

City of Hermosa Beach

City Hall
1315 Valley Drive
Hermosa Beach, CA 90254



Regular Meeting Agenda - Final

Tuesday, June 25, 2024

6:00 PM

**THIS MEETING WILL BE HELD TO DISCUSS FIREWORKS
REGULATIONS ONLY. NO OTHER MATTERS WILL BE HEARD.**

Teleconference Location:

130 Kai Malina Parkway, Unit 503, Lahaina, HI 96761

City Council

Mayor

Justin Massey

Mayor Pro Tem

Dean Francois

Councilmembers

Rob Saemann

Mike Detoy

Ray Jackson

City Treasurer

Karen Nowicki

City Attorney

Patrick Donegan

Executive Team

Suja Lowenthal, City Manager

Angela Crespi, Deputy City Manager

Viki Copeland, Finance Director

Myra Maravilla, City Clerk

Paul LeBaron, Chief of Police

Joe SanClemente, Public Works Director

Carrie Tai, Community Development Director

Vanessa Godinez, Human Resources Manager

Lisa Nichols, Community Resources Manager

PUBLIC MEETING VIEWING OPTIONS

Hermosa Beach City Council meetings are open to the public and are being held in person in the City Hall Council Chambers located at 1315 Valley Drive, Hermosa Beach, CA 90254 and at the teleconference location listed on the agenda (130 Kai Malina Parkway, Unit 503, Lahaina, HI 96761).

Public comment is only guaranteed to be taken in person at City Hall during the meeting or prior to the meeting by submitting an eComment for an item on the agenda.

As a courtesy only, the public may view and participate on action items listed on the agenda via the following:

*ZOOM - [https://us02web.zoom.us/j/89968207828?](https://us02web.zoom.us/j/89968207828?pwd=bXZmWS83dmxHWDZLbWRtK2RVaUxaUT092)

[pwd=bXZmWS83dmxHWDZLbWRtK2RVaUxaUT092](https://us02web.zoom.us/j/89968207828?pwd=bXZmWS83dmxHWDZLbWRtK2RVaUxaUT092)

*PHONE - Toll Free: (833) 548 0276; Meeting ID: 899 6820 7828, then #; Passcode: 472825

Please be advised that while the City will endeavor to ensure these remote participation methods are available, the City does not guarantee that they will be technically feasible or work all the time. Further, the City reserves the right to terminate these remote participation methods (subject to Brown Act restrictions) at any time and for whatever reason. Please attend in person or by submitting an eComment to ensure your public participation.

Similarly, as a courtesy, the City will also plan to broadcast the meeting via the following listed mediums. However, these are done as a courtesy only and are not guaranteed to be technically feasible. Thus, in order to guarantee live time viewing and/or public participation, members of the public shall attend in Council Chambers.

*CABLE TV - Frontier Channel 31 in Hermosa Beach (Spectrum Channel 8 is temporarily not available)

*YOUTUBE - <https://www.youtube.com/c/CityofHermosaBeach90254>

*LIVE STREAM - www.hermosabeach.gov and visit the Agendas/Minutes/Videos page

If you experience technical difficulties while viewing a meeting on any of our digital platforms, please try another viewing option. View City Council staff reports and attachments at www.hermosabeach.gov and visit the Agendas/Minutes/Video page.

Council Chambers WiFi

Network ID: CHB Guest

Password: chbguest

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) are available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318 0204 or at cityclerk@hermosabeach.gov at least 48 hours before the meeting.

Submit Supplemental eComments

Submit an eComment via Speak Up Hermosa at hermosabeach.granicusideas.com by 3:00 p.m. on the meeting date. For items on the agenda, supplemental communications may be submitted via eComment or emailed to cityclerk@hermosabeach.gov. Supplemental emails should indicate the agenda item and meeting date in the subject line. Supplemental communications must be received by 3:00 p.m. on the date of the meeting to be posted to the corresponding agenda item before the meeting begins. Supplemental communications submitted after 3:00 p.m. on the date of the meeting but before the meeting ends will be posted to the agenda packet the next business day.

6:00 PM - OPEN SESSION

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CLOSED SESSION REPORT**
- 5. ANNOUNCEMENTS - UPCOMING CITY EVENTS**
- 6. APPROVAL OF AGENDA**

This is the time for the City Council to discuss any changes to the order of agenda items.

