

ORDINANCE NO. 25-2507

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTIONS 3101.0 (FIREWORKS), 3101.8 (STORAGE OF FIREWORKS), AND 3101.10 (VIOLATIONS OF FIREWORKS REGULATIONS) OF CHAPTER 1 (FIRE PREVENTION) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE; AND REPEALING SECTIONS 3101.1 (FIREWORKS – SALE OF – PERMIT REQUIRED), 3101.2 (PERSONS ELIGIBLE), 3101.3 (APPLICATION REQUIREMENTS), 3101.4 (ISSUANCE OF PERMIT), 3101.5 (GENERAL PROVISIONS), 3101.6 (REGULATIONS FOR TEMPORARY STANDS), AND 3101.7 (WHOLESALE PERMIT) OF CHAPTER 1 (FIRE PREVENTION) OF ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE TO PROHIBIT THE SALE, USE AND DISCHARGE OF ALL FIREWORKS IN THE CITY OF CARSON, EXCEPT FOR PERMITTED PUBLIC DISPLAYS PURSUANT TO THE EXISTING REGULATIONS OF CARSON MUNICIPAL CODE SECTION 3101.9

WHEREAS, the Carson Municipal Code (CMC) currently allows for the sale, use and discharge of safe and sane fireworks (as defined in CMC 3101.05(h)) during specified time periods around the Fourth of July season subject to specified regulations, and does not allow for the sale, use or discharge of any fireworks other than safe and sane fireworks (defined in CMC 3101.05(d) as “illegal fireworks”), with the exception of permitted public displays under CMC 3101.9; and

WHEREAS, the City has experienced chronic difficulty ensuring compliance with existing fireworks regulations, as fireworks activity and violations of the existing regulations continue to be rampant each Fourth of July season despite recent increases in the City’s administrative fines for violations of such regulations, and it is often difficult for the City’s law enforcement officers to discern the difference between activities involving safe and sane fireworks and activities involving illegal fireworks; and

WHEREAS, fireworks increase the risk of ignition and spread of fires in the City, which is particularly troubling given the recent Los Angeles County firestorm event that occurred in January of 2025, wherein entire communities were destroyed by the Eaton and Palisades fires; and

WHEREAS, fireworks also pose a significant risk of bodily injuries and property damage in the City, with numerous severe injuries caused by fireworks in Los Angeles County every Fourth of July season; and

WHEREAS, fireworks cause severe disturbances to City residents due to the associated noise, danger and other factors; and

WHEREAS, fireworks activity can significantly increase the demand on law enforcement, fire protection, and emergency medical services, diverting resources from other critical public safety needs; and

WHEREAS, amending the City’s existing fireworks regulations to enact a prohibition on the sale, use and discharge of all fireworks (as defined in CMC 3101.05(c) with reference to California Health & Safety Code Section 12511), including but not limited to safe and sane fireworks, with the exception of permitted public displays under existing CMC 3101.9, will protect the public health, safety, and welfare of

City residents; and

WHEREAS, California Health and Safety Code Section 12541 expressly authorizes cities to prohibit the sale, use, and discharge of all fireworks (as defined in CMC 3101.05(c) with reference to California Health & Safety Code Section 12511) notwithstanding any other provision of the State Fireworks Law; and

WHEREAS, for the protection of public health, safety and welfare, pursuant to the City's police power, the City Council hereby intends to amend the City's fireworks regulations so as to henceforth prohibit the sale, use and discharge of all fireworks (as defined in CMC 3101.05(c) with reference to California Health & Safety Code Section 12511) including but not limited to safe and sane fireworks, except for such use and discharge as may be permitted in connection with permitted public displays under existing CMC 31019, within City limits.

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

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. Section 3101.0 (Fireworks) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby amended as follows (added text shown in ***bold italics***, deleted text shown in ~~strikethrough~~):

~~“(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 ***sell***, 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:~~

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(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.~~

(~~bd~~) It shall be unlawful for any person to *sell*, discharge, use or possess illegal fireworks within the City of Carson *at any time, except for such discharge, use or possession as may be permitted in connection with a public display pursuant to CMC 3101.9.*"

SECTION 3. AMENDMENT. Section 3101.1 (Fireworks - Sale of - Permit Required) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 4. AMENDMENT. Section 3101.2 (Persons Eligible) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 5. AMENDMENT. Section 3101.3 (Application Requirements) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 6. AMENDMENT. Section 3101.4 (Issuance of Permit) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 7. AMENDMENT. Section 3101.5 (General Provisions) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 8. AMENDMENT. Section 3101.6 (Regulations for Temporary Stands) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 9. AMENDMENT. Section 3101.7 (Wholesale Permit) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby repealed in its entirety.

