

**CITY OF GRASS VALLEY
MEMORANDUM FOR THE SPECIAL
CITY COUNCIL MEETING OF APRIL 2, 2008**

Prepared on March 25, 2008

TO: Mayor Mark Johnson
Members of the City Council

VIA: Dan Holler, City Administrator

FROM: Jim Marquis, Fire Chief

SUBJECT: Consumer fireworks sale and use in Grass Valley

RECOMMENDATION: 1) Waive the reading of the ordinance in its entirety and read by title only; and 2) Introduce an ordinance modifying Chapter 8, Section 8.44, "Fireworks", of the Grass Valley Municipal Code restricting the sale of consumer fireworks to Grass Valley residents only.

STAFF REPORT: At their November 27, 2007 meeting, City Council approved a plan for review of the City's current policy allowing for the sale and use within the City of those fireworks classified as "Safe and Sane" under the State's Health and Safety Code. Upon completion of that review I was further directed to bring a recommendation back to Council as to whether our policy should be modified, and if so, to prepare an ordinance enacting same.

After researching the issue and holding several stakeholder meetings including two public workshops, I recommend we restrict the sale of consumer fireworks to Grass Valley residents only. The following risk analysis findings supported the development of this recommendation:

- 1) The sale and use of Safe and Sane Fireworks as currently allowed and practiced within the City of Grass Valley does not create a statistically significant fire risk within the City. This opinion is based upon such factors as the past frequency of fire occurrence, the damage or injury caused, and the response capacity of the Fire Department and its cooperators.
- 2) In a review of other cities throughout the state we found that providing a controlled area and time of use for Safe and Sane fireworks generally reduced both fire occurrence as well as the impact on fire and law enforcement resources responding to fireworks complaints. Conversely, complete prohibition tended to increase both fire occurrence and complaint activity.
- 3) It is the use of illegal dangerous fireworks (primarily aerial devices) and the illegal use of Safe and Sane fireworks (modification of and/or or use outside of legally sanctioned areas) that create the greatest public safety risk.

- 4) Historically the occurrence of wildland fire in the unincorporated areas of Western Nevada County due to the ‘use’ (by definition illegal) of Safe and Sane fireworks is statistically low. However as any ignition in the wildland has the potential to generate a damaging wildfire that could threaten Grass Valley and the surrounding community, the City has an interest in reducing the availability of Safe and Sane fireworks for such illegal use. Our analysis of the sales records showed the following relative to residence of purchaser:

Grass Valley	Nevada City	Nevada County	Outside of the Area	Total
302	75	320	199	896
34%	8%	36%	22%	100%

While the majority of non-Grass Valley purchasers will use their Safe and Sane fireworks in sanctioned times and locations in the cities and in the approved manner, experience has shown that some will not. The recommendation seeks to address this aspect of risk to the City of Grass Valley and the larger community to which we belong.

Other options were considered during this process, primarily:

- 1) Continue the existing policy unchanged.
- 2) Continue the existing policy however increase the penalties for illegal use.
- 3) Ban completely the sale and use of Safe and Sane fireworks in the City of Grass Valley, either fully in a given year or via an incremental strategy such as annually reducing the number of available permits.

Each of these options has both positive and negative consequences, intended as well as unintended. After careful consideration however, my recommendation for the most balanced risk management approach is to modify the ordinance restricting sales to Grass Valley residents only.

FISCAL IMPACT: Each fireworks booth pays a permit fee of \$450 and a business license tax of \$64.00. Anticipating there to be 10 booths in 2008, this equals \$4500 plus \$640, or \$5140 in total. In addition the City receives approximately 1% of the gross annual sales (approximately \$150,000 in 2007) as sales tax revenue. Based on the recommended restriction 2008 sales tax revenue may be reduced from the approximately \$1,500 generated by 2007 sales.

The additional costs of enforcement, primarily overtime, are reimbursed to the City by the fireworks suppliers and therefore do not create a fiscal impact.