



Legislation Details (With Text)

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Title: ***RESOLUTION - Adopting the 578th Amendment to the Master Fee Schedule Resolution No. 80-420 to revise the Fireworks Administrative Citation Fees in Compliance with FMC 10-55602.11 (Subject to Mayor's Veto)

Sponsors: Fire Department

Indexes:

Code sections:

Attachments: 1. 24-328 578th MFS Amendment Resolution

Date	Ver.	Action By	Action	Result
3/21/2024	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: BILLY ALCORN, Fire Chief
Fire Department

SUBJECT

***RESOLUTION - Adopting the 578th Amendment to the Master Fee Schedule Resolution No. 80-420 to revise the Fireworks Administrative Citation Fees in Compliance with FMC 10-55602.11 (Subject to Mayor's Veto)

RECOMMENDATION

Staff recommends Council adopt the 578th Amendment to the Master Fee Schedule Resolution No. 80-420 to revise the Fireworks Administrative Citation Fees in Compliance with FMC 10-55602.11.

EXECUTIVE SUMMARY

The attached Resolution to adopt the 578th Amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 is to revise the Fireworks Administrative Citation Fees to bring the MFS in compliance with FMC 10-55602.11 which was modified effective June 20, 2022.

BACKGROUND

Prior to the adoption of Ordinance No. 2022-009, which revised FMC Section 10-55602, the Fresno Fire Department, Fresno Police Department, and the City Attorney's Office conducted research into what other California cities were doing to address this challenge and worked to create amendments

that will assist in addressing illegal fireworks. The fee structure developed was approved by Council on May 20, 2022, and helps to offset the cost of expanding existing capabilities and resources.

FMC 10-55602.11 was amended to increase the fine structure of the Fireworks Ordinance from \$1,000 per violation to a scaled structure of \$2,000 for the first offense, \$3,000 for the second offense in a rolling 12-month period, and \$5,000 for the third and subsequent violations in a rolling 12-month period.

Additionally, FMC sections 10-55602.2 to 10-55602.4 were amended to add liability for “social hosts.” This allows the City to issue administrative citations to owners and tenants of real property who permit others to discharge illegal fireworks on their property, and partygoers or others with direct or indirect oversight of illegal fireworks activities. Before this modification to the FMC, the Fresno Fire Department and Fresno Police Department were only able to issue a citation to the person who physically discharges the fireworks, making enforcement overly difficult and impractical.

The Fire Department is proposing to incorporate the previously adopted fines into the MFS only. The department is not requesting the fees to be changed.

ENVIRONMENTAL FINDINGS

Pursuant to the definition in California Environmental Quality Act Guidelines Section 15378, this action is not a project.

LOCAL PREFERENCE

Local preference is not applicable to this item.

FISCAL IMPACT

The revised fee structure will generate approximately \$43,000 in General Fund revenues over the current fee structure.

Attachment: 578th MFS Amendment Resolution