Legislation Details (With Text)

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On agenda:	6/2/2021			**Final action:**	6/2/2021
Title:	Urgency and Regular Ordinance amending Chapter 9.33 (Fireworks) of the Corona Municipal Code to clarify the prohibitions for the sale, use, discharge, and possession safe and sane fireworks and dangerous of fireworks within the community and Resolution No. 2021-050 increasing the penalties for violations of Chapter 9.33.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Staff Report, 2. Exhibit 1 – FD - ORD (URGENCY) INCREASING FIREWORKS VIOLATIONS (CMC 9.33) (06-02-21), 3. Exhibit 2 – FD - ORD (REGULAR) INCREASING FIREWORKS VIOLATIONS (CMC 9.33) (06-16-21), 4. Exhibit 3 – CD-CODE - RESO UPDATING ADMINISTRATIVE PENALITES FOR VIOLATION OF CMC (FIREWORKS INCREASE) (2021-050) (06-02-21), 5. Exhibit 4 – REDLINE - FIREWORKS ORD (06-02-21)				

Date	Ver.	Action By	Action	Result
6/2/2021	1	City Council	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

DATE: 06/02/2021

TO: Honorable Mayor and City Council Members

FROM: Management Services Department

SUBJECT:
Urgency and Regular Ordinance amending Chapter 9.33 (Fireworks) of the Corona Municipal Code to clarify the prohibitions for the sale, use, discharge, and possession of fireworks within the community and Resolution No. 2021-050 increasing the penalties for violations of Chapter 9.33.

EXECUTIVE SUMMARY:

Chapter 9.33 (Fireworks) of the Corona Municipal Code prohibits the sale, use, discharge, and possession of fireworks within the City limits. The attached Urgency Ordinance amends Chapter 9.33 to make it clear that fireworks of any type are prohibited within the City. The attached Resolution No. 2021-050 increases the administrative civil penalty for violations involving "Safe and Sane" fireworks to one thousand dollars ($1,000) per violation and the penalty for violations involving dangerous fireworks to up to five thousand dollars ($5,000) per violation.

RECOMMENDED ACTION:
That the City Council:

a. Adopt Urgency Ordinance No. 3332, an Ordinance of the City of Corona, California amending Chapter 9.33 of the Corona Municipal Code to increase the penalties for fireworks violations.

b. Introduce by title only and waive full reading of Ordinance No. 3333, first reading of an Ordinance of the City of Corona, California amending Chapter 9.33 of the Corona Municipal Code to increase the penalties for fireworks violations.

c. Adopt Resolution No. 2021-050 amending the administrative penalties schedule for violations of the Corona Municipal Code.

BACKGROUND & HISTORY:
On April 27th, 2021, the Riverside County Board of Supervisors approved the introduction of an amendment prohibiting fireworks. As part of the proposed amendment, Riverside County approved increasing their max penalty for "Safe and Sane" fireworks from up to five hundred dollars ($500) to up to one thousand dollars ($1,000) and illegal fireworks from up to one thousand dollars ($1,000) to five thousand dollars ($5,000). On May 11th, 2021, Riverside County gave final approval on the proposed amendments and penalty increases. On May 12th, 2021, at the Committee of the Whole, Council gave direction for staff to amend Chapter 9.33 of the Corona Municipal Code ("CMC") to match the "Safe and Sane" and dangerous fireworks violation penalty increase approved by Riverside County.

ANALYSIS:
In 2020, the Police and Fire Departments responded to multiple complaints regarding persons setting off fireworks in the weeks leading up to and following the Fourth of July holiday. The massive display of illegal fireworks lasted for days, and the City's 911 system was inundated with calls connected to fireworks activity, causing delays in critical responses to calls for help and stretching police and fire resources. Corona is subject to extreme fire hazards and long and volatile fire seasons due to its geographical location and proximity to the Cleveland National Forest, making illegal fireworks activities and violations of the prohibition set forth in CMC Chapter 9.33 even more dangerous to all residents. City records indicate that in 2020 at least ten fires in the City were caused by or related to fireworks. Fireworks-related calls have progressively increased over the past few years, from 114 in July 2018, 118 in July 2019, to 643 in July 2020. 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 zero to 60 calls per day at the end of June to 448 calls on July 3rd and July 4th. The number of citations issued for fireworks-related violations during the 4th of July holiday has also steadily increased. The number of citations issued in 2020 more than doubled the number of citations issued in 2019.

The current penalties for violations in the City of Corona are five hundred dollars ($500) for violations involving fireworks known as "Safe and Sane" and one thousand dollars ($1,000) for all other fireworks violations.

The attached Urgency Ordinance, with the necessary urgency findings, makes the following amendments to CMC Chapter 9.33:

- Adds definitions for "safe and sane fireworks" and "dangerous fireworks"
- Clarifies that violations of CMC Chapter 9.33 is a misdemeanor
- Requires the administrative penalties for violations of CMC Chapter 9.33 to be established by resolution of the City Council

The Urgency Ordinance, if adopted by the requisite four-fifths vote of the City Council, will become effective immediately. Also attached is an identical version of the Urgency Ordinance to be introduced and adopted as a regular ordinance. The reason for this is in the event the urgency findings are challenged and found not to be legally sufficient, the provisions of the regular ordinance will still be valid and in full force and effect thirty (30) days following its second reading and adoption.

The Urgency and Regular Ordinances presented this evening authorize violations of Chapter 9.33 to be prosecuted criminally as a misdemeanor, which carries fines of up to $1,000, imprisonment of up to 6 months, or both. Alternatively, violations of Chapter 9.33 can be enforced with the issuance of administrative citations and the imposition of administrative civil penalties. Resolution No. 2021-050 increases the administrative civil penalties for violations involving safe and sane fireworks from $500 per violation to $1,000 per violation. Resolution No. 2021-050 also increases the administrative civil penalties for violations involving dangerous fireworks. The first offense involving dangerous fireworks would remain at $1,000 per violation. However, the penalty for the second offense in a 12 -month period would increase from $1,000 per violation to $2,000 per violation and the penalty for each additional violation during a 12-month period would increase from $2,000 per violation to $5,000 per violation. These penalty amounts are consistent with what was recently adopted by the County of Riverside.

The amendment to CMC 9.33 and the adoption of Resolution No. 2021-050 will increase the penalties and fines for violators, which is expected to lead to decreased use of illegal fireworks, thereby making the community safer. The Urgency Ordinance and Resolution No. 2021-050 will become effective immediately to ensure that it is effective in time for the upcoming 4th of July holiday.

COMMITTEE ACTION:
On May 12, 2021, at the Committee of the Whole, Council gave direction for staff to amend Chapter 9.33 to match the safe and sane and illegal fireworks violation penalty increase approved by Riverside County.

FINANCIAL IMPACT:
No financial impact.

ENVIRONMENTAL ANALYSIS:
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 this action will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: DENZEL MAXWELL, ASSISTANT TO THE CITY MANAGER

REVIEWED BY: ROGER BRADLEY, ASSISTANT CITY MANAGER

Attachments:

1. Exhibit 1 - Urgency Ordinance Amending CMC Chapter 9.33 to increase the fines for fireworks violations
2. Exhibit 2 - Regular Ordinance Amending CMC Chapter 9.33 to increase the fines for fireworks violations
3. Exhibit 3 - Resolution increasing the administrative fine amounts for fireworks violations
4. Exhibit 4 - Redlined proposed revisions to CMC Chapter 9.33

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