

MEETING DATE: 4/11/2018

TITLE:

Second Reading of an Ordinance Prohibiting the Purchase and Discharge of Illegal Fireworks and Revising Administrative Citation and Administrative Fine and Adding Illegal Fireworks Enforcement

FROM:

Paul S. Wilson, Fire Chief

RECOMMENDATION:

Staff recommends the City Council approve a second reading of an ordinance prohibiting the purchase and discharge of illegal fireworks within the city limits; and revising the administrative citation and administrative fine to individuals who are discharging illegal fireworks; and to property owners, lessees or persons in lawful possession of the property who are permitting the discharge of illegal fireworks. Additionally, the ordinance provides the Fire Chief or his or her designee with the power to deputize persons, including employees, to enforce Chapter 5.80 of the City of Cathedral City Municipal code, pursuant to all applicable laws.

BACKGROUND:

The first reading of the ordinance was on March 28, 2018. Upon approval of the second reading, the ordinance would take effect May 12, 2018.

The purchase and discharge of illegal fireworks is a threat to public safety and a nuisance to residents and their pets. The use of illegal fireworks is most acute on the days before and after the Fourth of July, Labor Day and New Year's Eve holidays.

DISCUSSION:

The recommended ordinance will impose steps to significantly reduce the use of illegal fireworks in the city. The proposed ordinance makes it easier to cite the offenders, including property owners and residents at locations of illegal fireworks being discharged. It increases the fine for the dischargers of illegal fireworks and those allowing the discharge of illegal fireworks on their property and authorizes a task force to specifically cite individuals setting off illegal fireworks in the city limits.

The ordinance maintains the legal status for fireworks identified by the State of California as "Safe and Sane Fireworks" within the city limits.

Specific components of the ordinance include:

1. Imposes a \$1,000 fine for a first violation; and an additional \$2,000. fine for second violation; and an additional \$3,000 fine for a subsequent violation(s.)
2. In addition to a citation issued to the individuals discharging the illegal fireworks, it provides the ability to issue a separate citation against property owners, lessees or persons in lawful possession of the property who are permitting the discharge of illegal fireworks
3. Authorizes a city task force consisting of deputized officials and/or city employees during the evening hours of specified holidays to actively monitor the city and cite violators in the act of discharging or permitting the discharge of illegal fireworks.
4. Deputizes officials and/or city employees to issue citations that will be enforceable even if a police officer or fire department official is not available at the time the citation is issued.
5. Task force officers are to be clearly identified as working in an official city capacity.
6. Deputized task force members will be provided training, as required.
7. The task force may operate before and after specified holidays between the hours of 8:00 p.m. to 11:00 p.m. and the ordinance gives discretion to the City Manager to adjust dates and times if he/she determines doing so will increase the effectiveness of the task force.

FISCAL IMPACT:

The City Council authorizes a total budget of \$10,000, comprised of \$5,000 for education on prohibited fireworks and associated citations/fines and \$5,000 for the overtime costs of city employee task force members to supplement the enforcement of the ordinance.

Fines collected will first be used to offset the cost of the program and any additional revenues from fines, if any, are to be deposited to the City General Fund.

ATTACHMENTS:

Ordinance #_____, Second Reading