



PUBLIC HEARING

City of San Bernardino Request for Council Action

Date: June 4, 2025

To: Honorable Mayor and City Council Members

From: Bill Gallardo, Interim City Manager;
Tanya Romo, Deputy City Manager;
Jeannie Fortune, Interim Director of Finance and Management Services

Department: Finance and Management Services

Subject: **Approve the 2025 Fireworks Regulatory Fee Rate or Adopt an Urgency Ordinance establishing a One-Year Moratorium on the Sale and Use of Safe and Sane Fireworks for FY2025-26 (All Wards)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Adopt Resolution No. 2025-301 setting the 2025 Regulatory Fee Rate of 10% for the sale of "safe and sane" fireworks in the City; or
2. Introduce, Read by Title Only, Waive Further Reading of, and Adopt Urgency Ordinance MC-1652 adding a new Section 8.60.180 to the City's Municipal Code ("Code") establishing a one-year moratorium on the sale and use of safe and sane fireworks in the City; and direct Staff to prepare a Regular Ordinance establishing a one-year moratorium on the sale and use of safe and sane fireworks in the City.

Executive Summary

The City's staff recommend that the Council either:

1. Adopt Resolution No. 2025-301, which sets the 2025 Regulatory Fee Rate at 10% for the sale of "safe and sane" fireworks. This fee is based on the gross sales of fireworks and aims to cover the regulatory costs associated with issuing permits and enforcing Code provisions. The City allows up to 35 licenses for nonprofit agencies to sell fireworks each year, with the regulatory fee split equally between licensees and suppliers. The anticipated cost of regulation and

enforcement for 2025 is \$269,844; while the estimated revenue from the 10% fee is \$94,708. This action supports the City's strategic goal of improved operational and financial capacity and aligns with maintaining fiscal accountability; or

2. Introduce, Read by Title Only, Waive Further Reading of, and Adopt Urgency Ordinance MC-1652 adding a new Section 8.60.180 to the City's Municipal Code ("Code") establishing a one-year moratorium on the sale and use of safe and sane fireworks in the City; and direct Staff to prepare a Regular Ordinance establishing a one-year moratorium on the sale and use of safe and sane fireworks in the City.

Background

The City is one of nine municipalities in the County of San Bernardino that allow for the sale, use, possession, and discharge of fireworks designated as "safe and sane." Under the current provisions of the Code, "safe and sane" fireworks are permitted in all areas south of the 210 Freeway in the City as set forth in the City's Prohibited Fireworks Areas (attached hereto as Exhibit A) from noon on July 1st through midnight on July 4th.

The City currently allows up to 35 licenses to nonprofit agencies for the sale of "safe and sane" fireworks each year. In 2024, 27 temporary use permits were issued for fireworks stands. A regulatory fee for the sale of "safe and sane" fireworks is established annually by the Mayor and City Council based on the gross sales of all fireworks sold in the City. The purpose of the regulatory fee is to raise funds to cover the reasonable regulatory costs of issuing the permits and enforcing the provisions of the Code, including extra personnel time for inspection and enforcement duties. To date, the City has received 27 applications, which are still going through review and processing. Final approval will be completed by June 20, 2025.

At the April 16, 2025 regular Council meeting, Council Member Ortiz proposed the consideration of a one-year moratorium on the sale and use of safe and sane fireworks within the City. Government Code Section 36937 authorizes urgency ordinances that can take effect immediately for the preservation of the public peace, health, and/or safety (with such ordinances containing a declaration of the facts constituting the urgency; this is passed by a 4/5 vote of the Council [6 yes votes]).

Discussion

SETTING OF 2025 REGULATORY FEE

The proposed amount of the regulatory fee is based on the licensee's fireworks sales financial statements from the prior year. Each licensee is required to submit fireworks sales financial statements to the Business Registration Office no later than August 31 of every year. Half the regulatory fee is paid by the licensee, and the remaining half is paid by the fireworks supplier. In accordance with Section 8.60.095(B) of the Code, the regulatory fee rate shall not exceed more than 10% of the total gross sales of fireworks

sold in the City during the prescribed timeframes (July 1st through July 4th).

Each year (prior to imposing a fee) staff prepares an Expenditure of Estimates (attached hereto as Exhibit B) of the anticipated costs associated with the reasonable regulatory costs of issuing the permits and enforcing the provisions of the Code; including extra personnel time for inspection and enforcement duties. Exhibit B provides an assessment itemized by the department of the costs associated with fireworks sales (including the staff time incurred by the Police Department, Finance Department for Business Registration, and other related costs). The Council must adopt this regulatory fee rate no later than 7:00 p.m. on July 1 as provided for in Section 8.60.095(B) of the Code.

URGENCY ORDINANCE

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 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. 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. 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.

This Urgency Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of the City.

2021-2025 Strategic Targets and Goals

Revenue from the 2025 Regulatory Fee Rate of 10% for the sale of fireworks aligns with Key Target No. 1: Improved Operational and Financial Capacity by implementing, maintaining, and updating a fiscal accountability plan.

Fiscal Impact

There is no fiscal impact with the adoption of this Resolution. Costs associated with enforcement and estimated revenues are included in the Fiscal Year 2025/26 Operating Budget. The total estimated cost associated with regulating and enforcing the sale of "safe and sane" fireworks in the City this year (2025) is \$269,844. Based on a 10% regulatory fee using the gross sales of all fireworks sold in the City in 2024 in accordance with Section 8.60.096(B) of the Code, the estimated revenue to be collected this year is \$94,708.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Adopt Resolution No. 2025-301 setting the 2025 Regulatory Fee Rate of 10% for the sale of "safe and sane" fireworks in the City; or
2. Introduce, Read by Title Only, Waive Further Reading of, and Adopt Urgency Ordinance MC-1652 adding a new Section 8.60.180 to the City's Municipal Code ("Code") establishing a one-year moratorium on the sale and use of safe and sane fireworks in the City; and direct Staff to prepare a Regular Ordinance establishing a one-year moratorium on the sale and use of safe and sane fireworks in the City.

Attachments

- Attachment 1 Resolution No. 2025-301
- Attachment 2 Exhibit A - Location Map
- Attachment 3 Exhibit B - Estimate of Expenditures for 2025
- Attachment 4 Urgency Ordinance MC-1652 – Establishing One-Year Moratorium on Fireworks
- Attachment 5 Notice of Public Hearing

Ward:

All Wards

Synopsis of Previous Council Actions:

June 5, 2024 Mayor and City Council adopted Resolution No. 2024-131 setting the regulatory fee at 10%.

June 21, 2023 Mayor and City Council adopted Resolution No. 2023-087 setting the regulatory fee at 10%.

June 15, 2022 Mayor and City Council adopted Resolution No. 2022-128 setting the regulatory fee at 10%.

June 2, 2021 Mayor and City Council adopted Resolution No. 2021-135 setting the regulatory fee at 10%.

June 17, 2020 Mayor and City Council adopted Resolution No. 2020-130 setting the regulatory fee at 10%.

June 5, 2019 Mayor and City Council adopted Resolution No. 2019-86 setting the regulatory fee at 10%.