- 7. PROCLAMATIONS / PRESENTATIONS**
- 8. CITY MANAGER REPORT**
- 9. PUBLIC COMMENT**

This is the time for members of the public to address the City Council on any items within the Council's jurisdiction and on items where public comment will not be taken (City Manager Report, City Councilmember Comments, and Future Agenda Items).

The public is invited to attend and provide public comment. Public comments are limited to two minutes per speaker and shall only be taken from those present in City Council Chambers. No remote public comment will be taken during this time unless required by the Brown Act. A total of thirty minutes will be allocated to this initial public participation item. This time allotment may be modified due to time constraints at the discretion of the Mayor or City Council. Another period is also reserved for general comment later in the meeting for those that could not be heard at this time.

No action will be taken on matters raised during public comment, except that the Council may take action to schedule issues raised during public comment for a future agenda. Speakers with comments regarding City management or departmental operations are encouraged to submit those comments directly to the City Manager. Members of the audience will have a future opportunity to speak on items pulled from the Consent Calendar for separate discussion, Public Hearings, and Municipal Matters when those items are heard.

[24-0314](#)

SUPPLEMENTAL ECOMMENTS FOR PUBLIC COMMENT

- 10. CITY COUNCILMEMBER COMMENTS**

11. CONSENT CALENDAR

The following matters will be acted upon collectively with a single motion and vote to approve with the majority consent of the City Council. Councilmembers may orally register a negative vote on any Consent Calendar item without pulling the item for separate consideration before the vote on the Consent Calendar. There will be no separate discussion of these items unless a Councilmember removes an item from the Consent Calendar, either under Approval of the Agenda or under this item before the vote on the Consent Calendar. Items removed for separate discussion will be considered under Agenda Item XII (12), with public comment permitted at that time.

12. ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION

Items pulled from the Consent Calendar will be handled separately. Public comment will be taken before Council deliberation, and action on each item pulled from the Consent Calendar.

13. PUBLIC HEARINGS - TO COMMENCE AT 6:30 P.M.

14. MUNICIPAL MATTERS

[REPORT](#)
[24-0313](#)

ADOPTION OF AN URGENCY ORDINANCE 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, CONSIDER THE ADOPTION OF RESOLUTIONS SETTING THE FINE AMOUNTS FOR THE CITY'S LOCAL REGULATIONS ON FIREWORKS AND DETERMINE THE ABOVE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

(City Attorney Patrick Donegan)

Recommendation: Staff recommends City Council:

1. Consider waiving reading in full of Urgency Ordinance; declare that said title, which appears on the public agenda, shall be determined to have been read by title; and adopt Urgency Ordinance (Attachment 1); and
2. Adopt Resolution specifying fines for violations of Urgency Ordinance (Attachment 2) or alternatively adopt Resolution increasing the fine amount for existing violations of the City's Fire Code related to fireworks (Attachment 3).

15. FUTURE AGENDA ITEMS

This is the time for Councilmembers to schedule future agenda items and to ask questions about the status of previously approved future agenda items. No discussion, debate, or public comment will be taken. Councilmembers should consider the city's work plan when considering new items. The tentative future agenda items document is provided for information only.

16. PUBLIC PARTICIPATION FROM THE PUBLIC

This time is set aside for the public to address the Council on any item of interest within the subject matter jurisdiction of the Council that could not be heard under Item 9 during the first public participation item because there were too many prior public speakers and the thirty minute maximum time limit was exhausted.

17. ADJOURNMENT

FUTURE MEETINGS AND CITY HOLIDAYS

CITY COUNCIL MEETINGS:

July 9, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

July 15, 2024 - Monday - 6:00 PM - Mayor and Mayor Pro Tem Election

July 23, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

August 13, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

August 27, 2023 - Tuesday - No Meeting (Dark)

September 10, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

September 24, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

October 8, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

October 22, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

November 12, 2024 - Tuesday - 5:00 PM - Closed Session,
6:00 PM - City Council Meeting

November 26, 2024 - Tuesday - No Meeting (Dark)

December 5, 2024 - Thursday - 6:00 PM - Certification of Election
Results and Installation of Elected Officials

December 10, 2024 - Tuesday - No Meeting (Dark)

December 24, 2024 - Tuesday - No Meeting (Dark)

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:

July 2, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

July 16, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting

July 17, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

July 17, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting

August 6, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

August 20, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting

August 21, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

September 3, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

September 17, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting

September 18, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

September 18, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting

October 1, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

October 15, 2024 - Tuesday - 7:00 PM - Planning Commission Meeting

October 16, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

November 4, 2024 - Monday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

November 18, 2024 - Monday - 7:00 PM - Planning Commission Meeting

November 20, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

November 20, 2024 - Wednesday - 6:00 PM - Public Works Commission Meeting

December 3, 2024 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

December 16, 2024 - Monday - 7:00 PM - Planning Commission Meeting

December 18, 2024 - Wednesday - 5:00 PM - Civil Service Board Meeting

CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:

July 4, 2024 - Thursday - Independence Day

September 2, 2024 - Monday - Labor Day

November 11, 2024 - Monday - Veterans Day

November 28, 2024 - Thursday - Thanksgiving Day

December 25, 2024 - Wednesday - Christmas Day

January 1, 2025 - Wednesday - New Year's Day



City of Hermosa Beach

City Hall
1315 Valley Drive
Hermosa Beach, CA 90254

Staff Report

Staff Report

24-0314

Honorable Mayor and Members of the Hermosa Beach City Council

Regular Meeting of June 25, 2024

SUPPLEMENTAL ECOMMENTS FOR PUBLIC COMMENT

City Council Regular Meeting (To Discuss a Fireworks Ordinance Only)

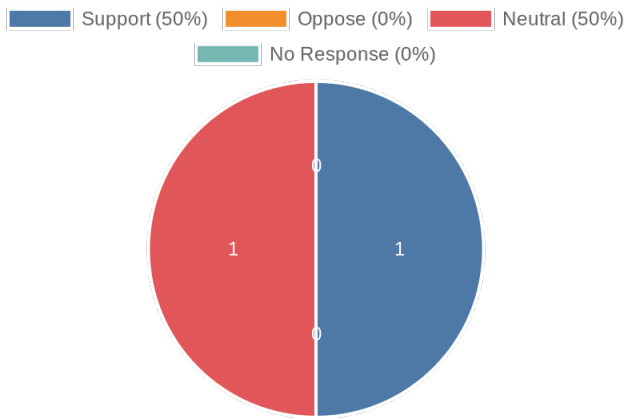
06-25-24 18:00

| Agenda Name | Comments | Support | Oppose | Neutral |
|-------------------|----------|---------|--------|---------|
| 9. PUBLIC COMMENT | 2 | 1 | 0 | 1 |

Sentiments for All Agenda Items

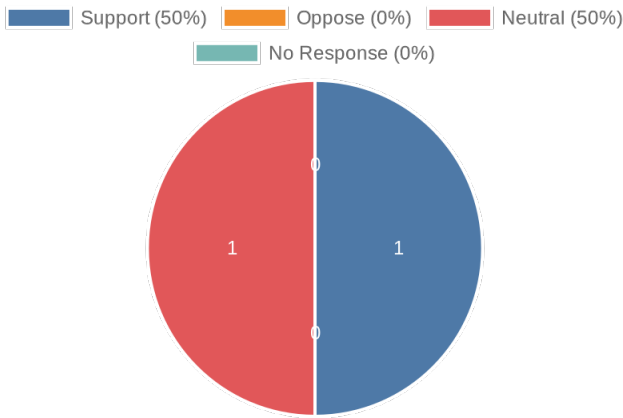
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 9. PUBLIC COMMENT

Overall Sentiment



Laura Pena

Location:

Submitted At: 2:57pm 06-25-24

Dear City Council and Staff-

I am writing to express my concern regarding the absence of support and assistance in the search for fellow Hermosa resident and retired Deputy Sheriff Albert Calibet, who has gone missing in Greece. There has been an alarming lack of response and action from the agencies and leaders we rely on in times of crisis.

Albert Calibet dedicated his life to serving and protecting our community. Now, in his time of need, he and his family deserve our unwavering support and all available resources to ensure his safe return. The distress and uncertainty his family is experiencing are unimaginable, and it is our collective duty to alleviate their burden through decisive and immediate action.

Please let us know what resources and diplomatic efforts that can be activated to aid in the search. It is crucial that we demonstrate our commitment to those who have served us with dedication and honor. Your immediate attention is essential in bringing Albert back to his loved ones and reaffirming our values of solidarity and support.

We look to our leaders for guidance and assistance in times of need. It is imperative that you act now to show that no American citizen is left without support, regardless of where they are in the world.

Thank you.

(Excerpt from a fellow concerned citizen)

Anthony Higgins

Location:

Submitted At: 2:24pm 06-25-24

Dear City Council,
Dear City Attorney,

Will remote participation be allowed on item 9 “General” participation in tonight’s June 25th CCM or will the city continues to apply the narrowest possible remote participation rules denying disabled persons equal participation as compared to those that can attend in person?

AB 2449 says:

In addition, the agency must ensure the public can remotely hear, visually observe, and address the meeting by means of either a two-way audiovisual platform (e.g., Zoom), or a two-way telephonic service and a live webcasting of the meeting (e.g., webcast + call-in option). The meeting agenda must explain the available options for attending and how to address the decisionmaking body in real time under each option. As a practical matter, this means that in order to accommodate last-minute notices of remote appearance, the agency must publicize and make available remote attendance options for the public at every meeting. The agency must also implement a procedure for addressing requests for reasonable accommodations for individuals with disabilities and must give notice of those procedures



Staff Report

Staff Report

REPORT 24-0313

Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of June 25, 2024

ADOPTION OF AN URGENCY ORDINANCE 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, CONSIDER THE ADOPTION OF RESOLUTIONS SETTING THE FINE AMOUNTS FOR THE CITY'S LOCAL REGULATIONS ON FIREWORKS AND DETERMINE THE ABOVE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

(City Attorney Patrick Donegan)

Recommended Action:

Staff recommends City Council:

1. Consider waiving reading in full of Urgency Ordinance; declare that said title, which appears on the public agenda, shall be determined to have been read by title; and adopt Urgency Ordinance (**Attachment 1**); and
2. Adopt Resolution specifying fines for violations of Urgency Ordinance (**Attachment 2**) or alternatively adopt Resolution increasing the fine amount for existing violations of the City's Fire Code related to fireworks (**Attachment 3**).

Executive Summary:

As requested by City Council at its June 11, 2024 meeting, staff presents the following report regarding the regulation of fireworks in the City. As described below, before the Council is an urgency ordinance that creates independent Hermosa Beach Municipal Code authority prohibiting the use of fireworks in the City and making violations of this new chapter subject to the City's administrative citation process (**Attachment 1**) and a resolution setting the fine amounts for violating this provision (**Attachment 2**). Also attached is an alternative resolution that posits increased fine amounts for violating the City's Fire Code provisions related to fireworks (**Attachment 3**).

The urgency ordinance requires four-fifths vote of the City Council and if approved, would take effect immediately. Adoption of a resolution requires a majority vote and would also take effect immediately.

Background:

At its June 11, 2024 meeting, Councilmember Jackson requested, and Councilmembers Saemann

Staff Report

REPORT 24-0313

and Detoy supported, a future agenda item regarding the current regulatory framework pertaining to fireworks in the City and options for the City in dealing with fireworks in the City.

Past Council Actions

| Meeting Date | Description |
|---------------|--|
| June 11, 2024 | Councilmember Jackson requested, and Councilmembers Saemann and Detoy supported, a future agenda item regarding the current regulatory framework pertaining to fireworks in the City and options for the City for enforcing these rules. |

Discussion:

Existing City and State Regulations

The Hermosa Beach Municipal Code (“HBMC”), Chapter 15.20, adopts by reference the Los Angeles County Fire Code. Section 5601.1.3 of the Los Angeles County Fire Code prohibits the possession, manufacture, storage, sale, handling, and use of fireworks with an exception for “safe and sane fireworks” that are explicitly allowed by local ordinance. Because the City of Hermosa Beach does not allow for the sale or use of “safe and sane” fireworks in the City, the Fire Code prohibition applies citywide.

Section 1.10.040 of the HBMC makes violations of Title 15 (Building and Construction), which includes Chapter 15.20, subject to administrative citations. Thus, the City’s existing prohibition on fireworks via adoption of the Los Angeles County Building Code is subject to administrative citations at the default rate of \$250 for the first violation.

