MEMORANDUM

TO: CITY COUNCIL

FROM: JAMES A. BERGMAN, CITY MANAGER

BY: STEPHEN C. LIEBERMAN, FIRE CHIEF

SUBJECT: CONSIDERATION OF ADOPTION OF AN ORDINANCE AMENDING CHAPTER 8.08 OF TITLE 8 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING FIREWORKS

DATE: APRIL 23, 2019

SUMMARY OF ACTION:
The Ordinance amends the Arroyo Grande Municipal Code with regard to the discharge of “safe and sane” fireworks on the 4th of July only.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:
No funding impacts to this staff report.

RECOMMENDATION:
It is recommended the City Council adopt an Ordinance amending Chapter 8.08 of the Arroyo Grande Municipal Code relating to the discharge of safe and sane fireworks.

BACKGROUND:
Municipal Code Section 8.08.100 currently states, “[D]ischarge of ‘safe and sane’ fireworks may only occur from the 3rd day of July through midnight of July 5th and shall be in legally permitted locations. No person under eighteen (18) years of age may possess or discharge safe and sane fireworks except when under the direct supervision of a person twenty-one (21) years of age or older.” On April 9, 2019, the City Council introduced, without modification, an Ordinance amending Chapter 8.08 of the Arroyo Grande Municipal Code to restrict the discharge of “safe and sane” fireworks to July 4th only.

ANALYSIS OF ISSUES:
The Ordinance is now ready for adoption. The Ordinance will become effective thirty days after final passage of the Ordinance. Staff will begin to modify outreach material and inform the public immediately upon adoption.
CITY COUNCIL
CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 8.08 OF TITLE 8 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING FIREWORKS
APRIL 23, 2019
PAGE 2

ALTERNATIVES:
The following alternatives are provided for potential Council consideration:

1. Adopt the Ordinance amending Chapter 8.08 related to the discharge of “safe and sane” fireworks;
2. Modify and re-introduce the Ordinance; or
3. Provide other direction to staff.

ADVANTAGES:
Limiting the number of days upon which “safe and sane” fireworks may be discharged may reduce the negative effects associated with fireworks such as fire danger, risk of injury and other annoyances associated with fireworks.

DISADVANTAGES:
Limiting the number of days upon which “safe and sane” fireworks may be discharged may decrease the sales of fireworks, which could impact the local nonprofits that depend on those sales for funding.

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.
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING CHAPTER 8.08 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO THE DISCHARGE OF SAFE AND SANE FIREWORKS

WHEREAS, Arroyo Grande Municipal Code Chapter 8.08 of Title 8 regulates the sale and use of “safe and sane” fireworks and establishes a process for the issuance of the necessary permits; and

WHEREAS, the City Council finds it is in the best interest of the City and its residents to amend the fireworks ordinance in order to reduce the number of days "safe and sane fireworks" may be discharged.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

SECTION 2. Section 8.08.100 of Chapter 8.08 of Title 8 of the Arroyo Grande Municipal Code is hereby amended in its entirety to read as follows:

8.08.100 Public discharge.

Discharge of "safe and sane fireworks" may only occur on July 4th in legally permitted locations. No person under eighteen (18) years of age may possess or discharge "safe and sane fireworks" except when under the direct supervision of a person twenty-one (21) years of age or older.

SECTION 3. This Ordinance is not a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15378(b)(5), which applies to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

SECTION 4. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.
SECTION 5. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

On motion by Council Member ______, seconded by Council Member _______, and by the following roll call vote to wit:

AYES:  
NOES:  
ABSENT:  

the foregoing Ordinance was adopted this ____ day of ________, 2019.
KRISTEN BARNEICH, MAYOR PRO TEM

ATTEST:

___________________________________
KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

___________________________________
JIM BERGMAN, CITY MANAGER

APPROVED AS TO FORM:

___________________________________
HEATHER K. WHITHAM, CITY ATTORNEY