



CITY OF HIGHLAND

CITY COUNCIL AGENDA

Special Meeting
May 7, 2025 at 6:00 PM
City Hall Donahue Council Chambers
27215 Base Line, Highland CA 92346

COUNCILMEMBERS

Penny Lilburn, Mayor
District 3

Larry McCallon, Mayor Pro Tem
District 5

Gregory Hogan, Councilmember
District 1

Jimmy Saldana, Councilmember
District 2

John P. Timmer, Councilmember
District 4

STAFF

Carlos Zamano, City Manager
Lawrence Mainez, Community Development Director
Leticia Nava-Cruz, Director of Administrative Services/City Treasurer
Octavio Duran Jr., Public Works Director/City Engineer
Maricela Marroquin, City Attorney
Alondra Muñoz, City Clerk

MISSION STATEMENT

*Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community.
The City Council and the staff of Highland are dedicated to providing the quality of public facilities and
services that its citizens are willing to fund and will do so as efficiently as possible.*

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodations, including interpreters.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on the meeting agenda and distributed by the City of Highland to all or a majority of the City Council prior to that meeting are available for public inspection at City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Levine Act: Pursuant to Government Code Section 84308, any party to a City proceeding must disclose on the record any campaign contributions made to a member of the City Council (or commission) in excess of \$250 in the past 12 months. This disclosure requirement includes contributions by the party's agent and aggregated contributions from persons or entities related to the party. Please make the disclosure as soon as possible, but no later than the beginning of the proceeding.

CITY COUNCIL SPECIAL MEETING MAY 7, 2025 - 6:00 p.m.

NOTICE IS HEREBY GIVEN that a special meeting of the Highland City Council is hereby called to be held on May 7, 2025, at 6:00 p.m. in the City Council Chambers of City Hall located at 27215 Base Line, Highland, California. Said special meeting shall be for the purpose of conducting business in accordance with the attached Agenda.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT (LIMITED TO ITEMS ON THIS AGENDA ONLY)

To address the City Council, please complete a speaker form located at the entrance and give it to the City Clerk prior to the beginning of the meeting. Your name will be called when it is your turn to speak. State Law prohibits the City Council from acting on any item not on the agenda. Individual speakers are limited to three (3) minutes each.

For those wishing to make public comments by email, please submit your comments by 5:00 p.m. on May 7, 2025, to the City Clerk at publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the May 7, 2025 agenda, please identify the agenda item number in the subject line.

CITY COUNCIL PUBLIC HEARING

The order of business for Public Hearings shall be:

- 1) Mayor opens Public Hearing;
- 2) Staff presentation;
- 3) Applicant/Representative presentation;
- 4) Speakers in favor of proposal;
- 5) Speakers in opposition to proposal;
- 6) Applicant rebuttal;
- 7) Mayor closes Public Hearing;
- 8) Council discussion, motion and vote.

Once the Public Hearing is closed, no further testimony is taken.

1. Ordinance Amending the City's Fireworks Regulations to Increase the Fines and Authorize the Enhancement of Enforcement Efforts (HMC Chapter 1.20, Arrest and Citation Procedures, Chapter 2.56, Administrative Citation Process, and Chapter 8.58, Fireworks)

RECOMMENDATION: The Public Safety Subcommittee recommends the City Council:

- 1) Introduce and conduct first reading of City Council Ordinance No. ____, amending Chapter 1.20, Arrest and Citation, Chapter 2.56, Administrative Citation Process, and Chapter 8.58 of the Highland Municipal Code to increase the administrative fine as allowable under the State Fireworks Law for use of illegal fireworks, and other amendments to authorize enhanced code enforcement efforts; and
- 2) Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6 regarding the following:

Agency Negotiator: Carlos Zamano, City Manager

Employee Organization: Unrepresented employees

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

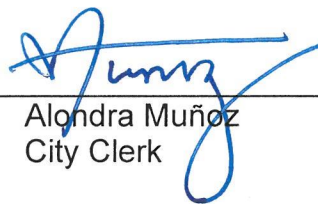
Pursuant to Government Code Section 54956.9 (d)(2) regarding the following:

Significant exposure to litigation: One case.

ADJOURN

I, Alondra Muñoz, City Clerk, certify I caused to be posted this Agenda on or before May 5, 2025 by 5:30 p.m., on our website at www.cityofhighland.org and in the following designated areas: Highland Branch Library (7863 Central Avenue), Fire Station No. 1 (26974 Base Line), and City Hall (27215 Base Line).

