

**CITY OF SIMI VALLEY
MEMORANDUM**

April 25, 2022

TO: City Council**FROM:** Office of the City Manager**SUBJECT:** CONSIDERATION OF AN ORDINANCE OF THE CITY OF SIMI VALLEY ADDING A NEW CHAPTER 45 TO TITLE 5 OF THE CITY OF SIMI VALLEY'S MUNICIPAL CODE RELATING TO THE SALE AND USE OF FIREWORKS**STAFF RECOMMENDATION**

It is recommended that the City Council introduce Ordinance No. 1338, adding Chapter 45 to Title 5 of the Simi Valley Municipal Code and adopt Resolution No. 2022-20 establishing civil fine for noncompliance relating to the sale and use of fireworks.

BACKGROUND AND OVERVIEW

During the period of June 28 to July 5, 2021, the Simi Valley Police Department received 361 calls for service regarding firework activity. Due to the volume of complaints received during the 2021 "4th of July" time period, the City Council directed staff to agendize the discussion of measures that deter the use of illegal fireworks in the City. At the Council meeting on March 14, 2022, staff provided an overview of strategies used by other local municipalities and governments to address noise and hazard related issues caused by fireworks. At the conclusion of the report, City Council directed staff to draft a Fireworks Ordinance which would include civil fines and a social host (host liability) component, expanding liability to the property owner, the tenant, or person(s) hosting a gathering where fireworks are used for City Council's consideration.

Although California strictly prohibits the discharge, possession, or sale of fireworks without a license or permit, cities may adopt their own regulations on fireworks. California divides fireworks into two general categories, (1) "Safe and Sane" and (2) "Dangerous" fireworks. "Safe and Sane" fireworks can include small items such as fountains spinners, and snap caps and must display a "State of California, State Fire Marshall Registered Fireworks" seal, which are not "Dangerous" fireworks (California Health & Safety Code Section 12529). Safe and Sane fireworks are not explosive, not aerially launched, by design never leave the ground, and are tested and approved by the California Office of the State Fire Marshall ("Fire Marshall"). Additionally, the Fire Marshall puts a list on its website of fireworks that meet the "Safe and Sane" definition. "Safe and Sane" fireworks may be sold, purchased, and used by the general public; however, only licensed retailers can sell them and do so only from June 28th to July 6th each year. However, party poppers

and snap caps are exempt from this rule and are sold year round due to their popularity at children's parties, weddings, and other events. California approved "safe and sane" fireworks are currently allowed in several communities throughout the state but are prohibited in cities served by the Ventura County Fire Department (Camarillo, Moorpark, Ojai, Port Hueneme, Simi Valley, Thousand Oaks, Santa Paula and unincorporated areas of Ventura County) as these cities are subject to the adopted Ventura County Fire Code. Fillmore, which has its own fire department, is also in Ventura County where it is legal to purchase and use "Safe and Sane" fireworks within the city limits.

"Dangerous" fireworks include firecrackers, sky and bottle rockets, and sparklers larger than ten inches in length or one-quarter inch in diameter. These fireworks are always illegal except for use by someone with a special Pyrotechnic Operator's License, who is trained in the use of such fireworks (California *Health & Safety Code* Section 12505). Fires caused by firework activity are generally the result of using "Dangerous" fireworks that are explosive or aerially launched.

Typically, most violations of California's fireworks regulations are misdemeanors. Under the California *Health & Safety Code*, penalties can include up to one (1) year in county jail, and/or a fine up to one thousand dollars (\$1,000). (See California *Health & Safety Code* Section 12700, et seq.) Possession of 100 pounds or more (including packaging) of "Dangerous" fireworks, however, can be charged as a felony. Punishment for a felony fireworks violation (*Health & Safety Code* Section 12700, et seq.) can include up to three (3) years in the California State prison and fines as high as fifty thousand dollars (\$50,000). These violations are all criminal in nature, not civil fines.

