

**CITY OF HAWAIIAN GARDENS  
URGENCY ORDINANCE NO. 453**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS APPROVING AN AMENDMENT TO THE HAWAIIAN GARDENS MUNICIPAL CODE TITLE 6, CHAPTER 6.28, RELATING TO THE SALE AND OPERATION OF SAFE AND SANE FIREWORKS AND FIREWORKS STANDS IN THE CITY OF HAWAIIAN GARDENS FOR THE MILLENNIUM NEW YEAR CELEBRATION AND DECLARING THE URGENCY THEREOF.**

**WHEREAS**, the Millennium New Year celebration will be a historic and festive event in the City of Hawaiian Gardens; and

**WHEREAS**, the legislature of the State of California has chaptered Assembly Bill 2090 as Health and Safety Code Section 12599.5 which provides the State Fire Marshall has the authority to issue permits for the sale of Safe and Sane Fireworks for use during the "Millennium" and State of California "Sesquicentennial" Celebrations in cities and counties that allow the sale of such fireworks; and

**WHEREAS**, the Millennium New Year can be celebrated more festively in the City if the sale and discharge of Safe and Sane Fireworks is permitted in that people living in the residential neighborhoods will join together to celebrate the event with display of fireworks; and

**WHEREAS**, the City of Hawaiian Gardens, under Title 6, Chapter 6.28 of the Hawaiian Gardens Municipal Code provides for the sale and operations of Safe and Sane Fireworks and permit applications are filed with the City Clerk on or prior to June 1<sup>st</sup> of each year (6.28.060 (2)).

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Pursuant to the California Health and Safety Code 12599.5, the City of Hawaiian Gardens will authorize the sale of Safe and Sane Fireworks to be used during the "Millennium" and State of California "Sesquicentennial" Celebration as a one time, limited special event.

**SECTION 2.** That Section 6.28.010 of the Hawaiian Gardens Municipal Code is hereby amended to read as follows until 12:00 midnight on January 1, 2000:

"Notwithstanding the provisions of Sections 12.01 to 12.06 of the Fire Code of the County of Los Angeles, Safe and Sane fireworks as defined by Section 12504 of the Health and Safety Code of the State may be sold and discharged within the City during the period beginning at twelve noon (12:00 p.m.) on 28th day of December 1999 and ending at twelve noon (12:00 p.m.) on the 2<sup>nd</sup> day of January 2000, pursuant to the provisions of this Chapter and not otherwise."

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**SECTION 3.** That Section 6.28.060 of the Hawaiian Gardens Municipal Code is hereby amended to read as follows until 12:00 midnight on January 1, 2000:

“A. Application for such a permit:

1. Shall be made in writing using the City's Form;
2. Shall be filed with the City Clerk on or prior to **October 25, 1999**;
3. Shall set forth the proposed location of any and all fireworks stands applied for, and the length thereof;

4. Shall be accompanied by an assurance that if the permit issued to applicant, applicant shall, at the time of receipt of such permit, deliver to the City a one million dollar (\$1,000,000) general public liability and an aggregate amount of two million dollars (\$2,000,000) and including a rider attached to the policy designating the City, its representative, agents, employees, etc., as additional assured thereunder;

5. Shall be accompanied by a deposit of two hundred dollars (\$200), for each stand applied for;

B. Applicants for any such permits shall be notified by the City Clerk of the granting or rejection of their application for permit on or before **November 10, 1999.**”

**SECTION 4.** That Section 6.28.070 (D) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows until 12:00 midnight on January 1, 2000:

“D. Each person, group or organization shall be limited to two permits per year and each permit shall be limited to two stands.”

**SECTION 5.** That Section 6.28.090 (I) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows until 12:00 midnight on January 1, 2000:

“I. No stand shall be erected before **December 19, 1999**. The premises on which the stand is erected shall be cleared of all structures and debris, no later than **twelve noon (12:00 p.m.) on January 10, 2000.**”

**SECTION 6.** Additional necessary conditions including hours of operations shall be defined in a Resolution set forth and approved by the City Council.

**SECTION 7.** The Hawaiian Gardens Municipal Code Sections that are hereby amended as described above shall have a defined sunset date. Consistent with Health and Safety Code 12599.5, Sections 1 through 6 of this Ordinance will become inoperative and thereby repealed on January 1, 2000 at 12:01 a.m., unless otherwise specified, or unless a later enacted ordinance, that becomes operative on or before such date deletes or extends the dates on which it becomes inoperative and is repealed.”

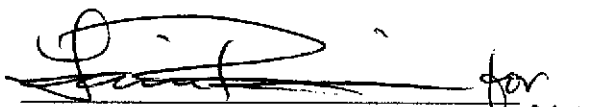
**SECTION 8.** Declaration of Urgency. The Legislature of the State of California has permitted a special sales period for fireworks to celebrate the new millennium. In order to permit the timely processing of applications for permits to sell fireworks and operate fireworks stands during this period, certain processing dates need to be established which will occur before a non-urgency ordinance would be in full force and effect. The community and social works of the potential applicants directly benefit the welfare of the City of Hawaiian Gardens community, and these works will be negatively affected if the applicants are unable to raise funds through the sale of fireworks in December 1999. Furthermore, it is deemed necessary, for the community's safety, to control the use and sale of fireworks and fireworks stands during these celebrations. This Ordinance is therefore necessary for the immediate preservation of the public peace, health, safety and welfare and shall take effect immediately upon adoption.

**PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS** this 12<sup>th</sup> day of October 1999.

CITY OF HAWAIIAN GARDENS

  
Betty J. Schultze, Mayor

ATTEST:

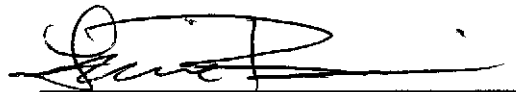
  
Anthony B. Lopez, City Clerk *for* *AKA*

CERTIFICATION

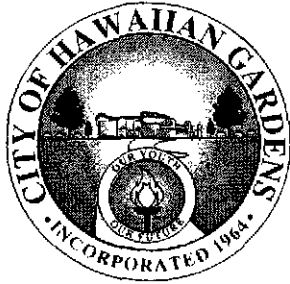
State of California            )  
County of Los Angeles        ) ss.  
City of Hawaiian Gardens     )

I, Lucie Recio, Assistant City Clerk of the City of Hawaiian Gardens, do hereby certify that **Urgency Ordinance No. 453**, was duly ALVAREZ, passed and adopted by the City Council of the City of Hawaiian Gardens on this **12th day of October, 1999** by the following votes as the same appears on file and on record in the Office of the City Clerk.

**AYES:**        CABRERA, PRIDA, CHAIDEZ, SCHULTZE  
**NOES:**        NONE  
**ABSENT:**    ALVAREZ  
**ABSTAIN:**   NONE



LUCIE RECIO  
ASSISTANT CITY CLERK




**CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT**

Agenda Item No.: B-1  
Meeting Date: 10/12/99  
City Administrator: \_\_\_\_\_

**TO:** Honorable Mayor and Members of the City Council

**THRU:** Anthony B. Lopez, City Clerk

**FROM:** Lucie Recio, Assistant City Clerk 

**DATE:** October 6, 1999

**SUBJECT: URGENCY ORDINANCE NO. 453  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN  
GARDENS APPROVING AN AMENDMENT TO THE HAWAIIAN GARDENS  
MUNICIPAL CODE TITLE 6, CHAPTER 28, RELATING TO THE SALE AND  
OPERATION OF SAFE AND SANE FIREWORKS AND FIREWORKS  
STANDS IN THE CITY OF HAWAIIAN GARDENS FOR THE MILLENNIUM  
NEW YEAR CELEBRATION.**

**SUMMARY**

On September 28, 1999, the City Council directed staff to prepare an Ordinance amending the Hawaiian Gardens Municipal Code ("HGMC") to permit the sale of Safe and Sane Fireworks and the operation of fireworks stands for the Millennium New Year Celebration.

The HGMC amendment requires that an Ordinance be adopted by the City Council, either as a regular Ordinance requiring first and second reading, or an Urgency Ordinance becoming effective immediately or designating a specific date, after waiving first and second reading and making the proper findings for the urgency thereof.

**DISCUSSION**

Per the City Attorney's recommendation, staff has contacted the following fireworks companies that have assisted the local non-profit organizations during the past two years. Staff has also contacted or has made every reasonable effort to contact the July 1999 non-profit organization applicants inviting them to attend the City Council meeting, thus providing the opportunity to provide testimony to the City Council. The Los Angeles County Fire Department, Hawaiian Gardens Station 34 has also been notified of the proposed Ordinance being presented to the City Council.

For your information a table of a telephone survey previously conducted by staff is attached. As the City Council is aware, most cities that currently permit the operation and sale of fireworks will also be permitting restricted operation and sales to celebrate the Millennium New Year and have adopted respective ordinances. As the City Council will notice on the attached table, many of the neighboring cities, in close proximity to Hawaiian Gardens do not allow fireworks. However, in speaking with

these cities, they conduct controlled fireworks programs. For example, the City of Long Beach and the City of Cerritos schedule 4<sup>th</sup> of July programs and activities; the Cities of Seal Beach, Los Alamitos and Cypress conduct a joint 4<sup>th</sup> of July program, etc.

**COUNCIL ACTION**

- 1) Staff respectfully recommends that the City Council waive further reading, read by title only and adopt Urgency Ordinance No. 453; or
- 2) Staff respectfully recommends that the City Council amend the proposed Urgency Ordinance, waive further reading, read by title only and introduce Ordinance No. 453.

**ATTACHMENT**

- 1) Table 1: Telephone Survey
- 2) Proposed Urgency Ordinance No. 453

**Table 1.**

**MILLENNIUM FIREWORKS CELEBRATION  
TELEPHONE SURVEY**

<b>CITY</b>	<b>PASSED</b>	<b>NOT PERMITTED</b>
Artesia		X
Azusa	X	
Bellflower	X	
Carson	X	
Cerritos		X
Chino	X	
Coachella	X	
Colton	X	
Commerce		
Huntington Park	X	
Industry	X	
La Mirada	X	
La Palma		X
Lakewood		X
Long Beach		X
Los Alamitos		X
Paramount	X	
Pico Rivera	X	
South El Monte	X	
Stanton	X	
Temple City	X	