

URGENCY ORDINANCE NO. MC-1652

AN URGENCY ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, ADDING SECTION 8.60.180 TO CHAPTER 8.60 OF TITLE 8 OF THE SAN BERNARDINO MUNICIPAL CODE ESTABLISHING AN ONE-YEAR MORATORIUM ON THE SALE AND USE OF SAFE AND SANE FIREWORKS IN THE CITY OF SAN BERNARDINO IN ORDER TO IMMEDIATELY PRESERVE THE PUBLIC'S PEACE, HEALTH, AND SAFETY

WHEREAS, California Government Code Sections 36934 and 36937 authorize the City Council to enact urgency ordinances that take effect immediately upon adoption for the immediate preservation of the public peace, health, or safety; and such urgency ordinances must contain a statement of the facts constituting the urgency and must be passed by a four-fifths (4/5) vote of the City Council; and

WHEREAS, California Governor Gavin Newsom issued Executive Order Number N-18-25 on January 7, 2025, proclaiming a state of emergency in Los Angeles and surrounding counties due to fire and windstorm conditions that have caused multiple fires; and

WHEREAS, the City of San Bernardino ("City") only permits non-profit organizations, groups, associations, and the like organized and operating within City limits to apply each year for a license to sell "safe and sane" fireworks from noon on July 1st through midnight on July 4th ("July 4th Celebrations") pursuant to Section 8.60.050(A) of the City's Municipal Code ("Code"); and

WHEREAS, Section 8.60.050(E) of the Code limits the maximum total number of licenses that may be issued by the City each year to thirty-five (35) licenses; and

WHEREAS, the City experiences increased firework related calls caused by the use of safe and sane fireworks used in an dangerous manner ("Dangerous Fireworks") during the July 4th Celebrations despite the Code's limitations; and

WHEREAS, enforcement of the prohibition of Dangerous Fireworks (through patrols and other means by Police and Fire Personnel) are made more complex and financially burdensome when such Dangerous Fireworks are simultaneously discharged; and

WHEREAS, the City desires to establish a temporary moratorium on the sale and use of fireworks that when used become Dangerous Fireworks within the City for a period of one (1) year to maintain the status quo while the City reassesses whether it should continue allowing the sale and use of fireworks within the City or entirely ban their sale and use in the future; and

WHEREAS, all the legal prerequisites relating to the adoption of this Urgency Ordinance have occurred.

**THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO DO
ORDAIN AS FOLLOWS:**

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Findings. This Urgency Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of the City because the City experiences increased firework related calls caused by the use of safe and sane fireworks used in an dangerous manner (“Dangerous Fireworks”) during the July 4th Celebrations despite the City Municipal Code’s limitations. This Urgency Ordinance is required to be immediately effective to protect the public’s interests by imposing a temporary moratorium within the City to allow the City adequate time to reassesses whether it should continue allowing the sale and use of fireworks within the City or entirely ban their sale and use in the future. The need for this Urgency Ordinance to take effect immediately is because this year’s July 4th Celebrations are only one (1) month away.

SECTION 3. Amendment. Section 8.60.180 is hereby added to Chapter 8.60 (Fireworks) of Title 8 (Health and Safety) of the San Bernardino Municipal Code to read as follows:

“ Section 8.60.180 Temporary Moratorium for Twelve (12) Months

Notwithstanding anything to the contrary herein, there is hereby established a temporary moratorium on the sale and use of fireworks within the City for a period of one (1) year from the effective date of this Urgency Ordinance.”

SECTION 4. California Environmental Quality Act (“CEQA”). The Mayor and City Council finds this Resolution is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Chapter 3 to Title 14 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Severability. If any provision of this Urgency Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications; and to this end the provisions of this Urgency Ordinance are declared to be severable.

SECTION 6. Effective Date. This Urgency Ordinance shall become effective immediately upon receiving the affirmative vote of at least four-fifths (4/5) of the City Council, and upon the passage and approval of the Mayor.

APPROVED and ADOPTED by the City Council, and signed by the Mayor and attested by the City Clerk this 4th day of June 2025.

Helen Tran

Mayor

Attest:

Telicia Lopez, CMC, Acting City Clerk

Approved as to form:

Sonia Carvalho
City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Telicia Lopez, CMC, Acting City Clerk, hereby certify that the attached is a true copy of Urgency Ordinance MC-1652, adopted at a regular meeting held on the 4th day of June 2025 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
KNAUS	_____	_____	_____	_____
FLORES	_____	_____	_____	_____
ORTIZ _____	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 4th day of June 2025.

Telicia Lopez, CMC, Acting City Clerk