

ORDINANCE NO. 2025-001

AN ORDINANCE OF THE CITY OF CITRUS HEIGHTS AMENDING CITRUS HEIGHTS MUNICIPAL CODE CHAPTER 38 – FIRE PREVENTION AND PROTECTION, ARTICLE III. – FIREWORKS, SECTIONS 38-78 AND 38-81

The City Council of the City of Citrus Heights does ordain as follows:

The provisions of Chapter 38, Article III. of the Citrus Heights Municipal Code

SECTION 1. Amendment. Section 38.78 of the Citrus Heights Code is hereby amended to read as set forth below:

Sec 38-78 - Host's liability.

No host shall knowingly allow any person to violate a provision of this chapter on the host's private property.

(a) The provisions of this section shall not apply to:

1. The possession, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under federal or state law;
2. A host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity in order to comply with this chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this chapter.

No host shall aid or abet another person's violation of a provision of this chapter in a public right of way, street, and/or sidewalk adjacent to the host's private property or property under the host's apparent control. A host aids and abets another person's violation of a provision of this chapter if he or she knows of the other person's unlawful purpose and the host specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation.

SECTION 2. Amendment. Section 38.81 of the Citrus Heights Code is hereby amended to read as set forth below:

Sec. 38-81. - Penalty for violation.

- (a) Any person who allows, permits, aids, or abets any discharge of fireworks (including a public display) without having first obtained a permit therefor from the Fire Marshal, or designee, shall be in violation of this section, unless otherwise permitted by ordinance.
- (b) Any person who stores fireworks, including those classified as "safe and sane" by the California State Fire Marshal, except as expressly allowed by this Code, shall be in violation of this section.
- (c) Administrative Citation. Upon identification of an unpermitted discharge or illegal storage of fireworks, law enforcement may issue an administrative citation or a

notice of violation to all responsible person(s) present at the unpermitted discharge of fireworks. Law enforcement shall notify those responsible persons present at the unpermitted discharge or illegal storage that further violation of the ordinance may result in the issuance of increased fines and assessment of response costs. Each device (firework) possessed, ignited, exploded, discharged, used, or displayed constitutes a violation of the ordinance and therefore is subject to an administrative fine:

1. One thousand dollars (\$1,000.00) fine, for each device
2. Two thousand five hundred dollars (\$2,500.00) for each device on subsequent offenses within one year.

(d) Upon identification of an unpermitted discharge of fireworks, law enforcement may also issue a written notice to all other identifiable responsible persons not present at the unpermitted discharge of fireworks that a violation of the fireworks ordinance has occurred and that further violations may result in the assessment of response costs.

(e) Nothing in this chapter shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of dangerous fireworks.

(f) The penalties set forth herein are intended to be nonexclusive and are intended to be in addition to any other remedies provided in this chapter or any other law, statute, ordinance or regulation.

(g) Any person who violates this section shall be guilty of a misdemeanor.

(h) Response Costs. A responsible person(s) who has been issued a second administrative citation and/or written notice of violation of this ordinance may be liable for response costs incurred in responding to the unpermitted discharge or illegal storage of fireworks. All responsible persons shall be jointly and severally liable for the response costs incurred in the response and all subsequent responses. The amount of response costs constitutes a debt owed to the city.

If a responsible person is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this chapter. To incur liability for response costs imposed by this chapter, the responsible person for the unpermitted discharge or illegal storage of fireworks need not be present at the event that causes the response giving rise to the imposition of response costs. This chapter therefore imposes vicarious as well as direct liability upon responsible persons.

(i) Notice of the response costs shall be served by first-class mail on the hosts liable for such costs. The notice shall contain the following information:

1. The name of the host who is liable for the response costs;
2. The address of the private property where the incident occurred;
3. The date and time of the response;
4. The law enforcement, fire, or other emergency response personnel who responded
5. An itemized list of the response costs.

(j) Payment for response costs shall be remitted to the city of Citrus Heights within 30 calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal.

(k) A host charged with response costs may, within 10 calendar days of the date of the notice of response costs, appeal the response costs. The appeal hearing shall be scheduled and conducted in the manner prescribed in this chapter.

- (l) Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies, and bars any further review or administrative appeal of the response costs.
- (m) Violations of this chapter are hereby declared to be a public nuisance.
- (n) Any person who violates a provision of this chapter is liable for civil penalties of not less than \$750 or more than \$25,000 for each day the violation continues.
- (o) All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.
- (p) Any recipient of an administrative citation may appeal the citation by completing a request for hearing form and returning it to city within thirty days from the date of the administrative citation, together with an advance deposit of the fine.
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SECTION 3. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Citrus Heights.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights this 23rd day of April, 2025 by the following vote:

AYES:	Council Members:	Middleton, Nelson, Schaefer, Lopez-Taff, Karpinski-Costa
NOES:	Council Members:	
ABSENT:	Council Members:	
ABSTAIN:	Council Members:	

Dr. Jayna Karpinski-Costa, Mayor

ATTEST:

Amy Van, City Clerk