Although many jurisdictions throughout the state have adopted firework ordinances that utilize both civil and criminal fines to address violations of firework regulations, some have solely employed the use of civil fines to enforce compliance as it is a gentler approach to enforcement and is less onerous to the public. Additionally, jurisdictions using only civil fines, as a deterrent to curtail firework activity, are likely to incur cost savings as there is no longer a need for staff to make court appearances when criminal fines are not imposed. However, whether jurisdictions use criminal and/or civil fines to deter firework activity, it is important to recognize that the task of catching individuals in the moment of shooting off fireworks remains difficult. Police Officers and firefighters often have difficulties finding the precise location where fireworks are being ignited as many are ignited in backyards and by individuals that leave the location prior to the police or fire department's arrival.

Many jurisdictions have taken a more aggressive position in an effort to deter the use of illegal fireworks by adopting "Social Host Liability" Ordinances within their municipal codes. A "Social Host Liability" Ordinance expands liability to the social host, i.e., the property owner, the tenant, or person hosting a gathering where fireworks are used and are typically subject to a civil fine. Some jurisdictions, through its social host ordinance, will hold the property owner liable for emergency response costs resulting from the use of fireworks, and are responsible for the sale, use, and/or possession of fireworks on their property by anyone on their property regardless of the person's intent, knowledge and/or negligence. The "Social Host" liability component exempts property owners who can

demonstrate that at the time of violation they had rented or leased the property to another, they were not present, and they had no prior knowledge of the violation.

As part of past enforcement, the Simi Valley Police Department did cite misdemeanor violators for 12671 Health and Safety Code for Dangerous fireworks i.e. those that leave the ground etc. The Department also cited for 5601.1.3 of the California Fire Code (infraction) for smaller amounts of Dangerous fireworks as well as igniting Safe and Sane fireworks. Ultimately, it becomes a question of deployment.

FINDINGS AND ALTERNATIVES

At the City Council meeting on March 14, 2022, staff provided an overview of strategies used by cities to address noise and hazard related issues caused by fireworks. City Council expressed interest in adopting a Fireworks Ordinance that was modeled after the City of Oxnard's Ordinance with a reduced civil fine structure for "Safe and Sane" offenses. The City of Oxnard adopted the below civil fine schedule for "Safe and Sane" and "Dangerous" (illegal) violations in 2005 and subsequently adopted a "Social Host" liability Ordinance in 2018.

City	"Safe & Sane"- 1st Offense	"Safe & Sane" - 2 nd Offense	"Safe & Sane" - 3 rd Offense	"Dangerous" Per Offense	Social Host
Oxnard*	\$250	\$500	\$1,000	\$1,000	Yes

The City Council proposed that the City's Fireworks Ordinance include lesser fines for "Safe and Sane," impose a \$1,000 fine for Dangerous fireworks, and include a social host (host liability) component like the City of Oxnard. Below is the proposed civil fine structure.

City	"Safe & Sane"- Per Offense	"Dangerous" Per Offense	Social Host
Simi Valley	\$100	\$1,000	Yes

In order to gather more information regarding Oxnard's Fireworks Ordinance, staff from the City Attorney and City Manager's Office spoke with the Deputy City Attorney and Oxnard's Chief of Police to better understand their citation process. Staff found that the City of Oxnard solely uses civil fines to deter fireworks use within their City. Police officers within their jurisdictions do not cite violators who use "Safe & Sane" and "Dangerous" fireworks per *Health & Safety Code* Section 12700, et seq. The Oxnard Police Department has set up several informational channels similar to Simi Valley's Police Department, through which people can report fireworks activity for the police to investigate. Details about fireworks usage within the City can be shared via the Fireworks Hotline or via a "Fireworks Tip" e-mail. Enforcement efforts typically begin during the Memorial Day holiday lasting through July 10, annually.

During 2021, the City of Oxnard issued over 171 citations for firework activity, and held 10 appeal hearings for individuals who challenged their citations. Appeal hearings typically include a staff attorney and police officer who participate in the hearing. Although the Oxnard Police Department does cite for “Safe & Sane” offenses, priority is given to fining those who launch “Dangerous” fireworks due to their potential fire hazards and the negative impacts that they have on the community. In an effort to try to further deter firework use, the City of Oxnard adopted a “Social Host Liability” Ordinance in 2018. The Ordinance allows for the citing of homeowners and tenants of properties where fireworks violations occur. Enforcement of the ordinance is triggered by an officer’s observation, a neighborhood disturbance complaint, or a complaint filed through one of the City’s informational or communication channels. The City of Oxnard will allow a complaining party to submit photographs and/or videos; however, based upon discussion with Oxnard staff, this has not been useful in issuing citations as submittals typically lack “clear and convincing evidence.” In 2021, the Oxnard Police Department employed new technology to assist in their efforts, and used drones to observe people using fireworks. Violation citations were subsequently mailed out to the offending party. The operation is not without its limitations as the drone can only stay in the air for about 28 minutes before needing to recharge. In order to ensure civil fines deter firework usage and encourage future compliance with firework regulations, the City of Oxnard files a Franchise State Tax Board Lien on real or personal property, if payment is delinquent.

