

DISCUSSION OF REGULATIONS IN THE CITY DEALING WITH FIREWORKS AND CONSIDERATION OF AN URGENCY ORDINANCE DEALING WITH FIREWORKS IN THE CITY



June 25, 2024

Background

- During the June 11, 2024 City Council meeting, Councilmember Jackson requested, and Councilmembers Detoy and Saemann supported, directing staff to return with an item covering firework regulations in the City and options for further regulation.

Discussion

- Existing City Council regulation on fireworks are found in the City's Municipal Code and California Health and Safety Code.
 - Chapter 15.20 adopts by reference the Los Angeles County Fire Code. Section 5601.1.3 of the 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 - no local ordinance.
 - 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, violations are subject to administrative citations at the default rate of \$250 – subject to atypical appeal



Discussion Continued

- The State of California also has a robust statutory regime dealing with fireworks (Health and Safety Code Sections 12500 *et seq.*)
- Among other things, restricts 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.
- Violations of the State's Health and Safety Code are subject to misdemeanor prosecution and fines.
- 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.
- 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



Proposed Urgency Ordinance

- Proposes the addition of Chapter 8.42
- Replicates and expands on the Fire Code's prohibition on all types of fireworks in the City.
 - Prohibits 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
 - Subject to City's standard administrative citation procedure



Proposed Resolutions

- 2 Different Resolutions
- One increases the administrative fine amounts for Fire Code violations pertaining to fireworks
- One sets the administrative fine amounts for violations of this new Chapter 8.42

City Council Options

- Maintain the current regulatory framework as-is on fireworks
- Adopt the urgency ordinance and related resolution creating an independent HBMC chapter
- Adopt the resolution increasing the fine amounts for violations of the City's Fire Code provisions on fireworks

Recommendations

- Staff recommends Council consider and deliberate the Urgency Ordinance with the aforementioned edits.
- As it is an urgency ordinance, a 4/5 vote is required and the ordinance contains findings related to the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b).
- Consider adoption of Resolution(s) establishing administrative citation fines for violations of the above ordinance or Fire Code.
- As mentioned before, staff is of the position that existing regulatory framework is sufficient for the time being and will continue to monitor the topic.

