



Legislation Details (With Text)

**File #:** 19-657      **Version:** 1      **Name:**

**Type:** Public Hearing Item      **Status:** Agenda Ready

**File created:** 10/24/2019      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 1/6/2020      **Final action:**

**Title:** SUBJECT: Public Hearing and Potential Introduction of Ordinance Amending Section 8.22, "Fireworks" of the Merced Municipal Code to Limit the Time Period for the Sale/Discharge of Safe and Sane Fireworks

REPORT IN BRIEF  
Considers amending section 8.22, "Fireworks" of the Merced Municipal Code to limit the time period for the Sales/Discharge of Safe and Sane Fireworks.

RECOMMENDATION  
City Council - Adopt a motion introducing Ordinance No. 2509, an Ordinance of the City Council of the City of Merced, California amending section 8.22.090, "operating hour of fireworks stands," and section 8.22.100, "prohibitions," of the Merced Municipal Code.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 2509.pdf

Date	Ver.	Action By	Action	Result
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*Report Prepared by: Janet German, Secretary III, Fire Dept.*

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**RECOMMENDATION**

**City Council** - Adopt a motion introducing **Ordinance No. 2509**, an Ordinance of the City Council of the City of Merced, California amending section 8.22.090, "operating hour of fireworks stands," and section 8.22.100, "prohibitions," of the Merced Municipal Code.

**ALTERNATIVES**

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny the request; or,

4. Refer back to staff for reconsideration of specific items as requested by Council; or,
5. Continue item to a future Council meeting.

## **AUTHORITY**

Charter of the City of Merced, Section 412. Adoption of Ordinances and Resolutions  
Merced Municipal Code Chapter 8.22 - Fireworks  
Merced Municipal Code Chapter 17.32.090 Chapter 56, Explosives and Fireworks  
California Health and Safety Code §12529

## **CITY COUNCIL PRIORITIES**

Improve the quality of life during the Independence Holiday celebrations through management/enforcement of fireworks.

## **DISCUSSION**

### Background

Since December, 1987, the City of Merced has regulated the use, display, sale and discharge of both illegal and “safe and sane” fireworks in the city limits. The City of Merced currently allows the use of state-approved “safe and sane” fireworks within the city limits for a limited time period annually from June 28<sup>th</sup> through July 6<sup>th</sup>. Additionally, the city permits authorized non-profit organizations and one for profit business to sell state-approved “safe and sane” fireworks during the same time period.

The use of illegal fireworks on and around the Fourth of July holiday is an issue that affects most cities and communities across the state. Despite the risks, many residents and visitors to our city continue to use illegal fireworks and consider their use to be an important part of their celebrations especially during holiday periods. The “Celebrate Safe” program was a pivotal step towards addressing this vexing community wide issue, but as we have learned after two years, it will take time to build awareness of the dangers and the consequences of illegal fireworks usage.

## **FIREWORKS HISTORY**



Meanwhile, at Council’s direction, staff proposes to make the Fireworks Ordinance more restrictive as to the time period for sales / discharge of Safe and Sane Fireworks to improve the quality of life for its residents. Below is a snapshot of the current ordinance compared to the proposed ordinance.

**Sales / Discharge Time Periods - 2020**  
**Current Ordinance**

Day of the Week	Date	Beginning Time	Ending Time
Sunday	June 28th	Noon	10:30 p.m.
Monday	June 29th	6:00 a.m.	10:30 p.m.
Tuesday	June 30th	6:00 a.m.	10:30 p.m.
Wednesday	July 1st	6:00 a.m.	10:30 p.m.
Thursday	July 2nd	6:00 a.m.	10:30 p.m.
Friday	July 3rd	6:00 a.m.	Midnight
Saturday	July 4th	6:00 a.m.	Midnight

**Sales / Discharge Time Periods - 2020**  
**Proposed Ordinance**

Day of the Week	Date	Beginning Time	Ending Time
Sunday	June 28th	Noon	10:00 p.m.
Monday	June 29th	8:00 a.m.	10:00 p.m.
Tuesday	June 30th	8:00 a.m.	10:00 p.m.
Wednesday	July 1st	8:00 a.m.	10:00 p.m.
Thursday	July 2nd	8:00 a.m.	10:00 p.m.
Friday	July 3rd	8:00 a.m.	10:00 p.m.
Saturday	July 4th	8:00 a.m.	10:00 p.m.

Sunday	July 5th	6:00 a.m.	10:30 p.m.
Monday	July 6th	6:00 a.m.	Noon

Sunday	July 5th	8:00 a.m.	10:00 p.m.
Monday	July 6th	8:00 a.m.	Noon

<b>Merced</b> <b>Sales / Discharge Time Periods - 2020</b> <b>Reduction in Hours if Ordinance is Adopted</b>		
Day of the Week	Date	Net Reduction in Hours
Sunday	June 28th	0.50 hours
Monday	June 29th	2.50 hours
Tuesday	June 30th	2.50 hours
Wednesday	July 1st	2.50 hours
Thursday	July 2nd	2.50 hours
Friday	July 3rd	4.00 hours
Saturday	July 4th	4.00 hours
Sunday	July 5th	2.50 hours
Monday	July 6th	2.00 hours
<b>TOTAL REDUCTION</b>		<b>23.00 hours</b>

Staff understands the benefits that firework sales bring to the community non-profit organizations and the one for profit business and therefore, rather than ban the sale / discharge of safe and sane fireworks, it opts to limit the time span in order to reduce the noise issue. Many cities and counties in California are facing similar challenges with the noise and legal/illegal fireworks being discharged within their jurisdictions and are implementing a wide array of programs and tools to address these issues.

**IMPACT ON CITY RESOURCES**

The adoption of the amended Municipal Code pertaining to the use and sale of state approved safe and sane fireworks will not have a negative fiscal impact on the City’s General Fund. Because the city has an enforcement tool designed to address the use of fireworks, the city may realize an increase in revenue derived from the issuance of Administrative Citations for sales / discharge of safe and sane fireworks outside of the amended ordinance’s timelines.

**ATTACHMENTS**

1. Ordinance No. 2509