Attached for the City Council’s consideration is a proposed Fireworks Ordinance which prohibits the use of fireworks (“Safe and Sane” and “Dangerous”) within the City of Simi Valley by members of the general public as it poses a risk to public health and safety. In order to create the Ordinance, staff has added Chapter 45 to Title 5 related to the sale and use of fireworks in the City’s Municipal Code. Per City Council’s direction, staff has modeled the proposed ordinance after the City of Oxnard’s Ordinance, and has included a “Social Host Liability” component. The “Social Host Liability” allows the City to expand liability to the social host, i.e. the property owner, the tenant, or person hosting a gathering where fireworks are used. Similar to the City of Oxnard, the City will typically **only** employ civil fines to address violations of firework regulations. However, adoption of this Ordinance does not limit the City’s authority to employ any other remedy, civil or criminal, to redress any violation of this Code or State law by any person. Criminal penalties for violations of California’s fireworks regulations (California Health and Safety Code) for possession or use of “Dangerous” fireworks may also be considered when warranted.

In order to create civil fines affiliated with the proposed Ordinance, the City Council will also need to consider the attached Resolution to approve a revised schedule of civil fines for noncompliance of the Fireworks Ordinance. If the City Council adopts the Ordinance and Resolution, Police Officers and Code Enforcement officers will have the ability to enforce compliance through the use of civil fines as follows: “\$100 per offense for use of “Safe and Sane” and \$1,000 per offense for use of “Dangerous Fireworks”.

Enforcement of the proposed ordinance would be accommodated within existing staffing and budget authority at this time. Staff will monitor the workload demands in the new fiscal year to ensure existing staffing is sufficient to handle the citation and potential appeal hearing process.

Should the City Council adopt the proposed Fireworks Ordinance, the City Manager’s Communications Team will launch a robust social media and print advertisement campaign educating the residents of the City’s fireworks hotline, the new civil fine structure and the social host liability law in an effort to deter firework activity. Looking ahead to the 2022 Independence Day holiday, the Police Department is currently planning to utilize undercover operations in an effort to catch people using fireworks. This combined effort of enforcement, the outreach endeavor to inform the public of potential penalties, and enactment of the ordinance should further the goal of reducing illegal fireworks use within the City.

The following alternatives are available to the City Council/Board of Directors:

1. Introduce for first reading Ordinance No. 1338 (page 6), adding Chapter 45 to Title 5 of the City’s Municipal Code and adopt Resolution No. 2022-20 (page 12) establishing civil fines for noncompliance;
2. Provide other direction to staff.

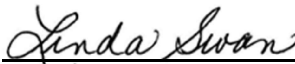
Staff recommends Alternative No. 1.

SUGGESTED CITY COUNCIL MOTION

I move to introduce Ordinance No. 1338 adding Chapter 45 to Title 5 of the Simi Valley Municipal Code and adopt Resolution No. 2022-20 establishing civil fines for noncompliance relating to the sale and use of fireworks.

SUMMARY

During the period of June 28 to July 5, 2021, the Simi Valley Police Department received 361 calls for service regarding firework activity. Due to the volume of complaints received during the 2021 “4th of July” period, the City Council directed staff to agendize the discussion of measures that deter the use of illegal fireworks in the City. Staff provided an overview of strategies used by other municipalities and government agencies for City Council consideration on March 13, 2021, and directed staff to return with a Fireworks Ordinance, modeled after the City of Oxnard’s ordinance, for City Council consideration.



