

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.4
(ID # 15060)

MEETING DATE:
Tuesday, April 27, 2021

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Ordinance No. 858.2 - Introduction of Amendment to Ordinance No. 858 Prohibiting Illegal Fireworks; and Approve and Direct the Auditor-Controller to make the budget adjustments on the attached Schedule A., All Districts. [Total Cost - \$100,000; General Fund Contingency 100%] 4/5th Vote Required

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, read title and waive further reading of, and adopt on successive weeks amendment to Ordinance No. 858, an Ordinance of the County of Riverside prohibiting illegal fireworks; and
2. Approve and direct the Auditor-Controller to make the budget adjustments on the attached Schedule A.

ACTION: 4/5 Vote Required, Policy

Juan C. Perez, Chief Operating Officer

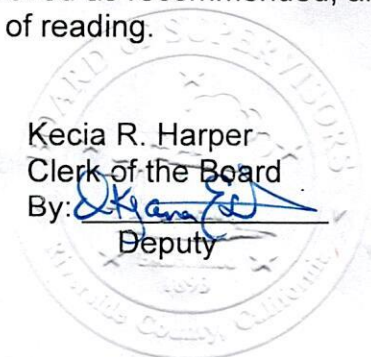
4/21/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: April 27, 2021
xc: EO, Auditor, COB

Kecia R. Harper
Clerk of the Board
By:
Deputy



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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 100,000	\$ 0	\$ 100,000	\$ 0
NET COUNTY COST	\$ 100,000	\$ 0	\$ 100,000	\$ 0
SOURCE OF FUNDS: Contingency Funds – 100%			Budget Adjustment:	Yes
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On July 14, 2020 (Agenda Item 3.1), the Board of Supervisors directed the Executive Office to work with the County Fire Chief and County Fire Marshall to identify options for increased enforcement of illegal and dangerous fireworks, including potentially increased penalties and fines, as well as identify areas or locations where the sale and use of California legal "Safe and Sane" fireworks might be appropriate, and what amendments might be necessary to county ordinances to permit them.

The Executive Office convened a working group with representatives from County Fire, the Sheriff Department, Code Enforcement, and County Counsel, and is recommending an amendment to Ordinance No. 858 with changes to include:

- Allowance for the sale and use of Safe and Sane Fireworks on the Fourth of July by permit at authorized county site designated by the Fire Chief.
- Addition of property owner liability which authorizes enforcement against property owner or person in charge of property where a fireworks violation is occurring, even if the property owner is not the specific person engaging in the behavior.
- Addition of Administrative Civil Penalty which authorizes a civil penalty for violation of one thousand dollars (\$1,000) for the first offense, two thousand dollars (\$2,000) for the second offense within thirty-six (36) months, and five thousand dollars (\$5,000) for each subsequent offense within thirty-six (36) months. Violators would have the ability to appeal the administrative citation.

With the Fourth of July fast approaching, the changes to the ordinance are intended to discourage the use of illegal and dangerous fireworks while allowing for limited sale and use of Safe and Sane fireworks where appropriate, at a County site that can be properly set up and monitored for their safe use.

The Code Enforcement Department will work in conjunction with the Sheriff and Fire Departments for the issuance of the civil penalties included in this ordinance. The estimated cost for Code Enforcement to ramp up staffing using overtime for a period before and through July 4th is approximately \$30,000. The anticipated cost was not previously budgeted and will require a new commitment from the general fund contingency in the current fiscal year. An

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advertising campaign is planned to educate residents on the dangers of fireworks and the penalties for violation of the ordinance. The messaging campaign will include billboards and a Public Service Announcement that will include collaboration with all stakeholders. The estimated cost of \$70,000 for the messaging campaign was not previously budgeted and will require a new commitment from the general fund contingency in the current fiscal year. These estimated costs will be defrayed to the extent possible from any revenue collected from the violations.

Residents can visit the Riverside County Sheriff's Department's website at <https://www.riversidesheriff.org/FormCenter/Crime-6/Crime-Tips-48> to report the use of illegal firework within Unincorporated Riverside County.

Impact on Residents and Businesses

In 2020, the Sheriff and Fire Departments responded to multiple complaints regarding persons setting off fireworks in the weeks leading up to and following the Fourth of July holiday. The massive display of illegal fireworks lasted for days and were responsible for multiple fires and overwhelmed the county's 911 system causing delays in critical responses to calls for help and stretching fire resources beyond their limits. The amendment to the ordinance will increase the penalties and fines for violators, which is expected to lead to decreased use of illegal fireworks, thereby making our communities safer.

