

**ORDINANCE NO. 1218-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA ADDING CHAPTER 5-22 TO THE AVALON MUNICIPAL CODE REGARDING USE OF PROJECTILES AND ADOPTION OF EXEMPTION FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, pursuant to the authority granted to the City of Avalon (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and

**WHEREAS**, the Council has determined that use of projectiles, including but not limited to, water balloons within the City represents a threat to public health and safety within the City because such projectiles can injure or harm those hit by such projectiles; and

**WHEREAS**, projectiles have been maliciously used on persons in the City, particularly at public events; and

**WHEREAS**, public events serve visitors, tourists, and other residents and promote the economy of the City and improve its general welfare; and

**WHEREAS**, the use of projectiles at public events can be disruptive to these public events, disincentivize attendance, and may cause rapid movements of large groups of people which could risk serious injury to those who fall or collide into one another; and

**WHEREAS**, the malicious use of projectiles—particularly at public events—undermines the safety and security of the City’s citizenry; and

**WHEREAS**, the inclusion of a prohibition regarding the use of projectiles in the City will preserve, promote, and protect the health, safety, and welfare of its citizens by penalizing such conduct; and

**WHEREAS**, on May 7, 2024, the City Council held a duly-noticed public meeting and considered the staff report, recommendations by staff, and any public testimony concerning this ordinance; and

**WHEREAS**, all legal prerequisites to the adoption of this ordinance have occurred.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES ORDAIN AS FOLLOWS:**

**Section 1. Incorporation of Recitals.** The recitals set forth above are true, correct, incorporated herein, and are adopted as the findings of the City Council in connection with the adoption of this Ordinance.

**Section 2. Code Amendment.** Chapter 5-22 of the Avalon Municipal Code is hereby added to the Avalon Municipal Code to read as follows:

**Chapter 5-22  
Projectiles**

**5-22.010 Purpose.**

The purpose of this chapter is to prevent harm to visitors and residents that is caused by the throwing of projectiles, including water balloons or eggs. At public events in particular, attendees have been struck by such projectiles. The throwing of these projectiles is often done for mischievous and/or malicious purposes and the conduct is often nonconsensual on part of the attendees. Nonconsensual use of projectiles undermines the City's goals of creating a welcoming community, maintaining public safety and order, and attracting people to the island. Accordingly, the City implements this chapter to prevent such conduct.

**5-22.020 Definitions.** These definitions apply to this chapter:

- (a) Object: A thing or physical material, including but not limited to, water balloons, eggs, or other solids, liquids, or gases.
- (b) Projectile: A projectile is an object which is thrown, launched, or caused by a person to be moving through the air.
- (c) Public events: An event or activity held open for the general public, either authorized by the City or conducted by a private group.

**5-22.030 Projectiles Prohibited.**

It shall be unlawful for any person to use an object as a projectile such that it causes harm or offense to a person or group of people or interferes with or disrupts a public event.

**5-22.040 Exception.**

This prohibition shall not apply to:

- (a) Use of projectiles which occurs wholly on private property, where the projectile does not travel any further than the property line of the private property involved and the projectile is not intended to cause harm or offense. This exception does not apply when the private property is used for a public event.

**Section 3. Severability.** If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, void, or invalid, such decisions 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, void, or invalid.

**Section 4. CEQA Exemptions.** The City Council finds that adoption of this Ordinance is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15378 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, this Ordinance is exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) because this Ordinance will not cause a change in any of the physical conditions within the area affected by the Ordinance. None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Los Angeles County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

**Section 5. Certification.** The City Clerk of the City of Avalon shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

**Section 6. Effective Date.** This Ordinance shall become effective thirty days from its adoption.

**INTRODUCED AND WAIVED** at a regular meeting of the City Council of the City of Avalon on the 7<sup>th</sup> day of May, 2024, by the following vote:

**AYES:** Mayor Marshall, Councilmembers De La Rosa, Lavelle, and Ponce.

**NAYS:** None.

**ABSENT:** Councilmember Schickling.

**ABSTAIN:** None.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Avalon on the 21<sup>st</sup> day of May, 2024, by the following vote:

**AYES:** Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:**None.

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Ann H. Marshall, Mayor

**ATTEST:**

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Gabrielle Morones, Deputy City Clerk

**APPROVED AS TO FORM:**

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Scott Campbell  
Best Best & Krieger, LLP