



MINUTES

August 12, 2025

BOARD OF APPEALS SEMI-ANNUAL MEETING 9:00 a.m.

1. CALL TO ORDER

The Semi-Annual Meeting of the Board of Appeals was called to order by Board Member and Vice Chairperson, Bob Schmitt, on Tuesday, August 12, 2025, at 9:00 a.m. in the Hutchison Conference room of the Civic Center.

2. ROLL CALL (SILENT)

The following Board members were present:

Sharon Lawin
Connor Milligan
Arthur Pauly, Jr.
Howard Rudd
Tom Rutherford
Charles Sandoval
Bob Schmitt
Sandeep Upamaka

The following Board members were absent:

Joseph Bales
Louise Santiago
Andrea Seminer

The following staff members were present:

Travis Cochran, Senior Deputy City Attorney
Kelly Aye, Board Secretary

3. APPROVAL OF FEBRUARY 18, 2025 MINUTES

A motion was made by Board Member Arthur Pauly. and seconded by Board Member Tom Rutherford that the Minutes of the February 18, 2025 Board of Appeals Semi-Annual Meeting (Exhibit A) be approved.

AYES: Lawin, Mulligan, Schmitt, Pauly, Rudd, Rutherford,
Sandoval, Upamaka

NOES: None

4. PUBLIC COMMENT

No one from the public offered any public comments.

5. NEW BUSINESS

1. Appointment of Chairperson and Vice Chairperson.

A motion was made by Board Member Sharon Lawin and seconded by Board Member Arthur Pauly to nominate Vice Chairperson Bob Schmitt as the new chairperson.

The Board took a vote:

Ayes: Lawin, Mulligan, Schmitt, Pauly, Rudd, Rutherford,
Sandoval, Upamaka

Nos: None

A motion was made by Board Member Thomas Rutherford to nominate himself, Thomas Rutherford, to be Vice Chair. Chairperson Bob Schmitt seconded.

The Board took a vote:

Ayes: Lawin, Mulligan, Schmitt, Pauly, Rudd, Rutherford,
Sandoval, Upamaka

Nos: None

Chairperson Bob Schmitt took a moment to commend Board Member Andrea Seminer for her time spent and as the Board's previous chairperson.

2. Presentation by Sarah Cooper, Animal Control Supervisor

Animal Control Supervisor Sarah Cooper gave a presentation on calls for services and citizen citations.

Senior Deputy City Attorney Travis Cochran added to the discussion on citizen citations.

Animal Control Supervisor Sarah Cooper and Senior Deputy City Attorney Travis Cochran answered questions and received comments regarding animal control citations.

3. Updated Fine Schedule

Senior Deputy City Attorney Travis Cochran gave a report on the updated bail and fine schedule, approved by City Council at the June 4, 2025 City Council meeting, attached as Exhibit B.

4. Evidence Discussion

Senior Deputy City Attorney Travis Cochran opened a discussion on the burden of proof and preponderance of the evidence standard for administrative citations (handout attached as Exhibit C) and then answered questions from the Board.

5. Illegal Fireworks Discussion

Senior Deputy City Attorney Travis Cochran gave a report on illegal fireworks citations issued so far in 2025 (agenda item attached as Exhibit D) and then answered questions from the Board.

6. **OLD BUSINESS**

None.

7. **REPORTS/COMMENTS/QUESTIONS/SUGGESTIONS OF BOARD MEMBERS**

No reports, comments, questions or suggestions were offered from the board members.

8. **ADJOURNMENT**

A motion was made by Board Member Charles Sandoval and seconded by Board Member Howard Rudd to adjourn the August 12, 2025, Board of Appeals Semi-Annual Meeting.

AYES: All

NOES: None

Chairperson Bob Schmitt adjourned the August 12, 2025 Board of Appeals Semi-Annual Meeting at 10:11 a.m.

**Kelly Aye
Board Secretary**



MINUTES
February 18, 2025

BOARD OF APPEALS
SEMI-ANNUAL MEETING
3:00 p.m.

1. CALL TO ORDER

The Semi-Annual Meeting of the Board of Appeals was called to order by Board Member and Chairperson, Andrea Seminer, on Tuesday, February 18, 2025, at 3:00 p.m. in the Hutchison Conference room of the Civic Center.

2. ROLL CALL (SILENT)

The following Board members were present:

Joseph Bales
Sharon Lawin (pending confirmation of her appointment by City Council on February 19, 2025)
Connor Milligan
Arthur Pauly, Jr.
Howard Rudd
Tom Rutherford
Charles Sandoval
Louise Santiago
Bob Schmitt
Andrea Seminer
Sandeep Upamaka

The following staff members were present:

Travis Cochran, Senior Deputy City Attorney
Lynda Risucci, Board Secretary

3. APPROVAL OF AUGUST 8, 2024 MINUTES

A motion was made by Board Member Arthur Pauly, Jr. and seconded by Board Member Joseph Bales that the Minutes of the August 8, 2024 Board of Appeals Semi-Annual Meeting (Exhibit A) be approved.

AYES: All

NOES: None

4. PUBLIC COMMENT

No one from the public offered any public comments.

5. NEW BUSINESS

5.1. Welcome of New Members

Senior Deputy City Attorney Travis Cochran introduced the following newly appointed Board Members:

Howard Rudd
Charles Sandoval
Louise Santiago
Sandeep Upamaka

The new Board members, as well as the previous Board members, introduced themselves.

5.2 2024 Code Enforcement Statistics

Senior Deputy City Attorney Travis Cochran handed out Exhibit B to the minutes, which contained a graph showing the percentages of the types of violations resulting in citations during 2024.

5.3 2025 Potential RMC Amendments

Senior Deputy City Attorney Travis Cochran advised the Board about possible upcoming amendments being made to the ordinance regarding illegal firework use. He also advised the Board that an update to the fine/bail schedule was also planned, as well as the possible implementation of criminal enforcement of municipal code violations. Mr. Cochran then answered Board member questions.

6. OLD BUSINESS

None.

7. REPORTS/COMMENTS/QUESTIONS/SUGGESTIONS OF BOARD MEMBERS

Board member Thomas Rutherford offered a suggestion to future City personnel presenting at appeal hearings. Rather than staff reading verbatim from their staff report, staff could be instructed to structure their testimony to 1) identify the rule that has been violated, 2) provide the facts of the violation, and 3) apply the facts to the rule.

8. ADJOURNMENT

A motion was made by Board Member Robert Schmitt and seconded by Board Member Arthur Pauly, Jr. to adjourn the February 18, 2025 Board of Appeals Semi-Annual Meeting.

AYES: All

NOES: None

Chairperson Andrea Seminer adjourned the February 18, 2025 Board of Appeals Semi-Annual Meeting at 3:55 p.m.

Lynda Risucci
Board Secretary



City Council Communication

Meeting Date: 6/4/2025
Item #: VII.20
File #: 0323
Item ID: 2025-193

Title:	Roseville Municipal Code Update - Revised Fine Schedule and Bail Schedule
Contact:	Travis Cochran 916-774-5325 tecochran@roseville.ca.us

SUMMARY

Staff recommends the City Council introduce for first reading an ordinance amending Chapters 1.20 and 2.50 of the Roseville Municipal Code regarding general penalties and administrative citations. Staff further recommends the City Council adopt a resolution, which shall be contingent upon and will only take effect if the ordinance amending Chapters 1.20 and 2.50 is fully adopted, establishing a new fine schedule and bail schedule, and repealing Resolution 24-114 and Resolution 24-159.

RECOMMENDATION

Staff recommends that the City Council introduce for first reading an ordinance amending Chapters 1.20 and 2.50 of the Roseville Municipal Code regarding general penalties and administrative citations. Staff further recommends that the City Council adopt a resolution, which shall be contingent upon and will only take effect if the ordinance amending Chapters 1.20 and 2.50 is fully adopted, establishing a new fine schedule and bail schedule, and repealing Resolution 24-114 and Resolution 24-159.

BACKGROUND

Chapter 1.20 of the Roseville Municipal Code establishes the general framework for violations of the code. In particular, Chapter 1.20 makes it unlawful to violate the municipal code and dictates that all such violations are by default an infraction, unless otherwise specifically set forth in the code. Chapter 2.50 of the Roseville Municipal Code establishes the general framework for issuance of administrative citations. This includes the information that must be set forth within a citation, the process for appealing a citation, and the procedures for appeals hearings.