 Linda Swan
 Assistant City Manager

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ORDINANCE NO. 1338

AN ORDINANCE OF THE CITY OF SIMI VALLEY ADDING A
NEW CHAPTER 45 TO TITLE 5 OF THE CITY OF SIMI
VALLEY'S MUNICIPAL CODE RELATING TO THE SALE
AND USE OF FIREWORKS

WHEREAS, pursuant to the police powers set forth in Article XI, Section 7 of the California Constitution, the City of Simi Valley ("City") may make and enforce laws that promote the public health, safety, and general welfare of its residents; ; and

WHEREAS, California Health and Safety Code Section 12541 also authorizes the City to establish local firework regulations; and

WHEREAS, the City experiences gatherings every year during the Fourth of July holiday period, where fireworks are used; and

WHEREAS, the use of fireworks, including the use of prohibited illegal fireworks, is prevalent throughout the City during the Fourth of July holiday period every year, and law enforcement responses to gatherings where fireworks are used cause a significant drain of law enforcement resources and, in some cases, leave other areas of the City with inadequate law enforcement protection; and

WHEREAS, large gatherings to set off fireworks result in conditions where illegal fireworks are likely to be used, as large gatherings make it more difficult for law enforcement officers to enforce prohibitions on illegal fireworks; and

WHEREAS, illegal and dangerous fireworks create a significant risk of fire, and prohibiting the use of all fireworks in the City, including safe and sane fireworks, is necessary to deter the use of illegal and dangerous fireworks; and

WHEREAS, the widespread use of any fireworks, including safe and sane fireworks, increases litter deposited into the environment and the risk of fire;

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

SECTION 1. Recitals. The above recitals are adopted as findings of the City Council in enacting this ordinance.

SECTION 2. Addition of Chapter 45 – Chapter 45 to Title 5 of the City of Simi Valley Municipal Code is added as follows:

Chapter 45 – FIREWORKS REGULATIONS

5-45.01 – Purpose and scope.

- A. The City of Simi Valley has deemed the use of dangerous and safe and sane fireworks, as defined in Health and Safety Code sections 12500, et seq., to pose a risk to public health and safety, and, therefore, prohibits the use of any kind of fireworks by members of the general public. The provisions of this chapter are intended to regulate the use of all fireworks to provide for the safety of the community and the prevention of fires.
- B. This chapter provides for the regulation of the manufacture, transportation, possession, use, and sale of fireworks with the City of Simi Valley and the imposition, enforcement, collection, and administrative review of administrative fines, related to the possession, use, storage, sale and/or display of fireworks, including those classified as “dangerous fireworks” and “safe and sane fireworks,” as defined in California Health and Safety Code Section 12500, et seq., with the exception of the use of fireworks with a pyrotechnic license when operating pursuant to and accordance with the terms of that license;
- C. The issuance of citations imposing administrative fines may be performed at the discretion of officials of the city authorized under this chapter, and the issuance of a citation to any person constitutes but one remedy to redress violations of this code by any person. By adopting this chapter, the City does not intend to limit its authority to employ any other remedy-- civil or criminal-- to redress any violation of this code or state law by any person.
- D. The imposition of fines related to “dangerous fireworks” under this chapter shall be limited to persons who possess, sell, use and/or display, or the seizure of, twenty-five pounds or less (gross weight) of such dangerous fireworks.
- E. Fines collected pursuant to this chapter related to “dangerous fireworks” shall not be subject to Health and Safety Code Section 12706. However, the City shall provide cost reimbursement to the State Fire Marshal for the transportation and disposal of “dangerous firework” seized by the city where applicable. These costs will be included in addition to any administrative fines imposed under this chapter.

5-45.02 – Definitions.

- A. “Safe and sane fireworks” and “state–approved fireworks” shall mean state-approved fireworks defined in Health and Safety Code Section 12529 and 12562 and the relevant sections of Title 19, Code of Regulations, Subchapter 6, which are hereby incorporated by reference;
- B. “Dangerous fireworks” shall mean dangerous fireworks as defined in Health and Safety Code Section 12505 and 12561 and the relevant sections of Title 19, Code of Regulations, Subchapter 6, which are hereby incorporated by reference.
- C. “Fireworks” shall mean either dangerous fireworks or safe and sane fireworks.
- D. “Pyrotechnic displays” means public firework display or displays used in conjunction with special effects, for motion pictures, theatrical and group entertainment productions operated by a professional California state licensed

pyrotechnician, provided such displays secure a permit from the fire code official and meet all applicable requirements of California Health and Safety Code.

