

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Administrative Services Director/City Clerk *DST*
Prepared by Maureen Benson, Assistant City Clerk *mb*

DATE: May 13, 2010 (CC Meeting of 5/19/10)

SUBJECT: Consider an Ordinance Adding Chapter 8.64, Fireworks Prohibited, to Title 8, Health and Safety, of the Moorpark Municipal Code

DISCUSSION

All dangerous fireworks are prohibited by State Law unless there is a valid operator's permit issued by the State and a site use permit issued by the local fire authority. In the City of Moorpark, the Ventura County Fire Protection District (VCFPD) is the fire authority and its adopted Fire Code (2006 International Fire Code with amendments under VCFPD Ordinance No. 26) is the governing law for the City. The VCFPD refers to this as the Ventura County Fire Code (VCFC). The specific chapter and section is "3301.1.3: Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited."

The only prohibitive language in the Moorpark Municipal Code regarding fireworks is currently contained in Title 12, Streets, Sidewalks, and Public Places, in chapters dealing with public parks, public open spaces, public recreation grounds, and in the buffer zone. Resolution No. 2007-2665 adopted by the City Council on December 5, 2007, did ratify the implementation of Appendix J of Ventura County Fire Protection District Ordinance No. 26, which deals with building codes; however, this appendix does not pertain to fireworks.

The proposed addition of Chapter 8.64 is to clearly identify, for the public's benefit, that all fireworks, as defined by California Health and Safety Code and the Ventura County Fire Protection District Fire Code (VCFC), including "safe and sane fireworks", are prohibited in the City of Moorpark, with the exception of public displays and theatrical/special effects authorized by a valid VCFC permit and applicable City temporary use or park rental permit. The penalty for violation of any provision or requirement of Chapter 8.64 has also been included in the draft ordinance. The City Attorney and the VCFPD have reviewed the attached draft ordinance.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Introduce Ordinance No. _____ for first reading, waive full reading, and direct staff to schedule second reading and adoption for June 2, 2010.

Attachment: Draft Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF MOORPARK, CALIFORNIA, ADDING CHAPTER 8.64, FIREWORKS PROHIBITED, TO TITLE 8, HEALTH AND SAFETY, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, the City Council has determined that Chapter 8.64, Fireworks Prohibited, should be added to the Moorpark Municipal Code to clearly identify that all fireworks, as defined by California Health and Safety Code and the Ventura County Fire Protection District Fire Code (VCFC), including “safe and sane fireworks”, are prohibited in the City of Moorpark, with the exception of public displays and theatrical/special effects authorized by a valid VCFC permit and applicable City temporary use or park rental permit; and

WHEREAS, Chapter 8.64 is also proposed to include the penalty for violation of any provision or requirement of Chapter 8.64.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.64, Fireworks Prohibited, of Title 8, Health and Safety, of the Moorpark Municipal Code is hereby added to read as follows:

**“Chapter 8.64
FIREWORKS PROHIBITED**

Sections:

- | | |
|-----------------|---------------------|
| 8.64.010 | Prohibition. |
| 8.64.020 | Violation. |

8.64.010 Prohibition.

All fireworks, as defined by California Health and Safety Code and the Ventura County Fire Protection District Fire Code (VCFC), including “safe and sane fireworks”, are prohibited in the City of Moorpark, with the exception of public displays and theatrical/special effects authorized by a valid VCFC permit and applicable City temporary use or park rental permit.

8.64.020 Violation.

Any violation of any provision of, or failure to comply with, any requirement of this chapter may be prosecuted as an infraction or misdemeanor consistent with section 1.10.020 of this code and, upon conviction thereof, the person so prosecuted shall be punished in accordance with this code. The remedies provided by this code are cumulative and in addition to any other remedies available at law or in equity.”

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this _____ day of _____, 2010.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk