

## **ORDINANCE NO. 2021-12**

### **AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING CHAPTER 11.40 AND SECTION 1.20.060 OF THE JURUPA VALLEY MUNICIPAL CODE TO INCREASE THE PENALTIES FOR FIREWORKS VIOLATIONS AND REVISE CERTAIN PROVISIONS THEREOF RELATING TO DEFINITIONS, RESPONSIBILITY AND ENFORCEMENT**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS  
FOLLOWS:**

**Section 1. Findings and Purposes.** The City Council does find determine and declare that:

(a) Chapter 11.40 of the Jurupa Valley Municipal Code ("JVMC") prohibits the sale, use, discharge, and possession of fireworks within the City of Jurupa Valley ("City").

(b) 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

(c) 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.

(d) In light of Jurupa Valley's geographical location and proximity to the wildland fire areas, the Santa Ana River and the wind conditions, 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 JVMC Chapter 11.40 even more dangerous to all citizens of the City.

(e) The Fire Department's records indicate that numerous fires and injuries are caused in 2020 at least 10 fires in the City were caused by or related to fireworks.

(f) Additionally, fireworks related calls have progressively increased over the past few years.

(g) The City generally experiences a dramatic increase in the number of fireworks related calls for service near the 4<sup>th</sup> of July holiday.

(h) The number of citations issued for fireworks related violations during the 4<sup>th</sup> of July holiday has also steadily increased.

(i) The continued and increasing violations of JVMC Chapter 11.40 warrants an increase in the penalties imposed for such violations.

**Section 2.** Section 11.40.010 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

**“Sec. 11.40.010. Definitions.**

“A. Terms Defined. The terms defined in Health and Safety Code Division 11, Part 1 (Health and Safety Code Section 12500 *et seq.*) are hereby incorporated into this chapter.

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

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

“D. “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.

**Section 3.** Section of the Jurupa 11.40.020 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

**“Sec. 11.40.020. Prohibition.**

“A. *General.* No person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport any fireworks, dangerous fireworks, or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use in a public display of fireworks pursuant to a permit obtained under the provisions of California Health and Safety Code Division 11, Part 2, Chapter 6 (Health and Safety Code Section 12640 *et seq.*), Chapter 8.10, and this chapter.

“B. *Strict Liability.* Except as otherwise provided in Section 11.40.030, Displays, 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.

“C. *Manufacturing prohibited.* The manufacturing of fireworks, dangerous fireworks, or safe and sane fireworks is prohibited except under special permits as required by local and state regulations by the Fire Chief and the Chief of Police.

“D. *Pyrotechnic special effects material.* A permit is required to manufacture, compound, store or use pyrotechnic special effects material. Permit application shall be made to the County Fire Chief and the Chief of Police.

**Section 5.** 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 11.40, 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 11.40 and there is no possibility that adopting this Urgency Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

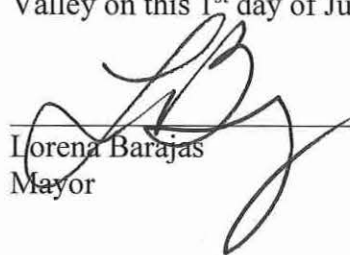
**Section 6.** Official Record. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Jurupa Valley City Hall, 8750 Limonite Avenue, Jurupa Valley, California 92509. The custodian for these records is the City Clerk of the City of Jurupa Valley.

**Section 7.** 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 8.** Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**Section 9.** Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 1<sup>st</sup> day of July, 2021.

  
\_\_\_\_\_  
Lorena Barajas  
Mayor

ATTEST:

  
\_\_\_\_\_  
Victoria Wasko, CMC  
City Clerk

## CERTIFICATION

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF JURUPA VALLEY        )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2021-12 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 17<sup>th</sup> day of June, 2021, and thereafter at a regular meeting held on the 1<sup>st</sup> day of July, 2021, it was duly passed and adopted by the following vote of the City Council:

**AYES:     L. ALTAMIRANO, C. BARAJAS, L. BARAJAS, B. BERKSON, G. SILVA**

**NOES:     NONE**

**ABSENT:  NONE**

**ABSTAIN: NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 1<sup>st</sup> day of July, 2021.



Victoria Wasko, City Clerk  
City of Jurupa Valley