

Meeting Date: 05/06/08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input checked="" type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Jim Rupp *JR* Agenda Item No. I-8

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: April 29, 2008

TO: City Council

FROM: James F. Rupp, Assistant City Attorney *James F. Rupp*
City Attorney's Office

SUBJECT: Ordinance Prohibiting the Sale, Offer to Sell, Use or Possession of Fireworks

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance adding Oxnard City Code Section 7-147.1 Fireworks prohibiting the sale, offer to sell, use or possession of fireworks.

DISCUSSION

The 2007 California Fire Code was previously adopted by the City Council to replace the 2001 Uniform Fire Code. The Fire Chief has noted that the 2007 California Fire Code does not contain the same regulation of fireworks as the 2001 Uniform Fire Code.

This ordinance would prohibit the sale, offer to sell, use or possession of fireworks or dangerous fireworks, as defined by the ordinance, within the City, except as authorized by the Fire Chief.

FINANCIAL IMPACT

Staff anticipates that the financial impact of this ordinance can be absorbed in the FY 2007-2008 Police Department budget.

Attachment #1 - Ordinance

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING
SECTION 7-147.1 TO THE CITY CODE PROHIBITING THE SALE, OFFER TO
SELL, USE OR POSSESSION OF FIREWORKS

The City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-147.1 is hereby added to the City Code to read as follows:

“SEC. 7-147.1 Fireworks.

“(A) Definitions. For the purposes of this section 7-147.1, the following words and phrases shall have the following meanings:

“(1) ‘Dangerous Fireworks’ shall be defined as set forth in California Health and Safety Code section 12505, as such definition may be amended from time to time by the California Legislature.

“(2) ‘Fireworks’ shall be defined as set forth in California Health and Safety Code section 12511, as such definition may be amended from time to time by the California Legislature.

“(B) Prohibition: Except as authorized by the Fire Chief in accordance with the 2007 California Fire Code section 3308, no person shall sell, offer to sell, use or have in his/her possession within the city any fireworks or dangerous fireworks.

”(C) Violation: Any person violating a provision of section 7-147.1 (B) shall be subject to a fine in accordance with article III of chapter 7 of this code or is guilty of a misdemeanor.”

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DOCUMENT NO. 1
OF 2

000046

Ordinance No.

Page 2

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 20__ and finally adopted on _____, 20__ to become effective thirty days thereafter.

AYES:

NOES:

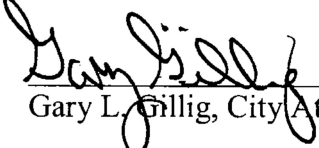
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 04-29-08

Gary L. Gillig, City Attorney

ATTACHMENT NO. 6
PAGE 2 OF 2

000047