

ORDINANCE NO. 2026-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING CHAPTER 8.12 (FIREWORKS) OF THE CHINO MUNICIPAL CODE

WHEREAS, the City of Chino has adopted a fireworks ordinance, codified at Chapter 8.12 of the Chino Municipal Code ("Fireworks Ordinance"), which is aimed at regulating the sale and use of fireworks, as well as ensuring the safety of the community; and

WHEREAS, all Fireworks Ordinance Sections were reviewed to ensure they were achieving their aim, while continuing to adhere to legal requirements; and

WHEREAS, the City Council now desires to amend Chapter 8.12 of the Chino Municipal Code to amend and add various sections, to include Section 8.12.030, 8.12.060, 8.12.065, 8.12.080 and 8.12.165.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the above recitals are true and correct and are incorporated herein by this reference.

Section 2. Section 8.12.030 - E of the Chino Municipal Code, entitled "Sales of fireworks—Retail permit required" is hereby amended as follows (new text in **bold underline**, deleted text in **~~bold strike through~~**):

8.12.030 - Sales of fireworks—Retail permit required.

E. The maximum number of permits that may be issued in one calendar year shall not exceed one for every two thousand five hundred residents of the city, or a fraction thereof, based on the latest estimate of the California Department of Finance or the U.S. Bureau of the Census. However, despite increases in population within the city, the maximum number of permits shall never exceed **twenty-five** ~~twenty-four~~ permits per year. **Provided that, this maximum number shall be reduced by attrition, such as when permits are surrendered, revoked or not renewed the following year, to a total of twenty permits. Once so reduced, no new permits shall be issued to replace those permits once they are vacated. Once the total number of active permits equals twenty, that number shall become the permanent maximum limit.** If the number of ~~returning~~ applications ~~falls below~~ **twenty**, new applications shall be accepted up to the maximum of **twenty** permits. **If the number of new applications exceeds the number of permits available to be issued, permits will be granted by a drawing supervised by the City of Chino Tax and License Collector.** ~~for retail permits exceeds the number of permits to be issued, the permittee during the preceding year shall have first priority for the available permits such that any drawing for new permits shall first be conducted from a pool of preceding year permittees followed by a drawing of the new permittees. If additional permits remain available, a drawing for the remaining permits will be conducted. Any remaining permits, after deducting priority applicants, may be granted by a drawing supervised~~

~~by the city of Chino Tax and License Collector.~~ Only one participating organization in a joint venture shall be deemed to be the permittee.

Section 3. Section 8.12.060 - B of the Chino Municipal Code, entitled "Retail permit—Prerequisites to issuance," is hereby amended as follows (new text in **bold underline**, deleted text in **bold strike through**):

8.12.060 - Retail permit—Prerequisites to issuance.

B. All applying organizations shall be required to demonstrate how revenues received will **provide direct and measurable community services and benefits to the residents of Chino** ~~benefit the community of Chino.~~ Self-profit seeking organizations shall be prohibited from participating, ~~unless special circumstances as observed and approved by the community services, parks, and recreation commission permit.~~

Section 4. Section 8.12.065 of the Chino Municipal Code, entitled "Fireworks Wholesaler Business License Requirement," is hereby added as follows (new text in **bold underline**):

8.12.065 – Fireworks Wholesaler Business License Requirement.

- A. **Any person or entity engaged in the wholesale distribution of fireworks within the city shall obtain and maintain a valid business license pursuant to the provisions of Section 5.04.040 of this code.**
- B. **No Person or entity shall operate as a fireworks wholesaler within the city limits without a current and active business license.**
- C. **Compliance with this section is a condition of the issuance and maintenance of any permits under this chapter. This chapter shall be enforced in accordance with Section 8.12.200.**

Section 5. Section 8.12.080 - E, I, J, and K of the Chino Municipal Code, entitled "Temporary fireworks stands," is hereby amended as follows (new text in **bold underline**, deleted text in **bold strike through**):

8.12.080 - Temporary fireworks stands.

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and sales from and/or storage at any other building or structure is prohibited except as defined in this chapter. Temporary stands shall be subject to the following provisions:

- A. Rental for each fireworks stand shall not exceed the sum of one thousand dollars and rent shall be paid only to the owner of the property on which the stand is placed. No form of compensation other than legal tender shall be permitted, and no additional

payment, in any form whatsoever, shall be made to any property owner or to any other party, either directly or through any intermediary.

- B. A minimum distance of two hundred feet shall be maintained between all fireworks stands.
- C. No fireworks stand shall be located within twenty-five feet of any building, fifteen feet of a curb line, nor within one hundred feet of any gasoline pump. The building official may authorize stands to be located within ten feet of a curb line if it is determined that such placement will not be a hazard to operators or disrupt the normal flow of traffic. No trailer, vehicle, camper, or other object shall be parked within twenty-five feet of the stand.
- D. Fireworks stands shall be erected under the supervision of the building official, who shall require that stands be constructed in a manner that will reasonably insure the safety of attendants and patrons. A permit to operate shall be received from the fire district following an inspection for compliance with this chapter and state fire marshal's requirements.
- E. No stand shall have a floor area in excess of four hundred square feet. **Any fireworks stands greater than one hundred twenty (120) square feet require a building permit for a temporary structure.**
- F. Each stand must have at least two exits, and each stand in excess of forty feet in length must have at least three exits spaced approximate equal distance apart and in no case shall the distance between exits exceed twenty-five feet.
- G. Each stand shall be provided with a two and one-half-gallon (2½) water pressure type fire extinguisher which must be mounted at each exit. The extinguisher must bear evidence that they have been inspected by a state licensed agency. Extinguishers shall be in good working order and easily accessible.
- H. All electrical wiring must be three-wire, two conductors and a ground wire. Temporary wiring must be protected from damage and if susceptible to moisture, be protected by waterproof components. All extension cords and wiring shall comply with the Uniform Electrical Code.
- I. **The location of each fireworks stand shall have an accessible route for persons with disabilities. The route shall be at least four-feet wide and be a firm, stable, and slip-resistant surface, such as asphalt, concrete, or flat, compacted dirt without holes, rutting or other obstacles. The accessible route shall connect the fireworks stand to the off-street parking spaces.**
- J. ~~I. A minimum of eight off-street parking spaces, each at least nine feet by nineteen feet in size, shall be provided, and they shall be located a minimum of twenty-five feet from each stand. one of which shall be an accessible parking space for persons with disabilities, shall be provided within 25-feet from each fireworks stand. A temporary accessible parking space (9x19) with an adjacent access aisle (8x19) can be used for the duration the fireworks stand is operational.~~
- K. J. A maximum of two signs, not to exceed forty-eight square feet each in area, shall be permitted for each stand.

Section 6. Section 8.12.165 of the Chino Municipal Code, entitled "Surcharge" is hereby amended

as follows (new text in **bold underline**, deleted text in **~~bold strike through~~**):

8.12.165 – Surcharge.

- A. The city shall assess a surcharge on all sales of fireworks that occur in the city. The **assessment surcharge** shall be paid by each stand operator at the time financial statements are due **and shall be 4.25% of the gross revenue on the sale of fireworks.** **No additional fees will be charged if the actual surcharge exceeds this amount, nor will any refund be issued if the actual surcharge is lower. The amount due will be ten percent of the gross revenue on the sale of fireworks.**
- B. The **assessment surcharge** is intended to raise sufficient funds for the city to pay for the cost of processing and issuing permits under this chapter; inspection of stands; a public education and awareness campaign; enforcing the provisions of this chapter; including extra personnel time; and cleanup of the trash and debris left behind each year. ~~Therefore, the amount of the assessment shall be determined each year as soon as reasonably possible after the stand operators submit their sales reports to the city, and the assessment shall not be more than ten percent of the gross revenue on the sale of the fireworks sold in the city that year. After the finance department determines each stand operator's share of the total annual sales volume, each stand operator may receive a partial refund of the surcharge if it is determined that the actual cost for services was less than ten percent.~~
- C. Failure by any booth operator to pay the amount ~~assessed to it~~ **assessed** by the city's finance department shall bar the booth operator from selling its goods in the future until the **assessment surcharge** is paid in full. Furthermore, if the **assessment surcharge** is not paid by the due date, it shall be subject to a ten percent penalty for each month or portion of a month that it is late.
- D. ~~The ten percent~~ **The** surcharge **imposed pursuant to this chapter is a regulatory fee and is not a tax. The surcharge shall not be represented, advertised, or and shall not be charged as a tax or listed as a tax on any signage, sales receipt, or other documentation provided given to purchasers of fireworks. It shall not be charged as a tax to any purchaser of fireworks. Failure to adhere to these requirements could result in the booth operator's loss of its permit in the sole discretion of the Community Services, Parks & Recreation Commission.**

Section 7. Severability If any court of competent jurisdiction holds any section, subsection, sentence, clause, phrase or portion of this ordinance invalid or unconstitutional, such determination shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have enacted this ordinance and each section, sentence, clause or phrase hereof irrespective of any determination of invalidity.

Section 8. This ordinance shall become effective 30 days after adoption.

Section 9. The City Clerk shall certify as to the passage of this Ordinance and shall cause the same to be published and/or posted at the designated locations in the City of Chino.

ADOPTED THIS ____ DAY OF _____, 2026.

By: _____
EUNICE M. ULLOA, MAYOR

ATTEST:

By: _____
NATALIE GONZAGA, CITY CLERK

I, Natalie Gonzaga, City Clerk of the City of Chino do hereby certify that the foregoing Ordinance of the City of Chino was duly adopted by said City Council at a regular meeting held on the _____ day of _____ 2026, by the following votes:

ABSENT: COUNCILMEMBERS:

By: NATALIE GONZAGA, CITY CLERK