

**ORDINANCE NO. 2020-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 1, CHAPTER 1.12 OF THE HESPERIA MUNICIPAL CODE, RELATED TO THE POLICE MULTIPLE RESPONSE PROGRAM**

**WHEREAS**, the City of Hesperia has the authority and responsibility to protect the public health, safety, and welfare; and

**WHEREAS**, Title 1 of the Hesperia Municipal Code contains regulations related to special enforcement procedures and the Police Multiple Response Program; and

**WHEREAS**, the City Council adopted the Police Multiple Response Program in 2007 to mitigate the drain on police and City services related to multiple calls for service to parties, gatherings, loud music, false alarms, and penal code violations that disturb the peace of neighborhoods; and

**WHEREAS**, firework possession and usage is prohibited in the City of Hesperia; and

**WHEREAS**, the illegal use of fireworks creates dangerous conditions in neighborhoods, causing multiple calls for service; and

**WHEREAS**, the City has the authority to recover costs related to calls for service to the Police Department and other City departments and;

**WHEREAS**, this fee shall recover the costs related to calls for service for fireworks possession and usage, and the related costs to the City that occur because of fireworks usage, including the calls for service to Animal Services the following night and day related to lost or dead animals which escaped because of fireworks noise; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

**NOW THEREFORE, THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

Section 1. All of the facts set forth in the forgoing recitals are true, correct and are adopted as findings.

Section 2. Title 1, Chapter 1.12 is hereby modified to as follows and shall be added to the Hesperia Municipal Code in its entirety:

Chapter 1.12.130.16

d. Fireworks. The possession and usage of fireworks requires police and city department response and reduces manpower availability, in addition to creating an unsafe situation and threatening public safety and so shall be considered a disturbance and subject to police multiple response fees.

Responses related to fireworks shall be subject to the following schedule of fees: First Response - \$150.00; Second Response - \$500.00; Third Response - \$1,000.00; Fourth and all subsequent responses - \$2,500.00. Additionally, at the discretion of the Police Captain or their designee, any response shall also incur actual costs.

Response for fireworks shall be subject to the probation requirements as required by this chapter for multiple responses.

Section 3. This Ordinance shall take effect on June 2, 2020

Section 4. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 5. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

**ADOPTED AND APPROVED** this 19<sup>th</sup> day of May, 2020

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Larry Bird, Mayor

ATTEST

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Melinda Sayre, City Clerk