

Guadalupe Municipal Code

Amendments

April 2019 to June 2019

Chapter 8.24 FIREWORKS

8.24.010 Public celebration or display-Permit and conditions.

The City Council may, upon request in writing, permit any person or organization to conduct a public celebration or display of fireworks, and for that purpose to use and discharge or explode fireworks and explosives, or either of them, from any location designated in the permit under such conditions as the City Council may fix and establish upon granting such permission.

8.24.020 Discharging illegal fireworks prohibited.

It is unlawful for any person to light, fire, shoot, discharge, set off or explode any blank cartridges for small arms, or fireworks, other than safe and sane fireworks as defined by Section 12529 of the California Health and Safety Code between the hours of 11:00 a.m. and 11:59 p.m. on the 4th of July within the corporate limits of the City.

8.24.030 Violation-Penalty.

Any person guilty of violating any of the provisions of this chapter, or performing any act declared by this chapter to be unlawful, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment, in accordance with the general penalty provisions then in effect in the City, pursuant to Chapter 1.08 of this code, as amended.

Chapter 8.60 PARTY DISTURBANCES.

8.60.010 Purpose.

The City determines that it is in the best interest of all its residents that parties which deprive neighbor residents of their right to peace, safety and tranquility be subject to certain regulations designed to control disturbances.

8.60.020 Definitions.

- (a) "Residence" means the private domain, dwelling, house, household, apartment, townhouse or other structure designed, or being used, for human habitation.
- (b) "Resident" means the person or persons residing at or in the residence.
- (c) "Commercial" means an establishment, building or location normally associated with wholesale and/or retail business.
- (d) "Party" is a gathering or assemblage of a group of three or more persons for the purpose of mutual enjoyment or entertainment.
- (e) "Party Disturbance" is a circumstance or event at a party that deprives other neighbor residents of the safe or quiet enjoyment of their residences. "Party disturbance" includes, but is not limited to, a sound which is plainly audible to a person of average hearing at a distance of fifty (50) feet from the noisemaker, or across any property line from the noisemaker, whichever distance is less, and:
 - (1) endangers or injures the safety or health of human beings or animals; or
 - (2) annoys or disturbs reasonable persons of average sensibilities; or
 - (3) endangers or injures personal or real property.
- (f) "Neighbor" means the person(s) residing within the immediate geographical area of the disturbance.

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- (g) "Notice of Party Disturbance" means the lawful advisement by a Peace Officer to the host or sponsor of a party being a disturbance to the neighborhood.
- (h) "Host" or "hosting" means the resident(s) of the disturbing location, or the person(s) or the act of residing at or sponsoring or facilitating the party at the residence or commercial location.
- (i) "Peace Officer" means any person defined by the California Penal Code as a Peace Officer.

8.60.030 Party disturbances prohibited.

No person(s) may persist or continue in hosting a party at a residence or upon commercial property, under the following conditions:

- (a) Upon complaint to the Police Department by a neighbor that the circumstances or event at a party constitutes a party disturbance.
- (b) A Peace Officer counsels the host or resident and issues a "Notice of Party Disturbance."

8.60.040 Violations.

Any person(s) persisting or continuing in hosting a party disturbance after notice as set out in Section 8.60.030(b) above that the event or circumstance constitutes a party disturbance is guilty of a misdemeanor.

8.60.050 Administrative Costs.

- (a) The person(s) persisting or continuing in hosting a party disturbance in violation of this chapter shall pay administrative costs to the City of Guadalupe. If any of these persons is a minor, then the parents or guardian of the minor shall be jointly and severally liable to pay administrative costs.
- (b) Administrative costs relating to a violation of this chapter shall begin to accrue when police respond to a neighbor complaint under Section 8.60.030(a) and shall include the following: Police personnel at special security assignment rate, equipment cost, damage to City property and/or injuries to City personnel.

Chapter 15.08.020 (2016 Fire Code Amendments)

5614.2 Date and Hours of Sale and Use.

Safe and sane fireworks may be sold during the period beginning at twelve noon (12:00 p.m.) on the 28th day of June and ending at eleven fifty-nine (11:59 p.m.) on the 4th day of July each year pursuant to the provisions of Section 12599, California Health and Safety Code. Daily opening and closing hours of each fireworks stand are optional as long as they fall within the times specified above. Safe and sane fireworks, as defined by Section 12529 of the California Health and Safety Code, may only be used between the hours of 11:00 a.m. and 11:59 p.m. on the 4th of July.