



*City of Arts & Innovation*

# Public Safety Committee

**TO: PUBLIC SAFETY COMMITTEE**

**DATE: OCTOBER 19, 2016**

**FROM: CITY MANAGER'S OFFICE**

**WARDS: ALL**

**SUBJECT: FIREWORKS IN THE CITY**

## **ISSUES:**

Recommend Approval to the City Council to consider two items to change fireworks legislation in the City of Riverside.

- Item 1. Consider whether or not to legalize "safe and sane" fireworks, therefore allowing such fireworks to be sold, purchased, stored and used in the City limits.
- Item 2. Adopt an ordinance amending Riverside Municipal Code Chapter to amend Chapter 1.17231 and add Chapter 1.18, to strengthen the consequences of using illegal fireworks in the City limits.

## **RECOMMENDATIONS:**

That the Public Safety Committee recommend that the City Council:

1. Consider whether or not to legalize "safe and sane" fireworks, therefore allowing such fireworks to be sold, purchased, stored and used in the City limits; and/or
2. Adopt an ordinance amending Riverside Municipal Code Chapter to amend Chapter 1.17231 and add Chapter 1.18, to strengthen the consequences of using illegal fireworks in the City limits.

## **LEGISLATIVE HISTORY:**

Right now, ALL fireworks are illegal in the City of Riverside. The manufacturing, possession, storage, use or handling of fireworks is prohibited under Section 16.32.100 of the Riverside Municipal Code.

## **BACKGROUND:**

The State of California Health and Safety Code defines fireworks as follows:

**Safe and sane** fireworks (Section 12529) are fireworks which are not classified under "dangerous" or "exempt".

Examples include: caps, party poppers, sparklers, fountains, snaps, smoke balls and snakes.

**Dangerous** fireworks (Sec. 12505) includes all of the following:

- a. Any fireworks which contain any of the following:
  1. Arsenic sulfide, arsenates, or arsenites.
  2. Boron.
  3. Chlorates, except:
    - A. In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
    - B. In caps and party poppers.
    - C. In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
  4. Gallates or Gallic acid.
  5. Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
  6. Mercury salts.
  7. Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).
  8. Picrates or picric acid.
  9. Thiocyanates.
  10. Titanium, except in particle size greater than 100-mesh.
  11. Zirconium.
- b. Firecrackers.
- c. Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
- d. Roman candles, including all devices which discharge balls of fire into the air.
- e. Chasers, including all devices which dart or travel about the surface of the ground during discharge.
- f. Sparklers more than 10 inches in length or one-fourth of one inch in diameter.
- g. All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.
- h. Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.
- i. Torpedoes of all kinds which explode on impact.
- j. Fireworks kits.
- k. Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

Examples: ground spinners, fire crackers, sky rockets, rockets, and Roman candles.

**Exempt** fireworks (Sec. 12508) means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

**ITEM ONE – legalize safe and sane**

Safe and sane fireworks are currently permitted in 57 of the 139 cities across Los Angeles County, Imperial County, Orange County and Ventura County; however, 9 of these cities passed measures to reverse their bans within the past 6 years.

In addition, thirteen out of fifty-two cities within the Counties of Riverside and San Bernardino permit safe and sane fireworks. The regulatory policies for the sale and discharge of safe and sane fireworks are similar across the thirteen cities:

Adelanto	Coachella	Grand Terrace
Barstow	Colton	Indio
Blythe	Desert Hot Springs	Rialto
Cathedral City	Fontana	San Bernardino
Chino		

1. All cities limit the annual number of sale permits issued, ranging 4-9 permits, or according to a ratio of approximately one permit per 2,500-3,500 residents.
2. Fireworks are only sold from temporary stands erected under the supervision of the building official in locations approved by the Fire Department.
3. All cities limit the issuance of sale permits to nonprofit organizations, corporations, or associations whose principle purpose is the advancement of youth's interests (i.e. sports and other activities), civic betterment, veterans, education, or other forms of charity. Typically, it is specified that no less than 90% of the profits are used for these purposes.
4. The city may require that the other 10% be assessed as a surcharge to cover the cost of processing and issuing permits, inspection of fireworks stands, a public education and awareness campaign, enforcing provisions, and cleanup of debris left behind.
5. The duration of the sale and discharge of fireworks is limited to a specified time period, such as around July 4<sup>th</sup>.
6. There are additional restrictions on where and what time of day fireworks may be discharged — for example, limited to private property, not within ten feet of any residence, and only during the hours of 9AM to 11PM.

**ITEM TWO – Strengthen Consequences for illegal fireworks (currently all fireworks)**

According to a report issued by the National Fire Protection Association, in 2011, fireworks caused an estimated 17,800 reported fires, resulting in an estimated 40 civilian injuries and \$32 million in direct property damage. In the period of June 21-July 21 2013, U.S. hospital emergency rooms saw an estimated 11,400 people for fireworks related injuries, 40% of which were children under the age of 15. On Independence Day, fireworks account for 40% of all reported fires—more than any other cause of fire.

