



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** September 25, 2012

From: Jim Andersen **Item No:** 15
Code Enforcement Manager

Subject: ALLOWING THE SALE AND USE OF FIREWORKS IN APPLE VALLEY

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Provide direction to staff

SUMMARY:

At the July 10, 2012 Town Council meeting, Mayor Stanton asked this item be brought forward to the Council for discussion and requested the following information.

How many cities in the County allow fireworks?

In San Bernardino County, eight (8) of the thirty-one (31) incorporated cities currently allow for the sale and use of safe and sane fireworks during the Independence Day holiday. The eight (8) that allow the sales of fireworks are the cities of Adelanto, Barstow, Chino, Colton, Fontana, Grand Terrace, Rialto, and San Bernardino.

The County of San Bernardino does not allow fireworks.

Statewide, 290 communities (this number includes incorporated and unincorporated County areas) allow the sale of safe and sane fireworks.

FISCAL IMPACT:

If an ordinance is brought forward and approved by the Town Council for the sale of fireworks, there will be costs involved for administration, enforcement, and clean up.

BACKGROUND:

Mayor Stanton asked for the number of fireworks booths the Town would allow. There are no laws or statutes that would govern how many booths would be allowed in the Town. The number of booths allowed would be a decision made by the Council when an ordinance is written. In several of the communities where fireworks are allowed, the number of booths was based on the population of the jurisdiction. One example seen was one booth allowed per 4,000 residents. In other jurisdictions it was not specified how the number of booths was chosen. The City of Huntington Beach, which allowed the sale and use of fireworks this year for the first time since 1987, had 10 fireworks booths in 2012. In 2013 they are going to allow 20 booths.

Local agencies do not regulate the location of fireworks stands other than ensuring the booths meet certain set back requirements from property lines, buildings, gas stations, etc.

In the State of California the sale of safe and sane (legal) fireworks is allowed from June 28th through July 6th of each year unless restricted by local ordinance. Most jurisdictions require sales to end on the 4th of July.

In September 1992, the Town Council approved and adopted Resolution Number 92-51. This resolution ratified Ordinance #30 of the Apple Valley Fire Protection District, which among other things, amended section 78.202 of the Uniform Fire Code to read in part as follows:

“(b) Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell retail or discharge or explode any fireworks, including such varieties known as Safe and Sane and registered by the California State Fire Marshal’s Office. The Chief shall have power for the granting of permits for supervised public displays of fireworks by jurisdiction, fair associations, amusement parks or other organizations.”

When looking at firework statistics in Huntington Beach for calls for Fire Department emergency services between 2011 when fireworks were prohibited and 2012 when fireworks were allowed, the results showed the same number of emergency responses between the two years. The report indicates one contributing factor was in 2011 the holiday fell on a three day weekend and the weather was warm. In 2012, the holiday fell on a Wednesday and the weather was much cooler.

One statistic had interesting results; the questions, does legalizing safe and sane fireworks have an effect on the amount of illegal fireworks? Research showed the answer is yes there is definitely an effect but the results vary from jurisdiction to jurisdiction and sometimes even within the jurisdiction itself the answer varied between departments.

The Orange County Grand Jury released its 2007-2008 report on fireworks which states in part: "Safety officials contend that the sale of State-approved "safe and sane" fireworks in these five cities contribute to a significant increase in illegal fireworks activity and add to the chaos of social disorder. This activity spills over into adjacent cities where all fireworks are illegal, causing safety agencies in those cities significant enforcement problems." In that report all of the cities, sheriff and fire agencies that allow fireworks in Orange County City were asked to respond to several findings.

One of the findings in the Grand Jury Report was "The use of illegal fireworks is significantly greater in cities that allow the sale of legal fireworks." Of the 12 responses, 25% disagreed. One of the Cities that disagreed was Garden Grove. However, Garden Grove Fire Department and Police Department also answered the findings and both agreed with the finding, in conflict to the cities response.

The Huntington Beach report further states their experience with allowing fireworks in 2012 confirmed the findings listed in the Orange County 2007-2008 Grand Jury Report regarding the use of illegal fireworks increasing significantly.

In January of 2011, the Salinas City Council received a report from their Fire Chief regarding their fireworks pilot program. Their Fire Chief recommended to the Council to allow the continued use of legal fireworks to get rid of the illegal fireworks. He stated they had an 80% reduction in illegal fireworks by allowing legal fireworks.

In 2011 in Orange County, there were 25 reported injuries related to Fireworks. Of those 19 were caused by safe and sane fireworks, 1 by illegal fireworks and 5 by unknown types of fireworks.