

ORDINANCE NO. 20-04-U

**AN URGENCY ORDINANCE OF THE CITY OF MAYWOOD AMENDING ARTICLE 2
OF CHAPTER 2 OF ARTICLE 4 (FIREWORKS) OF THE MAYWOOD MUNICIPAL
CODE RELATED TO DANGEROUS FIREWORKS**

**THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES ORDAIN AS
FOLLOWS:**

Section 1. Section 4-2.214 of Article 2 (Fireworks) of Chapter 2 (Fire Prevention) of Title 4 (Public Safety) of the Maywood Municipal Code is hereby amended in its entirety to read as follows:

“4-2.214 - Dangerous Fireworks.

(a) The prohibitions and regulations imposed by the provisions of this article shall be in addition to the prohibitions and regulations relating to fireworks as set forth in Part 2 of Division 11 of the Health and Safety Code of the State.

(b) It is unlawful for any person to sell, possess, keep, store, use, or discharge or permit another to sell, possess, keep, store, use or discharge, dangerous fireworks in the amount of 25 pounds or less. Any person(s) found in possession of dangerous fireworks may have the items confiscated by any law enforcement officer or fire department employee. Such confiscation shall be immediately reported to the City and will be transported to the nearest fire department within a reasonable amount of time for proper disposal.

(c) Violation of 4-2.214(b) is subject to an administrative citation in the amount of \$1,000 for the first violation and each additional violation within the same year pursuant to procedures set forth Section 6-4.30 of the Maywood Municipal Code. Such administrative remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law. Administrative fines collected pursuant this section related to dangerous fireworks shall not be subject to California Health and Safety Code Section 12706, and shall be allocated in compliance with California Health and Safety Code Section 12557, which requires the City to reimburse the State Fire Marshal for the costs associated with the disposal of seized dangerous fireworks.”

Section 2. **Urgency Findings.** The City Council of the City of Maywood deems it necessary to adopt an urgency ordinance pursuant to Government Code Section 36937(b) to amend the Maywood Municipal Code to protect the public health, safety and welfare from illegal and dangerous fireworks. Studies show that operation of illegal and dangerous fireworks can lead to serious bodily injury and property damage. Dangerous fireworks are considered explosive devices and they are extremely dangerous. Every year they cause injury even death to persons and because some of these dangerous fireworks can launch into the air, this increases the likelihood of

causing damage to property. Last year, Cal Fire reported the confiscation of approximately 125,000 pounds of illegal fireworks throughout Southern California during the Fourth of July holiday week.

With the Fourth of July approaching, the City Council is concerned that residents and visitors will not comply with the provisions of State law regarding illegal and dangerous fireworks. The City Council has a duty to ensure City residents and their respective properties, as well as visitors are protected from harm during the Fourth of July holiday. While possession and use of dangerous fireworks are State law violations, Health and Safety Code Section 12557 provides that State law violations related to the possession of 25 pounds or less of dangerous fireworks may also be enforced by cities through administrative fine procedures if the local jurisdiction adopts an ordinance containing certain provisions required by the Office of the State Fire Marshall. The City has drafted such an ordinance, however, there is not sufficient time for these regulations and penalties to take effect prior to July. For these reasons, the City Council finds there is a current and immediate threat to the public peace, health and safety. The City Council has the authority to adopt an urgency ordinance pursuant to Government Code Section 36937(b) in order to protect the public health, safety, or welfare.

Section 3. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions 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 would be subsequently declared invalid or unconstitutional.

Section 4. Effective Date. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 36937(b); and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.


Section 5. Certification and Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 10th day of June, 2020.



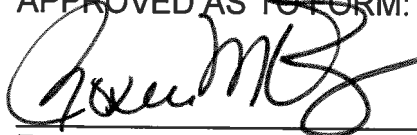
Eduardo De La Riva, Mayor

ATTEST:



Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:



Roxanne Diaz, City Attorney


I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Urgency Ordinance was adopted at a regular meeting of the City Council of the City of Maywood held on the 10th day of June, 2020 by the following vote:

AYES: Marquez, Alvarez, Lara, De La Riva

NOES:

ABSTAIN: Medina

ABSENT:



Gerardo Mayagoitia, City Clerk