

ORDINANCE NO. 2019 -477

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE,
CALIFORNIA, PROHIBITING ILLEGAL FIREWORKS WITHIN THE CITY OF
GUADALUPE AND LIMITING THE USE OF “SAFE AND SANE” FIREWORKS TO THE
FOURTH OF JULY

The City Council of the City of Guadalupe, State of California, does ordain as follows:

SECTION 1. Chapter 8.24 of the Guadalupe Municipal Code is hereby amended as follows:

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.

SECTION 2. Subsection 5614.2 of Section M (Chapter 56 Explosives and Fireworks) of Section 15.08.020 (2016 Fire Code Amendments) of the Guadalupe Municipal Code is hereby amended to read as follows:

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.

SECTION 3. Chapter 8.60 of the Guadalupe Municipal Code is hereby added to read as follows:

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.
- (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.

Section 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.”

Section 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.

Section 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.

SECTION 4. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to Section 15601(b)(3) (general rule) of the CEQA Guidelines, because the City Council hereby finds with certainty that there is no possibility the passage of this Ordinance will have a significant effect on the environment.

SECTION 5 If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance shall be in full force and effect thirty (30) days after its passage. Within fifteen days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the

names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

SECTION 7. The Chief Deputy City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the Chief Deputy City Clerk shall consult with the City Manager and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council held on the 23th day of April 2019, and **PASSED AND ADOPTED** at a regular meeting of the City Council held on the 14th day of May 2019, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Ariston Julian, Mayor

Joice Earleen Raguz, City Clerk

APPROVED AS TO FORM

Philip F. Sinco, City Attorney

APPROVED AS TO CONTENT

Robert Perrault, City Administrator