



Legislation Text

File #: 2022-545, Version: 1

Report to Mayor and City Council

Tuesday, June 21, 2022

Discussion

SUBJECT:

CONSIDER ADOPTION OF RESOLUTION NO. 22-133 TO AMEND THE ADMINISTRATIVE CITATION FINE AMOUNTS FOR VIOLATIONS OF THE CITY'S FIREWORKS ORDINANCE INVOLVING ILLEGAL FIREWORKS (CITY COUNCIL)

I. SUMMARY

This item is being brought to the City Council pursuant to the request of the City Council at the June 7th Council meeting and the recommendation of the Bingo/Fireworks/Refuse Ad Hoc Committee made at its June 14 meeting.

Illegal fireworks continue to be possessed, sold, and discharged rampantly in the City of Carson around the Fourth of July season annually despite being prohibited by the City's Fireworks Ordinance and punishable by administrative fines currently set 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 of the first violation.

During its June 7th City Council meeting, the City Council requested consideration of this item, and on June 14, the Bingo/Fireworks/Refuse Ad Hoc Committee provided a recommendation to staff to present a proposed resolution for Council consideration 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, \$3,000 for a second violation within one year from the date of the first violation, and \$5,000 for each additional violation within one year from the date of the first violation.

II. RECOMMENDATION

TAKE the following actions:

ADOPT 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." (Exhibit No. 1)

III. ALTERNATIVES

TAKE another action that Council deems appropriate.

IV. BACKGROUND

Many cities in California are facing challenges with the noise and hazard of illegal fireworks being discharged within their communities and are implementing different programs and tools to address these issues. Carson is no exception. The City Council and the Bingo/Fireworks/Refuse Ad Hoc Committee have expressed a desire to address these concerns by deterring and ideally eliminating the use of illegal fireworks while continuing to permit the use and sales of legal safe and sane fireworks subject to existing restrictions. One of the measures the City Council has taken in an effort to eliminate illegal fireworks being used rampantly each year is increasing the administrative fines assessed for violations of the City's Fireworks Ordinance involving illegal fireworks.

On April 3, 2007, the City Council adopted Resolution No. 07-032 pursuant to Carson Municipal Code (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.

On May 18, 2021, the City Council adopted Resolution No. 21-065, setting the administrative fines for violations of the City's 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. (Exhibit No. 2)

Later in 2021, the City worked with the Sheriff's Department to create an enhanced illegal fireworks suppression plan, and on October 19, 2021, the City Council approved a three-year service contract with Team Legal, Inc. to provide process server services that enable staff to notify the cited person that a small claims case is being filed against them. From 2018 to 2021, the City's average collection for Fireworks fines was 48%. Enlisting the assistance of a process server is expected to increase the collection rate.

Despite the increased fines, the total number of administrative citations issued in Carson in 2021 remained at approximately the same level as it did in 2020 (82 citations issued in 2021 vs. 85 issued in 2020). These figures represented an increase 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 needed in order to achieve a significant deterrent effect, which will in turn serve to protect public health and safety from the fire and bodily injury hazards presented by illegal fireworks.

As outlined in the findings contained in the proposed resolution, according to MySafe:LA, a professional fire safety and community resilience organization which delivers critical life saving initiatives to students, families, and older adults living in the greater Los Angeles region: (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. The City is at high risk of dangerous and costly building fires being caused by illegal fireworks given the dense urban development and 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 safety.

Accordingly, the proposed resolution would increase the fines for violations of the Fireworks Ordinance involving illegal fireworks to 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 second 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).

Staff will also provide Public Information and Community Awareness through all social media platforms, Carson's Cable TV Channel, City of Carson website, flyers distributed throughout the City and a 30 second Public Service Announcement featuring our LASD Sheriff Captain and Los Angeles County Fire Department Captain.

V. FISCAL IMPACT

The total cost of implementation of the enhanced Suppression Plan along with the comprehensive public information and community awareness campaign is approximately \$42,000 that will be funded through Public Safety and Public Information Division budgets. The City will be able to impose higher fine amounts if the proposed resolution is adopted, and anticipates recovering a larger portion of the administrative fines imposed than in the past due to the enhanced collection process.

VI. EXHIBITS

1. (Draft) Resolution No. 22-133 (pgs.5-9)
2. Resolution No. 21-065 (adopted 2021) (pgs.10-12)

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