

ORDINANCE NO. 2019-03

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA,
AMENDING CITY OF BRAWLEY MUNICIPAL CODE SEC. 29H.5

THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1: Brawley Municipal Code Section 19H.5, which was adopted pursuant to Brawley Ordinance No. 2015-02, § 2, is hereby amended to read as follows:

(a) Except as expressly permitted by this chapter, no person shall possess, sell, use, display or explode any "dangerous fireworks," or any "safe and sane fireworks," including but not limited to, and rocket, firecracker, roman candle, squib, torpedo, wire core sparkler, wooden core sparkler, black cartridge, aerial shell or other combustible device or explosive substance or any kind of fireworks, by whatever name known, within the City of Brawley.

(b) Any person who possesses, sells, uses, displays, or explodes any "dangerous fireworks" in the city limits of the City of Brawley without a valid permit issued pursuant to Sec. 19H.6. of this chapter shall be guilty of a misdemeanor. The fire chief, fire marshal, or any peace officer may issue an administrative citation to any person who violates the foregoing in that officer's presence. An administrative citation issued pursuant to this section shall be processed pursuant to Chapter 19F of the Brawley Municipal Code. The administrative fine that shall be imposed for a violation of the foregoing shall be \$1,000.00.

(c) Any person who sells, uses, displays, or explodes any "safe and sane fireworks" within the city limits of the City of Brawley, except as expressly permitted by Section 19H.10. and/or 19H.11. of this chapter is guilty of an infraction. The fire chief, fire marshal, or any peace officer may issue an administrative citation to any person who violates the foregoing in that officer's presence. An administrative citation issued pursuant to this section shall be processed pursuant to Chapter 19F of the Brawley Municipal Code. The fines established in Sec. 19f.3.(d) shall be imposed upon issuance of a citation for a violation of this section.

(d) Any officer authorized to issue an administrative citation pursuant to this section, shall have the discretion to issue a criminal citation in lieu of an administrative citation.

Section 2: This ordinance shall be effective thirty (30) days after its adoption and the City Clerk shall cause a certified copy of this ordinance to be published one time within fifteen (15) days after its adoption in the Imperial Valley Press, a newspaper of general circulation printed in Imperial County and circulated in the City of Brawley.

APPROVED, PASSED AND ADOPTED at a regular meeting of the City Council held on the 1st day of October 2019.

CITY OF BRAWLEY, CALIFORNIA

Donald L. Wharton, Mayor

ATTEST:

Alma Benavides, City Clerk

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF BRAWLEY)

1st Reading

I, Alma Benavides, City Clerk of the City of Brawley, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2019-03 was passed and adopted by the City Council of the City of Brawley, California, at a regular meeting held on the 17th day of September, 2019 and that it was so adopted by the following roll call vote: m/s/c Couchman/Hamby 5-0

AYES: Couchman, Hamby, Kastner-Jauregui, Nava, Wharton
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: September 17, 2019

Alma Benavides, City Clerk

2nd Reading & Adoption

I, Alma Benavides, City Clerk of the City of Brawley, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2019-03 was passed and adopted by the City Council of the City of Brawley, California, at a special meeting held on the 1st day of October 2019 and that it was so adopted by the following roll call vote: Nava/Kastner-Jauregui 5-0

AYES: Couchman, Hamby, Kastner-Jauregui, Nava, Wharton
NAYES: None
ABSTAIN: None
ABSENT: None

DATED: October 1, 2019

Alma Benavides, City Clerk