

URGENCY ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF CORONA AMENDING CHAPTER 9.33 OF THE CORONA MUNICIPAL CODE TO INCREASE THE PENALTIES FOR FIREWORKS VIOLATIONS

WHEREAS, Chapter 9.33 of the Corona Municipal Code (“CMC”) prohibits the sale, use, discharge, and possession of fireworks within the City of Corona (“City”); and

WHEREAS, notwithstanding such prohibition, people within the City continue to illegally use fireworks, both those labeled “safe and sane” and those that are much more powerful and dangerous, especially on or near the 4th of July holiday; and

WHEREAS, the use of fireworks within the City’s boundaries creates an unreasonable risk of personal injury from explosions, burns and noise, as well as fire danger that could result in property damage and personal injuries, including death; and

WHEREAS, in light of Corona’s geographical location and proximity to the Cleveland National Forest, the City is subject to extreme fire hazards and long and volatile fire seasons, making illegal fireworks activities and violations of the prohibition set forth in CMC Chapter 9.33 even more dangerous to all citizens of the City; and

WHEREAS, the City’s records indicate that in 2020 at least 10 fires in the City were caused by or related to fireworks; and

WHEREAS, fireworks related calls have progressively increased over the past few years, from 114 in July 2018, to 118 in July 2019 and 643 in July 2020; and

WHEREAS, the City generally experiences a dramatic increase in the number of fireworks related calls for service near the 4th of July holiday, with calls in 2020 increasing from anywhere from zero to 60 calls per day at the end of June to 448 calls on July 3rd and July 4th; and

WHEREAS, the number of citations issued for fireworks related violations during the 4th of July holiday has also steadily increased, with the number of citations issued in 2020 more than doubling the number of citations issued in 2019; and

WHEREAS, the continued and increasing violations of CMC Chapter 9.33 warrants an increase in the penalties imposed for such violations; and

WHEREAS, California Government Code Section 36937(b) authorizes the City Council to adopt, by a four-fifths vote, without following the procedures otherwise required for the adoption of an ordinance, an urgency ordinance which is necessary for the immediate protection of the public peace, health and safety; and

WHEREAS, this ordinance must take effect immediately to preserve the public peace, health and safety. That is, since the 4th of July holiday is fast approaching and since an increased amount of illegal fireworks will soon likely begin to be sold, used, discharged, possessed, and provided to minors in the City in violation of CMC Chapter 9.33, it is imperative that the associated fines and penalties for violations of CMC Chapter 9.33 be increased, so that such violations, with their attendant risks to persons and property, can be deterred to the greatest extent possible.

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

SECTION 1. Urgency Findings. In accordance with California Government Code Section 36937(b) and in order to protect the public peace, health and safety, the City Council finds as follows:

- A. The Recitals stated above are incorporated herein by reference.
- B. CMC Chapter 9.33 prohibits the sale, use, discharge, possession and provision to minors of fireworks.
- C. CMC Chapter 9.33 imposes fines and penalties of \$500 to \$1,000 for violations.
- D. The 4th of July holiday is fast approaching and an increased amount of illegal fireworks will soon likely begin to be sold, used, discharged, possessed, and provided to minors in the City in violation of CMC Chapter 9.33.
- E. The continued and increasing number violations of CMC Chapter 9.33, combined with the threat of personal injury and damage to real property caused by such violations, necessitate an increase in the fines and penalties imposed for the illegal sale, use, discharge, possession or provision to minors of fireworks in order to deter continued illegal activities and preserve the public peace, health and safety.
- F. This Ordinance must take effect immediately upon adoption to provide a more effective method for enforcing CMC Chapter 9.33 prior to the forthcoming 4th of July holiday.
- G. The proposed amendments to CMC Chapter 9.33 attached hereto are necessary for the immediate preservation and protection of the public convenience, health, safety and general welfare of the City, its residents and businesses, to provide a mechanism to deter the illegal sale, use, discharge, possession or provision to minors of fireworks in advance of the 4th of July holiday.
- H. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

SECTION 2. CEQA Findings. This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes changes to the fines and penalties for violations of the provisions of Chapter 9.33, which prohibits the sale, use, discharge or possession of fireworks in the City in order to protect the public health, safety and welfare and to deter continued violations of Chapter 9.33 and there is no possibility that adopting this Urgency Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

SECTION 3. Chapter 9.33 Amendment. Chapter 9.33 of the Corona Municipal Code is hereby amended in its entirety to read as provided in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 4. Official Record. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is the City Manager of the City of Corona.

SECTION 5. Severability. If any provision of this Urgency Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Urgency Ordinance are severable.

SECTION 6. Effective Date. This Urgency Ordinance shall become effective immediately upon adoption, if adopted by at least a four-fifths (4/5) vote of the City Council. The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona.

