

ORDINANCE NO. 20-2011

AN ORDINANCE OF THE PEOPLE OF THE CITY OF CARSON, CALIFORNIA AMENDING CHAPTER 1 OF ARTICLE III, CHAPTER 3 OF ARTICLE VI, DIVISION 1 OF ARTICLE IX, DIVISION 6 OF ARTICLE IX, OF THE CARSON MUNICIPAL CODE PROHIBITING THE POSSESSION, STORAGE, OFFERING FOR SALE (INCLUDING WHOLESALE), EXPOSING FOR SALE, SALE OR RESALE, OR USING OR EXPLODING ANY FIREWORKS, SAFE AND SANE FIREWORKS, OR ILLEGAL FIREWORKS WITHIN THE CITY, EXCEPT AS OTHERWISE AUTHORIZED BY CHAPTER 1 OF ARTICLE III OF THE CARSON MUNICIPAL CODE

The People of the City of Carson, California do ordain as follows:

SECTION 1. This ordinance shall be known and may be cited as the “City of Carson Fireworks Prohibition Measure”.

SECTION 2. Section 3101.0 of Chapter 1 of Article III of the Carson Municipal Code is hereby amended in its entirety as follows:

“Except as is otherwise expressly allowed in this chapter, it is unlawful for any person to possess, to store, to offer for sale (including wholesale), to expose for sale, sale or resale, or to use or to explode any fireworks, safe and sane fireworks, or illegal fireworks within the city.”

SECTION 3. Sections 3101.07 of Chapter 1 of Article III of the Carson Municipal Code is hereby amended as follows (~~striketrough~~ representing deleted language and ***bold italics*** representing new language):

“Any resident of premises on which ***fireworks, safe and sane fireworks, or*** illegal fireworks are found or from which fireworks, ***safe and sane fireworks, or illegal fireworks*** are illegally discharged or sold shall be subject to the same civil liability or criminal penalty that may be imposed by the City’s fireworks regulations on the person selling, discharging or possessing the fireworks, as applicable, if the person selling, discharging or using the fireworks is on the premises by the resident’s invitation or consent.”

SECTION 4. Sections 3101.1 through 3101.7 of Chapter 1 of Article III of the Carson Municipal Code are hereby repealed in their entirety.

SECTION 5. Section 3101.10 of Chapter 1 of Article III of the Carson Municipal Code is hereby amended as follows (~~striketrough~~ representing deleted language and ***bold italics*** representing new language):

“3101.10 Violations of Fireworks Regulations.

(a) Any person violating any provision of CMC 3101 ~~*et seq. to 3101.9*~~, inclusive, or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring the permit herein provided for, shall be guilty of a misdemeanor.

(b) In addition thereto, any such misrepresentation or violation shall constitute grounds for revocation of the permit by the City Council, on twenty-four (24) hours' notice to the permittee, or if any such violation is committed in the presence of the Sheriff, or any deputy, or Fire Chief, or any other City officer, the City Manager shall be empowered, upon receiving a written and signed report thereof from any such officer, to close any such sales booth or stand forthwith.

(c) Any person violating the provisions of CMC ~~3101.7~~ **3101.8** to 3101.9 shall be subject to a penalty of \$1,000 for a first-time violation, and thereafter \$1,000 for each additional violation of such provisions. Any person found to have violated the provisions of CMC ~~3101.7~~, 3101.8, or 3101.9, or any combination of the same, more than two (2) times in a single year shall be prohibited from applying for any permit under CMC ~~3101.7 through 3101.8~~ **and** 3101.9 for a period of one (1) year.

(d) If any provision(s) of this Chapter or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this Chapter are declared to be severable. The City Council hereby declares that they would have adopted this Chapter and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.”

SECTION 6. Section 63128 of Chapter 3 of Article VI of the Carson Municipal Code is hereby amended in its entirety to read as follows:

“The sale of fireworks, safe and sane fireworks, and illegal fireworks, as these terms are defined by CMC 3101.05, are prohibited in the City of Carson pursuant to CMC 3101.0.

SECTION 7. Section 63129 of Chapter 3 of Article VI of the Carson Municipal Code is hereby amended in its entirety to read as follows:

“The wholesale of fireworks, safe and sane fireworks, and illegal fireworks, as these terms are defined by CMC 3101.05, are prohibited in the City of Carson pursuant to CMC 3101.0. For the storage of safe and sane fireworks, see CMC 3101.8.

