



CITY COUNCIL AGENDA ITEM NO. 5.1 SECTION 5: PUBLIC HEARING

Meeting Date: November 13, 2018
Subject: Introduce and Waive the First Reading of Ordinance No. 2018-05, Creating Chapter 8.18 Fireworks of the Hughson Municipal Code
Presented By: Daniel J. Schroeder, City Attorney

A handwritten signature in blue ink, appearing to be "Daniel J. Schroeder", written over a horizontal line.

Approved By: _____

Staff Recommendation:

Introduce and waive the first reading of Ordinance No. 2018-05, creating Chapter 8.18 Fireworks of the Hughson Municipal Code.

Background:

In recent years, there has been an increase in the use of illegal fireworks within the City limits of Hughson during the Independence Day Holiday and to a lesser degree during New Year's Eve and other cultural holidays.

Following last year's Independence Day Holiday, the Hughson City Council directed City staff to explore the efforts instituted in the incorporated cities of Modesto, Turlock and Ceres, which have recently established regulation to curtail illegal firework activity. Furthermore, City staff was asked to take this item to the City/Fire 2+2 Committee to be evaluated and vetted.

At its June 11, 2018 meeting, the Hughson City Council reviewed the current state and city ordinances addressing the use of illegal fireworks and directed staff to present an amendment to the Hughson Municipal Code prohibiting use of illegal fireworks as well as placing liability on the occupant of property where illegal fireworks are used.

The City Attorney brought this item back to the Hughson City Council on July 23, 2018 for further discussion, clarification and direction regarding how to regulate the sale, storage, and use of "Safe and Sane" fireworks, as defined in Health and Safety Code Section 12529, within the city limits of Hughson. After receiving the necessary direction, the City Attorney indicated that this item would be brought back as an ordinance amendment in the next few months.

The City Attorney worked with City staff to draft an ordinance that would encompass regulation for both areas. The draft was shared with the Hughson Fire Protection District and the Stanislaus County Fire Prevention Bureau for review and comments were incorporated to ensure consistency with existing regulation. Through this process it was discovered that the Stanislaus County Fire Prevention Bureau currently issues firework booth permits on behalf of the Hughson Fire Protection District.

Discussion:

Currently, the Hughson Municipal Code only addresses the sale of “Safe and Sane” fireworks through an administrative permit. The proposed ordinance amendment, if adopted, would regulate and/or restrict the manufacturing, sale and storage of “Safe and Sane” fireworks and professional public fireworks displays while also addressing illegal fireworks.

It is important to note, that the State of California does not require municipalities to allow the use of Safe and Sane fireworks. There are several municipalities in California that prohibit the sale and use of all fireworks within their jurisdiction, including Safe and Sane fireworks.

The attached Ordinance No. 2018-05 creates a separate chapter of the Hughson Municipal Code (Chapter 8.18 Fireworks) that will regulate all fireworks within the City limits of Hughson. The major elements of this new chapter include:

- Manufacturing, storage, sale and public display of fireworks.
- Permit requirements.
- Applications.
- Periods of operation.
- Fireworks displays.
- Sales, storage, use and handling of fireworks.
- Temporary firework stands.
- Dangerous fireworks prohibited: penalties.

Fiscal Impact:

At this time, there is no fiscal impact associated with approval of this item. If the ordinance amendment is adopted, City staff will return with a resolution for consideration to establish any penalties associated with this regulation.