However, the process for administrative citations for violating Title 17 is typically handled by the City’s Building Department and the appeals process for an administrative citation based on a violation of Title 17 code follows an atypical path. That is, while the City’s typical administrative citation appeal process begins with an appeal to an independent hearing officer, the various Building Codes included in Title 17, which include the Fire Code, contemplate an appeals board with expertise in the trades related to whatever the subject matter of the administrative citation is. Here, it is a bit unclear as the pertinent Fire Code provision simply deals with the possession, manufacture, storage, sale, handling, and use of fireworks as compared to an appeal based on a building technique or material choice where the appellant would argue that they are in compliance with the fire prevention intent of the Fire Code. Thus, while the statutory authority to issue an administrative citation for violation of the Fire Code is clear, the appeal procedure is still a bit unclear. In practice, the City would likely work with any potential appellant to agree on an appeal process.

Further, the State of California also has a robust statutory regime dealing with fireworks. Found in Health and Safety Code Sections 12500 *et seq.*, the State posits, among other things, restrictions on the use of fireworks, including both safe and sane and dangerous fireworks, permitting system for firework displays, and criminal penalties for violating the various Health and Safety Code provisions. More pertinent to the current agenda request is California Health and Safety Code Section 12541, which specifically authorizes a city to establish its own local fireworks prohibitions and regulations. For the most part, violations of the State’s Health and Safety Code are subject to misdemeanor prosecution, and it is these types of violations that the Hermosa Beach Police Department focuses its attention on during high firework times like the 4th of July and New Year’s Eve. The addition of a new HBMC chapter dealing with fireworks, or emphasis on an administrative citation process via the Fire Code, would place Hermosa Beach Police Department (HBPD) officers in a precarious situation where they must determine whether to issue an administrative citation or arrest and/or cite for

Staff Report

REPORT 24-0313

criminal violation of the aforementioned Health and Safety Code sections. As such, the City's Police Department is of the position that the existing Health and Safety Code sections are sufficient deterrents and enforcement options for the firework issue in the City.

Urgency Ordinance and City Council Options

The options for the City Council are as follows: (i) maintain the current regulatory framework as-is on fireworks in the City as staff continues to monitor the topic; (ii) adopt the resolution increasing the fine amounts for violations of the City's Fire Code provisions on fireworks; or (iii) adopt the urgency ordinance and related resolution creating an independent HBMC chapter on the issue of fireworks.

As noted above, the Hermosa Beach Police Department is currently satisfied with the enforcement tools at its disposal and deterrent effect of the existing California Health and Safety Code provisions and does not want to put its officers in the situation where they must decide whether to pursue criminal or administrative measures for a violation of the various firework laws and regulations. HBPD and City staff would continue to monitor the issue and in the event additional enforcement tools are needed, the issue would be brought back to the City Council.

Increasing the fine amount for Fire Code violations poses problems as those citations are typically handled by the Community Development Department and have an unclear appeal procedure that is more geared toward technical interpretation of building techniques and materials. Training or updating City Police Officers and/or Community Services Officers (CSOs) to begin issuing administrative citations based on the Fire Code is something that may take some time to implement. The issuance of administrative citations would also require processing of citations and coordination of appeals, leading to increased staff work.

The attached urgency ordinance creates a new Chapter in the HBMC that replicates and expands on the Fire Code's prohibition on all types of fireworks in the City. Specifically, the urgency ordinance would prohibit the possession, storage, sale, or use of any kind of firework in the City, prohibits any person from allowing the sale or use of any kind of firework on their property, and would make violations of said Chapter subject to administrative citations. There are carve-outs for sanctioned and permitted fireworks displays such that the City would not be constrained by this ordinance in the future if it wanted to allow some kind of firework display. The independent HBMC authority is consistent with the way the City's enforcement personnel typically issue administrative citations and would not face the same unclear appeal procedure as a violation of the Fire Code would.

Staff recommends City Council deliberate and provide direction on the above issues and consider adoption of the attached urgency ordinance dealing with fireworks in the City.

Fiscal Impact:

There is no fiscal impact associated with the recommended action.

Attachments:

1. Urgency Ordinance
2. Draft Resolution-Chapter 15.20
3. Draft Resolution-Chapter 8.42

Respectfully Submitted by: Patrick Donegan, City Attorney

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager

**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 4th 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 25th day of June, 2024

Justin Massey

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

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

CITY OF HERMOSA BEACH
RES-24-XXXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA AMENDING THE CITY'S ADMINISTRATIVE FINE SCHEDULE AND
FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

WHEREAS, Section 1.10.050 of the Hermosa Beach Municipal Code provides that, "Any responsible person who receives an Administrative Citation shall be subject to the payment of fines as set out in the penalty schedule for administrative fines as adopted by resolution of the City Council."