By way of background, there are three primary methods for enforcement of a city's municipal code: civil enforcement, criminal enforcement, and administrative enforcement. Civil enforcement involves initiating an action in civil court to obtain an injunction (court order) that requires compliance with the municipal code. Criminal enforcement involves the filing of criminal charges against the responsible party. Violations of the code can be charged as either an infraction or misdemeanor. The penalty for an infraction is payment of a fine not exceeding \$250, and the penalty for a misdemeanor may be a fine up to \$1,000, six months in jail, or both. Administrative enforcement is the process of issuing administrative citations and collecting of administrative fines. This is handled internally by city staff, and it does not involve the court system. Currently, the vast majority of the City's code enforcement efforts are through administrative enforcement and the issuance of administrative citations.

Chapter 1.20 was enacted in 1975 and has not been amended since 1984. Chapter 2.50 was enacted in 2001 and has only been minimally revised since. The City's fine schedule and bail schedule have also remained largely unchanged since their initial adoption, and the only substantive changes have been the addition of new municipal code sections and their corresponding administrative fine or bail amounts (for

example, the recent addition of host liability for illegal fireworks). During this time, the City has grown exponentially, and the nature and types of common code violations have changed. The fine amounts established by the City's bail schedule and fine schedule have also fallen behind inflation and fallen behind what many other cities impose for similar violations. An unfortunate consequence of this is that many of the City's fine amounts no longer serve as a deterrent or as an adequate remedy for a code violation. In fact, in some instances – especially in the commercial context – the administrative fines are often treated as a "cost of doing business", and the responsible party will not remedy a violation because the administrative fines imposed by the City are actually less than the cost required to abate the violation. This has made code enforcement increasingly complicated, time consuming, and in some cases, less effective.

Nuisance abatement within the City has been an important City Council policy in recent years. Since 2021, the Council has set ongoing goals to ensure a safe and healthy community and to deliver exceptional City services. One of the primary strategies to achieve these goals was increased code enforcement throughout the City, which included the addition of another Deputy City Attorney position to focus on all aspects of public safety, including code enforcement and nuisance abatement. It was also envisioned that the City Attorney's Office may establish a "City Prosecutor's Office". This would allow the prosecution of certain municipal code violations as misdemeanors in superior court, and it was anticipated that the added Deputy City Attorney position would serve in this role.

The proposed revisions to Chapters 1.20 and 2.50 of the Roseville Municipal Code and the adoption of a new fine schedule and bail schedule mark a significant step towards enhancing code enforcement and nuisance abatement efforts. These changes will directly facilitate the formal creation of a City Prosecutor's Office, will allow for more stringent penalties, and will give the City more options to address code violations. This is especially important to combat the negative effects of those individuals who consistently choose to disregard the City's municipal code, and for those violations that have a significant impact on public health, safety, and welfare.

One of the most significant changes being proposed is a revision to Section 1.20.010 of the Municipal Code and the addition of a new Section 1.20.020. This change will make all violations of the code, by default, a misdemeanor, but also gives the city attorney the express authority to charge any such violation as an infraction. It is important to note that this change serves a specific legal and technical purpose, which aligns the language of the City's Charter and Municipal Code with state law and will allow the City additional flexibility in setting the fine amounts for administrative citations. It is not staff's intent to charge all violations of the code as misdemeanors. A more comprehensive summary of the proposed changes to Chapters 1.20 and 2.50 are set forth below:

- Section 1.20.010(B): Makes all violations of the Roseville Municipal Code a misdemeanor by default and sets forth the maximum penalties for a misdemeanor as allowed by law. (As noted above, this is technical change that affords the City additional flexibility in setting administrative fine amounts. The City will not be charging all code violations as misdemeanors.)
- Section 1.20.020: Gives the City Attorney's Office discretion to charge any violation as a misdemeanor or infraction. (Please note that the City Attorney's Office also has discretion to process any violation as an administrative citation, and the City is not required to charge a violation as an infraction or misdemeanor.)
- Section 1.20.030: Requires the City Council to adopt a bail schedule setting forth the amount of bail to be imposed for violations charged as an infraction or misdemeanor. This change simply memorializes the City's long-standing practice of having a bail schedule.

- Section 1.20.040: Authorizes the City to issue a citation as an infraction, which is then referred to the superior court for processing as an infraction. This allows the City to charge certain violations as infractions but avoids having to actually "prosecute" the matter in criminal court. This is similar to how traffic tickets, like a speeding ticket, are handled.
- Section 1.20.060: Makes it unlawful for a person to knowingly aid or abet another person with a violation of the code.
- Sections 2.50.040(C) & 2.50.050(B): Authorizes the City to impose late payment fees for fines not timely paid, so long as such fees are set forth in the City's fine schedule.
- Section 2.50.080: Sets forth the basis upon which an administrative citation appeal hearing may be rescheduled and the process for requesting that a hearing be rescheduled. This clarifies and memorializes the City's long-standing practice for rescheduling hearings.
- Section 2.50.090: Clarifies that "preponderance of the evidence" is the applicable evidentiary standard used by the Board of Appeals for administrative citation appeal hearings. This standard is currently established by the City's Administrative Standards but has not been previously memorialized in the municipal code.
- Section 2.50.090(C): Clarifies that the Board of Appeals may find that a fine should be waived in the interest of justice, but that the Board may not otherwise increase or decrease the amount of any fine.
- Section 2.50.120: Specifically authorizes the City Attorney's Office to dismiss a citation and/or to enter into a negotiated settlement to resolve a citation. This is often referred to as "prosecutorial discretion," and is an inherent power of the City Attorney's Office that was not previously memorialized in the municipal code.

As noted above, a new fine schedule and bail schedule are also being presented for consideration. The purpose of the City's fine schedule is to establish the specific amount of the fine for each possible violation of the City's municipal code. The fine schedule also establishes potential increases to the fine for subsequent offenses of the same offense that occur within a 12-month period. The purpose of the bail schedule is to establish bail forfeiture amounts for municipal code violations treated as infractions or misdemeanors. If a person is charged with an infraction or misdemeanor for violating the municipal code, then in some instances, that person may pay and forfeit the bail amount before the arraignment in lieu of further proceedings. This is similar to paying the fine for a traffic violation, like a speeding ticket, prior to actually going to court to be arraigned for the ticket. Once paid, the matter is effectively resolved and there are no further proceedings.

A summary of the substantive changes contained within the proposed fine schedule are set forth below:

- Establishes default fine amounts for all violations unless otherwise specified by the fine schedule (e.g., \$100 for a first offense; \$200 for a second offense; and \$300 for a third offense).
- Establishes specific fine amounts for violations of specific provisions of the code, including the fine amounts for second and third offenses occurring within 12 months of the original offense.
- Establishes specific fine amounts for violations of specific provisions of the code, including the fine amounts for second and third offenses occurring within 36 months of the original offense.
- Establishes two levels of late payment fees for fines that are not paid timely. The first level is a 10% late fee if paid between 1 and 60 days late. The second level is a 25% late fee if paid more than 60 days late.

The changes to the bail schedule are fairly similar to those in the fine schedule. The new bail schedule

establishes specific bail amounts for certain infractions and misdemeanors, and also sets forth default bail amounts for all other violations not specified.

As evident in the proposed fine schedule and bail schedule, another substantive change to both are increases to the fine amounts for numerous code violations and increases to numerous bail forfeitures. As discussed above, the City's fine and bail schedules have not been substantively analyzed or updated in many years. The existing fine and bail forfeiture amounts have fallen behind inflation, and many are significantly below what other cities impose for similar types of code violations. The proposed increases were developed after analyzing the fine amounts established by several other cities, including multiple charter cities, cities with similar population sizes, and cities within the greater Sacramento region. Staff believes these increases are necessary for the efficient and effective abatement of nuisances and enforcement of the City's municipal code.

FISCAL IMPACT

There is no significant fiscal impact associated with the proposed Ordinance and adoption of a new fine and bail schedule. While charging some code violations as misdemeanors may increase immediate enforcement costs (increased staff time), the long-term benefits of such method of enforcement will likely reduce such costs over time – especially for ongoing violations. Such enforcement costs may also be offset by increased fine amounts and late payment fees collected through the administrative enforcement and citation process.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) only applies to projects which have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (CEQA Guidelines §15061(b)(3)).

