



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** March 8, 2021
FROM: Matthew Bronson City Manager
PREPARED BY: John Peters, Chief of Police
Stephen Lieberman, Five Cities Fire Chief
SUBJECT: Update on Fireworks Ordinance and Enforcement

RECOMMENDATION

Receive an update on implementation and enforcement of the City's fireworks ordinance including use of "safe and sane" fireworks and provide input and direction to staff.

BACKGROUND

In July 2020, the Council requested that staff schedule an item for a future Council meeting related to enforcement of the City's fireworks ordinance in response to public comments. Staff is bringing this item forward for this discussion to occur before initial preparation begin for the July 4th holiday this summer. For many years, staff and Council have received complaints from community members regarding the illegal discharge of fireworks during the year and especially during the July 4th holiday season. In San Luis Obispo County, "safe and sane" fireworks are only allowed to be sold and used in Arroyo Grande, Grover Beach, Templeton, San Miguel and Oceano. Prior to June 2020, the Grover Beach Municipal Code (GBMC) designated the public discharge period for "safe and sane" fireworks to be noon on July 3rd through midnight on July 5th and noon on December 30th through midnight on January 1st each year. For the Council's reference, "safe and sane" fireworks are approved by the State Fire Marshal and are fireworks that do not fly or explode.

Updated Fireworks Ordinance

On April 23, 2019, the City of Arroyo Grande adopted a revised fireworks ordinance that changed the discharge period for "safe and sane" fireworks from the "...3rd day of July through midnight July 5th..." to July 4th only. The Arroyo Grande fireworks program is comprehensively managed by the Five Cities Fire Authority (FCFA). On May 4, 2020, staff presented an update to Council regarding the Arroyo Grande ordinance change and the differences with the Grover Beach ordinance. Council gave staff direction to bring forward a change to the GBMC that would be consistent with the new Arroyo Grande ordinance so enforcement efforts would be consistent and efficient. On May 18, 2020, Council approved an update to the GBMC that changed the public discharge period of Safe and Sane fireworks to only on the fourth of July from 10:00 a.m. to 10:00 p.m. The change became effective on June 19, 2020.

The discharge of illegal fireworks is a common problem faced by most jurisdictions in California and Grover Beach and surrounding communities are not immune to this problem. In the five years prior to July 2020, the Police Department received an average of 42 calls for service during the July 3rd to 5th discharge period. In 2020, during the same July 3rd to 5th time period, the calls for illegal firework discharges nearly doubled to 81 calls for service. Anecdotal reports from other

communities and the media have reported similar increases in 2020 fireworks activity potentially due to July 4th being on a Saturday along with societal reactions from COVID-19 restrictions.

Enforcement of the illegal discharge of fireworks is difficult because typically the Police Department is notified after the fireworks have been discharged as offenders commonly discharge a quick series of fireworks then leave the area or go inside a residence. Once the officers arrive in the area, they generally do not find anyone in possession of illegal fireworks. By law, a Police Officer has to witness the discharge of an illegal firework or a citizen must place the offender under citizen's arrest in order for the police officer to issue a citation. In 2020, the Police Department utilized overtime to staff two additional officers on the night shift in anticipation of the higher-than-normal call volume expected from both the COVID restrictions and July 4th falling on a Saturday.

With additional officers on duty on July 4th, the Police Department was more successful in catching offenders as shown in the following table of the number of fireworks calls for service and the number of citations issued:

Year	Fireworks Calls for Service July 3-5	# of Citations Annually	Average # Officers Per Shift during July 3-5	Total Fireworks Calls for Service during the Year
2015	49	3	4.0	103
2016	33	1	3.0	99
2017	52	3	2.7	169
2018	32	1	2.5	87
2019	44	0	2.5	95
5 Year Average	42	1.6	2.9	110.6
2020	81	13	5.3	299

In contrast to these numbers, FCFA typically does not experience a noticeable increase in call volume during the period that "safe and sane" fireworks are allowed to be discharged (with the exception of a structure fire on July 4, 2018) and received only three calls related to Grover Beach in 2019 and six calls in 2020. Consequently, FCFA does not currently have a need to enhance daily staffing patterns for the holiday.

Staff would also note that since the July 4th holiday in 2020, the Oceano Community Services District (OCSD) is considering an ordinance that limits discharge of "safe and sane" fireworks to July 4th only similar to Arroyo Grande and Grover Beach. Adoption of this ordinance will be considered by the OCSD Board on March 24. Currently, there is no limitation in discharging "safe and sane" fireworks in Oceano which means that such fireworks could be discharged on any day. Standardizing the discharge across three communities to only July 4th will improve the consistency in response and public messaging around legal discharge of such fireworks.

“Safe and Sane” Fireworks Sales

Lastly, staff is preparing to begin the annual process of selecting nonprofit groups based in Grover Beach to operate one of the four allowable stands to sell “safe and sane” fireworks in the city. The South County Chambers of Commerce and the Grover Beach Police Officers Association are both given the opportunity to operate a stand pursuant to the Municipal Code and thus there are between 2-4 stand openings available each year. The City typically sends out a public notification in April about the fireworks booth application process and nonprofit groups need to apply by the last business day in May, including approval by the respective property owner.

Following the selection process which involves a lottery if there are more applicants than available stands, staff works with the selected groups on preparations with fireworks stand training provided by FCFA. “Safe and sane” fireworks can be sold from 12 Noon on June 26 through 12 Noon on July 5th, operating hours from 9:00 a.m. to 11:00 p.m. each day. The cost of the fireworks stand permit is \$840 which recovers the cost of staff time involved in the process. The City does not generate additional revenue from fireworks stands which are operated as fundraisers by the nonprofit groups.

Conclusions

Council discussions related to fireworks in prior years have focused on possible Municipal Code changes to eliminate the sale of “safe and sane” fireworks within the city, reduce the discharge period of such fireworks, or to ban the use of such fireworks altogether in the city. While the discharge period has been reduced, the other changes continue to be policy options for the Council to consider. However, staff believes that further changes to “safe and sane” fireworks regulations would not demonstrably affect the extent to which illegal fireworks are used within the city while removing sale of “safe and sane fireworks” as a fundraising source for local nonprofits and eliminating this activity from those who only use such legal fireworks.

Additional law enforcement and legal counsel resources are needed to aggressively issue citations and pursue prosecution of offenders who discharge illegal fireworks. While the Police Department plans to again use overtime to bring on additional resources this July 4th, additional Police Officer positions would provide additional ongoing staffing to address this need and supporting greater establishment of Neighborhood Watch blocks who could be watching for such activity to contact the Police Department.

Additionally, staff is researching the creation of a police drone program that would allow a police officer to fly a drone over areas of the city experiencing illegal fireworks. The officer would be able to witness the violations on the drone camera and then could direct patrol officers to the scene to take enforcement action. Staff will consider public safety staffing and equipment resource needs as part of the FY 2021-23 budget process and will incorporate Council direction into fireworks enforcement as part of the review process in considering staffing needs.

FISCAL IMPACT

There are no funding impacts to this staff report.

ALTERNATIVES

The Council has the following alternatives to consider:

1. Receive an update on implementation and enforcement of the City's fireworks ordinance including use of "safe and sane" fireworks and provide input and direction to staff. ; or
2. Provide alternative direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.