WHEREAS, the establishment of fines is not subject to environmental review under the California Environmental Quality Act because it is not classified as a project under CEQA Guidelines sec. 15378.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council hereby adds the following administrative penalties for violations subject to Section 1.10.040 of the Hermosa Beach Municipal Code, as Exhibit A.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceeding of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED on this 25th day of June, 2024

Justin Massey

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

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

Addition to Administrative Citation Fine Schedule

| Violation Subject to Administrative Citations (Section 1.10.040 (A) HBMC) | | Current Fine | | |
|--|---|---------------------|--------|---------|
| Violation | | First | Second | Third + |
| 38. | Violations of Chapter 15.20 pertaining to the possession, manufacture, storage, sale, handling and use of fireworks | \$500 | \$750 | \$1,000 |

CITY OF HERMOSA BEACH
RES-24-XXXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA AMENDING THE CITY'S ADMINISTRATIVE FINE SCHEDULE AND
FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT**

WHEREAS, Section 1.10.050 of the Hermosa Beach Municipal Code provides that, "Any responsible person who receives an Administrative Citation shall be subject to the payment of fines as set out in the penalty schedule for administrative fines as adopted by resolution of the City Council."

WHEREAS, the establishment of fines is not subject to environmental review under the California Environmental Quality Act because it is not classified as a project under CEQA Guidelines sec. 15378.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council hereby adds the following administrative penalties for violations subject to Section 1.10.040 of the Hermosa Beach Municipal Code, as Exhibit A.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceeding of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED on this 25th day of June, 2024

Justin Massey

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

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

Addition to Administrative Citation Fine Schedule

| Violation Subject to Administrative Citations (Section 1.10.040 (A) HBMC) | | Current Fine | | |
|--|--------------|---------------------|--------|---------|
| | | First | Second | Third + |
| 38. | Chapter 8.42 | \$500 | \$750 | \$1,000 |

City Council Regular Meeting (To Discuss a Fireworks Ordinance Only)

06-25-24 18:00

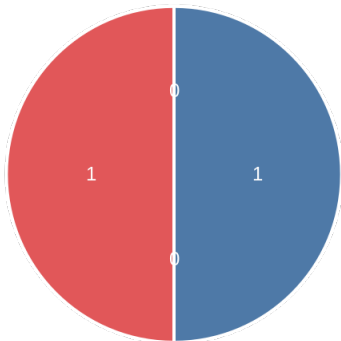
| Agenda Name | Comments | Support | Oppose | Neutral |
|---|----------|---------|--------|---------|
| REPORT 24-0313 ADOPTION OF AN URGENCY ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA ADDING CHAPTER 8.42 TO THE HERMOSA BEACH MUNICIPAL CODE PROHIBITING THE USE OF FIREWORKS IN THE CITY AND AMENDING SECTION 1.10.040 OF THE HERMOSA BEACH MUNICIPAL CODE TO MAKE VIOLATIONS OF CHAPTER 8.42 SUBJECT TO ADMINISTRATIVE CITATIONS, CONSIDER THE ADOPTION OF RESOLUTIONS SETTING THE FINE AMOUNTS FOR THE CITY'S LOCAL REGULATIONS ON FIREWORKS AND DETERMINE THE ABOVE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (City Attorney Patrick Donegan) | 2 | 1 | 0 | 1 |

Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

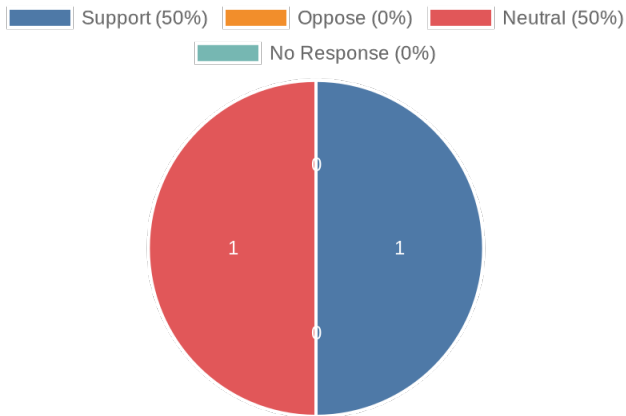
Overall Sentiment

Support (50%) Oppose (0%) Neutral (50%)
No Response (0%)