Date: May 5, 2025



Alondra Muñoz
City Clerk



STAFF REPORT

TO THE CITY COUNCIL

DATE: May 7, 2025

FROM: Carlos Zamano, City Manager

PREPARED BY: Lawrence A. Mainez, Community Development Director *Lamy*
Maricela Marroquin, City Attorney

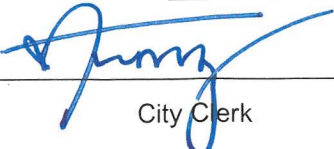
SUBJECT: Ordinance amending the City's Fireworks regulations to increase the fines and authorize the enhancement of enforcement efforts (HMC Chapter 1.20, Arrest and Citation Procedures, Chapter 2.56, Administrative Citation Process, and Chapter 8.58, Fireworks).

RECOMMENDATION: The Public Safety Subcommittee recommends the City Council:

1. Introduce and conduct first reading of City Council Ordinance No. _____ amending Chapter 1.20, Arrest and Citation, Chapter 2.56, Administrative Citation Process, and Chapter 8.58 of the Highland Municipal Code to increase the administrative fine as allowable under the State Fireworks Law for use of illegal fireworks, and other amendments to authorize enhanced code enforcement efforts.
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors.

FISCAL IMPACT: The fiscal impact associated with the proposed amendments to the Highland Municipal Code related to Fireworks enforcement are negligible, and the related fines collected help to offset the City's enforcement efforts. Staff is recommending the related fine be increased to \$2,000.00 which is the maximum allowable in accordance with State Fireworks Law (Health & Safety Code 12700(a)).

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 City Clerk		 City Manager	

BACKGROUND:

This item for consideration is proposed by the City Manager as a follow up to recent meetings with other local jurisdictions involving illegal fireworks enforcement efforts. These amendments are also consistent with the past directive given by the Public Safety Subcommittee to look into increasing the fines for illegal fireworks.

In 2013, the City of Highland City Council adopted Ordinance No. 377, prohibiting the possession, sale, storage, manufacturing, and use of fireworks in the City's corporate boundaries. In 2020, the City Council adopted Ordinance No. 444, amending the City's Fireworks Ordinance to eliminate some ambiguities, and stipulating the first administrative citation shall be in the amount of \$1,000.00 (not the \$100.00 as initially required in the Municipal Code), and all subsequent administrative citations shall also be \$1,000.00.

Fireworks Prohibition

The City of Highland Municipal Code, Chapter 8.58, Fireworks, Section 8.58.020 (Prohibition), states *"no person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport, any fireworks, dangerous fireworks or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use during a public display of fireworks pursuant to a permit obtained under the provisions of Sections 12640 through 12654 of the California Health and Safety Code, and this code."*

Public Displays – Permit Required

The Highland Municipal Code Chapter 8.58, Section 8.58.030 (Displays) allows the use of public displays of fireworks with a permit issued by the Fire Chief and Police Captain. In years past, the City has also required a Special Event Permit to be approved by the City Council due to the size of the attendees and impacts to surrounding neighborhoods (i.e., public display held at Immanuel Baptist Church).

Seizures and Disposal

The Highland Municipal Code authorizes the Fire Chief and Police Captain, and their authorized representatives to seize, take, remove, store and dispose of any fireworks, dangerous fireworks and safe and sane fireworks. The City's representatives may charge any person whose fireworks are seized a reasonable amount sufficient to cover the costs of transporting, storing, handling and disposing of the seized fireworks (HMC Section 8.58.050).

Penalties and Fines

Anyone who violates the provision of the City's Municipal Code Chapter 8.58, is subject to prosecution as either an infraction or a misdemeanor (HMC Section 8.58.060(A)). A violation of the City's current Municipal Code Chapter 8.58, is subject to an administrative fine in the amount of \$1,000.00 for each violation (HMC Section 8.58.060 (B)). The Public Safety Subcommittee is recommending the related fine be increased to \$2,000.00 which is the maximum allowable in accordance with State Fireworks Law (Health & Safety Code 12700(a)).

Comparison with other Agencies:

The following is a summary of fines charged by other surrounding agencies. It should be noted staff did not conduct an in-depth analysis of each agency enforcement process comparatively with the City's Municipal Code, but rather the following information was obtained from the agency's websites for the Subcommittee's information.

