

Ordinance No. 1678(21)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending Chapter 8.28 of the Lompoc Municipal Code to Revise
Provisions Related to Enforcement of Fireworks Violations**

WHEREAS, Chapter 8.28 of the Lompoc Municipal Code establishes regulations for the sales and use of fireworks in the City; and

WHEREAS, the City Council desires to amend these regulations to enhance the City's capacity to take enforcement action against fireworks violations.

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

SECTION 1. Section 8.28.120 (Safe and Sane Fireworks – Limitation on Places and Hours of Discharge) of the Lompoc Municipal Code is hereby revised to read as follows (additions in ***bold italics***, deletions in **~~bold strikethrough~~**):

Section 8.28.120 ~~**Safe and Sane Fireworks – Limitation on Places and Hours of Discharge.**~~ ***Restrictions on Discharge and Possession.***

It shall be unlawful for any person to:

- A. Ignite, discharge, project or otherwise fire or use any safe and sane fireworks, except during the hours of 9:00 a.m. to 10:00 p.m. on the 4th of July;
- B. Possess safe and sane fireworks other than when the sales of safe and sane fireworks are allowed under this Chapter or by a qualified applicant pursuant to a permit issued under this Chapter;
- C. Ignite, discharge, project or otherwise fire or use any safe and sane fireworks, or permit the ignition, discharge or projection thereof, upon or over or onto the private property of another without his, her or its written consent; provided, that no permission may be granted to ignite, discharge, project or otherwise fire or use safe and sane fireworks on any private parking lots used for retail or commercial businesses, unless also approved as part of a block party permit;
- D. Ignite, discharge, project or otherwise fire or make use of any safe and sane fireworks within ten feet of any residential structure, dwelling or other structure used as a place of habitation by human beings;

E. Ignite, discharge, project or otherwise fire or make use of safe and sane fireworks within 100 feet of ~~the a~~ fireworks stand; ~~and~~

F. Ignite, discharge, project or otherwise fire or make use of any safe and sane fireworks on, over or in any public street, sidewalk alley, park or parking area, without prior written permission of the Fire Chief or designee; provided, that this subsection shall not apply to any public street or parking area located within an area for which the City has issued a permit to allow a 4th of July block party; or

G. Possess, store, sell, display, ignite, discharge, project, or otherwise fire or make use of dangerous fireworks anywhere in the City at any time, except in accordance with a license issued by the state fire marshal for a City-permitted fireworks display.

SECTION 2. Section 8.28.130 (Safe and Sane Fireworks – Supervision of Minors) of the Lompoc Municipal Code is hereby revised to read as follows (additions in ***bold italics***, deletions in **~~bold strikethrough~~**):

Section 8.28.130 ~~Safe and Sane Fireworks~~— Supervision of Minors; **Liability of Property Owners.**

A. It shall be unlawful for any person having the care, custody or control of a minor (under 18 years of age) to:

(1) permit such minor to **possess,** discharge, explode, fire or set off any dangerous fireworks at any time, or

(2) permit such minor to discharge or set off any safe and sane fireworks unless such minor does so under the direct supervision of a person over 18 years of age during the hours and on the days permitted by this Chapter.

B. **It is unlawful for any property owner or person in control of property to allow any person to sell, possess, ignite, explode, project, or otherwise fire or make use of fireworks on the property owned by such person or under the control of such person in violation of this Chapter, irrespective of such person's intent, knowledge, or negligence, said violation hereby being expressly declared a strict liability offense. In addition to any other penalties provided by law, any person who commits a violation of this section shall be subject to an administrative fine in the amount set forth in this Chapter. A property owner or person in control of property shall not be in violation of this section if he or she seeks immediate assistance from the Lompoc Police Department or other law enforcement agency to report a violation of this Chapter.**

SECTION 3. Section 8.28.180 (Criminal Penalty) is hereby added to Chapter 8.28 of the Lompoc Municipal Code and shall read as follows:

8.28.180 Criminal Penalty.

Any person violating any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding six months, or a fine not exceeding one thousand dollars, or by both such imprisonment and fine.

SECTION 4. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on _____, 2021, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2021, by the following electronic vote:

PASSED AND ADOPTED this ___ day of _____, 2021, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc