



# City of Rialto

## Legislation Text

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For City Council Meeting [August 13, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Administrator

FROM: Brian Park, Acting Fire Chief

Request the City Council to provide formal direction with regard to the inclusion of a fireworks review on the March 2020 ballot and any actions or other ballot measures.

**(ACTION)**

**BACKGROUND:**

At the City Council Meeting on July 10, 2018, the Council directed staff to establish a new framework to cite, fine, and adjudicate the use of possession, sale, advertisement for sale, transportation, and/or manufacturing of illegal fireworks. The Council also directed staff to explore the use of administrative citations in addition to criminal charges as well as track city resource allocation. The City of Rialto has an expressed interest in stopping significant negative impact of all fireworks to our community, which includes our pets.

A Community Fireworks Task Force to address this problem was formed with the goals of producing a comprehensive community based fireworks risk reduction plan. This approach was intended to be proactive, integrate existing resources, involve community partners, was efficient and include measurement criteria for council and the community to assess the effectiveness of the plan.

This Task Force included; staff from Fire, Police, Community Services and Development, the City Clerk's Office and the Human Relation and Housing Preservation and Preservation and Beautification Commissions, along with input from the City Attorney's Office.

**ANALYSIS/DISCUSSION:**

The Community Fireworks Task Force meet held 6 joint commission meetings including two community, town hall meetings. The data that was reviewed by the task force indicates that enforcement alone does not change the culture of acceptance on the use of fireworks. Recommendations from the Joint Commission and Task Force included; improvements engineering, education, encouragement, enforcement and equity.

***Task Force Review***

1. The Task Force recommended and we provided education material and outreach to inform the community about the dangers and potential prosecution that may result from use of illegal fireworks.
2. Despite the outreach efforts, we observed and received increased complaints about a significant number and scope of fireworks. In fact, this year has been similar to past years, despite increased enforcement efforts.

3. In addition to the other options, the Joint Commission did make the recommendation to ban the use and sale of all fireworks within the City of Rialto.
4. In light of the ongoing illegal fireworks problems faced by the City, at the July 09, 2019 City Council meeting, it was suggested that staff return with information about possibly presenting the voters with a ballot measure in March 2020 to prohibit all fireworks in the City.
5. Deadline to adopt a Resolution calling an Election for March is October 25, 2019 for a ballot measure.

#### **ENVIRONMENTAL IMPACT:**

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA). A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. By definition, a Project does not include: The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment according to Section 15378 (b)(4) of CEQA.

#### **GENERAL PLAN CONSISTENCY:**

The City of Rialto General Plan establishes various guiding principles, goals, and objectives through which the City looks to improve the community and protect the quality of life for our residents. The proposed item supports the General Plan in the following areas:

Goal 5-3: To Increase the City's fire protection capabilities and implement fire prevention regulations and standards that minimize potential fire hazards and fire losses.

#### **LEGAL REVIEW:**

The City Attorney has reviewed and approved this staff report

#### **FINANCIAL IMPACT:**

##### Operating Budget Impact

The Estimated cost to place a measure on a ballot is \$75,000.

##### Capital Improvement Budget Impact

No impact.

##### Licensing

This action does not require a business license.

#### **RECOMMENDATION:**

Staff requests the City Council provide direction on whether to proceed to present the items needed to place a ballot measure prohibiting fireworks in the City or to consider such a prohibition on a future Council agenda through City Council action, as well as to provide any additional direction on ballot measures for the March 2020 election.

