



# ***Agenda Report***

## ***Fullerton City Council***

**MEETING DATE:** FEBRUARY 18, 2020

**TO:** CITY COUNCIL / SUCCESSOR AGENCY

**SUBMITTED BY:** KENNETH A. DOMER, CITY MANAGER

**PREPARED BY:** LUCINDA WILLIAMS, CITY CLERK

**SUBJECT:** 2020 SAFE AND SANE FIREWORKS SALES

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### **SUMMARY**

On November 6, 2012, Fullerton voters reinstated the sale, possession and discharge of safe and sane fireworks within City limits. 2019 marked the seventh year of sales, possession and discharge of safe and sane fireworks under the newly adopted rules and regulations. This item provides a draft timeline and recommendations for the 2020 sales process to City Council.

### **RECOMMENDATION**

1. Confirm timeline for 2020 fireworks sales application process.
2. Approve Staff recommendations for modifications to the 2020 fireworks sales process.

### **PRIORITY POLICY STATEMENTS**

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability
- Public Safety.

### **FISCAL IMPACT**

The City will receive revenue from both the fireworks lottery and permit processes, based on the number of applications received. In Fiscal Year 2018-19, the City Clerk's Office collected \$1,036 in lottery application fees and the Fire Department collected \$25,290 in permit fees.

### **DISCUSSION**

On November 6, 2012, Fullerton voters reinstated the legal sale, possession and discharge of safe and sane fireworks with the passing of Measure X and adoption of City Ordinance No. 3183. 2019 marked the seventh year of sales, possession and discharge of safe and sane fireworks under the newly adopted rules and regulations. Staff submitted an annual report on the 2019 sales process to City Council on September 17, 2019. At that meeting, City Council directed Staff to draft the timeline and process for the 2020 sales cycle for City Council review in February 2020 and agendize a report from public safety regarding the 2020 fireworks enforcement for the July 21, 2020 City Council meeting.

### **Process**

The City Clerk's Office accepts fireworks lottery applications during the month of March. In April, Staff randomly selects 15 lottery applicants and five alternates to proceed to the fireworks sales permitting phase.

Current practice allows one representative group per educational institution (elementary through university level). The representative group may be a group from within the institution or a booster club operating outside of the school in support of an official school program, even if the outside organization operates under a separate tax identification number. In 2016, City Council adopted Resolution No. 2016-11 which includes language to clarify the "one group per school" rule.

### **Timeline**

City of Fullerton Resolution No. 2016-11 opens the lottery application filing period on the first business day in March and closes on the last business day in that same month. The resolution also established the dates and times for fireworks sales and discharge. Any changes to these dates or times would require modification of the resolution. With those dates in mind, Staff proposes the following timeline for the 2020 safe and sane fireworks sales:

February 18, 2020:	City Council approves 2020 timeline and process
March 2 – 31, 2020:	Lottery applications accepted
April 21, 2020:	Lottery drawing at City Council meeting
April 22 – June 5, 2020:	Permit applications accepted by Fire Marshal
June 5 –30, 2020:	Permits processed / Stands drop
July 1 – 4, 2020:	Fireworks sales
July 5, 2020:	Stock removal
July 13, 2020:	Stand removal by this date
September 1, 2020:	Permittee financial reports due.

## **Fees**

City Council increased fees for the fireworks lottery and permit applications in 2017 to better capture actual costs for permit processing and additional safety personnel on duty on the Fourth of July. The lottery application fee increased to \$28 and the permit fee increased to \$1,686.

## **Modifications for 2020**

<i>Fireworks Sales Resolution</i>	Staff does not recommend modifications to the fireworks sales resolution (Resolution No. 2016-11) this year.
<i>Fees</i>	Staff does not recommend adjusting application fees this year.
<i>Lottery Application</i>	Staff does not recommend changes to the Lottery Application this year.
<i>Permit Application</i>	To ensure stands have passed inspection before the allowable sales start time and to avoid incurring overtime costs for stand inspections, Staff will update the <i>Minimum Requirements for Fireworks Stands</i> section of the Permit Application to require permittees to have stands fully stocked and ready for inspection no later than 11:00 a.m. on July 1 <sup>st</sup> . Any stands not ready for inspection by 11:00 a.m. on July 1 <sup>st</sup> must make arrangements for inspection at another time, subject to staff availability, and may not commence sales until passing inspection.
<i>Outreach</i>	City staff will increase outreach efforts in advance of the Fourth of July. Staff is researching establishing a hotline dedicated to fielding fireworks-related complaints (thus reducing call volume for 9-1-1 dispatchers) the cost for this hotline is estimated at \$3,000. The City will work with Orange County Animal Care staff and will disseminate their 4 <sup>th</sup> of July Safety Tips for Pets throughout the community. Additionally, the City Manager's Office, along with the Fire Department, will increase fireworks awareness messages to the community on the City's social media, cable channel, website and other venues as deemed appropriate.

## Attachments:

- Attachment 1 – Ordinance No. 3183
- Attachment 2 – Resolution No. 2016-11
- Attachment 3 –2019 Fireworks Sales Annual Report