Over the past two years, the Fire Department has increased outreach efforts to make certain that Riverside residents understand that fireworks are illegal in the City of Riverside. When most residents think of fireworks, they think of large bottle rockets, roman candles, and firecrackers; however, the ban also includes sparklers, as they can reach up to 1,200 degrees Fahrenheit.

Illegal fireworks are the cause of multiple structure, vehicle and wildland fires annually.

Current drought conditions and high temperatures in our region pose an extreme threat of catastrophic fire loss, and those responsible for the use of fireworks can be held liable for damages as well as fire suppression costs.

## **DISCUSSION:**

### ***ITEM ONE – Legalize Safe and Sane***

Should *safe and sane* fireworks be legalized in the City of Riverside? If so, the policy questions are:

1. Whether legalizing safe and sane fireworks will act as a deterrent to dangerous fireworks?

*Or*

2. Whether legalizing safe and sane fireworks will increase the overall volume of fireworks?

Legalized safe and sane fireworks could allow nonprofit organizations to sell safe and sane fireworks in the City over the Independence Day holiday as a fundraiser for youth programs and/or other forms of civic betterment. For example, during the years of 2012-2014, fifteen Fullerton nonprofits raised over \$375,000 by selling fireworks during the week of July 4th.

The risks run by legalizing safe and sane fireworks could compound the current extreme fire hazards due to Riverside's geographic, climatic, and topographic characteristics and ergo a heightened number of service calls on and around the holiday time. Currently, Fire Department staffing is increased from 1st through 5th of July, with 12 personnel (6 teams) during the hours of 6PM to 1AM on the 4th. Additional overtime personnel include Arson Investigators and Prevention, and additional brush rigs and water tenders.

The administrative questions are:

1. Which department will be responsible for the program?
2. What is the cost of a new education and outreach program?
3. What are the start-up costs for the City to implement the new program?
4. What are the ongoing costs to the City to regulate the program?
5. What are the consequences of violations?

The City would be responsible for processing applications, issuing licenses and permits, identifying appropriate locations, inspecting facilities, enforcing provisions, responding to emergency calls, and cleaning litter.

A permit process would need to be created. The permit costs would need to cover permit processing, enforcement, education and facility inspections. The inspection would entail a review of the fireworks being sold to ensure that they are marked by the seal of the State Fire Marshal and of the structure in accordance with the defined safety regulations, among other things.

**ITEM TWO – Strengthen Consequences for illegal fireworks (currently all fireworks)**

The Riverside Fire Department (RFD) and Riverside Police Department (RPD) fireworks abatement activities focus on public education, prevention, and enforcement. Specific actions taken to promote a safe 4<sup>th</sup> of July have included:

1. “Fireworks are Illegal” signs posted throughout the City;
2. Bulletin boards used to inform people of the danger involving fireworks;
3. Partnership between RFD and RPD to enforce fireworks violations;
4. Four Fire engines staffed the evening of July 4<sup>th</sup> to assist with potential incidents; and
5. Fire management staff on duty and on-call for emergencies.

All fourteen fire stations maintain a visible presence during July 4 festivities to enforce the current firework regulations and to educate the public on the danger associated with fireworks.

Despite education and outreach efforts, widespread use of illegal fireworks remain a serious life safety issue in the City. Following is a brief summary of illegal fireworks activity and enforcement occurring over the past two years:

Year	911 Calls	Fires	Injuries	Citations	Patrol Contacts	Fireworks Confiscated
2015	768	10	0	29	205	620 pounds
2016	916	9	6	20	160	780 pounds

*Citations*

Staff believes that strengthening the consequences for illegal fireworks will reduce illegal fireworks activity in the City. The proposed ordinance will amend the RMC in the following areas:

1. The fines will increase from \$500 to not less than \$1,000 plus a disposal fee of up to \$250.
2. Parents, guardians, or others in custody or control of any person under the age of 18, would be subject to receiving an administrative citation in addition to the citation issued to an offending minor.
3. Fines collected for “dangerous fireworks” are subject to the State Health and Safety Code 12726 that requires the City to remit 65% of the fines and penalties collected to the State Fire Marshall.

*Public Safety Chiefs’ Recommendations*

Both the Police Chief and Fire Chief strongly recommend against the legalization of safe and sane fireworks and support the ordinance to strengthen consequences for fireworks related violations. The legalization of safe and sane fireworks can be expected to increase the number of firework activity in the City. It is anticipated that it would create a greater demand for police and fire resources to respond to an increased number of fireworks complaints that would be compounded by a necessary determination if the fireworks are dangerous fireworks. Additionally, adding safe and sane fireworks would create a rise in the number of injuries, medical aid calls, structure and other fires.

**FISCAL IMPACT:**

There is no fiscal impact with the receipt of the report. Any policy changes forwarded to the City Council will include a fiscal analysis specific to the requested recommendation.

Prepared by: Alexander T. Nguyen, Assistant City Manager  
Certified as to  
availability of funds: Scott G. Miller, Chief Financial Officer/City Treasurer  
Approved by: Alexander T. Nguyen, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Ordinance
2. Presentation