CITY COUNCIL STRATEGIC PLAN/OVERARCHING GOALS

1. Ensure a safe and healthy community
2. Remain fiscally responsible in a changing world
3. Enhance economic vitality
6. Deliver exceptional City services

Respectfully Submitted,
Travis Cochran, Senior Deputy City Attorney

Michelle Sheidenberger, City Attorney

ATTACHMENTS:

1. Ordinance Amending Chapters 1.20 and 2.50 of the RMC
2. Bail Schedule 2024
3. FINE SCHEDULE 2024
4. Fine Schedule - Proposed
5. Bail Schedule - Proposed
6. Resolution 25-190

REVIEWERS:

Gretchen Hakala, City Attorney Department

Gretchen Hakala, City Attorney Department

Michelle Sheidenberger, City Attorney Department

Gretchen Hakala, City Attorney Department

Katrina Six, City Clerk Department

Ryan DeVore, City Clerk Department

Dennis Kauffman, City Manager Department - Assistant City Manager

Michelle Sheidenberger, City Attorney Department

Dominick Casey, City Clerk Department

Katrina Six, City Clerk Department

Created/Initiated - 5/23/2025

Approved - 5/23/2025

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Approved - 5/27/2025

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Approved - 5/27/2025

Approved - 5/27/2025

Final Approval - 5/27/2025

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING CHAPTER
1.20 OF TITLE 1 OF THE ROSEVILLE MUNICIPAL CODE REGARDING GENERAL
PENALTIES AND AMENDING CHAPTER 2.50 OF TITLE 2 OF THE ROSEVILLE
MUNICIPAL CODE REGARDING ADMINISTRATIVE CITATIONS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 1.20 of Title 1 of the Roseville Municipal Code is hereby amended
to read as follows:

Chapter 1.20

GENERAL PENALTY

Sections:

1.20.010. Violations—General penalty.

1.20.020. Discretion to charge violations as infractions.

1.20.030. Adoption of bail schedule.

1.20.040. Citation for infraction.

1.20.020050. Continuing violation.

1.20.060. Aiding or abetting.

1.20.010. Violations—General penalty.

- A. It is unlawful to violate any of the provisions of this code, or to do any act prohibited by this code, or to omit or fail to do any act required by this code.
- B. ~~Except where violation of this code is expressly made a misdemeanor, the violation of any provision of this code shall be punishable as an infraction. Penalties for infraction and misdemeanor violations of this code shall be the same as provided in the general laws of the state~~Unless otherwise specified by ordinance, the violation of any provision of this code or other ordinance of the city shall be deemed a misdemeanor. Unless a different punishment is specified by ordinance, any person convicted of a misdemeanor under any provision of this code or other ordinance of the city shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a period not to exceed six months, or by both fine and imprisonment.
- C. In addition to any other remedy or provision of law, the violation of any of the provisions of this code, or the doing of any act prohibited or the failure or omission to do any act required by this code is a public nuisance.

1.20.020. Discretion to charge violations as infractions.

- A. Unless any provision of this code or other ordinance of the city expressly provides that a violation of such provision must be charged solely as either a misdemeanor or infraction, any violation of this code or other ordinance of the city may be charged, in the discretion of the city attorney or city prosecutor, as a misdemeanor or an infraction.
- B. If a violation of this code or other ordinance of the city is charged as an infraction, such infraction is punishable by the following:
1. A fine not to exceed one hundred dollars (\$100.00) for a first violation:

2. A fine not to exceed two hundred dollars (\$200.00) for a second violation of the same code provision within 12 months; and

3. A fine not exceeding five hundred dollars (\$500.00) for a third violation and any additional violation of the same code provision within 12 months.

C. Upon a third or subsequent violation of the same code provision or city ordinance within 12 months, the city attorney or city prosecutor may elect to charge a fourth violation and any subsequent violation of the code provision or city ordinance within 12 months as a misdemeanor, even where such code provision or ordinance specifies that such violation may only be charged as an infraction.

1.20.030. Adoption of a bail schedule.

The city council shall adopt by resolution a schedule setting forth the amount of bail to be established for and imposed upon the violation of designated provisions of this code and any other ordinance of the city and charged as either an infraction or misdemeanor. This schedule, as may be amended or replaced from time to time by subsequent resolution of the city council, shall be referred to as the "Roseville Municipal Code Bail Schedule".

1.20.040. Citation for infraction.

As an alternative to criminal prosecution as an infraction, an enforcement officer may issue a citation for a violation of this code or any other city ordinance, which shall be referred to the Placer County Superior Court for processing as an infraction, and fines shall be imposed consistent with the Roseville Municipal Code Bail Schedule on file with the Placer County

Superior Court, notwithstanding the fine amounts established in this chapter for violations that are determined to be infractions.

1.20.020050. Continuing violation.

Each day a violation continues, it constitutes a separate and distinct offense. Each person in violation of any provision of this code shall be guilty of a separate and distinct violation for each and every day during any period of time which the violation is committed, continued, or permitted to be committed or continued by such person, and each separate violation may be punishable accordingly.

1.20.060. Aiding and abetting.

Knowingly causing, permitting, aiding, abetting, or concealing a violation of any provision of this code or any ordinance of the city is unlawful and shall also constitute a violation of this code. The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code or any ordinance of the city; it does not require any knowledge of the unlawfulness of such act or omission.

SECTION 2. Chapter 2.50 of Title 2 of the Roseville Municipal Code is hereby amended to read as follows:

Chapter 2.50

ADMINISTRATIVE CITATIONS

Sections:

2.50.010. Applicability.

2.50.020. Definitions.

2.50.030. Administrative citation.

2.50.035. Notice of citation.

2.50.040. Amount of fines.

2.50.050. Payment of the fine.

2.50.060. Hearing request.

2.50.070. Hearing panel.

2.50.080. Hearing procedure.

2.50.090. Hearing panel's decision.

2.50.100. Recovery of administrative citation fines and collection costs.

2.50.110. Right to judicial review.

2.50.120. Dismissal or negotiated settlement.

~~2.50.120~~130. Notices.

2.50.010. Applicability.

- A. This chapter provides for administrative citations, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the city to address any violation of this code. As used in this chapter, "violation" includes noncompliance with conditions of approval of a discretionary permit.
- B. The administrative citations process set forth in this chapter shall not apply to continuing violations of this code that pertain to building, plumbing, electrical, or other similar structural or zoning issues endangering the life, health, property or safety of the public or

occupants. This shall not, however, prevent the city from utilizing the administrative citations process for building, plumbing, electrical, or other similar structural or zoning violations which are transient and non-continuing in nature or which do not endanger the life, health, property or safety of the public or occupants.

- C. These sections shall not supersede any other sections of this code which address additional legal or administrative remedies available for city code violations; use of the administrative citation process shall be at the sole discretion of the city.

2.50.020. Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Enforcement officer" shall mean any city employee or agent of the city with the authority to enforce any provision of this code, including, but not limited to, an animal control officer, building inspector, building official, chief building inspector, city attorney, code enforcement inspector, fire chief, fire inspector, fire marshal, housing inspector, planning manager, public works inspector, water conservation specialist, construction inspector, engineer, and any police officer.

B. "Responsible party" shall mean any person an enforcement officer determines is responsible for causing, maintaining, committing, or allowing to be committed a violation of this code or other city ordinance. A "responsible party" includes, without limitation, any person who exercised legal or physical control over a property or business premises in the city, such that the responsible person is capable of preventing or correcting a violation of the provisions of this code or other city ordinance.

2.50.030. Administrative citation.

- A. Whenever an enforcement officer charged with the enforcement of this code determines that a violation of a code provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to any responsible party.
- B. Each administrative citation shall contain the following information:
 - 1. The date of the violation;
 - 2. The address or a definite description of the location where the violation occurred;
 - 3. The section of this code violated and a description of the violation; and
 - 4. The name and signature of the citing enforcement officer.

2.50.035. Notice of citation.

Within 14 days of the date of the administrative citation, the city attorney's office shall mail to the cited party a notice which contains the following information:

- A. The amount of the fine for the code violation;
- B. A description of the fine payment process, including a description of the time within which and the place at which the fine shall be paid;
- C. An order prohibiting the continued or repeated occurrence of the code violation described in the administrative citation; and
- D. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which a request for hearing form to contest the administrative citation may be obtained.