<u>City:</u>	<u>Fine:</u>
City of Banning	Up to \$1,000. Subsequent fine of \$1,000.
City of Beaumont	\$1,000 for 1 st violation, \$2,500 for 2 nd , \$5,000 for each additional.
City of Calimesa	Up to \$1,000. Subsequent fine of \$1,000.
City of Colton *	\$4,000 for 1 st violation, \$6,650 for 2 nd .
City of Fontana*	\$2,750 for 1 st violation, \$5,500 for 2 nd , \$11,000 for 3 rd .
City of Grand Terrace*	\$2,750 for 1 st violation, \$5,500 for 2 nd , \$11,000 for 3 rd .
City of Highland	\$1,000.00 fine for each violation.
City of Loma Linda	\$100 for 1 st violation.
City of Ranch Cucamonga	\$1,000 for each violation.
City of Redlands	Refers to California Health and Safety Code limits.
City of San Bernardino*	Illegally selling or using "safe and sane" fireworks fined \$1,000 for 1 st , \$2,500 for 2 nd , and \$5,000 for each additional. Illegal selling or using "dangerous" fireworks will be fined \$2,500 for 1 st , \$5,000 for 2 nd , and \$10,000 for each additional. Also, City has a \$250 reward program.
County of San Bernardino*	Fines up to \$1,250.
City of Yucaipa	\$100 for 1 st violation.

*Note: * indicates the city permits "safe and sane" fireworks in designated areas.*

Proposed Pilot Program for July 4, 2025

Staff is proposing to initiate a pilot program this year modeled after the City of Bellflower fireworks enforcement effort. In short, this pilot program will involve the City Manager, Executive Staff (Directors), and Code Enforcement Officers driving around the city during the evening of July 4th and documenting by dashcam video and use of written forms to identify illegal firework activities. The following week, staff will use the video and forms to prepare administrative citations. The administrative citation will be mailed directly to the property owner where the illegal firework activity was identified. No contact will be made with violators during the driving enforcement effort due to safety concerns.

Although the City of Bellflower is less than half the size of the City of Highland (6.1 square miles vs 18 square miles), they have more households (23,000 vs 17,000), and 60 percent of their households are rental units compared to Highland's 35 percent or more. The City of Bellflower staff advised Highland that during the adoption of its Ordinance their Council felt that property owners and owners of rental units should play a critical role in preventing illegal fireworks (therefore they only cite property owners as the party responsible). It is important to note that the City of Bellflower does allow "safe and sane" type fireworks. In terms of the City of Bellflower July 4th enforcement effort, they rent four (4) vehicles (unmarked vehicles) so they do not draw attention during the July 4th enforcement effort, and they attach dashcams to the rearview mirrors to capture illegal fireworks activity. Each vehicle is occupied with at least two people, one to safely drive around the city, and one to ensure the dashcam is functioning and the violation location is correctly documented on the associated forms. The videos and forms are then used to mail out citations within a few days after the 4th of July enforcement effort. The following is some of the enforcement stats the City of Bellflower provided to Highland. They also advised staff that they were able to collect up to 70% of the fines issued after excluding citations where the video and documents were not clear or when appeals were successful.

- On July 4th **2022**: 108 Administrative Citations issued (fines collected - \$108,000.00).
- On July 4th **2023**: 128 Administrative Citations issued (fines collected - \$165,000.00).
- On July 4th **2024**: 131 Administrative Citations issued (fines collected - \$112,000.00).

ANALYSIS: The following items outlined below were presented to the Public Safety Subcommittee and are provided for City Council for consideration as it related to the subject Ordinance.

1. Use of Dashcam recordings as evidence to enhance the City's enforcement efforts related to illegal fireworks.

In consultation with the City Attorney, it was determined that the use of a dashcam is permissible. Generally, in administrative and civil enforcement proceedings, evidentiary standards are more flexible than in criminal trials. Administrative citations are generally subject to the preponderance of the evidence standard, requiring that the evidence shows it is more likely than not that the claim is true. According to case law a video is the equivalent of a "writing", provided it is authenticated. A code officer can authenticate a video by their presence on scene while it is recorded. This test (requirement) will be met during the Highland pilot project because a Code Enforcement Officer will be assigned their own dashcam and will take custody as evidence within the code files and used to support the issuance of a citation. The Public Safety Subcommittee supported the use of dashcams as part of the City's proposed enforcement pilot program.

