

RESOLUTION NO. 20-086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO IMPOSE A TEMPORARY SUSPENSION OF THE PERMITTING OF RETAIL SALES OF FIREWORKS AND IMPOSE A TEMPORARY SUSPENSION OF THE DISCHARGE OF SAFE AND SANE FIREWORKS FOR THE 2020 PERMITTING SEASON IN ORDER TO PROTECT PUBLIC HEALTH AND SAFETY AGAINST THE SPREAD OF COVID-19

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has declared the disease caused by the novel coronavirus (“COVID-19”) a pandemic and recommended the implementation of extraordinary policies and procedures to protect the public health and welfare; and

WHEREAS, the COVID-19 pandemic presents a national, state, and local public health emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared the COVID-19 pandemic a statewide emergency, and the County of Los Angeles declared the existence of a state of emergency for Los Angeles County; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 20-053, declaring the existence of a local emergency in the City of Carson related to COVID-19; and

WHEREAS, on March 19, 2020, Governor Newsom issued a statewide stay-at-home order, which remains in effect until further notice (the “State Order”); and

WHEREAS, on March 16, 2020, March 19, 2020, and May 13, 2020, the Los Angeles Department of Public Health issued orders (the “County Orders”) which apply throughout Los Angeles County except in the cities of Long Beach and Pasadena, the cumulative effect of which is to generally require all persons to remain in their residences, with certain limited exceptions, and to prohibit gatherings of people who are not part of a single household or living unit, with certain limited exceptions. The County Orders remain in effect until further notice; and

WHEREAS, the City’s Fireworks Regulations, codified at Carson Municipal Code (“CMC”) Section 3101 *et seq.* (the “Fireworks Ordinance”), generally allow for permitting of: (i) the wholesale sale of safe and sane fireworks; and (ii) the retail sale of safe and sane fireworks by nonprofit charitable organizations from temporary fireworks

stands during certain times of day between the dates of June 28th and July 4th each year (the annual "Permitting Season"); and

WHEREAS, CMC 3101.0(b) authorizes persons within the City to discharge or use safe and sane fireworks during certain times of day during the annual Permitting Season; and

WHEREAS, on May 7, 2020, the City's Disaster Council authorized the City Manager to contact wholesalers and non-profit organizations regarding the City's intent to allow for continued permitting of fireworks sales pursuant to the Fireworks Ordinance, unless otherwise restricted by the State ("Disaster Council Action"); and

WHEREAS, during the summer season, the retail sale and discharge of fireworks as permitted by the Fireworks Ordinance results in social gatherings of people who participate collectively in the enjoyment of watching the display of discharged fireworks; and

WHEREAS, fireworks are often used without safety precautions in residential neighborhoods by persons surrounded by onlookers, creating a situation where mass gatherings of people who are not part of a single household or living unit usually occur, thus resulting in potential violations of the State and County Orders and a heightened risk of the spread of COVID-19, endangering the lives of the City's residents; and

WHEREAS, Article XI, Section 7 of the California Constitution gives the City Council the authority to make and enforce regulations to protect the health, safety and welfare of the City's residents, and Government Code Section 8634 provides that "[d]uring a local emergency the governing body of a political subdivision . . . may promulgate orders and regulations necessary to provide for the protection of life and property Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice"; and

WHEREAS, the City Council finds and declares that it is in the best interest of the public health and safety of the City's residents, and that it is consistent with and in furtherance of the State and County Orders and CDC recommendations, to authorize the City Manager to suspend permitting of retail fireworks sales and suspend any discharge or use of safe and sane fireworks by any person in the City pursuant to the City's Fireworks Ordinance for the 2020 Permitting Season; and

WHEREAS, the City Council intends for this Resolution to supersede the Disaster Council Action to the extent of a conflict.

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

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The City Manager is hereby authorized to implement a temporary suspension on all permitting for the retail sale of fireworks pursuant to the Fireworks Ordinance for the 2020 Permitting Season.

SECTION 3. The City Manager is hereby authorized to implement a temporary suspension of the discharge or use of safe and sane fireworks by any person in the City pursuant to the Fireworks Ordinance for the 2020 Permitting Season.

SECTION 4. Applicants who held a fireworks retail sales permit for the 2019 Permitting Season and faithfully complied with all requirements of the CMC in connection therewith shall maintain their priority status for the 2021 Permitting Season, and the waiting list shall be maintained in order for the 2021 Permitting Season, for purposes of CMC Section 3101.5(j).

SECTION 5. This Resolution supersedes the Disaster Council Action to the extent the Disaster Council Action conflicts or is inconsistent herewith.

SECTION 6. The City Manager or designee is hereby directed to give widespread publicity and notice of this Resolution, to the extent reasonably feasible.

SECTION 7. This Resolution shall be effective immediately upon its adoption.

SECTION 8. 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 this ____ day of June, 2020.

Mayor Albert Robles

ATTEST:

Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney