

**URGENCY ORDINANCE NO. 18-1809U**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA TO MODIFY THE HOURS OF PERMITTED DISCHARGE OF FIREWORKS AS AN EXCEPTION TO THE PROHIBITION ON THE DISCHARGE OF FIREWORKS, BY AMENDING SECTION 3101.0 (FIREWORKS) OF CHAPTER 1 (FIRE PREVENTION) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE**

**WHEREAS**, Section 3101.0 of the Carson Municipal Code currently permits the discharge of fireworks “from 12:00 noon on June 28th and ending at 12:00 midnight on July 4th,” as an exception to the prohibition on discharge of fireworks in the City of Carson (“City”); and

**WHEREAS**, the City desires to modify the hours of permitted discharge of fireworks within the City; and

**WHEREAS**, to accomplish the aforementioned action, the City Council must amend Section 3101.0 of Article III, Chapter 1 of the Carson Municipal Code; and

**WHEREAS**, Government Code Sections 36934 and 36937 expressly authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety by a four-fifths vote of the City Council; and

**WHEREAS**, this Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety of the City within the meaning of Government Code section 36937 because in the absence of amendments to the fireworks ordinance fireworks may be discharged and used during the upcoming Fourth of July season at all hours of the night, and if so used and discharged would disturb the public peace and could also disturb the health and safety of City residents.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The forgoing recitals are true and correct and incorporated herein by this reference.

**SECTION 2.** Section 3101.0 of Article III, Chapter 1 of the Carson Municipal Code is hereby amended as follows:

**“3101.0 Fireworks.**

(a) Notwithstanding any other provision of this Code, safe and sane fireworks may be sold, pursuant to the provisions of CMC 3101 to 3101.10, within the City of Carson only during the period designated in subsections (c)(i) and (c)(ii) of this Section.

(b) It shall be unlawful for any person to discharge or use safe and sane fireworks within the City of Carson at any time except during the following time periods:

- (i) 12:00 noon to 10:00 p.m. on June 28th,
- (ii) 10:00 a.m. to 10:00 p.m. on June 29th,
- (iii) 10:00 a.m. to 10:00 p.m. on June 30th,
- (iv) 10:00 a.m. to 10:00 p.m. on July 1st,
- (v) 10:00 a.m. to 10:00 p.m. on July 2nd,
- (vi) 10:00 a.m. to 10:00 p.m. on July 3rd, and
- (vii) 10:00 a.m. to 12:00 midnight on July 4th.

(c) Safe and sane fireworks may only be sold at a properly permitted stand within the City of Carson during the following hours:

- (i) On June 28th from 12:00 noon to 10:00 p.m.; and
- (ii) From June 29th through July 4th from 7:00 a.m. to 10:00 p.m.

(d) It shall be unlawful for any person to discharge, use or possess illegal fireworks within the City of Carson.”

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 4.** This ordinance shall be in full force and effect immediately upon its adoption by at least four-fifths vote of the City Council pursuant to Government Code sections 36934 and 36937.

**SECTION 5.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 5<sup>th</sup> day of June 2018.

APPROVED AS TO FORM:  
/s/  
Sunny K. Soltani, City Attorney

CITY OF CARSON:  
/s/  
Albert Robles, Mayor

ATTEST:  
/s/  
Donesia Gause-Aldana, MMC, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF CARSON                )

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance 18-1809U, adopted by the Carson City Council at its meeting held on the 5<sup>th</sup> day of June, 2018, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Robles, Hilton, Santarina, Davis-Holmes, Hicks
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

/s/  
Donesia Gause-Aldana, MMC, City Clerk