

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY SETTING FORTH THE ADMINISTRATIVE CITATION FINES AND OTHER ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF SECTION 12.25 OF THE CITY OF REDWOOD CITY MUNICIPAL CODE REGARDING FIREWORKS

WHEREAS, on August 9, 1999, the City Council of the City of Redwood City adopted an ordinance entitled “Ordinance Adding Articles II and III to Chapter 1 of the Municipal Code of the City of Redwood City Providing for Administrative Citations, Penalties and Remedies for Compliance and Administrative Orders, Respectively” (the “Administrative Enforcement Ordinance”); and

WHEREAS, on March 10, 2003, the City Council of the City of Redwood City amended Articles II and III of the Redwood City Municipal Code in their entirety (the “Amended Administrative Enforcement Ordinance”); and

WHEREAS, the Amended Administrative Enforcement Ordinance provides an administrative method for the enforcement of the Redwood City Municipal Code; and

WHEREAS, the Amended Administrative Enforcement Ordinance provides for the imposition of fines and penalties for violations of the Redwood City Municipal Code; and

WHEREAS, the illegal use of fireworks is an immediate and imminent hazard and threat to the health, safety, and general welfare of the users, spectators, and general public, as well as to property; and

WHEREAS, there have been ongoing concerns from the community regarding the illegal use of fireworks in the City of Redwood City; and

WHEREAS, the City Council of the City of Redwood City desires to set fines and penalties in connection with the Administrative Enforcement Ordinance for violations of Section 12.25 of the Redwood City Municipal Code regarding fireworks.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDWOOD CITY, AS FOLLOWS:

SECTION 1. Administrative Citation Fines for Violations of Section 12.25 of the Redwood City Municipal Code

The administrative citation fines set forth below are hereby established for violations of Section 12.25 of Redwood City Municipal Code:

1. First violation: \$500

2. Second violation of the same code section by the same person within a 12-month period of the first violation: \$750
3. Third violation and each subsequent violation of the same code section by the same person within a 12 month period from the second or most recent violation: \$1,000

SECTION 2. Administrative Civil Penalties.

Administrative civil penalties for violations of Section 12.25 of the Redwood City Municipal Code will be assessed pursuant to Article II of Chapter 1 of the Redwood City Municipal Code. The maximum amount of administrative civil penalties will not exceed one hundred thousand dollars (\$100,000) per parcel or structure for any related series of violations.

SECTION 3. Delinquency Penalty for Late Payment.

Any fine amount imposed pursuant to Article II of Chapter 1 of the Redwood City Municipal Code and this Resolution will be delinquent and will be subject to a delinquency penalty in the sum of ten percent (10%) of the unpaid amount if it is not paid within thirty (30) calendar days from the date of service of the Administrative Citation unless a Hearing Request has been filed; or with regard to a Responsible Party's failure to comply with an Administrative Civil Penalties Enforcement Order within the time set by the Administrative Hearing Officer.

SECTION 4. Interest.

a. Administrative Citations. Interest will accrue and be due on all delinquent fines until paid, exclusive of the delinquency penalty, at the rate of ten percent (10%) per year simple interest commencing thirty-one (31) calendar days after service of the Administrative Citation. In the event that a Hearing Request is filed pursuant to Article II, Chapter 1 of the Redwood City Municipal Code and that the Hearing Officer determines that the contestant committed the violation charged in the Administrative Citation, interest will accrue on the fine determined to be owed by the Hearing Officer commencing ten (10) calendar days from the date of service of the Hearing Officer's determination or according to a payment schedule determined by the Hearing Officer.

b. Administrative Civil Penalties Enforcement Order. With regard to an Administrative Civil Penalties Enforcement Order, interest will accrue and be due at the rate of ten percent (10%) per year on the penalty amount determined to be owed by the Hearing Officer commencing ten (10) calendar days from the date of service of the Hearing Officer's determination, or according to a payment schedule determined by the Hearing Officer.

SECTION 5. Effective Date.

This Resolution will take effect immediately upon its adoption.

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