SECTION 8. Section 9126.7(C) of Division 6 of Article IX of the Carson Municipal Code is hereby amended as follows (~~striking through~~ representing deleted language and ***bold italics*** representing new language):

“C. Nonresidential Uses. Identification signs for nonresidential uses may be erected subject to the following:

1. Not more than two (2) sign structures shall be permitted on a lot, except the Director may approve additional signs if he finds there are more than two (2) separate nonresidential uses on the same lot, the location of not more than two (2) sign structures would constitute an unnecessary hardship on the property owner, and the additional signs would not be materially detrimental to the public health, safety and general welfare.
2. The total sign area per lot shall not exceed an area in square feet equal to the linear feet of lot frontage on a public street or streets. Lot frontage on a freeway shall not be considered in computing this figure.
3. When the total frontage of a lot is less than the square root of the lot's area, said frontage shall be deemed to be equal to the square root of the lot's area for the purpose of determining the permitted sign area.
4. A pole sign shall not be permitted.
5. A ground sign in excess of three and one-half (3-1/2) feet in height shall not be permitted. The distance between the ground elevation and the bottom of a ground sign shall not exceed one (1) foot.
6. A sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.
7. A sign shall not project into an existing or future right-of-way.
8. No “A” frame or “sandwich” sign, or scintillating, flashing or revolving sign shall be permitted.
9. ~~Streamers, banners, pennants and similar displays are not permitted; provided, however, that streamers, banners, pennants and similar displays may be attached directly upon the structure of a lawfully erected fireworks stand (see CMC 3101.0 through 3101.10) without necessity of a banner permit.~~
10. Christmas decorations displayed between thirty (30) days prior to and fifteen (15) days after December 25th are not subject to zoning regulations.
11. Official public events, including but not limited to national, state and local elections, are not subject to zoning regulations.”

SECTION 9. Section 9136.7(C) of Division 6 of Article IX of the Carson Municipal Code is hereby amended as follows (~~striketrough~~ representing deleted language and ***bold italics*** representing new language):

“C. Streamers, banners, pennants, and similar displays are permitted subject to the following:

1. Streamers, banners, pennants, and similar displays may be exhibited in connection with grand openings and other special events upon written approval of the Planning Officer. Requests for such displays shall be submitted to the Planning Officer, in writing, thirty (30) days prior to the event. All approvals shall be limited to a total of sixty (60) consecutive days at any one (1) time with a minimum of thirty (30) days in between the next display period for a total of one hundred twenty (120) days of display per calendar year per business. An additional thirty (30) days of display is permitted; provided, that a new banner permit is issued and a fee is paid. Temporary business signs for department stores or regional shopping centers with a gross floor area of at least one hundred thousand (100,000) square feet located in the CR Zoning District and in a Mixed-Use Residential (MUR) Overlay District may be allowed to deviate from the provisions of this Section as it pertains to display size, location, orientation, material, length of time, and content pursuant to an approved sign program. Signs must show content related to businesses, events, products or services provided at the department store or regional shopping center.

2. Any streamer, banner, pennant, or similar display shall be suspended so as to maintain at least seven (7) foot clearance.

3. In any event, no streamer, banner, pennant, or similar displays shall be exhibited if, in the opinion of the Director, such displays are not adequately maintained.

4. Christmas decorations displayed between thirty (30) days prior to and fifteen (15) days after December 25th, and those displayed during official public events, are not subject to this subsection.

~~5. Streamers, banners, pennants and similar displays may be attached directly upon the structure of a lawfully erected fireworks stand (see CMC 3101.0 through 3101.10) without necessity of a banner permit.~~

~~6.~~ All temporary signs and similar displays for vehicle dealerships shall be permitted in conformance with development standards as provided in CMC 9138.15(E).”

SECTION 10. Section 9146.7(C)(5) of Division 6 of Article IX of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 11. The table entitled “Use Permitted in Residential Zones” in Section 9121.1 is hereby amended in relevant part as follows (~~striketrough~~ representing deleted language and ***bold italics*** representing new lanlguage):

	Zones		
Temporary Uses	RA	RS	RM

Fireworks Stand. (See CMC 3101.0 through 3101.10.)			CC
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SECTION 12. The table entitled “Uses Permitted in Commercial Zones” in Section 9131.1 is hereby amended in relevant part as follows (~~striketrough~~ representing deleted language and ***bold italics*** representing new language):

	Zones					
Temporary Uses	CN	CR	CG	CA	MU-CS	MU-SB
Fireworks Stand. (See CMC 3101.0 through 3101.10.)	CC	CC	CC		CC	CC

SECTION 13. CITY COUNCIL AUTHORITY TO AMEND. The People of the City of Carson hereby authorize the Carson City Council to amend this Ordinance without further vote of the electorate in any manner pursuant to Elections Code 9217.

SECTION 14. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Carson hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 15. CEQA EXEMPTION. This Ordinance adopts regulations prohibiting certain business activities and uses in the City. As such, under Section 15378(b)(4) of the Guidelines for Implementation of the California Environmental Quality Act (“CEQA Guidelines”), this Ordinance is not a project within the meaning of CEQA, and under CEQA Guidelines Section 15060, review under CEQA is not required.

SECTION 16. EFFECTIVE DATE. This Ordinance shall take effect, pursuant to Elections Code Section 9217, 10 days after the certification of its approval by a majority of the electorate voting at the City’s general election held on November 3rd, 2020.

SECTION 17. CERTIFICATION; PUBLICATION. Upon its approval by majority vote of the electorate, the City Clerk shall execute this Ordinance below to certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

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It is hereby certified that this Ordinance was duly adopted by the voters at the November 3rd, 2020 General Election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on _____, 2020 by the following vote:

AYES:
NOES:
ABSENT:

Donesia L. Gause, CMC, City Clerk
City of Carson