

## **RESOLUTION NO. 21-065**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, RESCINDING RESOLUTION NO. 07-032 AND AMENDING THE ADMINISTRATIVE CITATION FINES TO BE ASSESSED FOR VIOLATIONS OF THE CITY'S FIREWORKS ORDINANCE**

**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 issue administrative citations for any and all violations of the CMC; and

**WHEREAS**, CMC Section 1203.3(d) provides that the administrative fines assessed and cited pursuant to administrative citations 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 the CMC (the "Fireworks Ordinance"), which is contained within Chapter 1 (Fire Prevention) of Article III (Public Safety) of the CMC; and

**WHEREAS**, illegal fireworks, defined in CMC Section 3101.05 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**, on April 3, 2007, the City Council adopted Resolution No. 07-032 pursuant to CMC Section 1203.3(d), providing that any violation of CMC Sections 3101.0, 3101.1, 3101.7, 3101.8, or 3101.9 of the Fireworks Ordinance may be assessed an administrative citation fine of up to \$1,000, except that violations for possessing and/or discharging fifty or fewer individual pieces of non-aerial fireworks shall be not less than \$500 if the violation is that person's first violation for possessing and/or discharging fifty or fewer individual pieces of non-aerial fireworks, and rescinding and repealing prior City Resolution No. 06-44; and

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

**WHEREAS**, illegal fireworks continue to be possessed, sold and used 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), and the City Council finds that it must act to 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**, accordingly, the City Council now sees fit to 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; and

**WHEREAS**, the Fireworks Ordinance also restricts safe and sane fireworks, and the City Council sees fit to set the administrative fines that may be assessed for all such violations of the Fireworks Ordinance at \$1,000. To that end, and for consistency with the aforementioned modified fine structure regarding illegal fireworks violations, the City Council sees fit to rescind and repeal Resolution No. 07-032.

**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 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), may be assessed an administrative citation fine as follows: (1) \$1,000 for a first violation; \$2,000 for a second violation within one year from the date of the first violation; and (3) \$3,000 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), may 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. 07-032.

**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 18th day of May, 2021.

---

Lula Davis-Holmes, Mayor

ATTEST:

---

Joy Simargo, Deputy City Clerk

APPROVED AS TO FORM:

---

Sunny K. Soltani, City Attorney

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

I, Joy Simargo, Deputy City Clerk of the City of Carson, California, hereby attest that the foregoing resolution, being Resolution No. 21-065 was duly adopted by the City of Carson City Council at its meeting held on the 18<sup>th</sup> day of May 2021, by the following vote:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

By: \_\_\_\_\_  
Deputy City Clerk Joy Simargo