



# CITY OF LAWDALE

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DATE: April 5, 2021  
TO: Honorable Mayor and City Council  
FROM: Kevin M. Chun, City Manager *[Signature]*  
PREPARED BY: Michael Reyes, Director of Municipal Services *[Signature]*  
SUBJECT: **Updated Illegal Fireworks Suppression Plan for 2021**

## BACKGROUND

The City of Lawndale, like many municipalities is challenged in the days and months before and after the July 4<sup>th</sup> holiday with an onslaught of illegal fireworks usage which create noise and air pollution, health and safety issues, and a general disturbance for the community. While the City Council wishes to continue the use and sales of legal, safe and sane fireworks, it has also expressed their strong desire to limit the amount of illegal fireworks being used each year, and take stringent enforcement action against those causing such disturbances in the community.

## STAFF REVIEW

In February 2021, staff proposed several concepts for addressing the sale and use of illegal fireworks this July 4<sup>th</sup> holiday season. Following further review and analysis by the City Attorney's Office and the Sheriff's Department, this report is intended to inform the City Council and community of staff's final recommendations for implementing an illegal fireworks suppression plan for this July 4<sup>th</sup> holiday season.

The following suppression concepts have been discussed with the City Attorney in regards to their legality, with the Sheriff's Department regarding safety and practicality for deputies, and there is consensus that the plan can be successfully implemented.

## LASD PRESENCE

### SAO Deputies

- The four Special Assignment Officer (SAO) deputies assigned to the City are currently scheduled to work morning to afternoon shifts seven days a week. The first two-man SAO crew is scheduled to work Sunday - Wednesday, and the second SAO crew from Wednesday - Saturday.
- For illegal fireworks suppression detail, starting on May 17<sup>th</sup> and continuing through July 5<sup>th</sup>, all four SAO deputies will begin their shifts at 1600 hours (4:00 PM) and work until 0200 hours (2:00 AM). Adjusting their shifts will position them to observe more illegal fireworks violations

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which typically occur in the evening and early morning hours. This shift modification will still allow for SAO coverage seven days a week.

- From Friday, July 2<sup>nd</sup> through Monday, July 5<sup>th</sup>, all four SAO deputies will work the same shift (1600 – 0200 hours) so that the City can have the largest deputy presence during the anticipated heaviest period of illegal firework usage.

Additional Deputies

- In addition to the four SAO deputies, six overtime deputies will be added for these same four days and working the same shift (July 2-5, 1600 - 0200 hours), for a total of 10 deputies detailed for illegal fireworks suppression. These overtime deputies will be working as two man teams in undercover rental cars to be provided by the City. The rental cars will not be recognizable to violators as Sheriff's Department vehicles and will allow deputies to observe violating parties in the act of lighting illegal fireworks much easier than in marked black and white cruisers.

Sheriff's Department Enforcement Plan

- Deputies will make contact with violating parties who are observed in possession of or lighting illegal fireworks and issue Administrative Citations provided by the City, rather than criminal citations as in previous years. Illegal fireworks will also be confiscated by the deputies.
- When deputies observe illegal fireworks emanating from places where physical barriers exist that prevent the deputies from seeing the violating party, such as fences and backyard walls, deputies will begin to fill out an Administrative Citation with as much information as they can provide, such as address of property, time of incident, and include any photographic evidence that they can gather, along with a brief narrative on the front of the citation describing their observation. These partially completed citations will then be submitted by the deputies to the Municipal Services Department. The Municipal Services Department will then use the information provided by the deputies that observed the illegal activity and issue a citation to the property owner from information available in the City's Citizen Serve program the following day.
  - The Sheriff's Department is confident that this new process will allow for a greater number of citations to be issued than in previous years, and also reduce confrontations between its deputies and potentially combative and inebriated violating parties.

COMMUNICATIONS WITH THE COMMUNITY

Staff also plans to increase awareness within the community advising of the restrictions and penalties associated with the use and sale of illegal fireworks, through the following actions:

- Heavy rotation on the City's social media sites, cable TV channel, and website advising of increased presence by deputies in undercover vehicles, and the potential issuance of Administrative Citations to property owners for allowing illegal fireworks to be used on their property.

