

**RESOLUTION NO. 38-2008**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA  
AMENDING RESOLUTION 27-2007 ENTITLED "A RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF PACIFICA ESTABLISHING THE  
FINE SCHEDULE FOR AN ADMINISTRATIVE CITATION", PASSED  
JUNE 11, 2007**

**WHEREAS**, on June 11, 2007, the City Council of the City of Pacifica adopted an Administrative Citation Ordinance (enacted as Chapter 6 of Title 1 of the Pacifica Municipal Code) that establishes a process for imposing administrative/civil fines for violations of the Pacifica Municipal Code (and other technical codes adopted therein); and,

**WHEREAS**, Pacifica Municipal Code section 1-6.06(a) provides that the amount of the administrative/civil fines shall be set forth in a schedule of fines established by resolution of the City Council; and,

**WHEREAS**, section 1-6.06(a) also provides that the fines may be modified from time to time by resolution of the City Council, provided that they do not exceed the limits set forth in Chapter 6; and,

**WHEREAS**, section 1-6.06(b) provides that if a violation is classified as a misdemeanor, the civil/administrative fine shall not exceed one thousand (\$1000) dollars; and,

**WHEREAS**, on June 11, 2007, the City Council passed and adopted Resolution No. 27-2007 establishing an administrative/civil fine schedule for violations of the Pacifica Municipal Code; and,

**WHEREAS**, on June 9, 2008, the City Council adopted Ordinance Number 762-C.S. modifying Article 2 of Chapter 3 of Title 4 of the Pacifica Municipal Code relating to the possession, sale, use, and discharge of fireworks; and,

**WHEREAS**, the City Council wishes to amend the fine schedule to specify increased administrative/civil fine amounts for certain specified violations of Article 2 of Chapter 3 of Title 4 ("Public Safety: Fire Protection: Fireworks").

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Pacifica that the updated "Schedule of Administrative/Civil Fines," as herein amended, be adopted to read as follows:

**SCHEDULE OF ADMINISTRATIVE/CIVIL FINES FOR VIOLATIONS OF  
THE PACIFICA MUNICIPAL CODE  
(AND OTHER CODES ADOPTED THEREIN)**

[Adopted on June 23, 2008]

Unless otherwise specified in the following schedule, the administrative/civil fine for violations of the Pacifica Municipal Code (and other codes adopted therein) enforced pursuant to the provisions of Chapter 6 of Title 1 of the Pacifica Municipal Code shall be as follows

- \$100 for the 1<sup>st</sup> offense
- \$200 for the 2<sup>nd</sup> offense of the same provision within a 12-month period of time
- \$500 for the 3<sup>rd</sup> or greater offense of the same provision within a 12-month period of time

<b>Code Section</b>	<b>Description of Violation</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third or Greater Offense</b>
Title 4 ("Public Safety")				
Chapter 3 ("Fire Protection")				
Article 2 ("Fireworks")				
4-3.202(a)	General prohibition of sale, use, or discharge of fireworks	\$200	\$400	\$1000
4-3.202(b)	Possession of 25 pounds or less of dangerous fireworks	\$1000*	\$1000*	\$1000*
4-3.203(a)	Prohibited hours of discharge of "safe and sane" fireworks	\$200	\$400	\$1000
4-3.203(b)	Prohibited location of discharge of "safe and sane" fireworks	\$200	\$400	\$1000
4-3.203(c)	Prohibited discharge of "safe and sane" fireworks by minor	\$200	\$400	\$1000
4-3.204	Unpermitted public display of fireworks and/or special effects	\$200	\$400	\$1000
4-3.205(a)	Unpermitted sale of "safe and sane" fireworks	\$200	\$400	\$1000
4-3.205(b)	Sale of "safe and sane" fireworks outside of	\$200	\$400	\$1000

	approved stand			
4-3.205(c)	Prohibited hours of sale of “safe and sane” fireworks	\$200	\$400	\$1000
4-3.205(d)	Prohibited sale of “safe and sane” fireworks to minors	\$200	\$400	\$1000
4-3.209(a)	Construction requirements of fireworks stand	\$200	\$400	\$1000
4-3.209(b)	Location requirements of fireworks stand	\$200	\$400	\$1000
4-3.209(c)	Operating requirements of fireworks stand	\$200	\$400	\$1000

\* In addition to the fine referenced in this schedule, a citee shall be assessed, and shall be liable and responsible for the payment of, the actual costs associated with the collection, transportation, and disposal of any seized fireworks, in accordance with regulations duly adopted by the State Fire Marshal.

**BE IT FURTHER RESOLVED**, that a late fee of fifty percent (50%) shall be assessed on any fine that is not fully paid to the City within ten (10) calendar days of its imposition/issuance when it is not contested in accordance with the provisions of Chapter 6 of Title 1 of the Pacifica Municipal Code, or if it is not fully paid to the City within ten (10) calendar days of any decision of a hearing officer or a judicial officer to uphold or confirm the fine if contested in accordance with the provisions of Chapter 6 of Title 1 of the Pacifica Municipal Code.

**BE IT FURTHER RESOLVED**, that interest in the amount of 0.02740 percent per day [not to exceed ten percent (10%) per year] shall accrue and be assessed on any fine that is not fully paid to the City within ten (10) calendar days of its imposition/issuance when it is not contested in accordance with the provisions of Chapter 6 of Title 1 of the Pacifica Municipal Code, or if it is not fully paid to the City within ten (10) calendar days of any decision of a hearing officer or a judicial officer to uphold or confirm the fine if contested in accordance with the provisions of Chapter 6 of Title 1 of the Pacifica Municipal Code.

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Passed and adopted at a meeting of the City Council of the City of  
Pacifica held on the 23rd day of April 2008, by the following vote:

AYES, Councilmembers:	DeJarnatt, Digre, Hinton, Lancelle, Vreeland
NOES, Councilmembers:	None
ABSENT, Councilmembers:	None
ABSTAIN, Councilmembers:	None

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James M. Vreeland, Jr., Mayor

APPROVED AS TO FORM:

ATTEST

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Cecilia M. Quick, City Attorney

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Kathy O'Connell, City Clerk