2.50.040. Amount of fines.

- A. The amounts of the fines for code violations imposed pursuant to this chapter shall be set forth in a schedule of fines established by resolution of the city council.
- B. The schedule of fines shall specify any increased fines for repeat violations of the same code provision within 12 months from the date of an administrative citation.
- C. The schedule of fines shall specify any late payment fees imposed for the payment of a fine after its due date.
- D. The schedule of fines, as may be amended or replaced from time to time by subsequent resolution of the city council, shall be referred to as the "Roseville Municipal Code Fine Schedule".

2.50.050. Payment of the fine.

- A. The fine shall be paid to the city within 30 days from the date of the notice issued pursuant to Section 2.50.035, if no hearing is requested. If a responsible party requests a hearing and does not attend the hearing, payment of the fine will be due 20 days from the date scheduled for the hearing. If the responsible party requests and attends the hearing, any fines imposed will be due within 20 days of service of the hearing panel's written decision.
- B. Any person who fails to pay to the city any fine on or before the date that such fine is due to be paid shall also be liable for the payment of any applicable late payment fees.
- ~~B.C.~~ Payment of a fine shall not excuse or discharge any continued or repeated occurrence of the code violation that is the subject of the administrative citation.

2.50.060. Hearing request.

- A. Any recipient of an administrative citation may contest that there was a violation of the

code or that he or she is the responsible party by completing a request for hearing form and returning it to the city attorney's office within 30 calendar days from the date of the notice issued pursuant to Section 2.50.035.

- B. A request for hearing form may be obtained from the city attorney's office or from the city's website.
- C. The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.
- D. If the enforcement officer submits an additional written report concerning the administrative citation for consideration at the hearing, then a copy of that report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing.

2.50.070. Hearing panel.

The city attorney's office shall designate a hearing panel for the administrative citation hearing. The panel shall have two or three members, drawn from the membership of the board of appeals. The members shall be selected to serve on the hearing panel on a rotating, as-available basis by the city attorney's office. Members shall act impartially on any matter placed before them and shall remove themselves from the panel should any conflict of interest involving the subject matter or parties of the proceedings come to their attention.

2.50.080. Hearing procedure.

- A. A hearing shall be set for a date that is not less than 15 days and not more than 90 days from the date that the request for hearing is initially filed in accordance with the provisions

of this chapter.

B. The city attorney's office, in its sole discretion, may reschedule a hearing one-time at the request of any party for any reason, so long as such request is made not less than three business days before the hearing date. If a party requests a new hearing date other than the assigned date and that date is more than 90 days from the date of the initial request for hearing, the request shall be denied. Any requests to reschedule a hearing date must be provided to the city attorney's office not less than three business days prior to the date of the hearing.

C. The city attorney's office, in its sole discretion, may reschedule a hearing upon a request of any party and a finding that there is good cause to reschedule the hearing. Whether good cause exists to reschedule a hearing is solely within the discretion of the city attorney's office. Any requests to reschedule a hearing date must be provided to the city attorney's office not less than three business days prior to the date of the hearing.

~~C.D.~~ At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

~~D.E.~~ The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a failure to exhaust administrative remedies.

~~E.F.~~ The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

~~F.G.~~ The hearing panel may continue the hearing and request additional information

from the enforcement officer or the recipient of the citation prior to issuing a written decision.

2.50.090. Hearing panel's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the hearing panel shall based on a preponderance of the evidence issue a written decision to uphold or dismiss the administrative citation and shall list the basis for that decision. The decision of the hearing panel shall be final.
- B. The recipient of the administrative citation shall be served with a copy of the hearing panel's written decision.
- C. If the hearing panel determines that the citation should be upheld, then the responsible party shall have 20 days from the date of notice of the hearing panel's decision to pay the associated fine. If the hearing panel determines that the citation should be upheld, but the fine waived in the interests of justice, no fine shall be due. The hearing panel may not otherwise reduce or increase the amount of any fine imposed for a violation.
- D. If the administrative citation involves noncompliance with conditions of approval of a discretionary permit, in addition to assessing administrative fines, the hearing panel may, at its discretion, refer the matter to the planning commission for possible action on the underlying permit.

2.50.100. Recovery of administrative citation fines and collection costs.

The city may collect any past due administrative citation fines, late payment fees, and costs of collection by use of all available legal means.

2.50.110. Right to judicial review.

~~A.~~ _____ Any person aggrieved by an administrative decision of a hearing panel on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in Placer County in accordance with the timelines and provisions set forth in California Government Code Section 53069.4, as it may be amended.

~~B. Should any party file a petition for review in accordance with subsection A of this section, the city attorney or designee shall have authority to dismiss the citation, and/or to enter into a negotiated settlement with the petitioner, if such dismissal and/or negotiated settlement is determined by the city attorney or designee to be in the best interests of the city.~~

2.50.120. Dismissal or negotiated settlement.

The city attorney or designee shall have authority to dismiss any citation, and/or to enter into a negotiated settlement with any responsibly party, if such dismissal and/or negotiated settlement is determined by the city attorney or designee to be in the best interests of the city.

2.50.120130. Notices.

- A. The administrative citation and all notices required to be given by this chapter shall be served on the responsible party by first-class U.S. mail.
- B. Failure to receive any notice specified herein does not affect the validity of

proceedings conducted hereunder.

SECTION 3. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 4. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk

**ROSEVILLE MUNICIPAL CODE FINE SCHEDULE
EFFECTIVE AS OF 7/18/2025**

Section 1. Standard Fines

Unless otherwise specified in the Roseville Municipal Code ("RMC") or in Sections 2 or 3 of this fine schedule, the standard administrative citation fine amount for any RMC violation, and any second, third, or subsequent violation of the same code section within 12 months of the date of the first offense, shall be:

1st Offense	2nd Offense (within 12-month period)	3rd or Subsequent Offense (within 12-month period)
\$100.00	\$200.00	\$500.00

Section 2. Specified Fines: 12-month period

The specific administrative citation fine amount for any violation of an RMC section set forth below, and any second, third, or subsequent violation of the same code section within 12 months of the date of the first offense, shall be:

RMC Code Section	Description	1st Offense	2nd Offense (within 12- month period)	3rd or Subsequent Offense (within 12- month period)
7.08.030	Interference with Animal Control Officer	\$250.00	\$500.00	\$750.00
7.12.050	Animal Aggressive Behavior	\$250.00	\$500.00	\$750.00
7.16.010	Animal Licensing	\$75.00	\$150.00	\$300.00
7.16.040	Animal License Affixed to Collar	\$75.00	\$150.00	\$300.00
7.20.010	Kennels – License Required	\$250.00	\$500.00	\$750.00
7.46.050	Failure to Comply with Conditions of Release –Potentially Vicious Animals	\$250.00	\$500.00	\$750.00
7.46.080	Harboring Potentially Vicious Animal	\$250.00	\$500.00	\$750.00
7.48.024	Failure to Comply with Conditions of Release –Vicious Animals	\$250.00	\$500.00	\$750.00

7.48.060	Harboring Vicious Animal	\$250.00	\$500.00	\$750.00
7.62.010	Animal Welfare	\$250.00	\$500.00	\$750.00
7.62.020	Animals in Motor Vehicles	\$250.00	\$500.00	\$750.00
9.24.030(G)	Construction Noise	\$250.00	\$500.00	\$750.00
10.54.020	Nuisances	\$150.00	\$300.00	\$500.00
10.56.010	Camping on public property	\$150.00	\$300.00	\$500.00
10.56.020	Camping on private property	\$150.00	\$300.00	\$500.00
10.56.030	Campfires	\$150.00	\$300.00	\$500.00
11.26.010	Truck Routes	\$150.00	\$300.00	\$500.00
14.09.060	Water Conservation – Water Waste Prohibited	\$150.00	\$300.00	\$500.00

Section 3. Specific Fines: 36-month period

The specific administrative citation fine amount for any violation of an RMC section set forth below, and any second, third, or subsequent violation of the same code section within 36 months of the date of the first offense, shall be:

