

ORDINANCE NO. 2025-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL AMENDING SECTIONS 9.28.010 AND 9.28.020 OF CHAPTER 9.28 (FIREWORKS), AND ADDING SECTION 9.28.025 TO CHAPTER 9.28 (FIREWORKS) OF THE SIGNAL HILL MUNICIPAL CODE TO ALLOW FOR THE SALE OF FIREWORKS WITHIN THE CITY, AND FINDING SAID ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City of Signal Hill, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City authorized by California Constitution, Article XI, Section 5 to make and enforce within its limits all local, police, sanitary and other ordinances and regulations in respect to municipal affairs not in conflict with its charter and general laws; and

WHEREAS, State law and regulations, particularly the State Fireworks Law, Health and Safety Code section 12500 et seq., and State Fire Marshall regulations pertaining to fireworks, Title 19 California Code of Regulations, Chapter 6 “Fireworks”, generally prohibit the sale, offer for sale, possession, or discharge of fireworks, with few exceptions like for “Safe and Sane” fireworks; and

WHEREAS, more pertinent to this item is California Health and Safety Code Section 12541, which specifically authorizes cities to establish its own local fireworks prohibitions and regulations; and

WHEREAS, cities are authorized to adopt regulations as strict or stricter than State law and regulations related to the sale and possession of fireworks; and

WHEREAS, the City previously adopted the Los Angeles County Fire Code via Chapter 15.08 of its Municipal Code, Section 5601.1.3 of the Los Angeles County Fire Code prohibits the possession, manufacture, storage, sale, handling and use of fireworks with an exception for “safe and sane fireworks” that are explicitly allowed by local ordinance; and

WHEREAS, the City has recognized the cultural and recreational value of the fireworks to its community while also acknowledging the inherent risk associated with its use through the adoption of Chapter 9.28 (Fireworks), which currently prohibits the possession, use and sale of fireworks subject to certain exceptions; and

WHEREAS, the City recognizes that the sale of fireworks, can be a substantial source of revenue, especially for not for profit entities whose primary sources of funds are derived from donations and fundraising activities; and

WHEREAS, the City desires to amend its existing regulations governing fireworks to allow for limited sale of fireworks by eligible nonprofit entities subject to certain conditions;

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

SECTION 1. Sections 9.28.010 and 9.28.020 of the Signal Hill Municipal Code are hereby amended as follows (additions underlined and deletions in ~~strikethrough~~).

9.28.010 “Use, sale, or discharge of fireworks prohibited.”

Except as otherwise allowed under the provisions of this chapter, 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.

9.28.020 “~~Exceptions for approved public presentations.~~”

- A. Public Fireworks Display. 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.
- B. Sale of Safe and Sane Fireworks. The sale of "Safe and Sane" fireworks is permitted in the City so long as in conformance with this Chapter and subject to the State Fireworks Law, Health and Safety Code section 12500 et seq.; State Fire Marshall regulations pertaining to fireworks, Title 19 California Code of Regulations, Chapter 6; the City Municipal Code; and any other laws, regulations, or orders in place at the time of sale.

SECTION 2. The following section is hereby added to the Signal Hill Municipal Code.

9.28.025 “Sale of Safe and Sane Fireworks by Eligible Non-Profit Organization”

- A. "Safe and Sane" fireworks, as defined in Section 12529 of the Health and Safety Code, may be sold solely by eligible non-profit organizations within the City during the period beginning at 12:00 noon on the 28th day of June and ending at noon on July 6th of each year.
- B. Eligible Non-profit Organization. No permit shall be issued except to a non-profit corporation, or non-profit unincorporated association, physically located within the City limits whose principal purpose is to serve a public benefit to City residents and visitors.
- C. City permit to Sell Fireworks Required.
 - a. No person shall sell fireworks within the City, either at wholesale or retail, without securing a permit from the City Manager or his/her designee.

