.35. - PENALTIES FOR VIOLATIONS:

A. Any violations of Sections 12.32-12.33 of this Article are hereby declared to be punishable by administrative citations established for violations of Section 12.25 of this Chapter, as established by Resolution No. 15657, and as may be amended from time to time.

B. Causing, permitting, aiding, abetting or concealing a violation of Sections 12.32-12.33 of this Article shall also constitute a violation.

C. The remedies provided by this Article are cumulative and in addition to any other remedy available at law or in equity.

Sec. 12.36. - CONCURRENT AUTHORITIES:

This Article is not the exclusive regulation for fireworks within the City. This Article shall supplement and be in addition to the other regulatory codes, statutes, regulations and ordinances heretofore and hereinafter enacted by the City of Redwood City, the State of California, or any other legal entity or agency having jurisdiction. Where allowed by law, this Article supersedes any conflicting provision of the California Fire Code and Building Code.

SECTION 3. If any section, paragraph, sentence or word of this Ordinance or of the Redwood City Code hereby adopted should for any reason, be found invalid, it is intended that all other portions of this Ordinance independent of any such portion as may be declared invalid shall be valid.

SECTION 4. The adoption of this Ordinance is categorically exempt from CEQA pursuant to Section 15061(b) (3), as it is not a project which has the potential for causing a significant effect on the environment.

SECTION 5. This Ordinance shall take effect and be in force thirty days after adoption.

SECTION 6. The City Clerk shall publish this Ordinance in accordance with the provisions of the City Charter.