Agenda Item: eComments for REPORT 24-0313 ADOPTION OF AN URGENCY ORDINANCE 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, CONSIDER THE ADOPTION OF RESOLUTIONS SETTING THE FINE AMOUNTS FOR THE CITY'S LOCAL REGULATIONS ON FIREWORKS AND DETERMINE THE ABOVE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
(City Attorney Patrick Donegan)

Overall Sentiment



Austin Myers

Location: 90254, Hermosa Beach
Submitted At: 1:29pm 06-25-24

Very strongly support. Should be criminal misdemeanor.

Anthony Higgins

Location:
Submitted At: 8:22am 06-24-24

Dear City Council,

Re: Dangerous Fireworks

I think many residents would agree the use of dangerous & disruptive fireworks is a significant problem in our community.

So why would the HBPD be "satisfied with the deterrent effect of the California Health and Safety Code" when so many residents are up at arms?

There is a significant fireworks problem plaguing our community and your constituents are looking for this urgency ordinance meeting to come up with potential solutions; not tell us adequate deterrents already exist.

What is it going to take for the Council to realize & acknowledge that the so called dangerous & disruptive fireworks deterrents are NOT working?

See attached PDF for details and steps I think the Council might consider to deter the use of dangerous fireworks in our community.

Anthony Higgins

Dear City Council

After reading the staff report it looks like staff is basically angling towards the conclusion that there isn't a significant illegal fireworks problem in Hermosa Beach.

Before you dismiss this conclusion please consider the Hermosa Beach Police Department says it is currently satisfied with the enforcement tools at its disposal AND THE DETERRENT EFFECT of the existing California Health and Safety Code.

See the staff report.

<https://hermosabeach.legistar.com/LegislationDetail.aspx?ID=6732386&GUID=D2477E1D-CC4F-4F6A-93D5-F3723B8ECC00>

But why would the HBPD be "satisfied with the deterrent effect of the California Health and Safety Code" when so many residents are up at arms about the fireworks explosions that are routinely jarring us out sound sleep in the weeks leading up to the 4th; wreaking havoc on our quality of life, terrorizing our pets and scaring the hell out of infants and toddlers while laying waste to a healthy night's sleep for many of us.

And on the 4th all you have to do is walk down the strand or by most large parties anywhere on the westside to see the extent to which dangerous fireworks are used in the city.

i believe there are options if you are serious about putting a dent in the use of dangerous highly explosive fireworks in our community.

I can't say the option proposed below is right for our community; that's best decided by the Police Chief, the City Attorney and the Council.

I offer this just to show 1 potential solutions that I don't think are being adequately considered.

POSSIBLE SOLUTION:

First, fund and equip plain clothes private security patrols with body cams to patrol high pedestrian traffic areas on the westside in the weeks leading up to the 4th, and especially on the 4th and have them video the use of dangerous fireworks (e.g. non safe and sane fireworks) on private property or on public places like the beach.

As long as the video is shot from a public place it's perfectly legal to record what's happening at private parties on private property.

Moreover it's common practice for the private sector to employ plain clothed private security with body cams in stores and outside at special events.

Second, process this video the next day and identify the property, the property owner and administer a significant fine to the property owner, say \$5,000 for the first dangerous fireworks offense.

Third, if it is a rental property the property owner should be given the opportunity to provide a copy of the rental agreement to the city and have the citation reassigned to the renters.

Fourth, if the illegal dangerous fireworks were deployed in a public place like on the beach or in a park then make reasonable after the fact attempt to identify the person responsible from the video and issue a citation.

Fifth, once plain clothed private security or police finish videoing any use of dangerous fireworks call in the regular police.

Sixth, fully notify residents about this enforcement action to maximize its deterrent effect.

Simply stated the City's Fireworks enforcement measures haven't worked to the satisfaction of most residents and most believe essentially the same problems will exist five years from now

Finally establish an additional \$5,000 fine to deter the malicious use of loud dangerous explosives late at night say after 10pm.

This might deter young teens and adults from lighting m-80s and similar explosives late at night and escaping on their e-bikes in a warped sense of fun.

I hope the city will consider this option rather than trying to convince the public we don't have a significant problem with the use of dangerous fireworks and explosives in our community.

Anthony Higgins