E. "Social host" means:

1. Any owner of private property as listed on the most recent tax assessment roll;
2. Any person who has the right to use, possess or occupy a public or private property under a lease, permit, license, rental agreement, or contract; or
3. Any person who hosts, organizes, supervises, officiates, conducts, or sponsors a gathering on public or private property, and if such person is a minor, then that person's parents or legal guardians.

F. "Strictly liable" means liable for a wrongful act irrespective of such person's intent, knowledge, negligence or lack thereof in committing the wrongful act.

5-45.03 – Manufacturing and transport of fireworks.

The manufacturing and/or transportation of any fireworks is prohibited, except by a person who has been issued a permit by the office of the state fire marshal or is otherwise permitted to do so pursuant to provisions of state law, and such manufacturing or transportation is being performed in compliance with applicable requirements of the California Fire Code and Vehicle Code. Travel outside of state-approved routes shall be subject to the approval of a permit issued by the fire code official in accordance with Health and Safety Code section 12652.

5-45.04 – Prohibition on possession, storage, sale or use of fireworks.

The possession, storage, sale and use of any safe and sane or dangerous fireworks, shall be prohibited by any person throughout the City of Simi Valley except when a permit is issued, in advance, by the fire code official or his or her designee for the exceptions below:

- (i) Storage and handling of fireworks in accordance with Sections 5605 and 5608 of the California Fire Code.
- (ii) The use of fireworks for pyrotechnic displays in accordance with Section 5608 of the California Fire Code.

The prohibition of the possession of fireworks in this section shall not apply to manufacturing and transportation activities permitted under section 5-45.03.

5-45.05 – Supervision of minors.

A. It shall be unlawful for any person having the care, custody or control of a minor (under eighteen (18) years old) to permit such minor to discharge, explode, fire or set off any fireworks, at any time.

- B. Any person having the care, custody, or control of a minor shall be strictly liable for any unlawful ignition, use, or discharge of any fireworks.

5-45.06 – Social host liability.

- A. No social host shall permit any persons to use fireworks (1) on property that is either owned by the social host or occupied or otherwise used by the social host pursuant to a lease, permit, license, rental agreement, or contract, or (2) at any gathering on public or private property that is hosted, organized, supervised, officiated, conducted, or sponsored by the social host, except for pyrotechnic displays that are permitted in accordance with section 5-45.04.
- B. It is the duty of any social host who knowingly hosts, permits, or allows any gathering to take place to take all reasonable steps to prevent the use of fireworks by that social host's guests or invitees.
- C. No social host shall, with respect to private property where fireworks are used, be liable for a violation of this section if the social host can demonstrate that at the time of such violation, the social host (i) had rented or leased the property to another, (ii) was not present, and (iii) had no prior knowledge of the violation.
- D. No person who has the right to use, possess or occupy a unit in a multifamily residential property under a lease, rental agreement or contract shall be liable under this section for violations occurring in the common areas of the property.
- E. Nothing in this section shall limit the liability of any social host for a violation of Section 5-45.04 or 5-45.05 by the social host.

5-45.07 – Enforcement.

- A. This chapter shall be enforced pursuant to the procedures set forth in Chapter 8, Section 1-8.101, et seq.
- B. Any police officer or code enforcement officer shall enforce the provision of this Chapter 5-45.

5-45.08 – Determining violations; Penalties for violations.

- A. Causing, permitting, aiding, abetting, or concealing a violations of any provision of this chapter shall also constitute a violation of this chapter.
- B. Each person who violates any provisions of this chapter by possessing, using, storing, and/or selling, displaying of any dangerous firework, or violations sections 5-45.04 or 5-45.05 and such violation involves dangerous fireworks, shall be subject to the imposition and payment of an administrative fine of one thousand dollars per occurrence.
- C. Each person who violates any provisions of this chapter by possessing, using, storing, and/or selling, displaying of any safe and sane fireworks or state-approved

fireworks, or violates sections 5-45.04 or 5-45.05 and such violation involves any safe and sane fireworks or state-approved fireworks, shall be subject to the imposition of payment of an administrative fine of one hundred dollars per occurrence.

