

**CITY OF HERMOSA BEACH  
ORDINANCE NO. 24-XX**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADDING CHAPTER 8.42 TO THE HERMOSA BEACH MUNICIPAL CODE PROHIBITING THE USE OF FIREWORKS IN THE CITY AND AMENDING SECTION 1.10.040 OF THE HERMOSA BEACH MUNICIPAL CODE TO MAKE VIOLATIONS OF CHAPTER 8.42 SUBJECT TO ADMINISTRATIVE CITATIONS, AND DETERMINE THE URGENCY ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The use, possession, and/or sale of fireworks in the City of Hermosa Beach creates a significant hazard to the personal safety and well-being of the City's residents and visitors. While the Hermosa Beach Municipal Code and State law have existing prohibitions and rules on fireworks in the City, enforcement and compliance is an ongoing challenge, particularly in and around the 4<sup>th</sup> of July holiday. Thus, the City Council finds that there is a current and immediate threat to the public peace, health, safety, and welfare posed by the use, possession, and/or sale of fireworks in the City. In order to address this serious public safety issue, the City Council desires to explicitly prohibit all kinds of fireworks in the City, impose fine amounts that are designed to deter the prohibited behavior.

**SECTION 2.** The adoption and implementation of the Ordinance is not a project for purposes of CEQA in that it is a general policy prohibiting the use of fireworks in the City, and even if it were a project, it would be exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the City's new HBMC chapter will have a significant effect on the environment.

**SECTION 3.** The City Council finds the proposed code additions and amendments are consistent with the City's General Plan.

**SECTION 4.** Chapter 8.42 (Fireworks) is added to Title 8 (Health and Safety) of the Hermosa Beach Municipal Code to read as follows:

## **Chapter 8.42 Fireworks**

### **8.42.010 Intent.**

The provisions of this chapter are intended to prohibit the use of all fireworks in the City, unless otherwise authorized by law, to provide for the safety and wellbeing of the City's residents and visitors and to reduce any threat of fire.

### **8.42.020 Prohibition of Fireworks throughout the City**

- A. No person shall possess, store, sell, or use any fireworks, including safe and sane fireworks and dangerous fireworks anywhere in the City unless authorized by law.
- B. No person shall allow the sale or use of any firework, including safe and sane fireworks and dangerous fireworks, on their property unless authorized by law and except that:
  - 1. No owner of private property or person with the legal right to occupy the property shall be liable under this subdivision (B) for a violation of this chapter on that property if the owner can demonstrate at the time of such violation that the owner (i) had rented or leased the property to another or (ii) was not present at the time of the violation.
- C. For purposes of this section, "safe and sane fireworks" shall have the same definition as specified in section 12529 of the California Health and Safety Code or any successor provision thereto and "dangerous fireworks" shall

have the same definition as specified in section 12505 of the California Health and Safety Code or any successor provision thereto.

#### **8.42.030 Concurrent Authorities**

This chapter is not the exclusive regulation for fireworks within the City. This chapter shall supplement and be in addition to the other regulatory codes, statutes, regulations and ordinances heretofore and hereinafter enacted by the City of Hermosa Beach, the State of California, or any other legal entity or agency having jurisdiction. Where allowed by law, and as authorized by California Health and Safety Code section 12541, this chapter supersedes any conflicting provision of the City's Fire Code.

#### **8.42.030 Violations**

In addition to any other penalty authorized by law, violations of this chapter are subject to the administrative citations and penalties provisions in Chapter 1.10.

**SECTION 5.** Section 1.10.040 (Code violations subject to administrative penalty procedures) of Chapter 1.10 (Administrative Citations and Penalties) of Title 1 (General Provision) is amended to add the following code section to the list of violations subject to the administrative penalty procedures and other provisions of Chapter 1.10:

Chapter 5.42 (Fireworks)

**SECTION 6.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

**SECTION 7.** The City Clerk shall: certify to the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances;

make a note of the passage and adoption in the records of this meeting; and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933 and in accordance with California law.

**SECTION 8.** This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 36937(b); and therefore, shall be passed immediately upon its introduction and shall become effective immediately upon its adoption by the required 4/5 vote.

**PASSED, APPROVED and ADOPTED** on this 25<sup>th</sup> day of June, 2024

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Justin Massey

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

**APPROVED AS TO FORM:**

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Myra Maravilla  
City Clerk

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Patrick Donegan  
City Attorney