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- Message trailer on Hawthorne Boulevard displaying the new fine amounts as well as a banner spanning Hawthorne Boulevard advising that illegal fireworks are prohibited.
- Mailers and email will be sent to property and business owners advising them of their liability for any illegal fireworks use that occurs on their property, whether or not they are present when the violation is observed. These mailers will provided updated information about the new enforcement techniques that are to be utilizing to reduce illegal fireworks usage.

NEW ENFORCEMENT TECHNIQUES - New enforcement techniques will also be introduced that have not been used in previous years, including:

- Administrative Citations will be issued rather than criminal citations, as in years past, eliminating the City’s reliance on the Courts to impose fine amounts. Unpaid Administrative Citations will also be processed through collections in a similar manner as with Parking Citations.
- The existing Lawndale Municipal Code section 8.12.120, regarding the \$1,000 maximum fine for illegal firework use and possession will be amended to include a “Progressive Penalty” which will be created so that recurring violators, who are caught multiple times over a five year period lighting illegal fireworks can be issued a \$1,000 Administrative Citation for the first offense, and a \$2,000 for any subsequent illegal firework offense within a five year period of the original citation issue date.
- Property owners that allow fireworks to be used from their backyards or commercial properties, will be issued Administrative Citations if deputies observe illegal fireworks coming from their property, regardless of whether the property owners knew of the fireworks being used. Staff is currently working with the City Attorney to modify the existing municipal code to reflect this new level of enforcement which will be modeled after existing ordinances utilized by other cities for illegal firework suppression.

OPTIONAL ENFORCEMENT TECHNIQUE

- Resident reporting would allow residents to submit to the Municipal Services Department photographs or video footage showing illegal fireworks usage by their neighbors. As this new technique has the potential to create animosity amongst the residents, high standards would need to be met in order for an Administrative Citation to be issued.
  - Residents would have to provide clear and definitive photographic or video evidence of the violation.
  - Evidence provided by residents would have to definitively demonstrate that the incident occurred within Lawndale and be dated to prove it is current.
  - Residents would also have to be willing to appear as a witness against the violating party should the citation be appealed.

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In meeting with the City Attorney and Sheriff's Department about resident reporting, it was determined that although there can be a path to legally issuing citations based on resident documentation, there are several concerns that were noted. First, allowing residents to report on their neighbors could create a sense of communal disharmony. Also, residents that wish to report on fellow residents would need to provide their names and information on each citation issued, and would be required to testify before a hearing officer should the citation be appealed, affectively removing any anonymity. Lastly, this would put staff in the middle of neighbor disputes, and give residents a tool for using the City against neighbors that they do not get along with. For this reason, staff recommends withdrawing the resident reporting concept from the Fireworks Suppression Plan until it can be further discussed and explored as to its effectiveness.

The City Attorney has examined each of these concepts and has determined that each of these new measures are legal and practical, and that they have been implemented by other cities to combat illegal firework usage in those communities. City staff seeks the City Council's approval of this plan as means for protecting the community from illegal fireworks. Staff understands that none of these measures taken individually or collectively will fully resolve the problem of illegal fireworks, however, these steps are staff's best recommendation for reducing illegal firework usage.

LEGAL REVIEW

The City Attorney has been consulted in the development of this plan and approves the implementation of these strategies.

FISCAL IMPACT

City staff expects projected costs of approximately \$25,000 - \$30,000 to include overtime pay for additional deputies, rental car costs for deputies to use over a period of several days, and additional costs for advertising the City's suppression plan and enforcement. Staff hopes to secure funding through the Justice Assistance Grant (JAG) program which in previous years has been used to pay for additional deputies for fireworks suppression detail. This year the City will receive an award of \$10,752 which will be put towards this year's fireworks suppression costs. According to the Sheriff's Department, this plan is expected to yield more Administrative Citations than in previous years, and therefore, is expected to generate sufficient fine revenue to pay for any related City expenses not paid for by the JAG grant.

RECOMMENDATION

Staff recommends that the City Council review and approve the proposed Illegal Fireworks Suppression Plan for 2021.