

ORDINANCE NO. 1785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AMENDING CHAPTERS 8.08 AND 8.16 OF THE GARDENA MUNICIPAL CODE REGARDING SAFE AND SANE FIREWORKS

WHEREAS, the sale, purchase, possession, use and discharge of safe and sane fireworks in connection with celebrating the 4th of July are currently permitted in the City of Gardena; and

WHEREAS, the use of safe and sane fireworks on the 4th of July constitutes a nuisance to a significant segment of the community; and

WHEREAS; the City Council wishes to make provision in the Gardena Municipal Code for placement of a moratorium on the use of safe and sane fireworks in the City.

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

SECTION 1. Section 8.08.035 of the Gardena Municipal Code is amended to read, as follows:

8.08.035 Amendment of Section 7802.3.

Section 7802.3 of the Uniform Fire Code as adopted by Section 8.08.010 of the Gardena Municipal Code is amended to read, as follows:

Section 7802.3. Except as provided in Chapter 8.16 of Title 8 of this code, the storage, use, and handling of fireworks are prohibited.

Any provision of the Uniform Fire Code or of any subsequent revised edition of the Uniform Fire Code, related to prohibiting the storage, sale, handling and discharge of fireworks, as adopted in accordance with Section 8.08.010 of the Gardena Municipal Code, is hereby amended to add an exception for safe and sane fireworks which shall be regulated in accordance with Chapter 8.16 of Title 8 of this Code, as that Chapter 8.16 may from time to time be amended by the city council. ~~to regulate, but not prohibit, the storage, sale, handling, and discharge of safe and sane fireworks in the city.~~

SECTION 2. Section 8.16.020 of the Gardena Municipal Code is amended to read, as follows:

8.16.020 Permit – Required.

A. Except as provided in this chapter, it is unlawful to offer for sale or sell at retail “safe and sane fireworks” without having first applied for and been issued a permit therefor, in the manner set forth in this chapter.

B. Permits for the sale of safe and sane fireworks shall be issued only to Nonprofit organizations, and such fireworks shall be sold only at the outdoor sales stands, as more specifically set forth hereinafter. No more than eight (8) such permits shall be issued and be outstanding at any time.

C. The City Council may, by resolution, suspend the issuance of permits for sale of safe and sane fireworks in the City in any given year.

SECTION 3. Section 8.16.130 of the Gardena Municipal Code is amended to read, as follows:

8.16.130 Dates and hours of sale and use. Except in years in which sale of safe and sane fireworks is suspended in accordance with Section 8.16.020 of this Chapter, safe and sane fireworks may be sold or displayed within Gardena between the hours of 9:00 a.m. and 10:00 p.m. during the period between June 28 and July 4 of each year. Safe and sane fireworks may be possessed during the period from June 28 to 10:00 p.m. on July 4 of each year. All sale, display and possession shall be conducted pursuant to the provisions of this chapter and not otherwise. It is unlawful for any person to discharge any safe and sane fireworks except during the hours between 12:00 noon and 10:00 p.m. on July 4 of each year in any area of the city

SECTION 4. Section 8.16.150 of the Gardena Municipal Code is amended to read, as follows:

8.16.150 Prohibitions on discharge. It is unlawful for any person to ignite, explode, project, or otherwise fire or use any fireworks, or permit the ignition, explosion or projection thereof, upon or over onto the property of another without his/her consent, or to ignite, explode, project, or otherwise fire or make use of, any fireworks within ten (10) feet of any residence dwelling or other structure used as a place of habitation by human beings.

It is unlawful for individuals under eighteen (18) years of age to sell, purchase, possess, use, or discharge safe and sane fireworks. Proof of age shall be required.

It is unlawful for any person having the care, custody or control of a minor (under eighteen [18] years old) to permit such minor to discharge, explode, fire or set off any dangerous, illegal fireworks, at any time, or to permit such minor to discharge or set off any "safe and sane fireworks" unless such minor does so under the direct supervision of a person over eighteen (18) years of age and during the hours and on the days permitted by this chapter.

It is unlawful, in any year in which the City Council, by resolution, has suspended issuance of permits for sale of safe and sane fireworks, for any person to possess, use, or discharge safe and sane fireworks in the city.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 6. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same, or a summary thereof, to be published as required by law, in a publication of general circulation.

SECTION 7. Effective Date. This ordinance shall not become effective or be in force until thirty (30) days from and after the date of its adoption.

Passed, approved, and adopted this 13th day of February, 2018.




TASHA CERDA, Mayor

ATTEST:



MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



PETER L. WALLIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1785** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a meeting of said City Council held on the **13th** day of **February, 2018**, and that the same was so passed and adopted by the following roll call vote:

AYES: MAYOR CERDA, COUNCIL MEMBER TANAKA, MAYOR PRO TEM MEDINA,
 AND COUNCIL MEMBER KASKANIAN

NOES: COUNCIL MEMBER HENDERSON

ABSTAIN: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)