



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY

November 14, 2017

STUDY SESSION – 6:00 PM

City Council Study Sessions

Second Tuesday of each month – 6:00 p.m.

City Council Meetings

Special Presentations – 5:30 P.M.

First & Third Tuesday of each month – 6:00 p.m.

City Council Closed Session

Will be scheduled as needed at 4:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Victoria Baca, Mayor Pro Tem
David Marquez, Council Member

Dr. Yxstian A. Gutierrez, Mayor

Jeffrey J. Giba, Council Member
Ulises Cabrera, Council Member

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***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD
MEETINGS***

**STUDY SESSION – 6:00 PM
NOVEMBER 14, 2017**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA ONLY

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council.

A. BUSINESS

- A.1. Earthquake Preparedness (Report of: Fire Department)

RECOMMENDATION:

Receive and file.

- A.2. Shopping Cart Retrieval Program (Report of: Community Development)

RECOMMENDATION:

Receive and file.

A.3. FIREWORKS ENFORCEMENT (Report of: City Manager)

RECOMMENDATION:

Staff recommends that the City Council receive information from staff, consider any public input, discuss and provide direction to staff regarding regulation of fireworks in the City of Moreno Valley.

A.4. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(ITEMS MAY BE DEFERRED BY COUNCIL IF TIME DOES NOT PERMIT FULL REVIEW.)

ADJOURNMENT

CERTIFICATION

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, certify that 72 hours prior to this Study Session, the City Council Agenda was posted on the City's website at: www.moval.org and in the following three public places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Pat Jacquez-Nares, CMC & CERA
City Clerk

Date Posted: November 9, 2017



Report to City Council

TO: Mayor and City Council

FROM: Thomas M. DeSantis, Assistant City Manager

AGENDA DATE: November 14, 2017

TITLE: FIREWORKS ENFORCEMENT

RECOMMENDED ACTION

Recommendation:

Staff recommends that the City Council receive information from staff, consider any public input, discuss and provide direction to staff regarding regulation of fireworks in the City of Moreno Valley.

SUMMARY

This report has been prepared to generate Council discussion and direction to staff regarding potential options to modify the City's current Ordinance pertaining to the storage, use, sale, possession, and handling of fireworks.

The City of Moreno Valley's Municipal Code, Chapter 8.36.380 currently bans fireworks of any type within city limits. Violators are subject to administrative citations that range from \$100 to \$1000, as well as criminal prosecution depending on the severity of the violation.

The Council may choose to retain the ordinance in its existing form, or direct revisions that may range from increasing penalties for violations (as has been done in some nearby jurisdictions) to permitting sales/use of "Safe and Sane" fireworks (as has been approved in other nearby cities).

DISCUSSION

Background

City sponsored Fourth of July Parade and Family Fun Fest celebrations culminate in a large fireworks show open to the public and held under special permits granted by the

City's Fire Marshal under the terms and conditions of the State Fireworks Law, California Health & Safety Code sections 12,500 et seq.

Despite the availability of the public fireworks show, the City Police and Fire Departments continue to combat the illegal sale of fireworks and respond to locations where individuals are discharging fireworks - - both the "Safe and Sane" variety sold legally in some other cities and pyrotechnics outlawed throughout California.

Individuals in violation of the municipal code are subject to an administrative citation and/or misdemeanor prosecution. Administrative citations are progressive in sums of \$100, \$200, and \$500 for subsequent violations in a one-year period.

If appropriate, the City Attorney's office can also file misdemeanor charges, which are subject to fines of up to \$1,000 per violation and up to 6 months in jail or probation. The City Attorney's Office indicates that criminal prosecutions are typically undertaken against individuals who are arrested for illegal sales of fireworks; approximately 6-7 cases have been prosecuted within the past year, with convictions resulting in fines (administrative and court-imposed), community service and summary probation.

The City Council retains the authority to reduce or increase current administrative fines associated with use of illegal fireworks. Should the Council wish to consider updating Moreno Valley's fine structure, examples can be seen in nearby communities. As an example, the City of Riverside recently adopted a minimum \$1000 administrative citation for fireworks violations.

Public Safety Concerns

In November 2009, the City of Moreno Valley enacted Ordinance No. 804, adding a new section to 8.36 of the Municipal Code that prohibits the storage, use, sale, possession and handling of "Safe and Sane" fireworks within city limits. The ordinance was supported by a Fire Hazard Severity Mapping Project conducted statewide by the California Department of Forestry and Fire Protection (CAL FIRE). The project identified numerous areas within Moreno Valley as posing severe fire hazards based upon topography, types of fuel present, low amounts of precipitation, low humidity and high temperatures.

In 2017, the Moreno Valley Police Department responded to 1,431 calls for service involving fireworks and confiscated approximately 300 pounds of fireworks. These statistics reflect only those calls for service that generated a file number. Because holidays generate numerous calls reporting discharges of fireworks, units responding to numerous general radio broadcasts are not included in the statistics stated above.

Public Safety officials cite several key concerns regarding illegal fireworks:

- Injuries associated with use of fireworks: The U.S. Consumer Product Safety Commission (CPSC) reports that fireworks were involved in an estimated 11,100 injuries in 2016. From June-July of 2016, approximately 7,600 fireworks-related

injuries occurred across the US, with 31% of those injuries to children under the age of 15. Individuals younger than 20 years of age accounted for 39% of the total number of people treated by hospital emergency rooms for fireworks-related injuries. Young adults 20-24 years of age had the highest estimated rate of fireworks-related injuries, with children younger than 5 years of age having the second highest estimated rate. The parts of the body most often injured were hands and fingers (an estimated 33 percent); head, face, and ears (an estimated 20 percent); legs (an estimated 18 percent); eyes (an estimated 9 percent); and arms (an estimated 8 percent). Burns accounted for 69% of injuries requiring emergency room treatment.

