



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: Receive Information on Illegal Fireworks Activity and Enforcement and provide direction

MEETING DATE: November 13, 2019

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RECOMMENDED ACTION:

Staff recommends that the City Council receive a presentation on illegal fireworks activity and enforcement efforts and provide feedback and direction.

BACKGROUND INFORMATION:

This item is being brought at Council's request after receiving complaints related to illegal fireworks activity following Independence Day 2019. Illegal fireworks include skyrockets, bottle rockets, roman candles, aerial shells, firecrackers and other types of fireworks that explode, go into the air, or move on the ground in an uncontrollable manner. Illegal fireworks do not carry the "Safe and Sane" seal of the California State Fire Marshal.

The use of illegal fireworks on and around the Independence Day holiday generates a high volume of calls to the Elk Grove Police Department (EGPD). On July 4, 2019, over 250 calls were received between 7 PM and 11 PM, reporting the use of illegal fireworks. The same time period in 2018 generated over 290 calls.

The City Council initially received significant feedback about the increasing level of illegal fireworks activity in 2017. This spurred the Cosumnes Community Services District Fire Department (CCSD), Elk Grove Police Department (EGPD) and Elk Grove Code Enforcement Division (EGCE) to

enhance the enforcement and confiscation of illegal fireworks. Due to this increased effort, a formal fireworks taskforce was formed that deployed fire personnel, code enforcement officers, and police officers into neighborhoods on the nights leading up to July 4, 2018. The enhanced enforcement efforts in 2018 resulted in four felony or misdemeanor arrests, \$15,000 in administrative fines, and the seizure of over 225 pounds of illegal fireworks.

In 2019, the City and CCSD continued the joint enforcement strategy efforts from 2018. By City Council resolution passed in June 26, 2019, the City Council granted CCSDFD staff authority to issue administrative citations related to fireworks violations during June and July of 2019. This enforcement designation was made due to the definition of "Code Enforcement Officer" in EGMC Section 17.06.010(D), which defines "Code Enforcement Officer," for purposes of enforcing the fireworks code, as "any employee or agent of the City of Elk Grove designated by the City Council to enforce any provision of this code." That enforcement designation was of limited duration to cover the Fourth of July fireworks season, and the designation expired on July 31, 2019. Subject to alternative direction from the City Council, staff intends to return to Council with a code amendment adding CCSD Fire staff to those designated as a "Code Enforcement Officer" in the fireworks enforcement provisions of the EGMC.

Although fewer calls were received in 2019, the task force again seized over 200 pounds of illegal fireworks and issued \$13,600 in administrative citations. One enhancement that was implemented in 2019 was a strategy in which violators were cited per firework set off or seized.

In addition to fireworks enforcement, the EGPD also staffs the Salute to the Red, White, and Blue (RWB) concert and fireworks show in Elk Grove Park every Fourth of July. This event results in a considerable dedication of police officers and community service officers to provide site security and traffic control. The cost of police services for the RWB in 2019 was over \$31,000.

ANALYSIS:

The City Council received additional feedback from residents in 2019, asking that further effort be placed on the deterrence and enforcement of illegal fireworks activity. The volume of illegal fireworks activity experienced in recent years has been large and, though staff is seeking feedback on program enhancements to improve the situation, it is highly unlikely that any of the proposed improvements will fully eliminate the use of illegal fireworks within the City of Elk Grove.

City and CCSD staff have met and identified options to augment current fireworks enforcement efforts. These options utilize a combination of regulatory and staffing efforts to deter the possession and use of illegal fireworks.

Option 1- Move the Salute to the Red, White, and Blue

This option would increase the number of police officers available for fireworks enforcement by moving the City's Independence Day celebration "Salute to the Red, White, and Blue" (RWB) from the night of July 4th to another day near the holiday. In 2019, any available police officers not assigned to regular patrol duties were assigned to staff the RWB at Elk Grove Regional Park, leaving few or no police officers to provide fireworks patrols to the rest of the city. This commitment is close to the totality of staffing that EGPD has available. EGCE and CCSD also dedicate resources to the RWB to address illegal vending and monitor the fireworks show set up and execution.

Moving the RWB to another date would allow increases to the number of police officers that can be deployed into neighborhoods to both proactively enforce illegal fireworks activity and quickly respond to calls for service related to fireworks. Although staff believes this could improve response times and increase the number of fireworks seized and citations written, there is no certainty that such an effort would have a noticeable impact on illegal fireworks activity on the evening of July 4th itself. It is quite possible that moving the RWB could have the counter consequence of increasing neighborhood fireworks activity with no local event to attract the public.

Option 2- Prohibit all fireworks

The City could adopt an ordinance prohibiting the use of all fireworks, both legal and illegal. One challenge to enforcing illegal fireworks is the ability to quickly identify and respond to the location of illegal fireworks activity. Currently, the night of July 4th sees legal fireworks displays on many streets in Elk Grove. Many of these displays also have bright flashing lights and loud explosions, causing the illegal fireworks activity to fade into the sights and sounds of legal activity. Prohibiting all fireworks would allow task force units to better identify the location of an offender and clear streets to quickly respond to that location to make contact.

There are drawbacks to prohibiting all fireworks. First, the City and County of Sacramento are not exploring a firework ban. Elk Grove residents would still be able to easily and legally purchase Safe and Sane fireworks. This

could leave the task force units enforcing the full prohibition of fireworks on Safe and Sane users, which could dilute the effort of pursuing illegal firework users. Safe and Sane fireworks are also a significant source of fundraising revenue for Elk Grove non-profits. To fully prohibit fireworks would leave these non-profit organizations searching for other ways to raise money.

Option 3- Continue current efforts in 2020 and increase public outreach

Acknowledging that Options 1 and 2 would not significantly reduce the level of illegal fireworks activity, while dedicating a large number of resources (Option 1) or creating the negative effect and extra burden on community organizations (Option 2), Option 3 would see the EGPD, EGCE, and CCSD continue the task force model used in 2018 and 2019. Though illegal fireworks activity did continue in 2019, staff did experience fewer calls for service to EGPD dispatch and increased response levels over 2017 when no task force existed.

Enforcement improvements in 2018 and 2019 were combined with additional public outreach efforts. Though staff cannot tie the reductions in calls for service or illegal fireworks activity that was experienced since 2017 to these public outreach efforts, continued use of direct mailings, leafletting of certain neighborhoods, and increased social media messaging could result in a further decrease in levels of illegal fireworks activity in future years.

Continuing to use this model in 2020, while seeking improvements in available investigative techniques and regional collaborations, should produce a further reduction in illegal fireworks activity and an increase in the amounts of fireworks seized and individuals cited.

FISCAL IMPACT:

There are no fiscal impacts associated with receiving the presentation. Moving the RWB to another date and re-deploying EGPD officers to the fireworks task force would cost an additional \$15,000 to \$25,000, depending on the specific deployment of police officers. Moving the RWB could also result in lower attendance at the fireworks show/concert. Though the event is already subsidized, the reduction in parking revenue could require a further commitment of General Fund monies to the event.

ATTACHMENTS:

None