RMC Code Section	Description	1st Offense	2nd Offense (within 36-month period)	3rd or Subsequent Offense (within 36-month period)
4.25.020	Permit Required – Short Term Rental	\$500.00	\$750.00	\$1,000.00
4.25080(A)	Performance Standards – Short Term Rental (Maximum Capacity)	\$250.00	\$500.00	\$750.00
4.25080(C)	Performance Standards – Short Term Rental (Maximum Rental Days)	\$250.00	\$500.00	\$750.00
4.25080(F)	Performance Standards – Short Term Rental (Parking)	\$250.00	\$500.00	\$750.00
4.25080(I)	Performance Standards – Short Term Rental (Events)	\$250.00	\$500.00	\$750.00
4.25.080(L)	Performance Standards – Short Term Rental (Renter's Age)	\$250.00	\$500.00	\$750.00
9.10.030(A)	Requirements for Massage Businesses – Permit Required	\$500.00	\$750.00	\$1,000.00
9.10.030(A)	Requirements for Massage Businesses – CAMTC Certification or Exemption Required	\$250.00	\$500.00	\$750.00
9.10.040	Massage Businesses – Advertisements	\$250.00	\$500.00	\$750.00

9.10.200(A)	Operating Requirements for Massage Businesses – General Conditions (Owner or Manager Onsite)	\$250.00	\$500.00	\$750.00
9.10.200(C)	Operating Requirements for Massage Businesses – General Conditions (No Massage of Private Areas)	\$500.00	\$750.00	\$1,000.00
9.10.200(G)	Operating Requirements for Massage Businesses – General Conditions (Professional Attire)	\$250.00	\$500.00	\$750.00
9.10.220(C)	Operating Requirements for Massage Businesses – Operations (Living Quarters Prohibited)	\$250.00	\$500.00	\$750.00
9.10.220(D)	Operating Requirements for Massage Businesses – Operations (Persons Consuming Alcohol or Drugs)	\$250.00	\$500.00	\$750.00
9.10.220(H)	Operating Requirements for Massage Businesses – Operations (Records)	\$250.00	\$500.00	\$750.00
9.10.220(I)	Operating Requirements for Massage Businesses – Operations (Living Quarters Prohibited)	\$250.00	\$500.00	\$750.00
9.10.220(L)	Operating Requirements for Massage Businesses – Operations (Advertising)	\$250.00	\$500.00	\$750.00
9.10.230(F)	Operating Requirements for Mobile Massage Services - No Massage of Private Areas	\$500.00	\$750.00	\$1,000.00
9.10.230(H)	Operating Requirements for Mobile Massage Services – Persons Consuming Alcohol or Drugs	\$250.00	\$500.00	\$750.00
10.58.100(B)	Municipal Parking Facilities – Restrictions on Use (Prohibited Areas)	\$250.00	\$500.00	\$750.00
10.71.030	Social Host Accountability	\$500.00	\$750.00	\$1,000.00
11.20.210	Handicapped Parking – On Street	\$380.00	\$380.00	\$380.00
11.20.220	Handicapped Parking – Off Street	\$380.00	\$380.00	\$380.00
14.08.060	Tampering With City Property – Bypassing Meters	\$500.00	\$750.00	\$1,000.00
14.08.070	Tapping Distribution System	\$500.00	\$750.00	\$1,000.00
14.08.080	Turning Water on Without Permit	\$500.00	\$750.00	\$1,000.00
14.08.130	Use of Water for Construction Purposes	\$500.00	\$750.00	\$1,000.00

14.08.190	Siphons Prohibited	\$500.00	\$750.00	\$1,000.00
14.08.210	Resale of Water	\$500.00	\$750.00	\$1,000.00
14.12.020	Use of Public Sewers Required	\$250.00	\$500.00	\$750.00
14.12.040	Building Sewers and Connections	\$250.00	\$500.00	\$750.00
14.12.050	Use of Public Sewers	\$250.00	\$500.00	\$750.00
16.16.140	Fireworks Regulations	\$750.00	\$1,000.00	\$1,000.00
16.35.060	Substandard Buildings – Violations	\$250.00	\$500.00	\$750.00

Section 4. Late Payment Fees

Any person who fails to pay any administrative fine amount that is due within the timeframe set forth in RMC §2.50.050 shall be subject to an additional late payment fee. For fines paid no later than sixty (60) days after the due date set forth in RMC §2.50.050, the late payment fee is equal to ten percent (10%) of the total administrative citation fine amount due to the City, or ten percent (10%) of the amount remaining unpaid to the City if a portion of the fine amount was timely paid. For fines paid more than sixty (60) days after the due date set forth in RMC §2.50.050, the late payment fee is equal to twenty-five percent (25%) of the total administrative citation fine amount due to the City, or twenty-five percent (25%) of the amount remaining unpaid to the City if a portion of the fine amount was timely paid. All late payment fees are in addition to the amount of the administrative citation fine amount.

**ROSEVILLE MUNICIPAL CODE BAIL SCHEDULE
EFFECTIVE AS OF 7/18/2025**

Section 1. Standard Bail Amount for Infractions

Unless specified elsewhere in this Bail Schedule, the standard bail amount for any violation of the Roseville Municipal Code charged as an Infraction shall be \$100.00.

Section 2. Standard Bail Amount for Misdemeanors

Unless specified elsewhere in this Bail Schedule, the standard bail amount for any violation of the Roseville Municipal Code charged as a Misdemeanor shall be \$250.00.

Section 3. Specified Bail Amount for Infractions

Unless specified elsewhere in this Bail Schedule, the bail amount for any violation of a Roseville Municipal Code section set forth below and charged as an Infraction shall be:

RMC Code Section	Description	Bail
4.25.020	Permit Required – Short Term Rental	\$500.00
7.08.030	Interference with Animal Control Officer	\$250.00
7.12.050	Animal Aggressive Behavior	\$250.00
7.16.010	Animal Licensing	\$75.00
7.16.040	Animal License Affixed to Collar	\$75.00
7.20.010	Kennels – License Required	\$250.00
7.46.050	Failure to Comply with Conditions of Release –Potentially Vicious Animals	\$250.00
7.46.080	Harboring Potentially Vicious Animal	\$250.00
7.48.024	Failure to Comply with Conditions of Release –Vicious Animals	\$250.00
7.48.060	Harboring Vicious Animal	\$250.00
7.62.010	Animal Welfare	\$250.00
7.62.020	Animals in Motor Vehicles	\$250.00
9.10.030(A)	Requirements for Massage Businesses – Permit Required	\$500.00
9.10.200(C)	Operating Requirements for Massage Businesses – General Conditions (No Massage of Private Areas)	\$500.00
9.10.230(F)	Operating Requirements for Mobile Massage Services - No Massage of Private Areas	\$500.00
9.24.030(G)	Construction Noise	\$250.00
10.54.020	Nuisances	\$150.00
10.56.010	Camping on public property	\$150.00

10.56.020	Camping on private property	\$150.00
10.56.030	Campfires	\$150.00
10.71.030	Social Host Accountability	\$500.00
11.20.210	Handicapped Parking – On Street	\$380.00
11.20.220	Handicapped Parking – Off Street	\$380.00
11.26.010	Truck Routes	\$150.00
14.08.060	Tampering With City Property – Bypassing Meters	\$500.00
14.08.070	Tapping Distribution System	\$500.00
14.08.080	Turning Water on Without Permit	\$500.00
14.08.130	Use of Water for Construction Purposes	\$500.00
14.08.190	Siphons Prohibited	\$500.00
14.08.210	Resale of Water	\$500.00
14.09.060	Water Conservation – Water Waste Prohibited	\$150.00

Section 4. Specified Bail Amount for Misdemeanors

Unless specified elsewhere in this Bail Schedule, the bail amount for any violation of a Roseville Municipal Code section set forth below and charged as a Misdemeanor shall be:

RMC Code Section	Description	Bail
4.25.020	Permit Required – Short Term Rental	\$750.00
4.25080(A)	Performance Standards – Short Term Rental (Maximum Capacity)	\$500.00
4.25080(C)	Performance Standards – Short Term Rental (Maximum Rental Days)	\$500.00
4.25080(F)	Performance Standards – Short Term Rental (Parking)	\$500.00
4.25080(I)	Performance Standards – Short Term Rental (Events)	\$500.00
4.25.080(L)	Performance Standards – Short Term Rental (Renter's Age)	\$500.00
7.08.030	Interference with Animal Control Officer	\$500.00
7.12.050	Animal Aggressive Behavior	\$500.00
7.20.010	Kennels – License Required	\$500.00
7.46.050	Failure to Comply with Conditions of Release –Potentially Vicious Animals	\$500.00
7.46.080	Harboring Potentially Vicious Animal	\$500.00
7.48.024	Failure to Comply with Conditions of Release –Vicious Animals	\$500.00
7.48.060	Harboring Vicious Animal	\$500.00
7.62.010	Animal Welfare	\$500.00
7.62.020	Animals in Motor Vehicles	\$500.00
9.10.030(A)	Requirements for Massage Businesses – Permit Required	\$750.00