- D. In addition to such administrative penalties, each violator shall be liable for all costs incurred by the Office of the State Fire Marshal ("Fire Marshal") for the transportation and disposal of any fireworks seized from the person. The costs incurred by the Fire Marshal will be calculated based upon the regulations promulgated by that office. If those regulations have not been adopted by the Fire Marshal at the time a person is cited for possession of dangerous fireworks under this code, the City will reserve twenty-five percent of any fine collected under this provision to cover the actual cost of disposal to the Fire Marshal.
- E. Nothing in this section shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of dangerous fireworks. The penalties set forth herein are intended to be nonexclusive and are intended to be in addition to any other remedies provided in this article or any other law, statute, ordinance or regulation.

SECTION 3. Environmental Review. The City Council finds the approval of this ordinance is exempted under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment. In the alternative, the City Council determines that the basic purpose of this action is to prohibit the use of safe and sane fireworks in the City, which will reduce litter and lessen the risk of fire, and therefore is an action for the protection of the environment and is categorically exempted pursuant to CEQA Guidelines section 15308 (actions by regulatory agencies for the protection of environment).

SECTION 4. Severability. The City Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

SECTION 5. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this ____ day of May 2022

Attest:

Lucy Blanco, City Clerk

Keith L. Mashburn, Mayor of the City of
Simi Valley, California

Approved as to Form:

Approved as to Content:

David L. Caceres, City Attorney

Brian Paul Gabler, City Manager

Name
Director of

RESOLUTION NO. 2022-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY APPROVING A SCHEDULE OF CIVIL FINES FOR VIOLATIONS OF THE SIMI VALLEY MUNICIPAL CODE AND REPEALING RESOLUTION 2010-11

WHEREAS, Chapter 8 of Title 1 of the Simi Valley Municipal Code ("SVMC") establishes civil fines for violations of the SVMC; and

WHEREAS, Section 1-8.107 of the SVMC provides that the amount of civil fines shall be adopted by resolution of the City Council; and

WHEREAS, the City Council previously adopted Resolution 2010-11, which set forth the specific civil fines for violations of the SVMC; and

WHEREAS, the City Council desires to modify specific civil fine amounts for SVMC violations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. Resolution 2010-11 is repealed in its entirety.

SECTION 3. Civil fines, interest, and penalties and implementing provisions for violations of the SVMC, pursuant to Section 1-8.107 of the SVMC, as it shall be amended and renumbered from time to time, shall be those specified in Exhibit A - Schedule of Civil Fines attached hereto and incorporated in full herein by this reference.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 25th day of April 2022.

Attest:

Lucy Blanco, City Clerk

Keith Mashburn, Mayor of the City of Simi Valley, California

Approved as to Form:

Approved as to Content:

David L. Caceres, City Attorney

Brian Paul Gabler, City Manager

EXHIBIT A - SCHEDULE OF CIVIL FINES

FINES, INTEREST, AND PENALTIES FOR VIOLATIONS OF THE SIMI VALLEY MUNICIPAL CODE

A. Violators of the **Simi** Valley Municipal Code shall be subject to the fines listed below:

<u>Code Sections:</u>	<u>First violation:</u>	<u>Second violation within 12 months:</u>	<u>Subsequent violations within 12 months:</u>
Sections 5-31.03 and 5-40.04(a) of the Simi Valley Municipal Code	\$1,000.00	\$1,000.00	\$1,000.00
Sections 5-31.04(a) and 5-31.07(b)(l) of the Simi Valley Municipal Code	\$250.00	\$500.00	\$1,000.00
Section 5-45.08(B) of the Simi Valley Municipal Code	\$1,000		
Section 5-45.08(C) of the Simi Valley Municipal Code	\$100		
All other code sections of the Simi Valley Municipal Code, except those listed above	\$100.00	\$200.00	\$500.00

B. Interest shall accrue upon all delinquent fines and penalties at the annual rate of ten percent.

C. A violator shall owe a \$25.00 late payment penalty for fines not paid within 30 days of the date such fine is due.

- D. Interest and penalties may be waived by the City Manager upon a showing of hardship or upon a showing that such waiver will further the collection of a fine and resolve the violation.
- E. If permitted by the Simi Valley Municipal Code, community service may be performed in lieu of paying a civil fine at the rate of twenty-five dollars (\$25.00) per hour, however, no reduction in the fine or penalty amount is authorized for completion of less than the required hours of community service.