

City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 14, 2024

FROM: FIRE DEPARTMENT WARDS: ALL

SUBJECT: WAIVE THE SUNSHINE ORDINANCE PURSUANT TO RIVERSIDE MUNICIPAL CODE SECTION 4.05.050(D)(2)(A) TO CONSIDER AN ORDINANCE AMENDING RIVERSIDE MUNICIPAL CODE SECTION 1.18.040 REGARDING ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE CITY'S FIREWORKS LAWS TO \$1,500

ISSUE:

Waive the Sunshine Ordinance pursuant to Riverside Municipal Code section 4.05.050 (D)(2)(a) to consider introduction of an ordinance amending section 1.18.040 of the Riverside Municipal Code regarding Administrative Penalties for violation of the City's Fireworks laws from \$1,000 to \$1,500 per administrative citation.

RECOMMENDATIONS:

That the City Council:

1. With four affirmative votes, waive the Sunshine Ordinance pursuant to Riverside Municipal Code section 4.05.050 (D)(2)(a); and
2. Introduce and subsequently adopt an amendment to section 1.18.040 of the Riverside Municipal Code to increase the penalty for a violation of the City's Fireworks laws from one thousand (\$1,000) to one thousand five hundred (\$1,500) per administrative citation.

LEGISLATIVE HISTORY:

Fireworks are illegal in the City of Riverside. The manufacturing, possession, storage, use, or handling of fireworks is prohibited under Riverside Municipal Code 16.32.375, Section 5601.1.3.

On December 6, 2016, the Riverside City Council adopted Ordinance 6359 which set the penalties for violation of Section 1.18.040 at \$1,000.00.

BACKGROUND:

According to the Consumer Product Safety Commission, in 2022, Emergency rooms treated over ten thousand (10,000) injuries related to Fireworks and eleven (11) deaths. To reduce illegal fireworks activity within the city, the Fire Department, Police Department, and Community Development/Code Enforcement Division are working collaboratively on a fireworks education and enforcement campaign. The campaign's goal is to ensure that residents understand that all fireworks are prohibited in Riverside and that violation may result in administrative citations as well as restitution costs for any damages that may result.

Every year the City and the Fire Department provide outreach efforts to inform Riverside residents that fireworks are illegal in the City of Riverside. Outreach efforts on social media, press releases and flyers are used to communicate to the residents that fireworks are illegal.

SUNSHINE ORDINANCE WAIVER REQUEST:

On May 7, 2024, the Fire Department presented an update on the fireworks enforcement activities on July 4, 2023. Following discussion, the City Council directed staff to amend section 1.18.040 of the Riverside Municipal Code to raise the citation for illegal fireworks from one thousand dollars (\$1,000) to one thousand five hundred dollars (\$1,500) and bring back an ordinance for adoption to be in effect for the 4th of July holiday.

Due to the cancellation of the City Council regular meetings of May 28 and June 4, 2024, Councilmember Perry, with the concurrence of Councilmembers Mill and Hemenway, believe the introduction of the ordinance is urgent to ensure the ordinance is adopted on May 21, 2024, to be in effect by July 4, 2024, aiming to deter and enforce against the use of illegal fireworks.

Riverside Municipal Code Sections 4.05.050 provides that the Sunshine Notice Requirement may be excused if the minimum notice requirements of the City Charter and the Brown Act have been met and one of the excuses set forth in that section applies. Section 4.05.050(D)(2) provides for the excuse of the Sunshine Notice Requirements if the following applies:

- (2) If the Mayor or a Council Member, with the concurrence of two other Council Members, believes an item is urgent, which urgency is detailed, in writing, in the Council Report, and affirmed prior to its consideration by four affirmative votes of the City Council, and the failure to meet any additional notice requirements was due to:
 - (a) The need to take immediate action, which came to the attention of the local body after the agenda was posted, or;
 - (b) A software or hardware impairment as defined by Section 4.05.010 H and such additional notice requirements are satisfied no later than 72 hours before the date of the meeting.

This amendment aims to strengthen the City's enforcement measures and deter the use of illegal fireworks, promoting safety within the City of Riverside community.

The data from 2022, and 2023 identifies the response and citation totals for the enforcement efforts from the Riverside Police, Fire, and Code personnel.

Year	Total Radio Calls	Total On-View	Total 311 Calls	Total Citations Issued	Total Fireworks Seized	Total Collected from Citations
2023	279	132	82	29	340 pounds	\$2,000
2022	209	92	23	37	207 pounds	\$16,698

STRATEGIC PLAN ALIGNMENT:

Items contributing to Envision Riverside 2025 Strategic Priorities:

No. 2 Community Well-Being

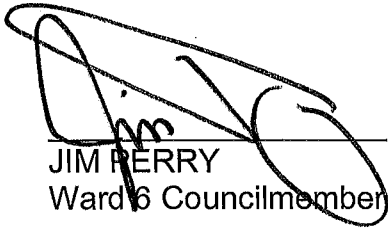
- No. 2.6 Strengthen community preparedness for emergencies to ensure effective response and recovery.
1. **Community Trust** – Providing enforcement for fireworks keeps our community safe and ensures community trust between the City of Riverside and its residents.
 2. **Equity** – The increased fee provides a deterrent to all Ward residents, which will keep all communities within the City of Riverside safe.
 3. **Fiscal Responsibility** – The City of Riverside is attempting to reduce illegal fireworks to prevent injuries and fire loss to all residents within the community.
 4. **Innovation** – The City of Riverside team uses all tools available, including Administrative Citations to keep the community safe.
 5. **Sustainability & Resiliency** – The City of Riverside dedicates sufficient resources to enforce the Riverside Municipal Code to keep the community safe.

FISCAL IMPACT:

There is no fiscal impact to amending this ordinance.

Prepared by:	Steve McKinster, Deputy Fire Chief
Approved by:	Michael D. Moore, Fire Chief
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Concurrence with:



JIM PERRY
Ward 6 Councilmember



SEAN MILL
Ward 5 Councilmember



STEVE HEMENWAY
Ward 7 Councilmember

Attachment:

1. Ordinance Amending RMC Section 1.18.040