ADOPTED this 2nd day of June 2021.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, Clerk of the City of Corona, California, do hereby certify that the foregoing urgency Ordinance was properly introduced and adopted by at least a four-fifth's (4/5) vote at a regular meeting of the City Council of the City of Corona, California, duly held the 2nd day of June 2021 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 2nd day of June 2021.

City Clerk of the City of Corona, California

(SEAL)

EXHIBIT “A”

CHAPTER 9.33 FIREWORKS

Section

- 9.33.010 ~~Fireworks prohibited~~Definitions.
9.33.020 ~~Administrative citation~~applicability~~Fireworks prohibited.~~
9.33.030 ~~Administrative citation~~issuance~~Penalties.~~

9.33.010 Definitions.

The definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

(A) “Dangerous fireworks” has the same meaning as in California Health and Safety Code § 12505, as presently adopted or further amended from time to time.

(B) ”Fireworks” has the same meaning as in California Health and Safety Code § 12511, as presently adopted or further amended from time to time.

(C) “Safe and sane fireworks” has the same meaning as in California Health and Safety Code § 12529, as presently adopted or further amended from time to time. They include any fireworks which do not come within the definition of dangerous fireworks or exempt fireworks, as defined presently in California Health and Safety Code § 12508 or as further amended from time to time.

9.33.020 Fireworks prohibited.

(A) Prohibition. Except as otherwise provided in division (B), all fireworks, ~~as that term is defined for purposes of the Corona Fire Code in § 15.12.070,~~ are prohibited from being sold, used, discharged, possessed, or provided to a minor in any location within the city and at all times. Violation of any California statute governing the manufacture, transportation, distribution, use or possession of fireworks is also prohibited, and constitutes a violation of this section. Except as otherwise provided in division (B), any property owner or person in control of property who allows a person to sell, use, discharge, or possess fireworks, or provide fireworks to a minor, on the property owned by such person or under such person's control, shall be in violation of this section, regardless of such person's intent, knowledge or negligence, such violation being hereby expressly declared a strict liability offense.

(B) Exception for permitted shows. The sale, use, discharge, and possession of fireworks is not prohibited provided that the fireworks are sold, used, discharged, and/or possessed in compliance with a fireworks show permit that has been issued by the city's Fire Marshal and/or State Fire Marshal, and provided that every person selling, using, discharging and/or possessing the fireworks maintains any license that may be required by the State Fire Marshal for such sale, use, discharge and/or possession of fireworks.

9.33.020 — Administrative citation — applicability.

~~Violations of § 9.33.010 may be addressed through the issuance of administrative citations and penalties pursuant to the procedures set forth in Chapter 1.08, and/or by any legal remedies, criminal or civil, which may be pursued by the city to address any violation of the municipal code or applicable state codes pertaining to fireworks. Use of the administrative citation procedure in Chapter 1.08 with respect to fireworks violations shall be at the sole discretion of the city.~~

9.33.030 — Administrative citation — issuance Penalties.

~~(A) — Code enforcement officers and peace officers shall be considered enforcement officers for purposes of § 1.08.120(D) and enforcement of this chapter. The City Council or City Manager may designate additional enforcement officers.~~

~~(B) — Whenever an (A) **Criminal misdemeanor penalty.** Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$1,000 or by imprisonment in the city or county jail not exceeding six (6) months, or by both.~~

~~(B) **Administrative citation.** In addition to any other penalties provided by law, whenever the enforcement officer, as that term is defined in § 1.08.120(D), determines that a violation of § 9.33.010this chapter has occurred, the enforcement officer shall have the authority to issue an administrative citation with administrative civil penalties to any person responsible for the violation, for each violation found to have occurred.person, as that term is defined in § 1.08.120(G), pursuant to the procedures set forth in Chapter 1.08. Use of the administrative citation procedure in Chapter 1.08 with respect to violations of this chapter shall be at the sole discretion of the city.~~

~~(C) — Notwithstanding § 1.08.140, **Civil penalty amounts.** The amount of the administrative civil penalties imposed for administrative citations issued for violations of § 9.33.010 shall carry administrative penalties of \$500 if the fireworks involved are "safe and sane" fireworks within the meaning of California Health and Safety Code, Section 12529.~~

~~(D) — Notwithstanding § 1.08.140,this chapter shall be established by resolution of the City Council. Different administrative citations issuedcivil penalties may be established for violations of § 9.33.010 shall carry administrative penalties of \$1,000 if the fireworks involved are not "safe and sane" fireworks within the meaning of California Health and Safety Code, Section 12529 including, but not limited to, fireworks that are "this chapter involving safe and sane fireworks versus dangerous fireworks" within the meaning of California Health and Safety Code, Section 12505.~~

~~(D) **State law penalties.** Nothing in this chapter shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, and/or transportation of fireworks.~~