9.10.030(A)	Requirements for Massage Businesses – CAMTC Certification or Exemption Required	\$500.00
9.10.040	Massage Businesses – Advertisements	\$500.00
9.10.200(A)	Operating Requirements for Massage Businesses – General Conditions (Owner or Manager Onsite)	\$500.00
9.10.200(C)	Operating Requirements for Massage Businesses – General Conditions (No Massage of Private Areas)	\$750.00
9.10.200(G)	Operating Requirements for Massage Businesses – General Conditions (Professional Attire)	\$500.00
9.10.220(C)	Operating Requirements for Massage Businesses – Operations (Living Quarters Prohibited)	\$500.00
9.10.220(D)	Operating Requirements for Massage Businesses – Operations (Persons Consuming Alcohol or Drugs)	\$500.00
9.10.220(H)	Operating Requirements for Massage Businesses – Operations (Records)	\$500.00
9.10.220(I)	Operating Requirements for Massage Businesses – Operations (Living Quarters Prohibited)	\$500.00
9.10.220(L)	Operating Requirements for Massage Businesses – Operations (Advertising)	\$500.00
9.10.230(F)	Operating Requirements for Mobile Massage Services - No Massage of Private Areas	\$750.00
9.10.230(H)	Operating Requirements for Mobile Massage Services – Persons Consuming Alcohol or Drugs	\$500.00
9.24.030(G)	Construction Noise	\$500.00
10.56.010	Camping on public property	\$300.00
10.56.020	Camping on private property	\$300.00
10.56.030	Campfires	\$300.00
11.26.010	Truck Routes	\$300.00
14.09.060	Water Conservation – Water Waste Prohibited	\$300.00
10.58.100(B)	Municipal Parking Facilities – Restrictions on Use (Prohibited Areas)	\$500.00
10.71.030	Social Host Accountability	\$1,000.00
14.08.060	Tampering With City Property – Bypassing Meters	\$750.00
14.08.070	Tapping Distribution System	\$750.00
14.08.080	Turning Water on Without Permit	\$750.00
14.08.130	Use of Water for Construction Purposes	\$750.00
14.08.190	Siphons Prohibited	\$750.00
14.08.210	Resale of Water	\$750.00
14.12.020	Use of Public Sewers Required	\$500.00
14.12.040	Building Sewers and Connections	\$500.00
14.12.050	Use of Public Sewers	\$750.00
16.16.140	Fireworks Regulations	\$1,000.00
16.35.060	Substandard Buildings – Violations	\$500.00

Section 5. Additional Fees

For some violations of the Roseville Municipal Code, the State of California may impose additional fees that are required to be paid to the City of Roseville. Violations of the following Roseville Municipal Code sections are subject to such additional fees as of December 7, 2010:

RMC Code Section	Description
11.20.020	Parking More than 72 Hours
11.20.030	Parking for Wash/Repair/Grease Vehicle in Road
11.20.040	Parking in Alley
11.20.050	Parking on Wrong Side of Street, Angle Parking
11.20.060	Parking Commercial Vehicle in Residential Neighborhood
11.20.070	No Parking Sign
11.20.080	Parking in Violation of Emergency Sign
11.20.090	Parking on Traffic Counters
11.20.100	Parking on Parks/Playgrounds/Sidewalk
11.20.110	Parking on Private Property
11.20.170	Parking in Fire Lane
11.20.190	Unregistered Vehicles Parked on Highway
11.20.210	Handicapped Parking - On Street
11.20.220	Handicapped Parking - Off Street
11.20.450	Selling Parking Permit
11.20.460	Parking in Residential Permit Zone Without Permit
11.20.540	Parking in Commercial Permit Zone without Permit
11.22.010	Parking in Violation of Curb Markings
11.22.040	Loading Zone Parking
11.22.050	Parking So As to Obstruct Traffic
11.24.020	Overtime Parking
11.24.030	Parking More than One Space
11.24.050	Unauthorized Placing of Parking Signs
11.30.050	Parking Meter Overtime
11.30.070	Parking Meter/Not Depositing Coins
11.30.080	Parking Meter - Using Substitute Coins
11.30.090	Parking Meter - Tampering With
11.32.040	Obedience to Parking Facility Signs
11.32.060	Parking in Reserved Space
11.32.070	Failure to Park in Marked Space

BURDEN OF PROOF – PREPONDERANCE OF THE EVIDENCE

The standard of evidence for appeals of administrative citations is the “preponderance of the evidence.” This means that the party who has the burden must present the more convincing evidence. To prove an element by a preponderance of the evidence simply means to prove that something is more likely than not (50% +1). In other words, in light of the evidence and the law, do you believe that each element of the alleged violation is more likely true than not? If so, you should decide in favor of the City. If not, or if the evidence is equally balanced, then the City has not carried its burden of proof on that element. Stated another way, a preponderance of the evidence means the greater weight of the evidence. It refers to the quality and persuasiveness of the evidence, not to the number of witnesses or documents. In determining whether a violation has been proven by a preponderance of the evidence, you may consider the relevant testimony of all witnesses regardless of who may have called them, including the credibility of such witnesses, and all the relevant exhibits received in evidence, regardless of who may have produced them.

ADMISSIBILITY AND TYPES OF EVIDENCE

The panel may consider any competent and reasonable evidence within its discretion. Formal rules of evidence do not apply.

- Witness Testimony (including Hearsay)
- Witness Credibility
- Video & Audio Recordings
- Photographs
- Documents & Records
- Communications (Text Messages, Emails, Voicemail Messages)
- Diagrams and Maps
- Social Media Posts

ROLE OF EACH PANEL MEMBER

To consider all of the evidence and determine whether it is more likely than not that the alleged violation(s) of the Municipal Code occurred.



COUNCIL COMMUNICATION

CC #: 3792

File #: 0102

Title: Roseville Municipal Code Amendment – Regulations for Fireworks

Contact: Travis Cochran 916-774-5325 tecochran@roseville.ca.us

Meeting Date: 3/19/2025

Item #: 8.1.

RECOMMENDATION TO COUNCIL

Staff recommends that the City Council introduce for first reading an ordinance amending Section 16.16.140 of the Roseville Municipal Code regarding regulations for fireworks.

BACKGROUND

In May 2024, the City Council amended Section 16.16.140 of the Municipal Code regarding regulation of fireworks. These changes included increasing the administrative fine amounts for fireworks-related violations, establishing "host liability" for property owners who knowingly allow others to use prohibited fireworks on their property, and allowing for possible recovery of costs associated with law enforcement responses to incidents involving prohibited fireworks. These changes were primarily in response to the City Council receiving inquiries from the public related to enforcement of illegal fireworks in the City of Roseville, specifically concerning the Fourth of July holiday.

Between June 28th and July 4th (the period during which safe and sane fireworks are allowed to be used within Roseville), the City issued 26 citations for illegal fireworks. Approximately 16 of those citations were issued directly to individuals possessing or using illegal fireworks, and 10 citations were issued to property owners and/or tenants under the host liability provision of the City's fireworks ordinance. The City issued 5 other citations outside of this timeframe (1 in mid-June and 4 between mid-July and November), all of which were for possession or use of illegal fireworks. Across the 31 citations issued by the City from June through November, there were 237 counts of use and/or possession of illegal fireworks or host liability, for a cumulative fine amount of \$229,250.

