

CITY OF RIALTO
DIRECTOR OF EMERGENCY SERVICES

EMERGENCY ORDER NO. 2020-02

EMERGENCY ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF RIALTO, CALIFORNIA, SUSPENDING THE SALE, USE, AND POSSESSION OF SAFE AND SANE FIREWORKS; AND AFFIRMING THAT DANGEROUS FIREWORKS ARE UNSAFE AND THAT THEIR SALE, USE, AND POSSESSION IS ILLEGAL IN THE CITY OF RIALTO.

WHEREAS, the City of Rialto is already under a local emergency as declared by Resolution 7200 of the City Council of the City of Rialto, California in response to the spread of COVID-19; and

WHEREAS, the City of Rialto Police Department, Fire Department and those personnel assigned to emergency management functions have been actively engaged in response to emergencies related to COVID-19; and

WHEREAS, the City's actions to protect life and property related to COVID-19 have a dramatic impact on public safety resource availability; and

WHEREAS, the federal, state, and local governments have all determined that the COVID-19 pandemic presents a serious public health threat to all individuals, and has created conditions of extreme peril to the safety of persons and property; and

WHEREAS, safe and sane fireworks are not essential items or goods necessary for City residents to maintain their health and/or safety, nor have safe and sane fireworks been deemed to be essential to maintain the continuity of operations of the federal critical infrastructure sectors, as identified by the U.S. Cybersecurity and Infrastructure Security Agency ("CISA"); and

WHEREAS, because of the City's ongoing allocation of resources due to the COVID-19 pandemic and state of emergency in the City, the City cannot firmly commit to providing the required level of public safety protections necessary to for the sale and use of safe and sane fireworks; and

WHEREAS, the use of safe and sane fireworks is an inherently dangerous activity, which has the high potential to cause substantial damage to property and to cause fires if not properly used and resources are not available for protection measures; and

WHEREAS, the use of safe and sane fireworks have the extreme potential for medium to large gatherings to occur, which could exacerbate the rate of COVID-19 transmissions, thus undermining the important progress the City has made to slow and stop the transmissions of COVID-19.

WHEREAS, dangerous fireworks as defined in Section 12505 of the Health and Safety Code are unsafe and their sale, possession, and use is illegal in the City of Rialto and subject to punishment under Section 5.20.130 of the Rialto Municipal Code.

WHEREAS, Rialto Municipal Code Section 5.20 vests the authority to administer the sale and use of safe and sane fireworks in the City Manager; and

WHEREAS, I am empowered, upon proclamation of a local emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such disaster; and

WHEREAS, under conditions of the local emergency, it is deemed necessary in the interest of public safety to restrict the sale and use of all fireworks in the City; and

WHEREAS, life and property are deemed to be in peril and speed is of the essence.

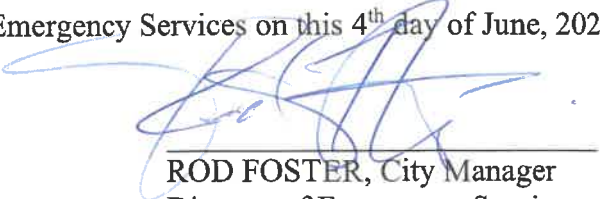
NOW THEREFORE, I, Rod Foster, as Director of Emergency Services, hereby affirm the existence of a local emergency in the City of Rialto as declared by Resolution 7200 of the City Council of the City of Rialto, California under authority contained in California Government Code sections 8610 and 8634 and Rialto Municipal Code Chapter 2.28 and 9.30.020; and

I further declare that the sale, use, and possession of safe and sane fireworks are suspended. This order specifically suspends the provisions of Section 5.20.010 of the Rialto Municipal Code that may otherwise allow for the sale or use of safe and sane fireworks and suspends the issuance of permits for the sale of safe and sane fireworks. This order affirms that dangerous fireworks are unsafe and that their sale, use, and possession is illegal in the City of Rialto.

NOW, THEREFORE, BE IT RESOLVED that the law enforcement forces of this City, along with the law enforcement authorities cooperating with the City, are hereby authorized and charged, to the extent provided by law, with the responsibility of enforcing this suspension of the sale, possession, and use of safe and sane fireworks and are further authorized to cite and/or arrest such persons as do not obey this suspension after due notice, oral or written, has been given to said person. Any violation of this declaration shall be punished as provided in Section 5.20.130 and 1.16 of the Rialto Municipal Code and Government Code section 8665.

BE IT FURTHER RESOLVED, that this regulation shall remain in effect until such time as it is terminated by the Director of Emergency Services or the City Council of the City of Rialto.

ORDERED by the Director of Emergency Services on this 4th day of June, 2020 at 12:00 p.m.



ROD FOSTER, City Manager
Director of Emergency Services

ATTEST:



BARBARA MCGEE, City Clerk