

ORDINANCE NO. 2022-03-1532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, REPLACING CHAPTER 9.28 OF THE SIGNAL HILL MUNICIPAL CODE, RELATED TO THE POSSESSION, STORAGE, FABRICATION, SALE AND DISCHARGE OF FIREWORKS

WHEREAS, the use or possession of dangerous or illegal fireworks continues to increase within the City limits; and

WHEREAS, dangerous fireworks pose a serious risk to the public's safety, given the potential for personal bodily injury and property damage and loss, and the unknown material composition of these fireworks and lack of safeguards; and

WHEREAS, law enforcement personnel have been unable to hold users and possessors of property fully accountable for the possession or use of dangerous or illegal fireworks; and

WHEREAS, the City recognizes the need to adopt further restrictions and increase penalties for the possession, sale, use or discharge of dangerous fireworks; and

WHEREAS, it is the intent of the City Council to strengthen the City's enforcement capacity related to the possession, sale, use or discharge of dangerous fireworks within the City to protect the public health, safety, and general welfare of its residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Recitals. The above recitals are hereby adopted by the City Council and incorporated as set forth in this section.

Section 2. Replacement. Chapter 9.28 of the Signal Hill Municipal Code is hereby replaced in its entirety as follows:

Section 9.28.010 Use, Sale, or Discharge of fireworks prohibited.

It is unlawful for any person, firm, non-profit organization, or corporation to possess, store, manufacture, fabricate or assemble, sell, offer for sale, expose for sale, explode, use, or discharge any fireworks, including safe and sane fireworks, as defined in Part 2 of Division 11 of the California Health and Safety Code, within the city.

Section 9.28.020 Exceptions for approved public presentations.

Upon resolution of the city council and prior written permission from the fire marshal, the public display of fireworks may be permitted. The city council may contract with a person, firm, partnership, or corporation to provide such public display or the city council may authorize by special permit any organization to contract with a person, firm, partnership, or corporation to provide such public display of fireworks upon terms and conditions deemed advisable by the fire marshal and city council.

Section 9.28.030 Liability of Property Owners.

It is unlawful for any property owner or person in control of property to allow any person to sell, possess, ignite, explode, project, or otherwise fire or make use of fireworks on the property owned by such person or under the control of such person in violation of this Chapter, irrespective of such person's intent, knowledge, or negligence, said violation hereby being expressly declared a strict liability offense. In addition to any other penalties provided by law, any person who commits a violation of this section shall be subject to an administrative fine in the amount set forth in this Chapter. A property owner or person in control of property shall not be in violation of this section if they seek immediate assistance from the Signal Hill Police Department to report a violation of this Chapter.

Section 9.28.040 Administrative penalty.

Any person, firm, non-profit organization, or corporation violating the provisions of this chapter may be issued an administrative citation by an enforcement officer in accordance with the provisions of Chapter 8.13 of this Code. The administrative fine for a violation of this chapter shall be assessed in the amount provided as follows:

A. Each person, firm, non-profit organization, or corporation who violates any provision of this Code as it relates to the use, discharge, storage, sale, display and/or possession of up to 100 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offenses in a One-Year Period	Amount of Administrative Fine	Disposal Charge	Total Amount of Fine (Not Including Any Late Charges or Interest)
First	\$1,000.00	\$250.00	\$1,250.00
Second	\$2,000.00	\$500.00	\$2,500.00
Third	\$3,000.00	\$1,000.00	\$4,000.00

B. Each person, firm, non-profit organization, or corporation who violates any provision of this Code as it relates to the storage, sale, display and/or possession of more than 100 pounds and less than 5,000 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offenses in a One-Year Period	Amount of Administrative Fine	Disposal Charge	Total Amount of Fine (Not Including Any Late Charges or Interest)
First	\$5,000.00	\$1,000.00	\$6,000.00
Second	\$10,000.00	\$1,000.00	\$11,000.00
Third	\$15,000.00	\$1,000.00	\$16,000.00

C. Each person, firm, non-profit organization, or corporation who violates any provision of this Code as it relates to the storage, sale, display and/or possession of more than 5,000 pounds of dangerous fireworks shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offenses in a One-Year Period	Amount of Administrative Fine	Disposal Charge	Total Amount of Fine (Not Including Any Late Charges or Interest)
First	\$10,000.00	\$50,000.00	\$60,000.00
Second	\$20,000.00	\$50,000.00	\$70,000.00
Third	\$30,000.00	\$50,000.00	\$80,000.00

D. In the case of a violation relating to dangerous fireworks, the offender shall be required to abate the violation and surrender all dangerous fireworks to the enforcement officer, immediately.

E. Payment of the administrative fine shall not excuse or discharge the offender from the duty to immediately abate and correct a violation of the Code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the Code.”

Section 9.28.050 State fines.

Fines collected pursuant to this chapter shall be subject to California Health and Safety Code Section 12726, which provides that 65 percent of all administrative fines or penalties collected by the city shall be forwarded to the Controller of the State of California for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund, as described in Health and Safety Code Section 12728.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or

portions of this chapter or part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 4. Certification and Effective Date. The City Clerk shall certify to the passage and adoption of this ordinance by the City Council of the City of Signal Hill and shall cause a summary of this ordinance to be published in accordance with Government Code Section 36933, in a newspaper of general circulation which is hereby designated for that purpose, and this ordinance shall take effect thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Signal Hill, California, on this 12th day of April, 2022.

KEIR JONES
MAYOR

ATTEST:

CARMEN R. BROOKS
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, CARMEN R. BROOKS, City Clerk of the City of Signal Hill, California, hereby certify that Ordinance No. 2022-03-1532 was introduced at a regular meeting of the City Council of the City of Signal Hill held on the 22nd day of March 2022, and adopted by the City Council of the City of Signal Hill at a regular meeting held on the 12th day of April, 2022, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CARMEN R. BROOKS
CITY CLERK