



Council Agenda Report

Meeting Date: October 19, 2015

TO: HONORABLE MAYOR & COUNCILMEMBERS

FROM: JIM SADRO, CITY MANAGER
By: Andrew Ho, Director of Community and Economic Development

SUBJECT: CONSIDERATION OF REPEALING ORDINANCE NO. 1317 – PROHIBITING FIREWORKS AND DEVELOPING REGULATIONS FOR THE SALE AND ENFORCEMENT OF FIREWORKS CITY-WIDE

SUMMARY RECOMMENDATION:

Staff recommends that the City Council receive and file this report and take no action regarding the current prohibition of fireworks in La Habra.

DISCUSSION:

At the April 20, 2015 City Council meeting, the City Council considered the issue of repealing the City's long standing prohibition of the sale and use of fireworks within City limits (attachment 1). After considering the staff report, Council voted to continue the item to a future date to allow staff more time to collect additional information that was requested related to national statistics of fireworks related injuries and a summary of Orange County Grand Jury reports on the topic of regulating fireworks. The following is the result of the additional research requested of staff:

- **National Statistics**

The National Fire Protection Agency (NFPA) published a Fireworks Fact Sheet (Attachment 2) in June 2013 on the number of fireworks related injuries nationwide. According to the NFPA, on Independence Day in a typical year, fireworks account for two out of five of all reported fires, more than any other cause of fire. In 2011, fireworks caused an estimated 17,800 reported fires nationwide, including 1,200 structure fires, and 16,300 outside and other fires. These fires resulted in an estimated 40 civilian injuries and \$32 million in direct property damage.

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The NFPA is strongly opposed to any consumer use of fireworks and encourages people to enjoy public displays of fireworks.

- Grand Jury Reports

Staff found three Orange County Grand Jury's over the past 30 years that have looked into the prohibition/regulation of fireworks (1987, 1989, and 2008).

The 1987 report (Attachment 3) found that there was a significant reduction in property loss and personal injury in those Orange County cities that banned the sale of all fireworks. In addition the report indicated that in cities that did not ban fireworks there were higher costs for County and Local Fire Departments for the issuance of permits, inspections, extra patrols, manning of fire prevention bureau as well as the cost of fighting fireworks related fires.

The 1989 report (Attachment 4) followed up with the 1987 report regarding the use of fireworks in Orange County cities and unincorporated areas. The report found that where "safe and sane" fireworks were permitted, safety provisions were being violated, particularly the prohibition on the sale or use of fireworks by children under the age of 16. The report recommended that the remaining cities that permitted the sale of safe and sane fireworks take necessary steps to join the rest of the County in banning the sale of fireworks. Furthermore the 1989 Grand Jury recommended that cities take a more active role in encouraging local community non-profit groups in raising funds for their organizations in other ways not associated with the sale of fireworks.

The most recent Grand Jury report, published in 2008 (Attachment 5), was prepared because they found that while a few cities heeded the recommendations of the 1989 Grand Jury, other cities did not and since the debate regarding the issue had not abated they would revisit the issue with a more in-depth study. The 2008 report identified five specific cities that allowed the sale of safe and sane fireworks and indicated that safety officials, specifically police and fire personnel, were often overwhelmed with calls for service in those cities before, during and after the Fourth of July, and that many referred to sections of their cities as a "war zone" because of fireworks-related issues. Safety officials from these cities contended that the sale of State-approved "safe and sane" fireworks also contributed to a significant increase in illegal fireworks activity and added to the chaos of social disorder in their communities. The Grand Jury also determined that these activities spilled over to adjacent cities where all fireworks were illegal, causing safety agencies in those cities significant enforcement problems as well.

The 2008 Grand Jury found that the additional cost of public safety services for the Fourth of July increase taxpayer burden, which was not being shared by the non-profit organizations. The Grand Jury also found that City and Safety Officials were unable to enforce some municipal ordinances due to the sheer volume of illegal activity. The 2008 report provided recommendations to better regulate the permitting process for cities that continue to sell "safe and sane" fireworks.

In addition to the research conducted by staff, fireworks distributors TNT and Phantom have been in contact with City staff and have expressed interest in selling fireworks in La Habra. Staff had met with TNT prior to the Council meeting in April, and met with representatives from Phantom Fireworks in October 2015, to collect input from them on the matter.

Phantom advocates for lifting the prohibition on the sale and use of fireworks in La Habra and supports the adoption of an ordinance regulating the sale of safe and sane fireworks. Similar to the arguments made by TNT, Phantom indicates that safe and sane fireworks will benefit local non-profit organizations and citizens (attachment 6). In addition, Phantom has also submitted additional materials about their organization and statistics illustrating that while the consumption of fireworks in the nation has increased over the last 30 years, injuries have declined (attachment 7).

Recent Fireworks Enforcement

The following information was gathered by staff regarding this year's Fourth of July activities throughout the City. The Police Department added four additional patrol vehicles to the field to specifically handle fireworks related calls for service. In total, the department deployed eighteen (18) Officers in addition to the normal deployment for the evening. The Department responded to 179 calls for service from 6:00 p.m. on the 4th to 6:00 a.m. on the 5th. Of those calls, 53 were fireworks related. Nine administrative citations were issued and one arrest for possession of illegal fireworks were made. A majority of the service calls that were responded to were for loud music/party and disturbance of the peace.

In the days prior to the Fourth of July, the Police Department added additional staffing on July 2nd and July 3rd to assist in responding to firework related calls for service. During these two evenings, Officers responded to 47 calls for service between the hours of 7:00 p.m. and 2:00 a.m. On July 5th, the Police Department added two additional cars to the field to assist in fireworks calls for service. They responded to 24 fireworks related calls and issued one administrative citation.

RECOMMENDATION / REQUESTED ACTION:

Staff recommends that the City Council receive and file this report and take no action regarding the current prohibition of fireworks in the City of La Habra.

ATTACHMENTS:

1. April 20, 2015 Council Agenda Report
2. National Fire Protection Agency Fireworks Statistics
3. 1987 Orange County Grand Jury Report
4. 1989 Orange County Grand Jury Report
5. 2008 Orange County Grand Jury Report
6. Letter from Phantom Fireworks
7. Phantom Media Guide and American Pyrotechnics Association Statistics