ATTACHMENT:

- A. Ordinance No. 858.2**

SCHEDULE A. BUDGET ADJUSTMENT FY 20/21

Decrease appropriations:

10000-1109000000-581000	Appropriation for contingencies	\$100,000
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Anticipated increase of unassigned fund balance:

10000-1109000000-370100	Unassigned fund balance	\$100,000
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Increase appropriations:

10000-3140100000-523230	Miscellaneous Expense	\$30,000
10000-2700200000-523230	Miscellaneous Expense	\$70,000
	Total	\$100,000

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Anticipated use of unassigned fund balance:

10000-3140100000-370100	Unassigned fund balance	\$30,000
10000-2700200000-370100	Unassigned fund balance	\$70,000


Misley Wang, Supervising Accountant 4/21/2021


Cheryl Williams 4/21/2021


Gregory Priarios, Director County Counsel 4/15/2021

Boydd, April

From: Supervisor Jeffries - 1st District
Sent: Tuesday, April 27, 2021 8:39 AM
To: COB
Subject: FW: New Form Content Email Subject By DNNSmart Super Form

Please add to record

From: RCIT-WebSupport@rivco.org <RCIT-WebSupport@rivco.org>
Sent: Monday, April 26, 2021 6:12 PM
To: Supervisor Jeffries - 1st District <district1@RIVCO.ORG>
Subject: New Form Content Email Subject By DNNSmart Super Form

Contact us

Your Name * Nancy Sheets

Email Address * nancysheets@hotmail.com

Phone Number 9617899417

Subject Fireworks

Message * Just read the article about the discussion on fireworks that will be introduced tomorrow to the Board. I am hoping that enforcement of the use of illegal fireworks will be done year round rather than just focusing on the Fourth of July. We have had fireworks go off all throughout the year. Noticed on the Nextdoor site in our area there was a large firework that went off this last weekend.

It is unsettling to hear and feel them, cause lots of problems for people and animals, and is a fire danger.

Thank you.W

1 ORDINANCE NO. 858.2

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 858

4 PROHIBITING FIREWORKS

5
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. A new subsection c. is added to Section 2. of Ordinance No. 858 to read as
8 follows:

9 “c. ENFORCEMENT OFFICER shall mean the SHERIFF, the Transportation
10 and Land Management Agency Director, Building Official, Code Enforcement Official, County Counsel,
11 District Attorney, or FIRE CHIEF and their designees.

12 Section 2. Existing subsections c., d., e., f., g., h., i., j., and k. of Section 2 of Ordinance
13 No. 858 are relettered d., e., f., g., h., i., j., k., and l., respectively.

14 Section 3. Section 3. of Ordinance No. 858 is amended to read as follows:

15 “SECTION 3. PROHIBITION.

16 a. GENERAL. No person shall have in his possession, or keep, store,
17 use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or
18 transport any FIREWORKS, DANGEROUS FIREWORKS, or SAFE AND SANE
19 FIREWORKS, except as set forth below in Section 5 entitled “EXCEPTIONS”.

20 b. No property owner or person in control of property shall allow a person to
21 possess, keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell,
22 offer to sell, give or transport FIREWORKS, DANGEROUS FIREWORKS, or
23 SAFE AND SANE FIREWORKS on the property owned by such property owner,
24 or on property under the person’s control.

25 c. MANUFACTURING PROHIBITED. The manufacturing of FIREWORKS,
26 DANGEROUS FIREWORKS, or SAFE AND SANE FIREWORKS is prohibited
27 except under special permits as required by local and state regulations by the Fire
28 Chief and the Sheriff.

1 AGRICULTURAL and WILDLIFE FIREWORKS or for use in a PUBLIC
2 DISPLAY of FIREWORKS pursuant to a permit obtained under provision of Section
3 12640-12654 of the Health and Safety Code, Riverside County Fire Code (Riverside
4 County Ordinance No. 787) and this Ordinance.

5 Section 5. Section 6 of Ordinance No. 858 is amended to read as follows:

6 “SECTION 6. SEIZURE AND DISPOSAL.

7 a. It shall be the duty of the ENFORCEMENT OFFICER and his
8 authorized representatives to enforce the provisions of this Ordinance.

9 b. The ENFORCEMENT OFFICER and his authorized representatives
10 shall have the authority to seize, take, and remove any FIREWORKS,
11 DANGEROUS FIREWORKS, and SAFE AND SANE FIREWORKS. The
12 ENFORCEMENT OFFICER and his authorized representative may charge any
13 person whose fireworks are seized pursuant to this section a reasonable amount
14 which is sufficient to cover the cost of transporting, storing, handling, and disposing
15 of the seized fireworks.

16 c. The additional remedies and procedures for recovery of costs related
17 to enforcement of violations provided for in Ordinance No. 725 are incorporated
18 herein by reference.”

19 Section 6. Section 7 of Ordinance No. 858 is amended to read as follows:

20 “SECTION 7. PENALTIES.

21 a. Misdemeanor Penalty. Any person who violates any provision of
22 this Ordinance is guilty of a misdemeanor, and upon conviction shall be punished
23 by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the
24 county jail for not exceeding one year, or by both. Upon any second or subsequent
25 conviction of the offense, the person shall be punished by the penalties of a fine of
26 one thousand dollars (\$1,000) and by imprisonment in the county jail for one year.

27 b. Property Owner Liability. Any property owner or person in control
28 of property who allows a person, including a minor, to possess, keep, store, use,

1 process set forth in Section 8 of this Ordinance, as provided in Government Code
2 section 53069.4, or may be imposed by the court if the violation requires court
3 enforcement without an administrative process.

4 e. Acts, omissions, or conditions in violation of this Ordinance that
5 continue, exist, or occur on more than one day constitute separate violations on each
6 day. Violations continuing, existing, or occurring on the service date, the effective
7 date, and each day between the service date and the effective date are separate
8 violations. A person is guilty of a separate offense for each and every day or portion
9 thereof during which he or it commits, continues, or permits a violation of this
10 Ordinance.”

11 Section 7. A new Section 8 is added to Ordinance No. 858 to read as follows:

12 “SECTION 8. APPEAL OF ADMINISTRATIVE CIVIL PENALTIES.

13 a. Notice of Appeal. The recipient of an administrative citation may appeal its
14 validity by filing a written notice of appeal with the County Department that issued
15 the administrative citation. The written notice of appeal must be filed within twenty
16 (20) calendar days of service of the administrative citation. The notice of appeal shall
17 be accompanied by either an advance deposit of the administrative civil penalty
18 imposed in the administrative citation or a request for advance deposit hardship
19 waiver as set forth below. Failure to properly file a written notice of appeal within
20 this time period shall constitute a waiver of the right to appeal the administrative
21 citation. The notice of appeal shall be submitted on a form provided by the County
22 Department that issued the administrative citation and shall contain the following
23 information: (1) a brief statement setting forth the appellant’s interest in the
24 proceedings; (2) a brief statement of the material facts which the appellant claims
25 support a contention that no violation exists and that no administrative civil penalty
26 should be imposed or that an administrative civil penalty of a different amount is
27 warranted; (3) an address at which the appellant agrees that notice of any additional
28 proceeding or an order relating to the imposition of the administrative civil penalty

1 from the ENFORCEMENT OFFICER and the appellant regarding the violation of
2 prohibitions contained in Section 3 of this Ordinance, as well as any facts the
3 appellant claims support a contention that no violation exists and that no
4 administrative civil penalty should be imposed or that an administrative civil penalty
5 of a different amount is warranted. In conducting the hearing, the County Hearing
6 Officer shall not be limited by the technical rules of evidence. Failure of the appellant
7 to appear shall not affect the validity of the proceedings or order issued thereon.

8 d. County Hearing Officer's Decision. The County Hearing Officer shall issue
9 a written decision following the appeal hearing, which shall be issued to the appellant
10 at the appellant's address set forth in the notice of appeal. If the administrative
11 citation is determined to have been valid at the time of its issuance, the County
12 Hearing Officer shall affirm the administrative civil penalty amount pursuant to
13 subsection d. of Section 7 of this ordinance, and order said penalty to be paid within
14 fifteen (15) calendar days of issuance of the County Hearing Officer's decision. The
15 County Hearing Officer's decision shall contain instructions for obtaining judicial
16 review of the decision as set forth below.

17 e. Judicial Review of County Hearing Officer's Decision on Administrative
18 Civil Penalty. Within twenty (20) calendar days of the date of issuance of the final
19 decision of the County Hearing Officer, the appellant may contest the County
20 Hearing Officer's decision by filing an appeal in the Riverside County Superior
21 Court pursuant to Government Code section 53069.4. The fee for filing the appeal is
22 specified in Government Code section 70615 (currently \$25.00) and shall be paid to
23 the Clerk of the Court. The failure to file the written appeal and to pay the filing fee
24 within this period shall constitute a waiver of the right to an appeal and the County
25 Hearing Officer's decision shall be deemed final and confirmed. A copy of the notice
26 of appeal of the County Hearing Officer's Decision filed in the Riverside County
27 Superior Court shall be served in person or by first class mail upon the County
28 Department that issued the administrative citation by the appellant. The conduct of

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Section 10. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:

CLERK OF THE BOARD:

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
_____, 2021

By: _____
Deputy County Counsel