

RESOLUTION NO. 22-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, RESCINDING RESOLUTION NO. 21-065 AND AMENDING THE ADMINISTRATIVE CITATION FINES TO BE ASSESSED FOR VIOLATIONS OF THE CITY'S FIREWORKS ORDINANCE INVOLVING ILLEGAL FIREWORKS

WHEREAS, the City Council of the City of Carson, a charter city ("City"), has broad authority under Article XI, Section 7 of the California Constitution and the City's Charter ("Charter") to establish, impose, and determine the amounts of administrative fines for violations of the Carson Municipal Code ("CMC"); and

WHEREAS, the City has the authority, pursuant to Chapter 2.5 (Administrative Citations) of Article I (General Provisions) of the CMC, to assess administrative fines by means of issuance of administrative citations for any and all violations of the CMC; and

WHEREAS, CMC Section 1203.3(d) provides that the administrative fines assessed by means of administrative citations issued for violations of the CMC shall be in the amounts specified by resolution of the City Council, or where no amount is specified, \$100 for a first violation, \$200 for a second violation of the same ordinance within one year from the date of the first violation, and \$500 for each additional violation of the same ordinance within one year from the date of the first violation; and

WHEREAS, for the protection of public safety, the City has adopted fireworks regulations, codified at Sections 3101 - 3101.10, inclusive, of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the CMC (the "Fireworks Ordinance"); and

WHEREAS, illegal fireworks, defined in the Fireworks Ordinance as any fireworks other than "safe and sane fireworks" (which in turn is defined to have the meaning given in California Health and Safety Code Section 12529), pose a threat to public safety, as they have the potential to cause fires and bodily injury, in addition to causing public nuisance conditions such as loud noises, explosions, and smoke; and

WHEREAS, the Fireworks Ordinance prohibits the sale of illegal fireworks in the City; and

WHEREAS, CMC Section 3101.0(d) of the Fireworks Ordinance provides that "[i]t shall be unlawful for any person to discharge, use or possess illegal fireworks within the City of Carson"; and

WHEREAS, on May 18, 2021, the City Council adopted Resolution No. 21-065 pursuant to CMC Section 1203.3(d), which: (i) set the administrative fines for violations of the Fireworks Ordinance involving illegal fireworks at \$1,000 for a first violation, \$2,000 for a second violation within one year from the date of the first violation, and \$3,000 for each additional violation within one year from the date of the first violation; (ii) set the administrative

finest for all violations of the Fireworks Ordinance involving safe and sane fireworks at \$1,000; and (iii) rescinded and repealed prior City Resolution No. 07-032; and

WHEREAS, the administrative fine amounts set by Resolution No. 21-065 have remained in effect since its adoption; and

WHEREAS, illegal fireworks continue to be sold, discharged, used and possessed rampantly in the City around the Fourth of July season annually despite being prohibited by the Fireworks Ordinance and punishable by the administrative fines set forth above (in addition to constituting misdemeanors). The total number of administrative citations issued for illegal fireworks violations in 2021 was 82, which number was substantially the same as the total number for 2020 (85), despite the increased fines. These totals for 2020 and 2021 represented increases from the prior year totals of 49 citations in 2019 and 67 citations in 2018. These figures, taken together with the fact that the City devoted substantially the same amount of resources to enforcement of such violations in 2020 and 2021 (having budgeted the same amount each year for the Los Angeles County Sheriff's Department task force that is charged with enforcing such violations in the City) indicate that the increased fines adopted in 2021 pursuant to Resolution No. 21-065 did not have a significant deterrent effect, and that a further increase to the fine amounts is necessary to achieve a significant deterrent effect; and

WHEREAS, according to mysafela.org: (i) on average, 19,500 fires related to fireworks are reported to fire departments every year; (ii) fireworks cause \$105 million dollars annually in property damage; (iii) on average, 9,100 fireworks injuries send people to area hospitals; and (iv) fireworks kill on average 5 people per year – often children; and

WHEREAS, the City of Carson is at high risk of dangerous and costly building fires being caused by illegal fireworks, given the dense urban development and the high percentage of industrial facilities in the City, including oil refineries and other industrial facilities using or storing hazardous materials which if accidentally released due to a fire or explosion could pose a threat to public health and safety; and

WHEREAS, accordingly, due to the fire danger and risk of bodily injury associated with illegal fireworks, the City Council finds that it must act to again increase the administrative fines for violations of the Fireworks Ordinance involving illegal fireworks in order to increase the deterrent effect of the City's prohibition of illegal fireworks, thereby reducing the number of violations and protecting public safety; and

WHEREAS, the City Council now sees fit to set the administrative fine amounts for violations of the Fireworks Ordinance involving illegal fireworks at the following amounts: \$2,000 for a first violation (which represents a \$1,000 increase to the first violation fine amount as previously set by Resolution No. 21-065), \$3,000 for a second violation within one year from the date of the first violation (which represents a \$1,000 increase to the first violation fine amount as previously set by Resolution No. 21-065), and \$5,000 for each additional violation within one year from the date of the first violation (which represents a \$2,000 increase to the additional violation fine amount as previously set forth in Resolution No. 21-065); and

WHEREAS, for consistency with the aforementioned modified fine structure regarding illegal fireworks violations, the City Council sees fit to rescind and repeal Resolution No. 21-065.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference as though set forth in full as findings of fact.

SECTION 2. In addition to any criminal, civil or other legal remedies that may be available to the City of Carson to enforce violations of the Carson Municipal Code or applicable state codes:

A. Any violation of the City's Fireworks Ordinance (as defined above) involving illegal fireworks, as defined in CMC Section 3101.05(d), including but not limited to any violation of CMC Section 3101.0(d), shall be assessed an administrative citation fine as follows: (1) \$2,000 for a first violation; (2) \$3,000 for a second violation within one year from the date of the first violation; and (3) \$5,000 for each additional violation within one year from the date of the first violation.

B. Any violation of the City's Fireworks Ordinance (as defined above) not involving illegal fireworks, as defined in CMC Section 3101.05(d), shall be assessed an administrative citation fine of \$1,000.

SECTION 3. The adoption of this Resolution shall have the effect of rescinding and repealing Resolution No. 21-065.

SECTION 4. This Resolution shall be effective immediately upon its adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the 21st day of June, 2022.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Khaleah K. Bradshaw, City Clerk of the City of Carson, California, hereby attest that the foregoing resolution, being Resolution No. 22-133, was duly adopted by the City of Carson City Council at its meeting held on the 21st day of June 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

By: _____
City Clerk Khaleah K. Bradshaw