



Legislation Details (With Text)

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**On agenda:** 4/28/2022      **Final action:** 4/28/2022

**Title:** BILL - (for introduction) - Amending the Fireworks Ordinance, FMC sections 10-55602.2 to 10-55602.4, to add liability for “social hosts” and increase the fine structure of the fireworks ordinance. (Subject to Mayor’s Veto)

**Sponsors:** Fire Department, Police Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Supplement\_File ID 22-563\_ FireworksOrdinance\_PublicComment, 3. Supplement\_File ID 22-563\_ FireworksOrdinance\_PublicComment2

| Date      | Ver. | Action By    | Action   | Result |
|-----------|------|--------------|----------|--------|
| 4/28/2022 | 1    | City Council | APPROVED | Pass   |

**REPORT TO THE CITY COUNCIL**

**FROM:** KERRI DONIS, Fire Chief  
Fire Department

PACO BALDERRAMA, Police Chief  
Police Department

**SUBJECT:**

BILL - (for introduction) - Amending the Fireworks Ordinance, FMC sections 10-55602.2 to 10-55602.4, to add liability for “social hosts” and increase the fine structure of the fireworks ordinance. (Subject to Mayor’s Veto)

**RECOMMENDATION**

Staff recommends the City Council to approve the proposed amendments to the FMC section 10-55602.2 to 10-55602.4 to add liability for “social hosts.” FMC 10-55602.11 would be amended to increase the fine structure of the fireworks ordinance from \$1,000 per violation to a scaled structure of \$2,000/\$3,000/\$5,000.

**EXECUTIVE SUMMARY**

The City of Fresno, along with other California cities, have seen a significant increase in the discharge of illegal fireworks. In July 2021, the Fresno City Council suggested staff to work on a plan to address and deter illegal fireworks use in the City of Fresno. The proposed amendments to the

FMC would increase the fine structure to \$2,000/\$3,000/\$5,000 based on number of occurrences.

## **BACKGROUND**

The Fresno Fire Department (FFD) and Fresno Police Department (FPD) respond to thousands of calls each year related to illegal fireworks discharge in the City of Fresno. Not only do we experience frustration and anger amongst the community due to these illegal fireworks, but we also experience fires involving both structures and vegetation. Due to the challenges associated with this City-wide problem, we have expanded our enforcement capabilities and resources in an effort to deter and minimize these activities. FFD, FPD, and the City Attorney's Office (CAO) conducted research into what other California cities are doing to address this challenge and have worked to create amendments that will assist us in addressing illegal fireworks. The proposed new fee structure will help offset the cost of expanding existing capabilities and resources.

FMC section 10-55602.2 to 10-55602.4 would be amended to add liability for "social hosts." This would allow the City to issue administrative citations to owners and tenants of real property who permit others to discharge illegal fireworks on their property, in a public right of way adjacent to the Host's property, or in a road, street, or highway adjacent to the Host's property, within the City of Fresno, and partygoers who supervise the fireworks activity. Currently FFD and FPD can only issue a citation to the person who physically discharges the fireworks, making enforcement overly difficult and impractical.

FMC 10-55602.11 would be amended to increase the fine structure of the Fireworks Ordinance from \$1,000 per violation to a scaled structure of \$2,000/\$3,000/\$5,000. For example, the first citation of illegal fireworks sale or discharge would be \$2,000, the second citation \$3,000, and the third citation \$5,000. Each additional citation after the third citation would be \$5,000 during the calendar year.

The FFD and FPD will be taking a proactive approach to reducing illegal firework activity through a variety of activities to include: direct mailer inserts in the June utility bills, public safety announcements for social media and television, and "sting operations" for on-line sales of illegal fireworks. Fire Investigators and Police Officers will be canvassing the City on the weekends leading up to the Fourth of July and the weekend after.

## **ENVIRONMENTAL FINDINGS**

This is not a project pursuant to CEQA Guidelines section 15378.

## **LOCAL PREFERENCE**

N/A

## **FISCAL IMPACT**

The fiscal impact will be the same as previous years as each department already allocates resources to the fireworks detail in their current budget process.

Attachment: Ordinance