



MEMORANDUM

TO: City Council

FROM: Whitney McDonald, City Manager
Steve Lieberman, Five Cities Fire Chief/Executive Officer
Michael Martinez, Chief of Police

SUBJECT: Discussion Regarding Municipal Code Requirements Related to the Sale and Discharge of Class C (“Safe and Sane”) Fireworks

DATE: February 22, 2022

SUMMARY OF ACTION:

Discussion and direction regarding potential amendments to Municipal Code Chapter 8.08 – Fireworks.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

No financial impact to the City is projected.

RECOMMENDATION:

Discuss Arroyo Grande Municipal Code Section 8.08 related to the sale and discharge of Class C (“Safe and Sane”) fireworks, and provide direction to staff regarding potential changes to the existing code section, such as a complete prohibition of fireworks in the City or other modifications.

BACKGROUND:

Chapter 8.08 of the Arroyo Grande Municipal Code lays out the City’s current fireworks program, which allows the sale and discharge of fireworks approved by the California Fire Marshall (also known as “safe and sane” fireworks) within the City, subject to certain limitations and requirements. The City’s fireworks program has been discussed by the City Council at various times over the years. Most recently, Municipal Code Section 8.08.100 was revised in 2019 to limit the public discharge of safe and sane fireworks to July 4th only. Following the receipt of renewed questions and concerns from the public regarding the City’s current fireworks program, the City Council directed staff at its January 11, 2022 regular meeting to schedule a future agenda item to discuss potential amendments to the City’s current fireworks program.

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ANALYSIS OF ISSUES:

The provisions contained in Chapter 8.08 of the City’s Municipal Code (Attachment 1) delineate the conditions under which the sale and discharge of safe and sane fireworks may occur within the City. Sales may occur only at temporary booths permitted by the City’s fire chief, now the Five Cities Fire Authority (FCFA) Fire Chief/Executive Officer, operated and maintained by a recognized charitable, civic or patriotic group or organization. Applications for permits to sell fireworks must be filed with the FCFA between March 1-April 15 each year. The maximum number of permits available each year is limited to one permit per each three thousand (3,000) residents of the City, resulting in a current total of six (6) available permits at this time. Sales are permitted to occur between noon on June 28th through noon on July 5th. As mentioned above, Municipal Code Section 8.08.100 allows fireworks to be discharged on July 4th only but without specifying the time of day. The result is that safe and sane fireworks may be discharged in the City from 12:00 am through 11:59 pm on July 4th.

When the FCFA was formed in 2010 and assumed management of the annual fireworks concessions program, Arroyo Grande and Grover Beach modified their Municipal Codes in an effort to allow for more consistent program management. Since the City last amended Section 8.08.100, the other member communities served by the FCFA have revised their applicable code/regulation and limited the discharge of fireworks to July 4th between the hours of 10am-10pm. A review of the codes and regulations adopted by each of the FCFA’s member agencies have revealed a few additional distinctions between the agencies’ fireworks booth management and sales regulations. In the event that Council desires to modify the City’s existing fireworks program, the FCFA recommends considering the following proposals (as related to Arroyo Grande) to better align the three FCFA member agencies regulations:

Five Cities Fire Authority

Proposed Standardization of Fireworks Booth Management & Sales

| | <u>Arroyo Grande</u> | <u>PROPOSED STANDARD</u> |
|------------------------------------|-------------------------------------|---|
| Pgm Mgmt / Inspection / Fees | FCFA | FCFA |
| Time Period for Selling Fireworks | noon, June 28th - noon July 5th | June 28 (Noon) to July 4 (9pm) |
| Unsold Fireworks Removal Date | 9 a.m., July 6th | July 6 (9am) |
| Daily Hours of Operation for Sales | 9 a.m. to 9 p.m. | 9am - 9pm |
| Discharging Fireworks - July 4 | 24 hours | 10am - 10pm |
| Fire Extinguishers at Booth | Two 5lb chemical fire extinguishers | Two 5lb chemical fire extinguishers |
| Location of Booth | 50ft from any building | 30 feet from any building or fireworks booth |
| Type of Secured Storage Container | Metal | Metal |

The chart below displays a summary comparison of how the seven cities of San Luis Obispo County regulate fireworks:

| <u>City</u> | <u>Fireworks Allowed?</u> | <u>Allowable Discharge Dates</u> |
|-----------------|---------------------------|----------------------------------|
| Arroyo Grande | Yes | 7/4 – 24hrs |
| Atascadero | No | - |
| Grover Beach | Yes | 7/4 – 10a/10p |
| Morro Bay | Yes | Unspecified |
| Paso Robles | No | - |
| Pismo Beach | No | - |
| San Luis Obispo | No | - |

The Arroyo Grande Police Department (AGPD) and the FCFA track calls of service in the City that are related to fireworks. Between July 1-6, 2021, AGPD responded to a total of 361 calls and of these 361 calls, 59 were related to fireworks (16.3%). The FCFA responded to 36 calls in Arroyo Grande during the same time period, including one small trash fire related to improper disposal of fireworks. During this time frame, calls for service to the FCFA related to fireworks represented 2.8% of total calls. Between July 1-6, 2020,

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AGPD responded to a total of 384 calls and of these 384 calls, 48 were related to fireworks (13%). In 2020, FCFA responded to 41 calls for service with 2 being fireworks related (4.9%).

ALTERNATIVES:

The following alternatives are provided for the Council’s consideration:

1. Provide direction to staff regarding revisions to the Municipal Code;
2. Determine that no changes to the Municipal Code are needed at this time; or
3. Provide other direction to staff.

ADVANTAGES:

Discussion of the City’s current fireworks program ensures transparency and an opportunity for the City Council and the public to provide input regarding any desired changes to the program.

DISADVANTAGES:

There are no disadvantages identified to reviewing and discussing the City’s fireworks program.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City’s website in accordance with Government Code Section 54954.2.

Attachments:

1. City of Arroyo Grande Municipal Code Chapter 8.08