

ORDINANCE NO. 1987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING ARTICLE XIII (FIREWORKS) OF CHAPTER 15 OF THE FONTANA MUNICIPAL CODE TO REGULATE SOCIAL HOSTS WHO ALLOW ILLEGAL FIREWORKS

WHEREAS, the discharge of illegal fireworks is a common problem faced by many jurisdictions in California, including the City of Fontana (“City”) and surrounding communities; and

WHEREAS, the upcoming holiday season—particularly Independence Day and other celebrations such as New Year’s Eve—present an immediate and recurring threat of catastrophic wildfires caused by illegal fireworks, especially given California’s extended fire season and climate conditions that create extreme fire dangers; and

WHEREAS, the City of Fontana currently allows “Safe and Sane” fireworks and prohibits illegal fireworks within the city limits; and

WHEREAS, the City’s Police Department responds to numerous fireworks complaint calls during holiday periods; and

WHEREAS, the City’s existing illegal fireworks prohibition lacks adequate enforcement mechanisms to hold social hosts accountable, resulting in continued illegal fireworks activity that poses an immediate threat to life and property during high-risk fire periods; and

WHEREAS, fireworks can cause serious burns, eye injuries, and other traumatic injuries requiring immediate medical attention, and delayed implementation of this Ordinance would risk continued illegal fireworks activity during upcoming holidays, directly threatening public health; and

WHEREAS, the City wishes to adopt this Illegal Fireworks Social Host Ordinance as an ordinance to help deter illegal fireworks activity and provide enhanced enforcement mechanisms during the upcoming holiday season; and

WHEREAS, the City Council finds that illegal fireworks also pose significant year-round risks to public health, safety, and welfare, including fire hazards, property damage, and disturbances to residents and pets.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Section 15-601 (Definitions) of Article XIII (Fireworks) of Chapter 15 of the Fontana Municipal Code is hereby amended to add these additional Definitions as follows:

Department means the Police Department or any other department designated by the City Manager to administer this Chapter.

Fireworks means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. The term “fireworks” includes, but is not limited to, devices designated by the manufacturer as fireworks, firecrackers, torpedoes, skyrockets, roman candles, rockets, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits. The term “fireworks” shall also include both Illegal Fireworks and Safe and Sane Fireworks.

Response Costs means those reasonable and necessary costs directly incurred by the Code Enforcement Officer for a response to a violation of this Chapter, and include the cost of providing law enforcement, firefighting, and/or other emergency services at the scene of the violation, including, without limitation, the following:

- (1) Salaries and benefits of the Code Enforcement Officer for the time spent responding to, remaining at, or otherwise dealing with the violation, and the administrative costs attributable to the responses; and
- (2) The cost of any medical treatment to, or for, any Code Enforcement Officer injured responding to, remaining at, or leaving the scene of the violation; and
- (3) The cost of repairing any equipment used by the Code Enforcement Officer or damage to City property, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of the violation; and
- (4) The costs of disposal of any fireworks seized in accordance with this Chapter.

Social Host means:

- (1) Any owner of private property as listed on the most recent assessment roll; and/or
- (2) Any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; and/or
- (3) Any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property.

A government entity, including, but not limited to, the City, a school district, and/or a political subdivision of the State of California, is not a social host.

Strictly Liable means non-criminal administrative or civil liability for a violation of this Chapter regardless of the liable person's intent, knowledge, negligence, or lack thereof in committing that violation.

Spectator means any person present during an illegal fireworks discharge for the purpose of viewing, observing, or watching the event. A person is "present" during an illegal fireworks discharge if that person is within 200 feet of the location of the illegal fireworks discharge. Peace officers and their agents, and City employees designated to enforce the provisions of this Code, who are acting in the course of their official duties, are not considered "spectators". Members of the public that witness a violation of this Chapter and either report it to law enforcement, or immediately leave the area, are not considered "spectators".

Section 3. Section 15-624 is hereby added to Article XIII (Fireworks) of Chapter 15 of the Fontana Municipal Code as follows:

Sec. 15-624. Social Host, Minor, and Spectator Liability.

(a) Except as may be permitted by this Code or State law, no social host shall use, possess, sell, display, detonate, nor discharge any illegal fireworks anywhere on the social host's property, nor on any immediately adjacent public or private street or sidewalk.

(b) Except as may be permitted by this Code or State law, no social host shall permit nor allow anyone to use, possess, sell, display, detonate, or discharge any illegal fireworks anywhere on the social host's property, or on any immediately adjacent public or private street or sidewalk.