2. Mailing an Administrative Citation in lieu of in-person service.

In consultation with the City Attorney, it was determined that the City can mail administrative citations. However, after review of the City's citation procedures, specifically Municipal Code Sections 2.56.040 and 2.56.050, it was determined that there is ambiguity related to whether mailing a citation alone is sufficient. Therefore, the subject Ordinance amends the municipal code to clarify the procedure required to issue citations. The Public Safety Subcommittee supported mailing of citations as part of staff's proposed enforcement pilot program. Additional clean-up revisions were made to these sections to clarify the process for service.

3. Maximizing the fine for fireworks violations.

In consultation with the City Attorney, it was determined that the state fireworks law under Health and Safety Code Section 12700(a) the maximum fine the City can issue is \$2,000. As noted above, the current fine stipulated in the City's municipal code Section 8.58.060 is \$1,000, therefore a municipal code amendment is required to increase the fine to \$2,000. The Public Safety Subcommittee supported the proposed fine increase.

4. Process to ensure Ordinance will take effect prior to July 4th.

Adoption of an ordinance must be introduced as a first reading at a City Council hearing, followed by a second reading and adoption at a separate City Council hearing. The ordinance would then take effect 30 days after its adoption. Under this scenario, staff could prepare an ordinance to amend the municipal code and present the first reading at the May 13th City Council hearing date. The second reading would be presented at the June 10th City Council hearing date, and the ordinance would take effect 30 days after or on July 10th. That being said, this normal approach would not work since the ordinance

would take effect after the July 4th holiday and jeopardize the proposed enforcement pilot program. The following option was supported by the Public Safety Subcommittee to ensure the staff's proposed enforcement enhancement effort is implemented under an adopted ordinance in full effect.

- Alternative Municipal Code Amendment Process Option:

Hold a "Special" meeting at least five (5) days before the May 13th City Council meeting (before May 8th) and then conduct a second reading and ordinance adoption on May 13th. The ordinance would then go into effect on June 12th.

Attachments:

- A** Minutes from the April 23, 2025, Public Safety Subcommittee meeting.
- B** Draft Ordinance No. _____, amending the penalties and procedures for issuing a citation for violating the citywide prohibition on fireworks.

ATTACHMENT A

Minutes from the April 23, 2025, Public Safety Subcommittee meeting.

CALL TO ORDER

The Public Safety Subcommittee special meeting was called to order at 11:00 a.m. in the Upright Conference Room, 27215 Base Line, Highland, California.

ROLL CALL

Present: Lilburn, Saldana
Absent: None

PUBLIC COMMENT

Member Lilburn read public comment received from Mel Abeyta supporting the City of Highland Code Enforcement.

Fred Yaeger spoke in support of staff's recommendations.

BUSINESS ITEMS

1. Minutes - December 20, 2022 Meeting
Approved Minutes as submitted.
2. Discussion of City of Highland Public Safety and Infrastructure Sales Tax Increase
The Subcommittee reviewed and recommended the Public Safety and Infrastructure Tax Increase item be brought forward to City Council for approval.
3. Consideration of Amendments to the Fireworks Ordinance Related to an Increase in Fines and the Enhancement of Enforcement Efforts (HMC Chapter 1.20, Arrest Citation Procedures, Chapter 2.56, Administrative Citation Process, and Chapter 8.58, Fireworks)
The Subcommittee reviewed and recommended increasing the administrative fine as allowable under the State Fireworks Law for use of Illegal fireworks, provide direction on enhanced code enforcement efforts, and make a recommendation to City Council as appropriate.
4. Code Enforcement Restructuring to Help Expedite Due Process related to Enforcement Officer Case Load
The Subcommittee reviewed and recommended item be brought back for further discussion regarding restructuring of the City's Code Enforcement Division and Public Services Division and provide comments as appropriate.

CLOSED SESSION

none

ADJOURN

There being no further business, Member Lilburn adjourned the meeting at 12:07 p.m.

Submitted by:

Approved by:

Lissette Nock, Deputy City Clerk

Subcommittee Member

ATTACHMENT B

Draft Ordinance No. _____, amending the penalties and procedures for issuing a citation for violating the citywide prohibition on fireworks.

ORDINANCE NO. [REDACTED]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DELETING CHAPTER 1.20 (ARREST AND CITATION
PROCEDURES) OF TITLE 1 (GENERAL PROVISIONS); AND AMENDING
CHAPTER 2.56 (ADMINISTRATIVE CITATION PROCESS) OF TITLE 2
(ADMINISTRATION AND PERSONNEL) AND CHAPTER 8.58 (FIREWORKS) OF
TITLE 8 (HEALTH AND SAFETY) OF THE HIGHLAND MUNICIPAL CODE
PERTAINING TO THE ENFORCEMENT OF FIREWORKS VIOLATIONS**

WHEREAS, the City of Highland pursuant to its police power, may adopt regulations to protect the health, safety, and welfare of the public under California Constitution, Article XI, Section 7 and California Government Code Section 37100.

WHEREAS, the City has the authority under California Government Code Section 53069.4 to issue administrative citations for violations of the City's ordinances and impose administrative fines and penalties for such violations; and further has authority pursuant to Health and Safety Code Section 12557 for the imposition of fines related to persons who possess, sell, use and/or display, and/or the seizure of, 25 pounds or less (gross weight) of dangerous fireworks.

WHEREAS, pursuant to Section 8.58.020 of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety) of the Highland Municipal Code, the City has provided that "no person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport, any fireworks, dangerous fireworks or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use during a public display of fireworks pursuant to a permit obtained under the provisions of Sections 12640 through 12654 of the California Health and Safety Code, and this code."

WHEREAS, despite the prohibition on fireworks in the Highland Municipal Code, people within the City illegally use fireworks on or near the Fourth of July holiday and also during or near other entertainment and cultural events and festivals throughout each year.

WHEREAS, the City Council finds that the use and discharge of illegal fireworks in the City's local streets and neighborhoods poses a risk to life and property.

WHEREAS, the City Council finds that it is in the interest of the health, safety and welfare of the City to increase efforts to deter fireworks activity through the use of administrative citations.

WHEREAS, the City Council finds that it is in the interest of the health, safety and welfare of the City to hold owners and tenants of private property responsible for the unlawful use, discharge, possession, storage and sale of dangerous fireworks on their property.

NOW, THEREFORE, the City Council of the City of Highland does hereby ordain as follows:

Section 1. Code Amendment. Chapter 1.20 (Arrest and Citation Procedures) of Title 1 (General Provisions) of the Highland Municipal Code is hereby deleted in its entirety.

Section 2. Code Amendment. Section 2.56.030 (General enforcement authority) of Chapter 2.56 (Administrative Citation Process) of Title 2 (Administration and Personnel) of the Highland Municipal Code is hereby amended to read as follows, with additions shown in underlined text, with all other provisions of Chapter 2.56 remaining unchanged:

“For the purposes of this chapter, the city council designates the police officers, police specialists, city engineer, community development director, assistant community development director, city planner, building official, building inspectors, code compliance officers, business license coordinator, fire chief and fire code inspectors designated by the fire chief as enforcement officers, and their designees with the power to issue administrative citations, inspect public and private property and use whatever judicial and administrative remedies are available under the municipal code and state code.”

Section 3. Code Amendment. Section 2.56.040 (Service of administrative citations) of Chapter 2.56 (Administrative Citation Process) of Title 2 (Administration and Personnel) of the Highland Municipal Code is hereby amended to read as follows, with additions shown in underlined text, with all other provisions of Chapter 2.56 remaining unchanged:

“A. Administrative citations shall be served as follows:

1. Personal service on the property owner(s); or

2. a. Registered or certified mail, postage prepaid, return receipt requested. Simultaneously, a copy of the administrative citation may be sent by regular mail. If an administrative citation sent by registered or certified mail is returned unsigned or deemed undeliverable, then service shall be deemed effective pursuant to regular mail, provided the copy of the administrative citation that was sent by regular mail is not returned; and

b. Posting a copy of the administrative citation conspicuously on or in front of the property. Administrative citations for violations of Chapter 8.58 shall not require posting and service shall be deemed complete via personal service or service by registered or certified mail.

Service by registered or certified mail in the manner described above shall be deemed to have been completed or be effective on the date of delivery.