SECTION 10. AMENDMENT. Section 3101.8 (Storage of Fireworks) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby amended as follows (added text shown in *bold italics*, deleted text shown in ~~strikethrough~~):

"It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the City of Carson. It shall also be unlawful to store any fireworks in any building or other place within the City of Carson without having first applied for and received a business license pursuant to CMC 6310 and a permit therefor pursuant to the provisions of this Section from the City Council. ~~This Section is not applicable to temporary storage of fireworks in temporary retail sales stands.~~ An application for such a permit shall be filed with the City Council along with payment of a nonrefundable application fee established by City Council resolution no later than the last City business day in May. The City Council shall cause an investigation to be made of the place where it is proposed to store such fireworks.

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Notwithstanding the foregoing, storage of fireworks in connection with a public display of fireworks by a pyrotechnic operator shall be governed by permit issued under CMC 3101.9.

(a) Prior to initiating the storage of fireworks at the permitted location, the permittee shall procure general liability and property damage insurance covering its operation in and about said premises in a minimum aggregate amount of \$1,000,000; in addition, the City of Carson, its officers and employees shall be named as an additional insured on such insurance. The permittee shall file a certificate of such insurance with the City Revenue Division within seven (7) days after Council approval of such storage operation.

(b) No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

(c) There shall be maintained at each location where fireworks are stored at least two (2) fire extinguishers approved by the Los Angeles County Fire Department; provided, however, that if more than one (1) room at any location is used for fireworks storage, there shall be at least one (1) approved fire extinguisher per room.

(d) No person shall light, or cause, or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

(e) No smoking shall be allowed in any structure used for the storage of fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

(f) No minor, under the age of eighteen (18), shall be in the fireworks storage structure.

(g) No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed in the building or structure used for fireworks storage.

(h) The permittee shall provide an adult night watchman to act and serve during all hours other than normal business hours. Under no circumstances shall the night watchman sleep within the building in which the fireworks are stored.

(i) All permits must be posted in a conspicuous place at the storage site.

(j) The permittee shall strictly comply with all the provisions of the State Fireworks Law."

SECTION 11. AMENDMENT. Section 3101.10 (Violations of Fireworks Regulations) of Chapter 1 (Fire Prevention) of Article III (Public Safety) of the Carson Municipal Code is hereby amended as follows (added text shown in ***bold italics***, deleted text shown in ~~strikethrough~~):

(a) Any person violating any provision of CMC 3101 to 3101.9, inclusive, or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring ***any*** the permit herein provided for, shall be guilty of a misdemeanor.

(b) In addition thereto, any such misrepresentation or violation shall constitute grounds for revocation of the permit by the City Council, on twenty-four (24) hours' notice to the permittee, or if any such violation is committed in the presence of the Sheriff, or any deputy, or Fire Chief, or any other City officer, the City Manager shall be empowered, upon receiving a written and signed report thereof from any such officer, to close any such **permitted operation-sales booth or stand** forthwith.

(c) Any person violating the provisions of CMC 3101.~~07~~ to 3101.9 shall be subject to a penalty of \$1,000 for a first-time violation, and thereafter \$1,000 for each additional violation of such provisions, except as otherwise provided in a resolution adopted by the City Council pursuant to CMC 1203.3(d). Any person found to have violated the provisions of CMC ~~3101.7~~, 3101.8 or 3101.9, or any combination of the same, more than two (2) times in a single year shall be prohibited from applying for any permit under CMC 3101.~~87~~ through 3101.9 for a period of one (1) year.

(d) If any provision(s) of this Chapter or the application thereof to any person or circumstances is 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 Chapter are declared to be severable. The City Council hereby declares that they would have adopted this Chapter and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional."

SECTION 12. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Urgency ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 13. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 14. CERTIFICATION. 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 18th day of March 2025.

APPROVED AS TO FORM:

CITY OF CARSON:



Sunny K. Soltani, City Attorney



Lula Davis-Holmes, Mayor

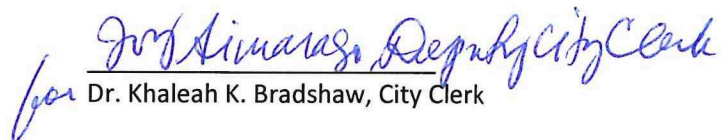
ATTEST:


for Dr. Khaleah K. Bradshaw, City Clerk

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

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 25-2507 passed first reading on the 4th day of March, 2025, adopted by the Carson City Council at its meeting held on the 18th day of March, 2025, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Davis-Holmes, Hicks, Rojas
NOES:	COUNCIL MEMBERS:	Hilton, Dear
ABSENT:	COUNCIL MEMBERS:	None
RECUSED:	COUNCIL MEMBERS:	None


for Dr. Khaleah K. Bradshaw, City Clerk

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

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, do hereby certify that Ordinance No. 25-2507 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in Our Weekly, newspaper of general circulation on the following date:

Adopted Ordinance: March 27, 2025

In witness whereof, I have hereunto subscribed my name this 30th day of April,
2025.

Joyelmarago, Deputy City Clerk
for Dr. Khaleah K. Bradshaw, City Clerk