(c) It is the duty of all social hosts to take all reasonable steps necessary to prevent a violation of this Section.

(d) A social host shall be deemed to have permitted a violation of this Section if the social host has not taken all reasonable steps necessary to prevent a violation of this Section.

(e) Social host shall be strictly liable for any violation of this Section occurring on or near that social host's property.

(f) Any person having the care, custody, or control of a minor who violates this Chapter shall be strictly liable for that minor's violation of this Chapter. The person having the care, custody, or control of a minor who violates this Chapter need not be present when that minor violates this Chapter to be held strictly liable for that violation.

(g) It shall be unlawful for any person to be knowingly present as a Spectator during an unauthorized illegal fireworks discharge in violation of this Chapter.

(h) No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for

violations of this Chapter occurring in the common areas of the property unless that person is a social host or Spectator as defined by this Chapter.

- (i) The provisions of this Section shall not apply to:
 - (1) Activities conducted by pyrotechnic operators licensed by the State Fire Marshal when operating pursuant to that license and with proper City permits, nor to the Spectators present during such activities.
 - (2) A social host who initiates contact with law enforcement or fire officials to assist in removing any person, or illegal fireworks, from the social host's property or terminating the activity to comply with this Chapter.
 - (3) The possession, transport, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under Federal or State law.

Section 4. Section 15-625 is hereby added to Article XIII (Fireworks) of Chapter 15 of the Fontana Municipal Code as follows:

Sec. 15-625. Penalties for Violations of Section 15-624 (Illegal Fireworks Social Host).

- (a) *Misdemeanor & Public Nuisance.* Any person violating any of the provisions of Section 15-624, or failing to comply with any of the mandatory requirements of Section 15-624, is deemed guilty of a misdemeanor and a public nuisance. Any person convicted of a misdemeanor under the provisions of this Section shall be subject to punishment by a fine, or by imprisonment in the county jail for a period not exceeding six months, or by both fine and imprisonment.
- (b) *Administrative Fines.* A violation of Section 15-624 shall be subject to an administrative fine of up to \$1,000 per violation, up to a maximum of \$10,000 per calendar day. Administrative fines issued pursuant to this Section shall be administered in accordance with Article XI of Chapter 2 of this Code.
- (c) *Penalties Cumulative.* The penalties set forth herein are not intended to be exclusive of other penalties and remedies and are intended to be in addition to any other remedies provided in this Code or any other law, statute, ordinance, or regulation, including, without limitation, the California Health and Safety Code and the California Penal Code with regard to the unlawful sale, use, possession, delivery, storage, and/or transportation of illegal fireworks.
- (d) *Separate Offenses.* Any person violating the provisions of Section 15-624 shall be deemed guilty of a separate offense for each violation that is committed, continued, or permitted by that person, and shall be punished accordingly. Each and every unlawful firework discharge shall constitute a separate offense.
- (e) *Response Costs.* In addition to any fines or penalties which may otherwise be levied by the City pursuant to this Chapter, the City shall be entitled to recover from

any person found to be in violation of any provision of this Chapter, the City's full response costs.

- (f) *Seizure.* Any Code Enforcement Officer may seize, take, remove, or cause to be removed, at the expense of the violator, all stocks of illegal fireworks offered or exposed for sale, stored, or held in violation of this Chapter when such violation creates an imminent threat to public health or safety.

Section 5. CEQA. Because of the facts set forth in the Recitals and Section 1, the proposed text amendments of this Ordinance are exempt from further environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code, § 21065; CEQA Guidelines, §§ 15378(b)(5), 15061(b)(3)).

Section 6. Interpretation. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

Section 7. Preservation. Repealing of any provision of the Fontana Municipal Code, or of any previous Fontana Municipal Code sections, does not affect any penalty, forfeiture, nor liability incurred before, nor preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

Section 8. Effect of Invalidation. If this entire Ordinance, or its application, is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Fontana Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Fontana Municipal Code provision or other City Ordinance to be reinstated to full force and effect for all purposes.

Section 9. Severability. If any part of this Ordinance, or its application, is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

Section 10. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Fontana's book of original ordinances, make a note of the passage and adoption in the records of this meeting and within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

Section 11. Effective Date. This Ordinance shall be effective thirty days (30) following its adoption.

APPROVED AND ADOPTED this 28th day of April 2026.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on the 14th day of April 2026, and was finally passed and adopted not less than five days thereafter on the 28th day of April, 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk