

ORDINANCE NO. 3333

**AN ORDINANCE OF THE CITY OF CORONA,
CALIFORNIA, 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 warrant an increase in the penalties imposed for such violations 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. Incorporation of Recitals. The City Council finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.

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. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 5. Conflicting Ordinances. This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

SECTION 6. Effective Date. The Mayor shall sign this 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. This Ordinance shall take effect and be in force on the 30th day after its adoption.

ADOPTED this 16th day of June 2021.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council of the City of Corona, California, duly held on the 2nd day of June 2021, and thereafter at a regular meeting held on the 16th day of June 2021, it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSTAINED:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 16th day of June 2021.

City Clerk of the City of Corona, California

(SEAL)

EXHIBIT “A”

CHAPTER 9.33 FIREWORKS

Section

- 9.33.010 Definitions.
- 9.33.020 Fireworks prohibited.
- 9.33.030 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 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.

9.33.030 Penalties.

(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 this chapter has occurred, the enforcement officer shall have the authority to issue an administrative citation with administrative civil penalties to any responsible 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) **Civil penalty amounts.** The amount of the administrative civil penalties imposed for administrative citations issued for violations of this chapter shall be established by resolution of the City Council. Different administrative civil penalties may be established for violations of this chapter involving safe and sane fireworks versus dangerous fireworks.

(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.