DATE: April 22, 2019

SUBJECT
Amendment of Chapter 12 of the Redwood City Code to adopt a Social Host Ordinance for the Illegal Use of Fireworks.

RECOMMENDATION
Waive First Reading and Introduce an Ordinance of the City of Redwood City Amending Chapter 12 of the Redwood City Code Regarding Fire Prevention to Add an Article III Regarding Fireworks.

STRATEGIC INITIATIVE
Public Safety

BACKGROUND
The use of illegal fireworks in Redwood City has been an issue over the last several years. Efforts to effectively address this activity are difficult for many reasons including staffing levels, limited enforcement options, inability to identify the actual user or possessor of fireworks (particularly in large group settings), and insufficient penalties. After receiving numerous complaints related to illegal fireworks around New Year’s Eve in 2017, the City Council directed staff to take a more focused look at curtailing the use of fireworks in the City prior to the 2018 July 4th holiday.

Evaluating the true effect of any effort applied to the reduction of illegal fireworks use is difficult as the measure is subjective based on reports received from the public. A reduction in reports from the public to the Police Department, to City Council, or to City staff can be an indicator of successful efforts, but objective measurements do not currently exist.

Staff launched an aggressive community outreach campaign following City Council approval of increased administrative fines were approved by the City Council adopted on April 18, 2018. During the July 4th, 2018 holiday period, the City received more reports of illegal fireworks compared to the July 4th, 2017 holiday period. The increased reports could have resulted from increased publicity about illegal fireworks rather than an actual increase in the use of illegal fireworks. Following the 2018 New Year’s Eve holiday, the City received fewer community reports of illegal fireworks use.
ANALYSIS

Staff also evaluated the creation of a Social Host Ordinance to curtail illegal fireworks use. Staff researched 12 communities throughout California who currently have a Social Host Ordinance for fireworks use, including the City of Pacifica and Santa Clara County.

This ordinance would improve enforcement capabilities in a number of ways. Typically it is not difficult for enforcement personnel to identify the general location from which the use of illegal fireworks emanate. The difficulty lies in identifying the individual user or possessor. This type of ordinance greatly simplifies this challenge and allows an officer to focus on a particular person (or multiple persons) responsible for the property. A Social Host Ordinance reduces the need for an officer to physically insert themselves into a crowd to identify the user or possessor and allows the safer and more measured approach of merely identifying the responsible party for either contact at the time of the incident or later follow up. Finally, the enactment of a new ordinance and an associated community outreach endeavor to inform the public of its existence and potential penalties would further the goal of reducing illegal fireworks use.

The ordinance is crafted in a manner to avoid narrow application to property owners only. It could be applied to any person who has the right to use, possess or occupy a public or private property under a lease, permit, license, rental agreement, or contract. Additionally the ordinance could be applied to any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property. The ordinance exempts property owners who can demonstrate that at the time of the violation they had rented or leased the property to another, they were not present, and they had no prior knowledge of the violation.

Staff presented the concept of a social host ordinance to Neighborhood Association leaders who attended a meeting on March 5, 2019. Approximately 25 individuals representing 14 of the 17 Neighborhood Associations were present. Those present generally supported the concept of a social host ordinance, but asked for clarification on situations when the property owner was immediately in control of the property at the time illegal fireworks were suspected. Staff used this feedback to clarify definitions of responsibility for property, and will be clear on this point when publicizing the social host ordinance, should the City Council approve the ordinance. If approved, staff will publicize the existence of the ordinance through the City’s electronic and print newsletters, through social media, through Neighborhood Associations, and through contact with multi-family property owners. Additionally it will be posted on the City’s webpage and printed materials will be available at various City facilities.

FISCAL IMPACT

Enactment of this ordinance could require a modest level of staff resources for enforcement. Staff expect that enforcing a social host ordinance could be accommodated within existing staffing and budget authority.
ENVIRONMENTAL REVIEW

This activity is not a project under California Environmental Quality Act (CEQA) as defined in CEQA Guidelines, section 15378, because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

PUBLIC NOTICE

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Additionally, staff presented elements of the proposed ordinance at the March 5, 2019 meeting of Neighborhood Association leaders to seek input.

ALTERNATIVES

The City Council may decline to adopt a Social Host Ordinance at this time, or recommend modifications to the ordinance.

ATTACHMENTS

Attachment A: An Ordinance of the City of Redwood City Amending Chapter 12 of the Redwood City Code Regarding Fire Prevention to add an Article III Regarding Fireworks.

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