- Hazards related to unsafe storage of fireworks: Because fireworks are often stored in an unsafe manner, explosions have occurred in residential areas of other cities.
- Misuse: Fireworks can be fairly easily disassembled to provide access to explosive powder. These materials can be aggregated for use in constructing large explosive devices.
- Manufacturing: Fireworks manufactured in developing nations are not subjected to uniform regulations designed to enhance safety in the transportation and use of these devices.
- Fire Hazards: As cited in the report recommending adoption of Moreno Valley's existing Ordinance, local conditions pose fire risks that could affect lives and properties in areas where use of fireworks could ignite wildfires.

Alternative: "Safe and Sane" Fireworks

California Health & Safety Code (Sections 12,500 -12,726) establishes statewide laws and regulations governing the sale, use, distribution, exhibition, possession and storage of fireworks and pyrotechnic devices, including what are commonly known as "Safe and Sane" fireworks.

Under the authority of the State Fireworks Law, cities and counties have full discretion to allow the use of "Safe and Sane" fireworks within their jurisdictions. The term "Safe and Sane" is typically used to describe fireworks that do not fly or explode. Examples include fountains, sparklers, wheels, smoke and snake items, strobes, ground spinners, and novelty fireworks that are not propelled in any manner.

In Riverside County, Desert Hot Springs, Coachella, Indio, Cathedral City, and Blythe are the only cities that have legalized use of "Safe and Sane" fireworks within their jurisdictions. Many cities that allow the sale and use of "Safe and Sane" fireworks do so to allow fund raising opportunities for non-profit and civic organizations within those communities. It is not uncommon for cities that allow sale and use of these devices to take steps to remind residents that Illegal Fireworks are still prohibited.

Police Department officials have expressed concerns about the complications of enforcing fireworks laws where some devices (“Safe and Sane”) are permitted while others are not. As residents call to report firework usage, Police would not be able to quickly discern whether such reports would be related to lawful or unlawful use of fireworks.

The photo below shows examples of Consumer Fireworks (“Safe and Sane”) that must bear a seal indicating approval by the State Fire Marshal.



Potential Regulation Requirements

Should the Council wish to consider legalization of “Safe and Sane” fireworks, Ordinances 804 and 871 would require amendments to specify parameters for sales and use of “Safe and Sane” fireworks, along with updated penalties and/or fines for violations, including potential prosecution of infractions and administrative citations.

Under such a scenario, staff would also develop recommendations for a permit-based system to allow a limited number of organizations to operate fireworks stands during a specific period of time leading up to the July 4th holiday. Regulations would govern eligibility to obtain permits, placement of sales stands, hours of operation, etc.

ALTERNATIVES

The Council has a range of options to consider with regard to the regulation of fireworks in the City of Moreno Valley.

The Council could retain current Ordinance provisions, increase/decrease administrative fines, or revise the City Ordinances to allow use of certain types of fireworks.

If Ordinance revisions are requested, staff would return with proposed amendments to reflect the Council’s discussion during this Study Session.

FISCAL IMPACT

There are no fiscal impacts related to this report as presented during this Study Session.

NOTIFICATION

Agenda was posted in accordance with the Brown Act.

PREPARATION OF STAFF REPORT

Prepared By:
Felicia London
Public Safety Contracts Administrator

Department Head Approval:
Thomas M. DeSantis
Assistant City Manager

CITY COUNCIL GOALS

Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

ATTACHMENTS

1. Fee Schedule - Administrative Citations

APPROVALS

Budget Officer Approval	<u>✓ Approved</u>	10/25/17 9:33 AM
City Attorney Approval	<u>✓ Approved</u>	10/26/17 4:12 PM
City Manager Approval	<u>✓ Approved</u>	11/09/17 4:23 PM

Section 7 - Police

	<u>Unit</u>	<u>Current Fee</u>
ABC Letter (Alcohol Beverage Control Letter)	Each	\$ 20.00
<u>Administrative Citations</u>		
1st Offense		\$ 100.00 MC 1.01.230
2nd Offense		\$ 200.00 MC 1.01.230
3rd Offense		\$ 500.00 MC 1.01.230
Bingo Permit	Annual	\$ 50.00 Fee set by PC 326.5/Ord 611 11.50.050
Certification of Police Records	Each	\$ 5.00
Clearance Letter	Each	\$ 10.00 GC6253(b)
Citation Sign-off for Non-Resident	Each	\$ 15.00 GC26746.1
Concealed Weapons Permit	Processed by the Riverside County Sheriff's Department	
Explosive Permit (fingerprinting)	See Fingerprinting: Live Scan	
False Alarm Response		
Burglary	per Occurrence	\$ 32.00
Robbery	per Occurrence	\$ 125.00
Fingerprinting (Live Scan)		
Processing fee	per Set	\$ 10.00 PC 13300(e)
Processing fee through DOJ and FBI	per Set	\$ 49.00 Fee set by DOJ and FBI
Processing fee through DOJ	per Set	\$ 32.00 Fee set by DOJ

Attachment: Fee Schedule - Administrative Citations (2849 : FIREWORKS ENFORCEMENT)