Because this was the first year of the City's increased enforcement efforts and fine amounts, it was relatively unknown what would happen after citations were issued. One unexpected result was that some citations were issued with fine amounts ranging between \$10,000 and \$50,000, which would make collection very difficult and would put the Board of Appeals in a difficult spot if such citations were appealed. To mitigate these issues, and in furtherance of the City's central focus – abatement of illegal fireworks and compliance with the Municipal Code – City staff developed a "plea deal" arrangement that was offered to individuals that met certain criteria. These plea deals included reducing the number of counts being cited in exchange for a probationary period. For example, if a responsible party was initially cited for 10 counts of use of illegal fireworks, the following plea arrangement may have been entered:

- The responsible party accepts responsibility for 3 counts of the violation and pays the associated fine amount (\$2,750).
- The remaining 7 counts are held as "pending" for 3 years.
- If the responsible party pays the \$2,750 in full and does not commit any firework-related violations for the next 3 years, the 7 remaining counts are dismissed.

The City resolved 7 of the citations through this type of plea deal arrangement.

Of the 31 citations issued by the City, six were also appealed to the Board of Appeals and ultimately dismissed. One appeal was granted because the issuing Police Officer was unable to attend the hearing (he was called away on another matter at the last minute), two were granted because additional information and/or review of the matter demonstrated that the appellants were not the responsible parties (both of these were host liability issues), and three other appeals were granted due to possible ambiguities in the ordinance.

After accounting for the citations that were successfully appealed and dismissed, as well as those that were separately resolved through plea arrangements, the total number of counts cited by the City for violation of the fireworks ordinance was 112, for a cumulative fine amount of \$108,000. As of March 1, the City has collected \$15,024 of that amount, \$6,476 remains unpaid but is subject to ongoing payment plans with the responsible parties, and \$86,500 is being referred to the State Intercept program for collection.

While the first year of increased illegal fireworks regulation and enforcement was an overall success, it also highlighted possible ambiguities within the Municipal Code and other unexpected challenges regarding enforcement. Thus, staff has identified areas within Section 16.16.140 that would benefit from minor revision. Staff believes these minor revisions would make the ordinance clearer and allow for better and more consistent enforcement. Such proposed revisions include:

1. Clarifying that the term "possession" of prohibited fireworks includes actual, constructive, or joint possession.
2. Expanding the concept of host liability to cover the street and/or sidewalk that is immediately adjacent to a host's property, and to any other property where a "host" is exercising apparent control.
3. Clarifying that each individual illegal firework may constitute a separate violation of the Municipal Code, either as a prohibited firework or as host liability.

The proposed changes to Section 16.16.140 will clarify what is and what is not allowed with respect to the use of fireworks to celebrate the Fourth of July holiday (and throughout the year), and it will allow for better and more efficient enforcement as the City attempts to combat the unlawful and undesirable use of illegal fireworks within the City.

FISCAL IMPACT

There is no direct fiscal impact associated with the proposed ordinance, although the proposed changes may lead to higher numbers of administrative citations being issued for fireworks violations and/or more successful collection of the corresponding fines.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is otherwise not considered a project as defined by CEQA Statute Section 21065 and CEQA State Guidelines Section 15060(c)(3) and Section 15378. The proposed Ordinance meets the above criteria and is not subject to CEQA. No additional environmental review is required.

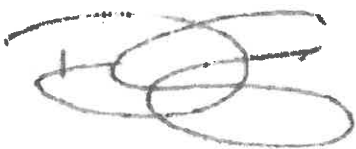
CITY COUNCIL STRATEGIC PLAN/OVERARCHING GOALS

Goal A – Maintain a safe and healthy community
Goal F – Deliver exceptional City services

Respectfully Submitted,

Travis Cochran, Senior Deputy City Attorney

Michelle Sheldenberger, City Attorney



Dominick Casey, City Manager

ATTACHMENTS:

Description

Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
City Attorney	Hakala, Gretchen	Approved	2/27/2025 - 8:01 PM
City Attorney	Sheldenberger, Michelle	Approved	2/28/2025 - 11:32 AM
Paralegal	Hakala, Gretchen	Approved	3/3/2025 - 12:41 PM
City Clerk	Six, Katrina	Approved	3/3/2025 - 4:30 PM
Assistant City Manager	DeVore, Ryan	Approved	3/3/2025 - 5:26 PM

3/12/25, 11:04 AM

Item Coversheet

Chief Financial Officer	Kauffman, Dennis	Approved	3/3/2025 - 7:01 PM
City Attorney	Sheidenberger, Michelle	Approved	3/3/2025 - 7:05 PM
City Manager	Casey, Dominick	Approved	3/4/2025 - 3:23 PM
City Clerk	Six, Katrina	Approved	3/4/2025 - 7:46 PM

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING SECTION
16.16.140 OF CHAPTER 16.16 OF TITLE 16 OF THE ROSEVILLE MUNICIPAL CODE
REGARDING REGULATIONS FOR FIREWORKS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Section 16.16.140 of Chapter 16.16 of Title 16 of the Roseville Municipal Code is hereby amended to read as follows:

16.16.140. Regulations for fireworks.

A. Chapter 56, Section 5608.1 of the California Fire Code, as adopted by the city, is hereby amended to read as follows:

5608.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6- Fireworks, and this chapter.

B. Prohibited Fireworks. Except as otherwise provided in this section, no person shall possess, manufacture, sell, use, display, manipulate, discharge, or explode any dangerous fireworks, or assist any other person therewith, including, but not limited to, any 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 whatsoever name known, or any altered safe and sane fireworks within the city. For purposes of this paragraph, "possession" of dangerous fireworks may be actual possession, constructive possession, or joint possession.

- C. **Public Displays.** Public displays of fireworks may be given under permit issued by the fire code official consistent with state law where such displays will take place under the direction and supervision of a state of California licensed pyrotechnic operator.
- D. **Public Notice.** Applicants for a fireworks public display permit shall provide notice to the surrounding community prior to the public display in accordance with standards approved by the fire code official.
- E. **Safe and Sane Fireworks.** It shall not be unlawful to possess, use, display or discharge, within the city, those fireworks that are defined and classified as "safe and sane fireworks" by Health and Safety Code section 12529, as may be amended from time to time, during the period from noon on the 28th of June through 11:59 pm on the 4th of July of the same calendar year. Any fireworks that are not defined and classified as "safe and sane fireworks" by Health and Safety Code Section 12529, as may be amended from time to time, are "dangerous fireworks" for purposes of this section.
- F. **Host Liability.** No host shall knowingly allow any person to violate a provision of this section on: (i) the host's property; (ii) any sidewalk, street, or other public right of way immediately adjacent to the host's property; or (iii) any other public or private property to which the host has demonstrated apparent ownership or control of the

property, or the right to use such property. For purposes of this section, "host" means:

(i) any person having ownership, control, the right to use, and/or possess a property; and/or (ii) is responsible for hosting, organizing, supervising, officiating, conducting, allowing, and/or accepts responsibility for a gathering. Additionally, for purposes of this section, "knowingly" shall mean that a person knew or reasonably should have known, looking at the totality of the circumstances. The provisions of this section shall not apply to:

1. The possession, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under federal law, state law, and/or this section;
2. A host who seeks immediate assistance from any law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this section, or to terminate the gathering because the host has been unable to prevent violation of this section, despite having taken reasonable steps to do so;
3. A host who seeks immediate medical assistance to provide care for a person in danger, due to a violation of this section.

G. **Sale of Safe and Sane Fireworks.** The sale of "safe and sane fireworks", authorized and labeled in accordance with Health and Safety Code section 12529, as may be amended from time to time, within the city, shall be permitted only between noon and 10:00 p.m. on the 28th of June of each year and 9:00 a.m. through 10:00 p.m. on June 29th through the 4th of July of the same calendar year.

Exception: No person shall sell or offer to sell or expose for sale any safe and sane fireworks to any person under the age of 18 years.

H. **Permits.** It is unlawful for any person, firm, or corporation to sell safe and sane

fireworks within the city without having first applied for and received a city permit therefor, in addition to the required state license.

I. Permit Requirements. The following are requirements for an application for a permit to sell safe and sane fireworks in the city:

1. No permit to sell safe and sane fireworks shall be issued to any person or business entity except nonprofit organizations.

a. "Nonprofit organization" means: (i) any nonprofit association, charity or corporation organized pursuant to the Internal Revenue Code or California Revenue and Taxation Code; or (ii) a group which is an integral part of a recognized national organization having such tax-exempt status; or (iii) an organization officially affiliated with and officially recognized by: (A) an elementary school, middle school, and/or high school and/or school district that serves, in whole or in part, the residents of the city, or (B) a public and/or private community college, college and/or university which is located within the boundaries of the city.

