

ORDINANCE NO. 21-11 N.S.

AN ORDINANCE OF THE CITY OF RICHMOND, CALIFORNIA, ADDING CHAPTER 11.05 TO ARTICLE XI OF THE RICHMOND MUNICIPAL CODE PROHIBITING POSSESSION OR DISCHARGE OF FIREWORKS.

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

Section 1: Article XI of the Richmond Municipal Code is hereby amended by adding Chapter 11.05, Fireworks, which reads as follows:

11.05.010 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

- (a) “Dangerous Fireworks”. Those fireworks listed and defined in California Health and Safety Code sections 12505 and 12561 and the relevant sections of Title 19 of the California Code of Regulations, as the same may be amended from time to time.
- (b) “Exempt Fireworks”. Any special item containing pyrotechnics compositions which the state fire marshal, with the advise of the state fire advisory board, has investigated and determined to be limited to industrial, commercial or agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.
- (c) “Fireworks”. Any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical or thermal effects which are useful as pyrotechnic devices or for entertainment. These items include, but are not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rocket, Daygo bombs, M-80s, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, fireworks kits and firecrackers. This term includes both “dangerous fireworks” and “safe and sane” fireworks.
- (d) “Safe and sane fireworks” or “state approved fireworks”. Any fireworks that do not come within the definition of “dangerous fireworks” or “exempt fireworks”.

11.05.020 Possession, Use or Sale of Fireworks Prohibited.

It is unlawful and a misdemeanor for any person or entity to possess, sell, give away, store, use, display, display for sale, explode, ignite or discharge any fireworks within the City limits except by valid permit as “Exempt fireworks” or by a valid special event permit for a public event authorized by the City.

- (a) Any special event permit or exempt fireworks permit is not transferable and shall only be valid for the date of the specific event.
- (b) In addition to criminal action, any person or entity who possesses, sells, gives away, stores, uses, displays, displays for sale, explodes, ignites or discharges any fireworks in

violation of this Chapter is subject to Administrative Citations as set forth in Chapter 2.62

11.05.030 Seizure of Fireworks.

Any peace officer, fire marshal or the Richmond Fire Chief or his or her designee, may seize, take, remove or cause to be removed any fireworks possessed, used, stored or displayed in violation of this chapter.

SECTION 2. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinance or the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION 4. Effective Date. This Ordinance becomes effective 30 days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond, California, held September 13, 2011, and finally passed and adopted at a regular meeting thereof held September 20, 2011, by the following vote:

AYES: Councilmembers Beckles, Boozé, Ritterman, Rogers, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates and Vice Mayor Butt.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 21-11 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on September 20, 2011.