B. The failure of any property owner to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this chapter.”

Section 4. Code Amendment. Section 2.56.050 (Administrative citation procedures) of Chapter 2.56 (Administrative Citation Process) of Title 2 (Administration and Personnel) of the Highland Municipal Code is hereby amended to read as follows, with additions shown in underlined text and deletions shown in strikethrough text, with all other provisions of Chapter 2.56 remaining unchanged:

A. Upon discovering a violation of the municipal code or the state code, an enforcement officer may issue an administrative citation to a property owner in the manner prescribed in this chapter. If there exists a continuing violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues, however, and that violation does not create an immediate danger to health or safety, the enforcement officer may issue notice to the property owner of that violation

in the manner prescribed by HMC 2.56.040. The property owner must correct or otherwise remedy the violation within at least 15 days from the date of service of this notice; otherwise, the enforcement officer may issue an administrative citation to the property owner for violations of the municipal code or applicable state codes. An administrative citation may be issued for any violation of or failure to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of the municipal code.

B. When issuing an administrative citation via personal service, ~~if~~ the property owner is not an individual, the enforcement officer shall attempt to locate an authorized representative of the owner, if known, and issue the owner an administrative citation. If the enforcement officer can only locate the manager or on-site supervisor, the administrative citation may be issued in the name of the owner and the manager or on-site supervisor and given to said manager or on-site supervisor. A copy of the administrative citation shall also be mailed to the owner in the same manner, as described in HMC 2.56.040.

C. When issuing an administrative citation via personal service, once the property owner or its authorized representative is located, the enforcement officer shall attempt to obtain the signature of that person on the administrative citation. If the property owner or its authorized representative refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or subsequent proceedings.

D. If the enforcement officer is unable to ~~locate~~ personally serve the property owner or its authorized representative at the property, ~~then the administrative citation shall be mailed to the property owner in the manner prescribed in HMC 2.56.040.~~

~~E. If no one can be located at the property,~~ the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the property owner in the manner prescribed in HMC 2.56.040, except for administrative citations for violations of Chapter 8.58 (Fireworks) which shall not require posting.

E.F. The administrative citation shall also contain the printed name and signature of the citing enforcement officer.

~~F.G.~~ The administrative citation shall be mailed to the property owner in the manner prescribed by HMC 2.56.040.”

Section 5. Code Amendment. Section 8.58.050 (Seizure and disposal) of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety) of the Highland Municipal Code is hereby amended to read as follows, with additions shown in underlined text, with all other provisions of Chapter 8.58 remaining unchanged:

“A. It shall be the duty of the fire chief and his or her authorized representatives and the police chief and his or her authorized representatives to enforce the provisions of this chapter.

B. The fire chief and his or her authorized representatives and the police chief and his or her authorized representatives shall have the authority to seize, take, remove, store and dispose of any fireworks, dangerous fireworks and safe and sane fireworks. The fire chief and his or her authorized representatives and the police chief and his or her authorized representatives may

charge any person whose fireworks are seized pursuant to this section a reasonable amount which is sufficient to cover the cost of transporting, storing, handling and disposing of the seized fireworks.

C. At the time of seizure of any fireworks, the fire chief and his or her authorized representatives and the police chief and his or her authorized representatives shall serve by personal service an administrative citation pursuant to Chapter 2.56 HMC for a violation of this section to any property owner or any property owner's authorized representative whose fireworks are seized."

Section 6. Code Amendment. Section 8.58.060 (Penalties) of Chapter 8.58 (Fireworks) of Title 8 (Health and Safety) of the Highland Municipal Code is hereby amended to read as follows, with additions shown in underlined text and deletions shown in strikethrough text:

"A. Any person who violates any provision of this chapter is subject to prosecution as either an infraction or a misdemeanor as set forth in Chapter 1.24 HMC.

B. A violation of any provision of this chapter is subject to an administrative citation in the amount of ~~\$1,000~~ \$2,000 for each violation pursuant to the procedures set forth in Chapter 2.56 HMC. Such administrative remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law.

C. If a person who violates any provision of this chapter is charged with a misdemeanor, upon conviction that person shall be punished by a fine of not more than \$1,000, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment.

D. A person is guilty of a separate offense for each and every day or portion thereof during which he or she commits, continues or permits a violation of this chapter.

E. Nothing in this chapter shall be interpreted 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 and/or transportation of dangerous fireworks."

Section 7. CEQA.

The Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of the Ordinance will have a significant effect on the environment.

Section 8. Severability.

If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 9. Publication.

The City Clerk is directed to publish this Ordinance as required by law prior to the expiration of fifteen (15) days after its passage.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2025.

Penny Lilburn
Mayor

ATTEST:

Alondra Muñoz
City Clerk

APPROVED AS TO FORM:

Maricela Marroquin
City Attorney