- b. Each applicant for a permit shall file a written application with the ____ showing at least the following information:
 - i. Name, address and telephone of applicant;
 - ii. Facts establishing the applicant's status as a qualified organization under the provisions of this chapter;
 - iii. Names and addresses of the officers of the applicant;
 - iv. Location where the applicant proposes to sell fireworks.
 - v. Each applicant shall also meet the following requirements:
 - 1. Applications shall be made no later than ____ .
 - 2. Applicants shall comply with all the requirements specified in the permit application.
 - a. The permit shall be posted in a conspicuous place at the place of sale, and shall be immediately available upon request.
 - b. Permit Fee. The fee for each permit issued under the provisions of this chapter shall be in accordance with the current City of Signal Hill fee resolution.
- c. Number, Term, Transferability and Scope of Authority of Fireworks Permit.
- d. Requirements for Place of Sale of Fireworks. Sale of "Safe and Sane" fireworks pursuant to this chapter shall be permitted only from within a temporary stand. Sale from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:
 - i. Must be located on private property.
 - ii. It is unlawful to sell fireworks to anyone under the age of 18 years of age.
 - iii. No stand shall be located within 25 feet of any other building, nor within 100 feet of a location where gasoline or any other flammable liquids are stored or dispensed.
 - iv. No stand shall have a floor area in excess of 750 square feet. The stand shall be constructed in a manner which is safe for staff, attendants, patrons, and all passersby. A stand smaller than 20 feet in length need only have one exist. A stand 20 feet in length or longer shall have at least two exits at least 20 feet apart, like on opposite ends of the stand.
 - v. Each stand shall have two (2) two-and-one-half-gallon water fire extinguishers in good working order and accessible for use at all times in case of fire.
 - vi. All vegetation, trash, weeds, items, and combustible materials shall be cleared from the location of the stand for a distance of at least 30 feet in radius from the stand.
 - vii. "NO SMOKING" signs shall be posted on the stand with at least one per side.
 - viii. Each stand shall have at least one adult 18 years of age or older in attendance and in charge thereof when the stand is being used for the sale or dispensing of fireworks. No person under the age of 18 shall be permitted within any fireworks stand at any time.

- ix. All unsold fireworks stock, trash and litter, signage, and other items associated with the business shall be removed from the stand by 12:00 noon on the 6th of July.
 - x. The stand shall be removed from the temporary location by 12:00 noon on the 7th of July.
 - xi. Educational materials may be required to be handed out with the sale of all fireworks. The City Manager or his/her designee will provide the materials in digital format and they must be printed and distributed at the cost of the permit holder. The City may require the posting of educational materials at each firework stand. The educational material shall remain posted and unobstructed at all times while the stand is in operation.
- e. Permit Revocation. Compliance with State Law, Violation of Chapter. A permit holder, and its agents, shall at all times be aware of and comply with the State Fireworks Law, Health and Safety Code section 12500 et seq., State Fire Marshal regulations pertaining to fireworks, Title 19 California Code of Regulations, Chapter 6, the requirements of this chapter and the City Municipal Code, any conditions in the permit issued by the City Council, and any other laws, regulations, or orders in place at the time of sale. Violation of any such provision shall constitute a material breach of the conditions of the permit and sufficient cause for the immediate revocation of said permit as well as grounds to deny any subsequent application for a future permit.
- f. The permit shall be valid only during the period beginning at 12:00 noon on the 28th day of June and ending at 12:00 p.m. on the 6th day of July each year and no permit shall be transferable, assignable or renewable. Each permit shall provide authority for sale of "Safe and Sane" fireworks by applicant at the location or premises designated on the permit.
- g. Liability Insurance Required. Each applicant for a permit to sell fireworks pursuant to this chapter shall provide a certificate of liability insurance that shall indicate the amount as determined by the city's risk management authority for liability coverage per occurrence for bodily injury, property damage, including premises, operations, and product liability; that shall name the city as a certificate holder; that shall contain an attached separate endorsement to the policy naming the city as an additional insured; and shall indicate that a thirty-day advance notice will be given to the city prior to cancellation or material change in the policy.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. 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. If for

any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

SECTION 5. 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 to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 6. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378.

ORDINANCE PASSED AND APPROVED on this ____ day of March __, 2025 by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Keir Jones, Mayor

ATTEST:

Daritza Gonzalez, City Clerk

APPROVED AS TO FORM:

Matthew Richardson, City Attorney