2. Any nonprofit organization that is qualified to sell safe and sane fireworks must meet all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for a permit to sell fireworks required by this section and which continues to meet the criteria for the duration of any permit to sell fireworks issued by the city.

- a. The organization must have its principal and permanent meeting place within the city.
- b. The organization must have a demonstrated benefit or provide a service to the citizens

of Roseville.

- c. The organization must have a minimum bona fide membership of at least 20 members who either reside in the city or are owners or operators of a business or other establishment located in the city or attest that the otherwise qualified organization will have a minimum of 20 volunteers to staff a fireworks booth. The organization shall provide documentation demonstrating the minimum bona fide membership to the satisfaction of the fire chief.
- d. The organization must not have been found by any court of competent jurisdiction or city administrative hearing officer to be in violation of any civil or criminal local, state or federal law within 24 calendar months prior to the organization's submittal of an application for a permit to sell fireworks.
- e. All applications for permits shall be accompanied by a California State Board of Equalization temporary sales tax permit.
- f. All applications for permits shall be in writing to the fire department on forms supplied by the city.
- g. Applications must be filed 30 days prior to the actual sale or display.
- h. Applications shall set forth the proposed location of the fireworks stand.
- i. Applications shall be accompanied by a certificate of insurance in a form approved by the city attorney showing public liability insurance coverage in a minimum amount of \$1,000,000.00.
- j. All applications for permits shall be accompanied by a retail sales permit issued by the California State Fire Marshal.

- k. Applicants shall furnish such other data or information as may be required relating to the issuance of such fireworks permits.
 - l. Applications shall identify the name, organizational form, address of the principal meeting place, number of members, the purpose of the organization or corporation and the date it came into existence within the city. Only those organizations that are located within the city limits will be allowed to sell fireworks. Each organization, and its affiliated groups, will be limited to no more than one booth.
 - m. Every application shall designate one or more individuals as the fireworks stand safety officer. That individual shall be required to attend a fireworks stand operators safety seminar and orientation session conducted or approved by the city's fire department prior to issuance of the permit. The fireworks stand safety officer(s) must attend the seminar each year regardless of whether or not they have previously attended such a seminar in the past.
 - n. Each application shall be accompanied by the applicable permit fee. Such fee shall be nonrefundable. The fee shall be used to defray the expense of administering the provisions of this section and to provide safety and informational material and programming relative to fireworks.
- J. Permit Revocation. The fire chief may suspend or revoke any permit upon proof that the permitted organization or corporation, or any of its members, has violated any of the provisions of this section relating to fireworks. If the fire chief determines that the suspension occurred too late in the limited sales period to have the necessary deterrent effect, he or she may disqualify the permitted person or organization from

obtaining a permit for a period of up to two additional years. Such additional disqualifications may be appealed to the city manager in writing within 15 calendar days of the action.

K. Number of Permits Issued. Except as otherwise provided, not more than 15 permits for fireworks shall be issued during any one calendar year. In the event more than 15 applications for permits are received, priorities for issuing of permits shall be determined by the fire chief as follows:

1. First priority shall be to those applicants who received a permit in the prior calendar year and actually operated a fireworks stand. Provided, however, that such priority shall expire after five consecutive years, and that nothing herein shall be construed so as to permit more than one fireworks stand per organization.
2. Second priority shall be to those otherwise qualified organizations.
3. In the event that the number of applicants within a given class of priority exceeds the number of permits remaining to be granted, then the selection of permittees shall be by lot. Such lottery shall be conducted in public by the fire chief who shall notify all applicants at least five days in advance of the date and time of the lottery.

L. Temporary Fireworks Stands. Retail sales of safe and sane fireworks are permitted only from within a temporary fireworks stand and subject to the following provisions:

1. No person other than the permitted organization shall operate the fireworks stand for which the permit is issued or share or otherwise participate in the profits of the

operation of such stand.

2. No person other than the individuals who are members of the permitted organization shall sell or otherwise participate in the sale of safe and sane fireworks.
3. Each fireworks stand shall have a responsible adult in attendance and in charge of the stand at all times while it is being used for the display or storage of safe and sane fireworks.
4. Each fireworks stand shall have a fireworks stand safety officer in attendance and in charge at all times while it is being used for the sale or the offering for sale of safe and sane fireworks.
5. All safe and sane fireworks shall be retained or stored at the approved location of the fireworks stand, and in no event shall fireworks, other than those which have been sold, be removed from the approved fireworks stand location to any other place within the city.
6. There shall be no drinking or possession of alcoholic beverages in or about the fireworks stand or storage site at any time.
7. Fireworks stands may only be located on property zoned C-C, G-C, M-1, or M-2.
8. No fireworks stand shall be located within 25 feet of any other building or within 50 feet of any gasoline station, fuel pump, storage tank, generator or bulk plant.
9. Fireworks stands shall be located at least 100 feet apart from any other fireworks stand.
10. Fireworks stands shall comply with the provisions of the Building Code as

determined by and at the discretion of the building official. All stands shall be erected under the supervision of the building official. The building official shall require that stands be constructed in a manner which will reasonably insure safety of attendants and patrons.

11. Temporary electrical wiring within the fireworks stand shall be prohibited.
12. Electrically powered equipment shall be located at least 10 feet from the fireworks stand.
13. Each stand shall have at least two approved exits located at opposite ends of the stand.
14. Any relocation of a fireworks stand shall be subject to prior approval of the fire chief.
15. Each fireworks stand shall be provided with two two-and-one-half-gallon "water-type" fire extinguishers approved by the fire chief, in good working order and easily accessible for use in case of fire. Such fire extinguishers shall be kept at or immediately near the fireworks stand.
16. All weeds and combustible materials shall be cleared from the location of the fireworks stand, to a distance of at least 30 feet.
17. When the fireworks stand is not being used for the sale and/or display of fireworks, all fireworks shall be stored in a manner consistent with one of the following:
 - a. Within a reinforced, heavy metal, fully-enclosed container, walk-in type drop box, or its equivalent, as approved by the fire code official; or
 - b. Returned daily to the licensed fireworks wholesaler for storage at an approved location.

M. Igniting Fireworks Near Stand. It is unlawful to discharge or ignite fireworks of any type within 25 feet of a fireworks stand.

N. Removal of Fireworks Stand. Fireworks stands shall be removed from the temporary locations by noon on the 6th day of July, and all accompanying litter shall be cleared from the locations by that time.

O. Penalties.

1. It is unlawful and a public nuisance to violate any of the provisions of this section.

Violation of this section shall be charged as a misdemeanor.

2. ~~For purposes of this section, each individual dangerous firework possessed, manufactured, sold, used, manipulated, displayed, discharged, or exploded may constitute a separate violation by the responsible person, including a host.~~

1.3. ~~Additionally,~~ The city shall be entitled to recover response costs required to address any provision of this section, including from a host. "Response costs" shall mean those reasonable and necessary costs directly incurred by city personnel for a response to an illegal discharge or illegal storage of fireworks, and include the cost of providing law enforcement, firefighting, and/or other emergency services at the scene of the violation.

P. Civil Injunction. The violation of any provision of this section shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of city, create a cause of action for injunctive relief.

Q. Administrative Remedies. In addition to the civil remedies and criminal penalties set forth herein, any person that violates the provisions of this section may be subject to administrative remedies, as set forth by city ordinance, including the recovery of any response cost. Each individual dangerous firework and/or illegal discharge or storage may be charged as a

separate violation.

- R. Cumulative Remedies, Procedures and Penalties. Unless otherwise expressly provided, the remedies, procedures and penalties provided by this section are cumulative to each other and to any others available under state law or other city ordinances.
- S. Effect on Criminal Prosecution. Nothing in the adoption or administration of this section shall be construed as affecting the ability to initiate or continue concurrent or subsequent criminal prosecution for any violation of the provisions of this code or any state law arising out of the same circumstances necessitating the application of this section.
- T. Severability. The provisions of this section are hereby declared to be severable. If any section, sentence, clause, phrase, word, portion or provision of the ordinance codified in this section is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of said ordinance which can be given effect without the invalid portion. In adopting said ordinance, the city council affirmatively declares that it would have approved and adopted said ordinance even without any portion which may be held invalid or unenforceable.

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance

to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk