



Agenda Item 6a  
**Introduce Ordinance 15.20.140 Amending  
Fireworks Regulations**  
October 26, 2021



| Introduce Ordinance Amending Fireworks Regulations – October 26, 2021

## **Strategic Plan Consistency**

Goal C: Economic, Community Development, and Public Safety

Strategy 3: Increase fines for illegal fireworks, develop and implement a public communication plan about fireworks, and consider banning the sales and deployment of all fireworks if the threat to community safety is not significantly reduced during the 4<sup>th</sup> of July season.



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## **City Council Direction August 10, 2021**

- Make violations of the city's fireworks regulations a misdemeanor subject to administrative citations of up to \$1,000
- Establish strict liability for social hosts that allow the deployment of fireworks in violation of the City's fireworks regulations on their property
- Limit fireworks deployment 8:00 am to 10:00 pm July 4 (existing ordinance allows 8 – 10 pm on days fireworks are sold and 8:00 am to 11:00 pm on July 4)



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## **City Council Direction August 10, 2021**

- Review fireworks regulations related to safe and sane fireworks and provide updates on public education and cost recovery of expenses related to fireworks.
- Commission a survey on community attitudes toward fireworks
- Engage the community in a discussion about fireworks
- Consider banning fireworks if behavior does not improve



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## **Introduce Amendment to Ordinance 15.20.140**

- Deployment of illegal fireworks defined as a misdemeanor
- Creates a \$1,000 fine for deployment of illegal fireworks
- Establish a Social Host Ordinance that creates a \$1,000 fine issued against property owner where illegal fireworks deployed
- Deployment of illegal fireworks or a violation of the City's fireworks regulations will become a misdemeanor and allow for a \$1,000 administrative fine



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## **Introduce Amendment to Ordinance 15.20.140**

- Establish a Social Host Ordinance which would create strict liability for property owners related to the illegal use of fireworks.
- City staff, including the police department, building department, and code enforcement would be authorized to issue administrative citations to property owners or other individuals in control of property related to illegal fireworks. City responsible for collecting fines, not District Attorney



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## Implementing Resolution

- Application requires documentation of costs and expenses incurred by organization selling fireworks including sales taxes paid
- Compliance with state law and full payment of state and local sales taxes
- If state and local sales taxes not paid, the fireworks permit subject to revocation



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## **Implementing Resolution**

Closing Financial Statement submitted year fireworks sold:

- Fees paid to fireworks suppliers:
  - Whole sale fireworks purchase
  - Booth rental and other fees
  - Reimbursement for fees paid on behalf of organization
- Sales taxes paid to Bureau of Tax and Fee Administration
- Other costs incurred selling firework
- Net fireworks income deposited into treasury
- Organization treasurer to attest

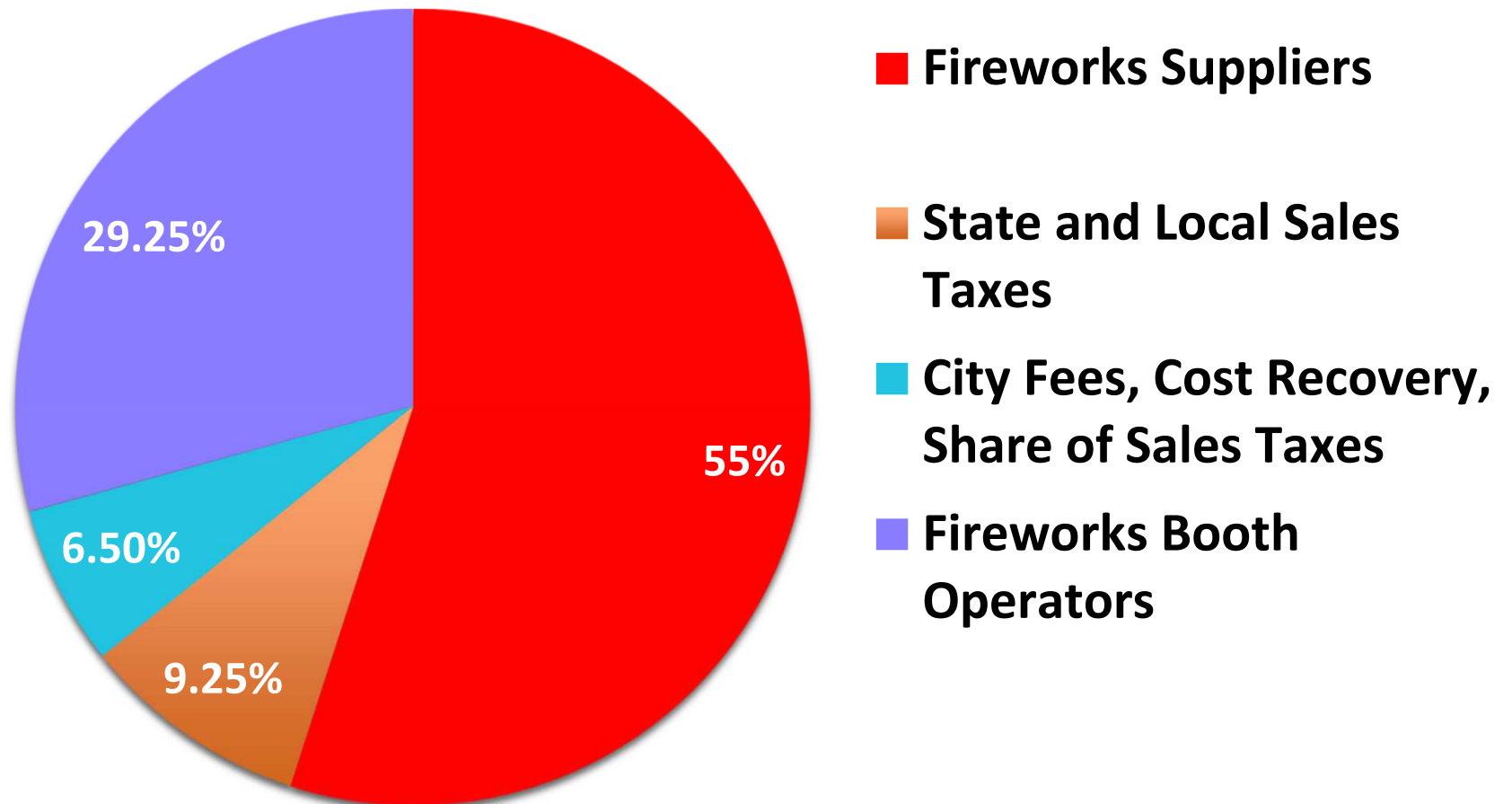




## **Fireworks Sales: 2021 distribution of sale proceeds**

\$1,002,468.54	Gross Fireworks Sales – TNT and Phantom
\$ 501,234.25	Wholesale price paid to TNT and Phantom
\$ 50,306.42	Booth Rental other fees TNT and Phantom
\$ 51,582.79	Application fee, business license, cost recovery paid to City
\$ 107,765.37	State and local sales taxes due
	\$15,037.03 City portion of sales tax
\$ 221.589.00	Net income retained by organizations selling fireworks

## Fireworks Sales: 2021 distribution of sale proceeds





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## **Fireworks Community Discussion**

- September 23, one-half hour discussion
- City Manager, Police Chief, ACFD Division Chief, Deputy City Manager, Public Works Superintendent
- 48 attendees
- 13 Emails received after webinar
- Combination of fireworks supporters and fireworks opponents attended meeting



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## Public Records Request

- TNT submitted two public records requests totaling 23 pages, 8,224 words, and 22 items for background data going back to 2003 on reports previously submitted to City Council
- Honoring the public records requests involved significant Police Department, City Clerk, City Attorney, Finance, and IT time
- City not allowed to charge TNT for staff time
- City response to TNT posted on web page



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## **Scientific Poll Prepared by Godbe Research**

- Bryan Godbe to deliver report



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## **Fiscal Impact**

- No direct fiscal impact introducing the proposed ordinance, adopting the resolution related to fireworks or considering the community survey

## Recommendation

1. Introduce an Ordinance amending Chapter 15.20 of the Municipal Code
2. Adopt a resolution amending fireworks regulations
3. Consider a report from Godbe Research regarding the fireworks community survey



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## City of Union City: 2021 Fireworks Issues Survey

October 2021



## Overview and Research Objectives



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The City of Union City commissioned Godbe Research to conduct a survey of local voters with the following research objectives:

- Assess opinion on the City's efforts to address the Coronavirus crisis;
- Gauge the public's awareness and perceptions of fireworks issues in the City;
- Test the influence of arguments for and against a hypothetical fireworks ban;
- Assess hypothetical voter support for an increase in the penalties for illegal use of fireworks in Union City;
- Assess hypothetical voter support for a referendum to ban all fireworks in Union City;
- Assess hypothetical voter support for a sales tax measure to protect and maintain funding for City services that cannot be taken by the State; and
- Identify any differences in voter support due to demographic and/or voter behavioral characteristics.

## Methodology Overview



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- |                    |  |
|--------------------|--|
| ➤ Data Collection  | Landline (10), cell phone (20), text to online (293), and email to online (119) interviewing |
| ➤ Universe         | 21,829 Likely November 2022 Voters   |
| ➤ Fielding Dates   | September 20 to September 26, 2021   |
| ➤ Interview Length | 17 minutes   |
| ➤ Sample Size      | n=442  |
| ➤ Margin of Error  | ± 4.61%  |

The data have been weighted to reflect the actual population characteristics of likely voters in the City of Union City in terms of their gender, age, and political party type.



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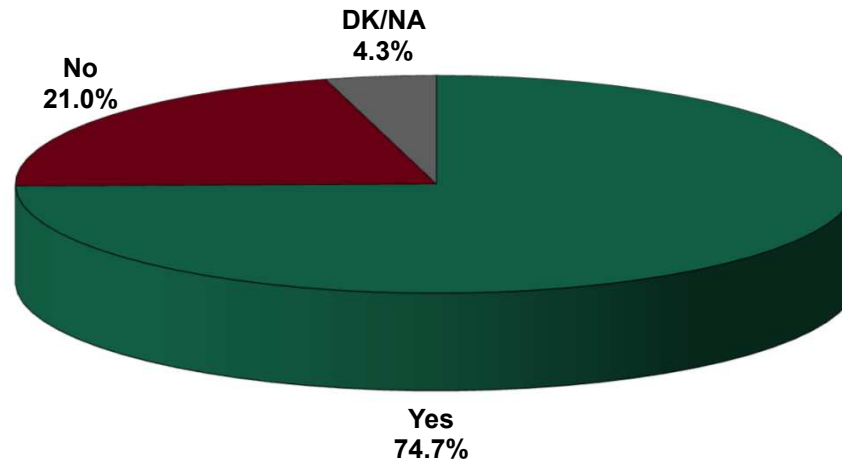
## Key Findings

# Seen, Heard or Read Anything About Use of Fireworks in the City

## Likely November 2022 Voters



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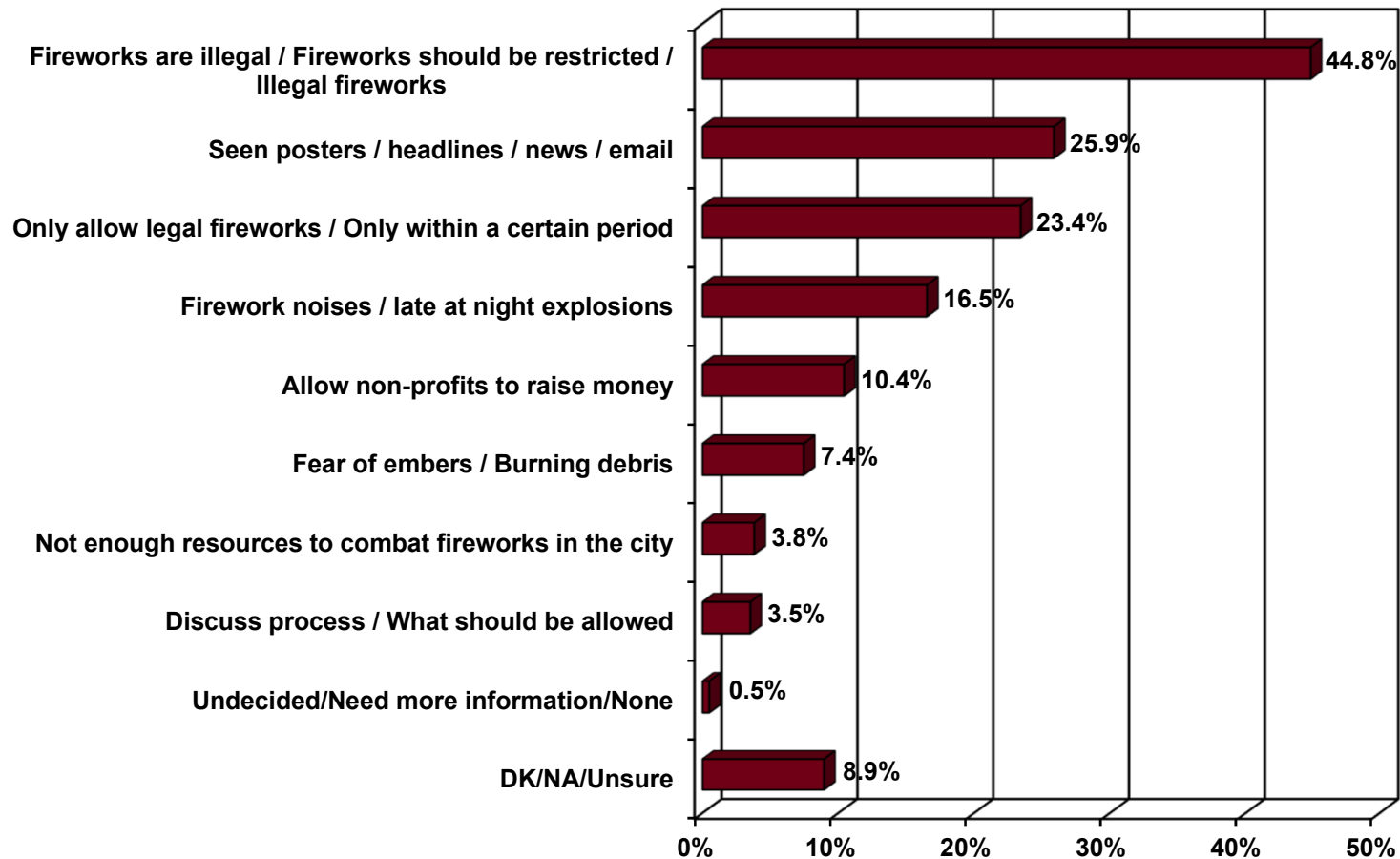


# Information Seen, Heard or Read About Use of Fireworks in the City

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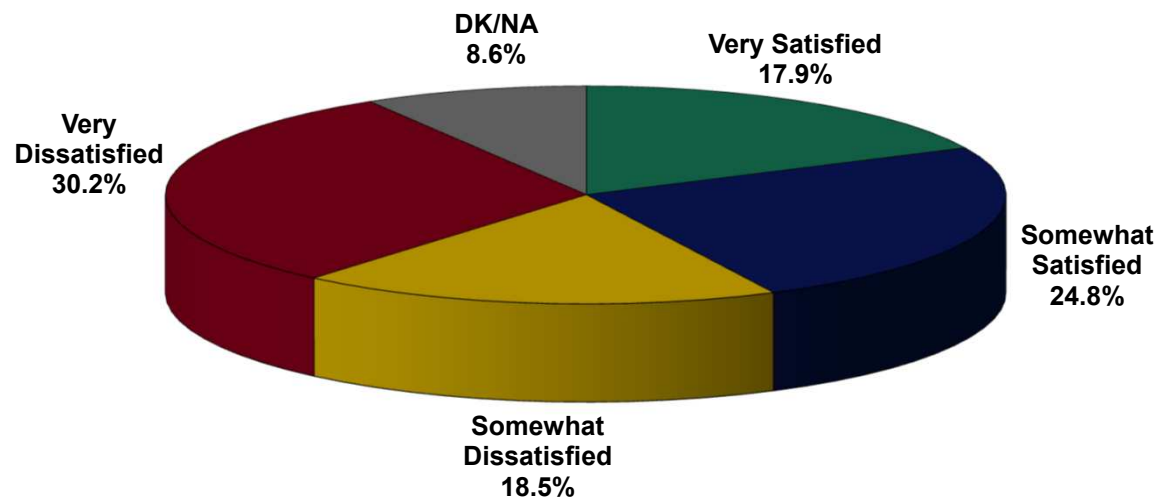


# Satisfaction With the City's Safe Handling of Legal and Illegal Fireworks

## Likely November 2022 Voters

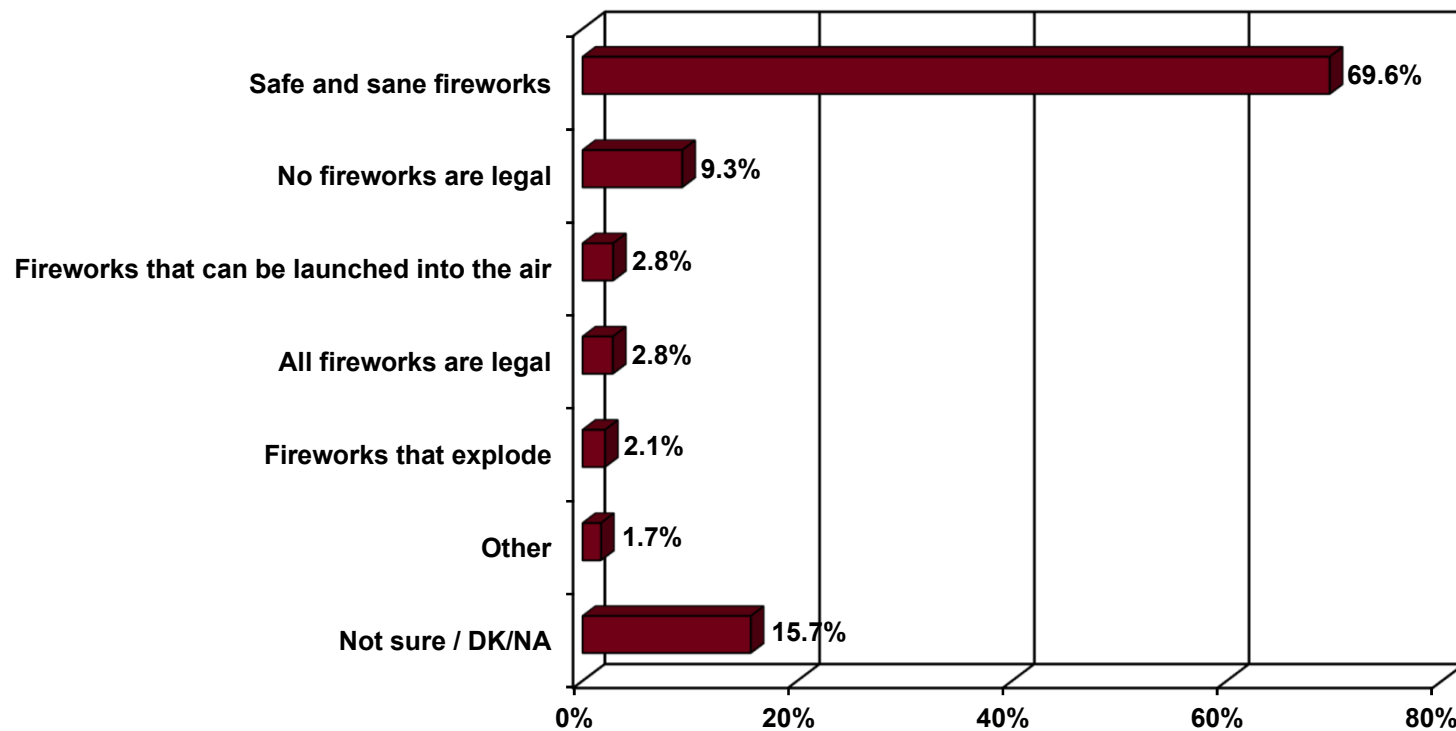


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	Nov 2022
Total Satisfied	42.7%
Total Dissatisfied	48.7%
Ratio Sat to Dissat	0.88

## Public Perceptions of Which Fireworks are Legal in the City Likely November 2022 Voters

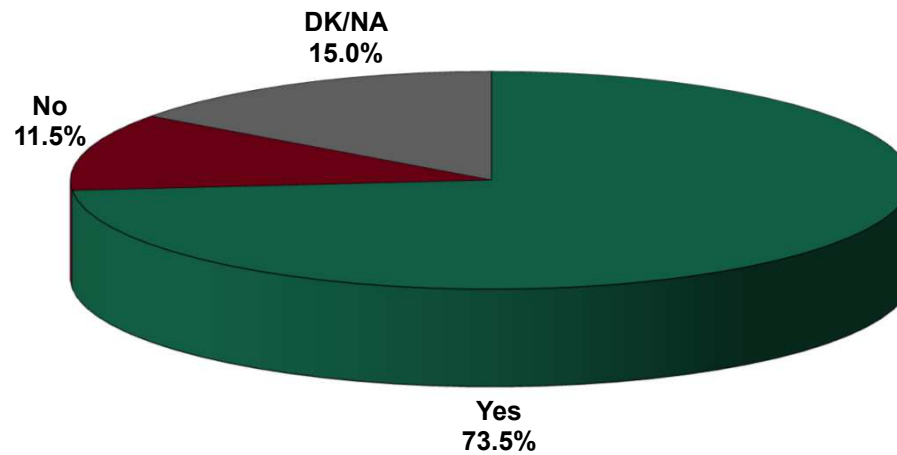


# Perceived Difference Between “Safe and Sane” Fireworks and Other Types

Likely November 2022 Voters



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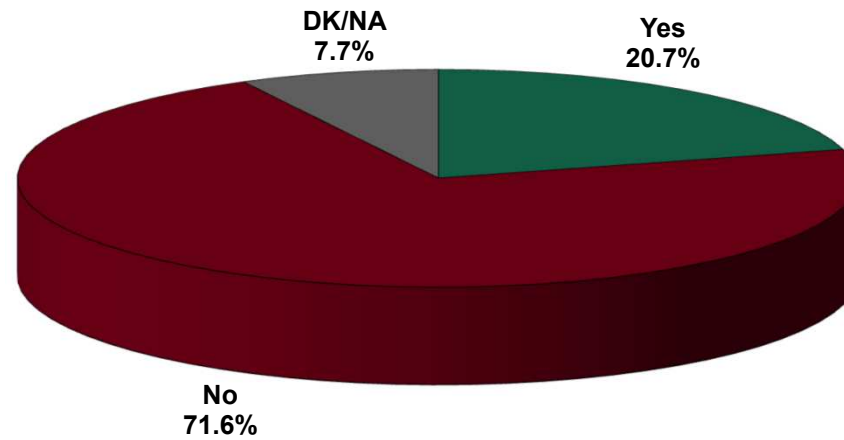


# Seen, Heard or Read About Proposal to Ban All Fireworks in the City

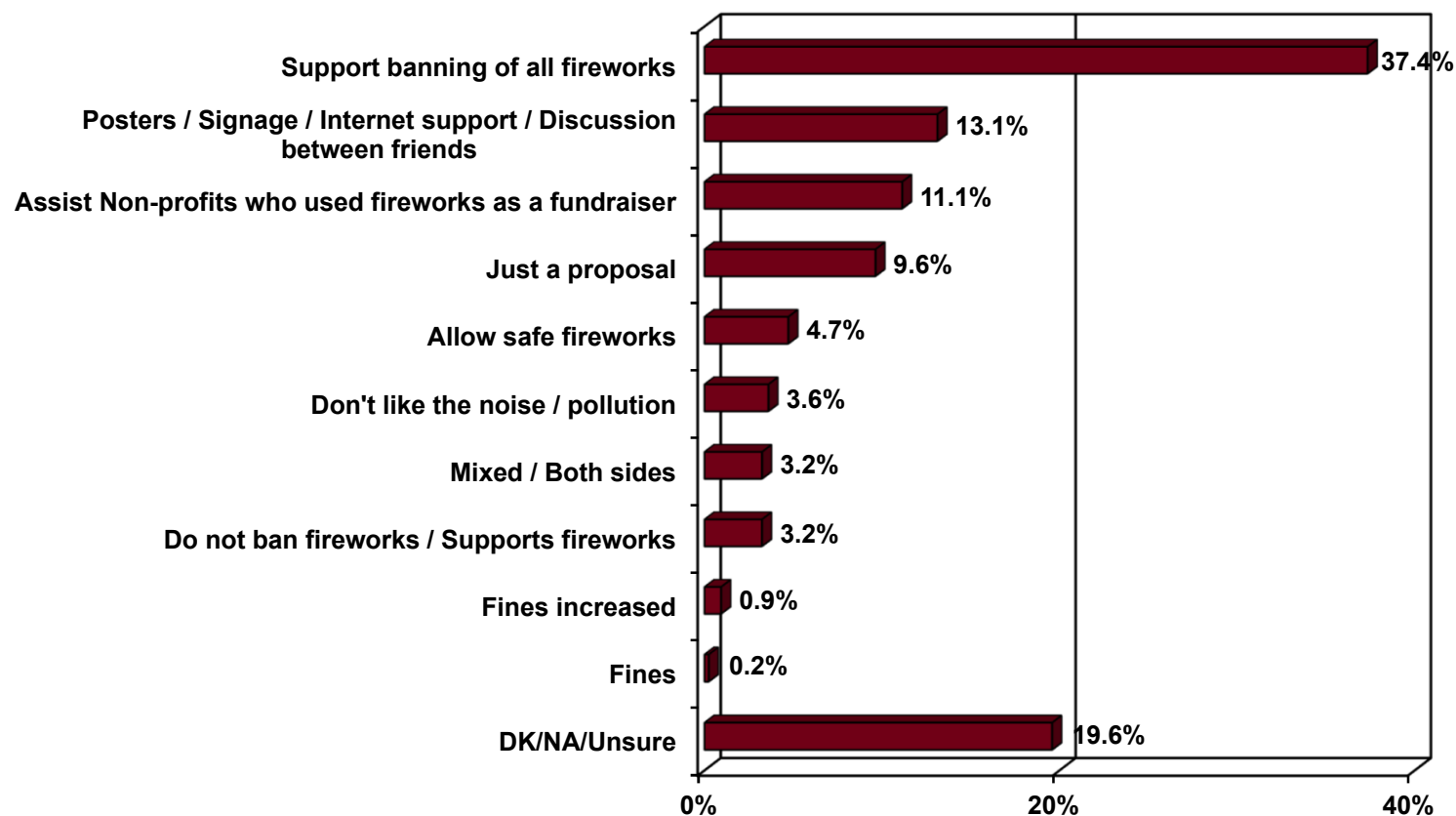
Likely November 2022 Voters



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## What Seen, Heard or Read About Banning All Fireworks Likely November 2022 Voters

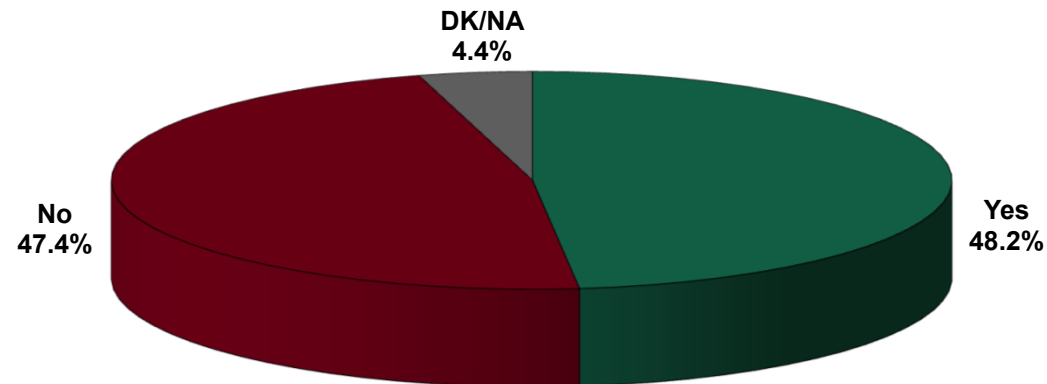


# Personally Negatively Impacted by Other's Use of Fireworks in City

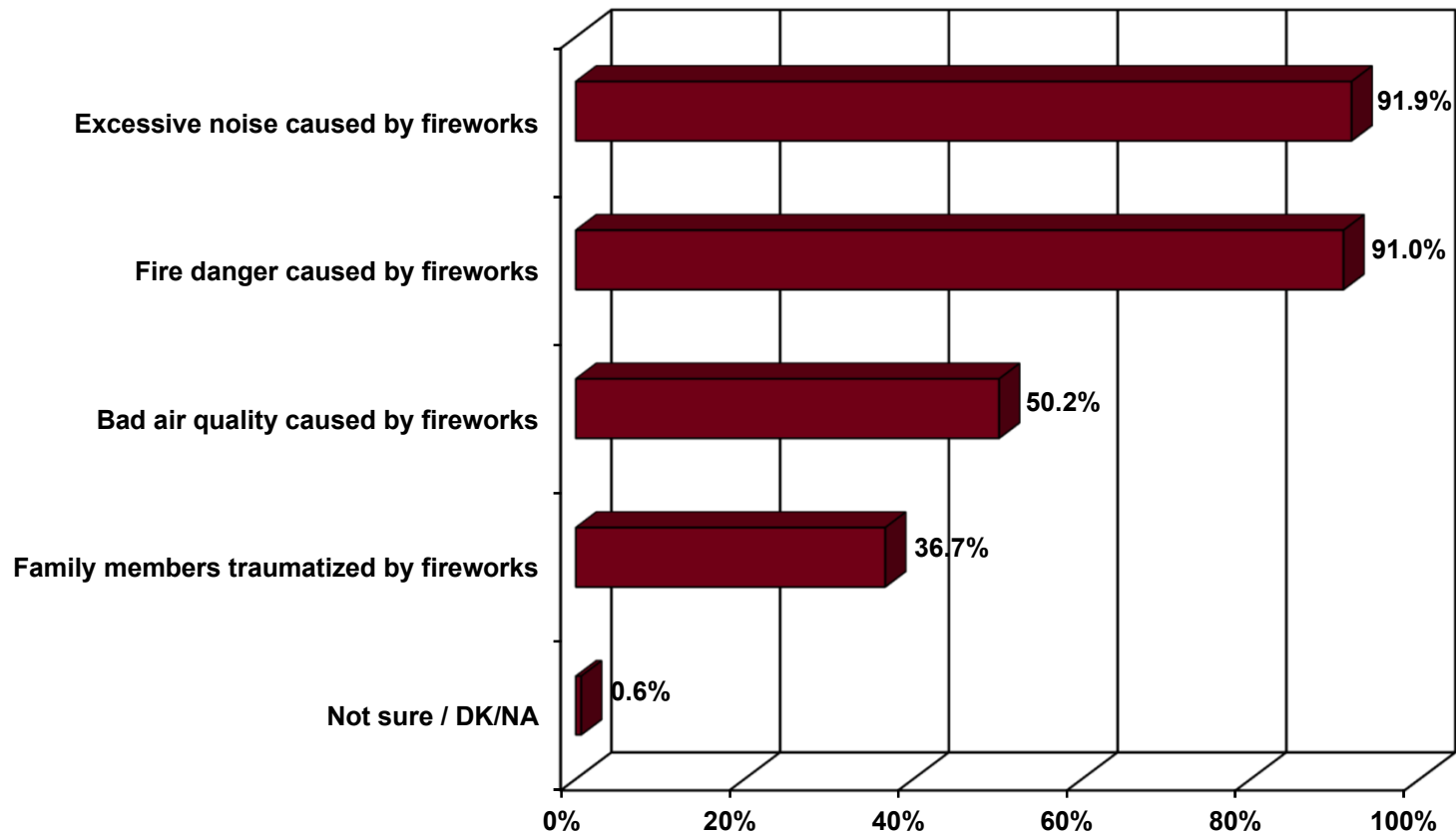
## Likely November 2022 Voters



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## How Impacted by Other's Use of Fireworks in the City Likely November 2022 Voters

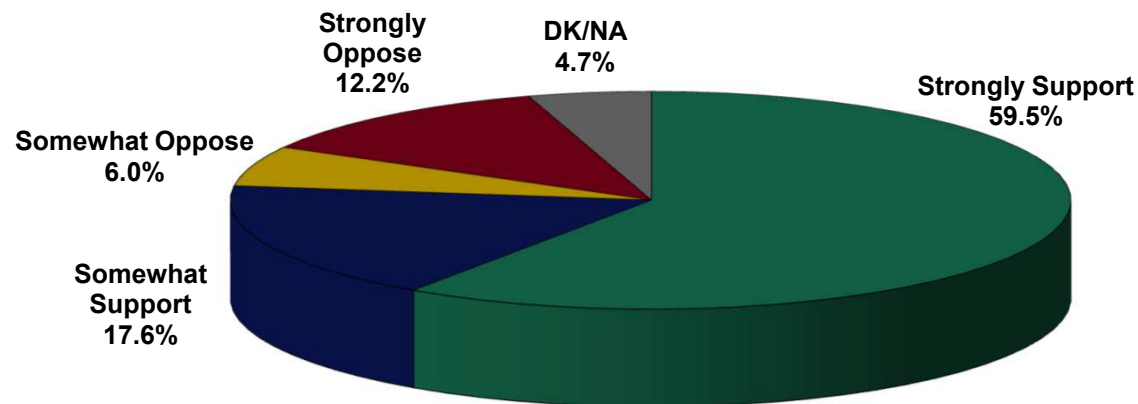


# Support for Ordinance to Increase Fine to \$1,000 for Illegal Fireworks Usage

## Likely November 2022 Voters



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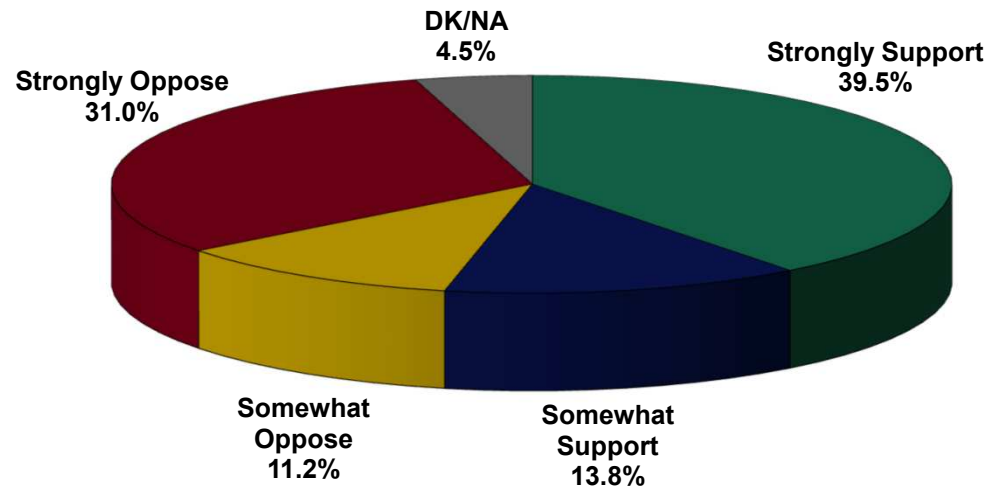
	<u>Nov 2022</u>
Total Support	77.1%
Total Oppose	18.2%

# Uninformed Support for Ordinance Banning All Fireworks Usage in the City

## Likely November 2022 Voters



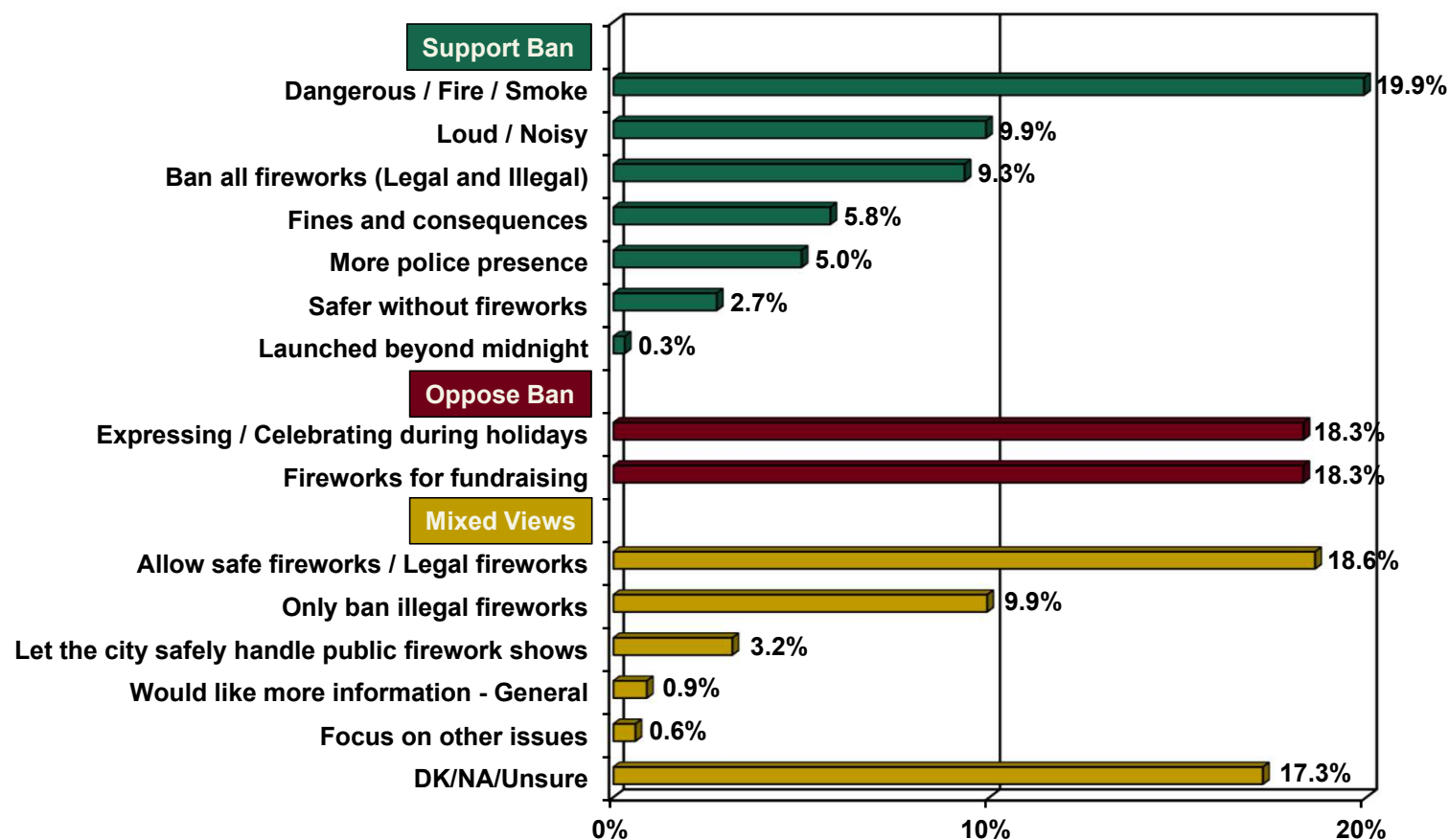
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	<u>Nov 2022</u>
Total Support	53.3%
Total Oppose	42.2%

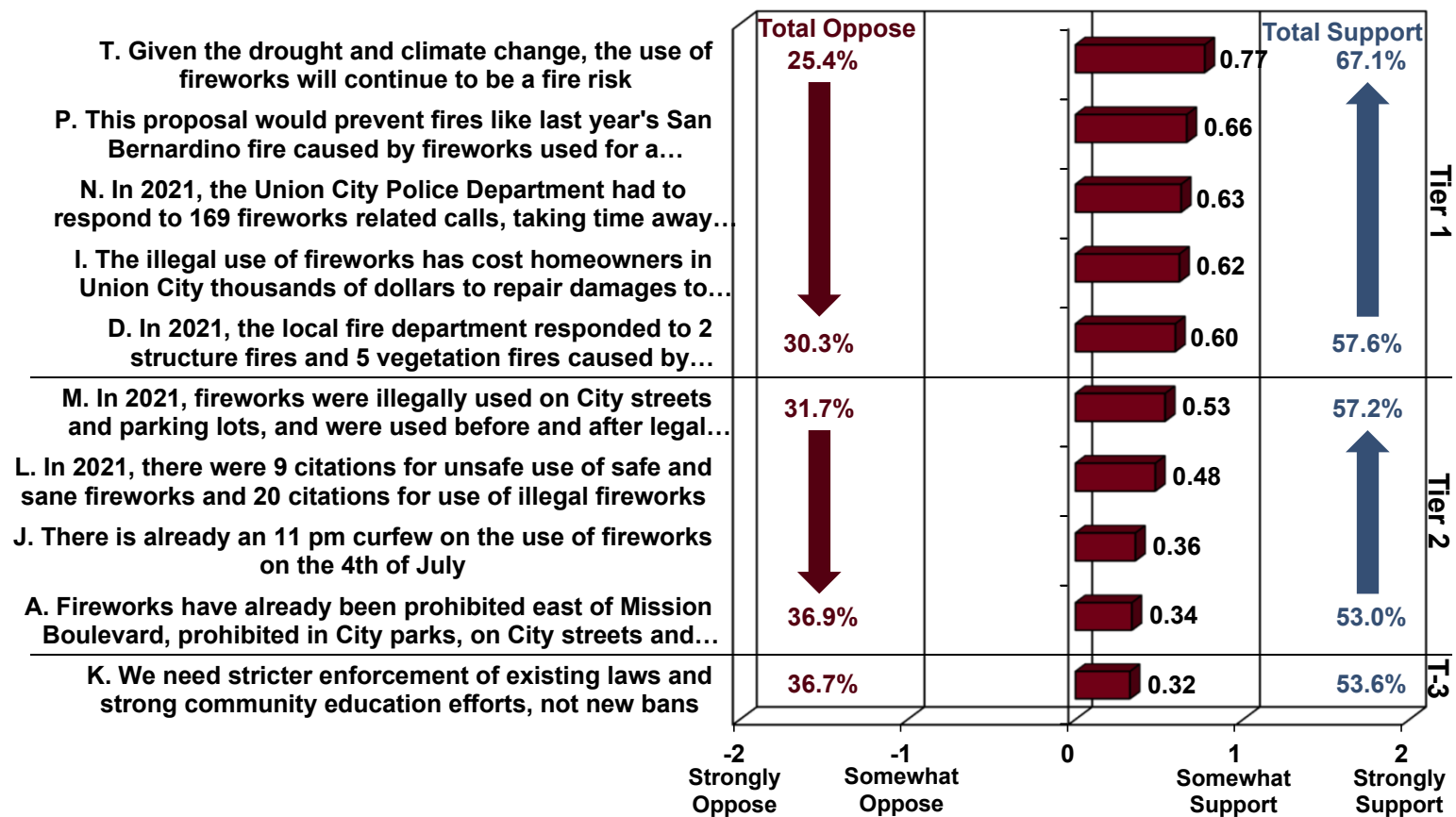
# Reasons for Support or Opposition to Fireworks Ban

## Likely November 2022 Voters



# Arguments For or Against the Fireworks Ban I

## Likely November 2022 Voters

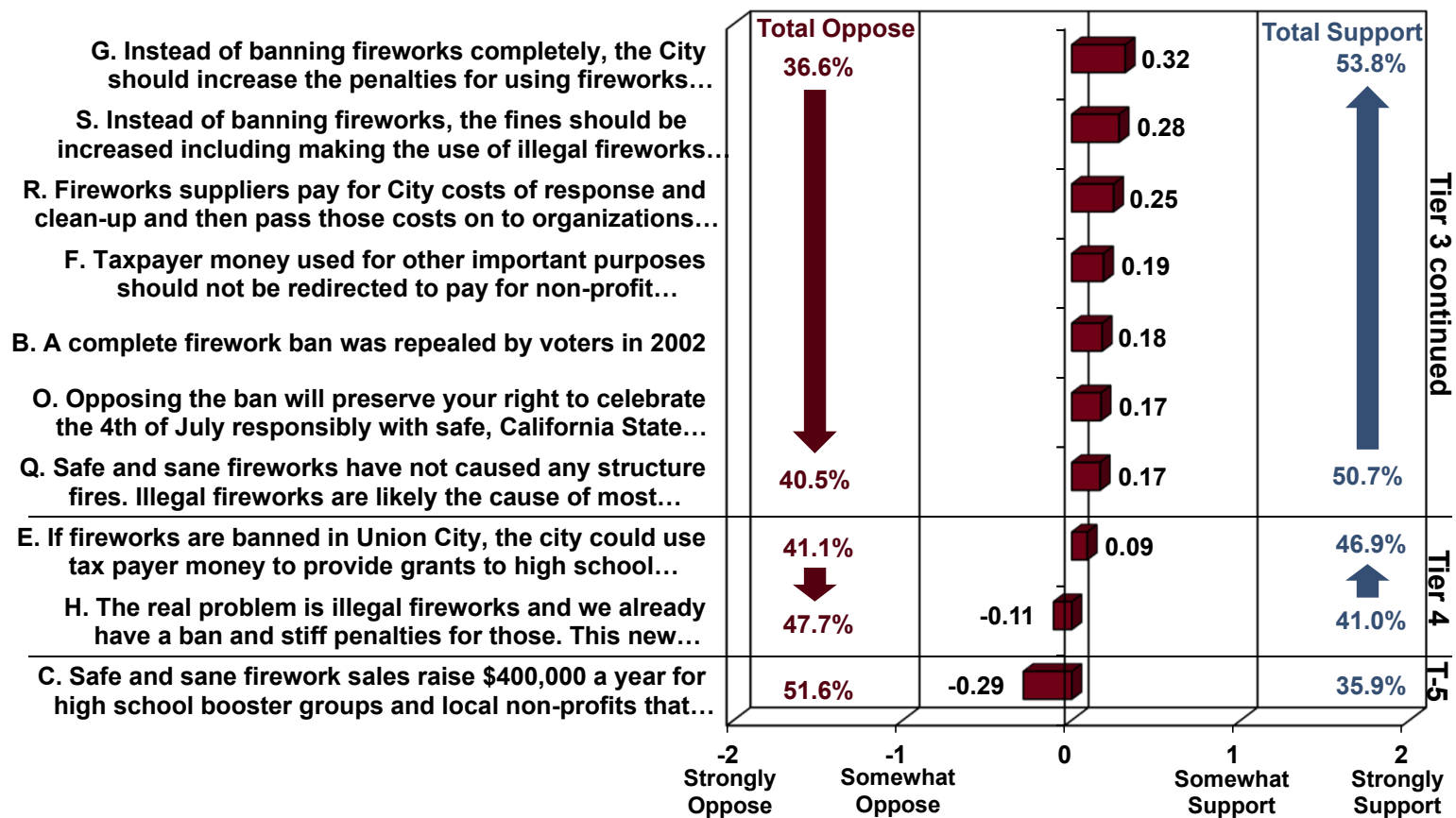


Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores:  
 "More Likely to Strongly Support" = +2, "More Likely to Somewhat Support" = +1, "More Likely to Somewhat Oppose" = -1, and  
 "More Likely to Strongly Oppose" = -2.



# Arguments For or Against the Fireworks Ban II

## Likely November 2022 Voters



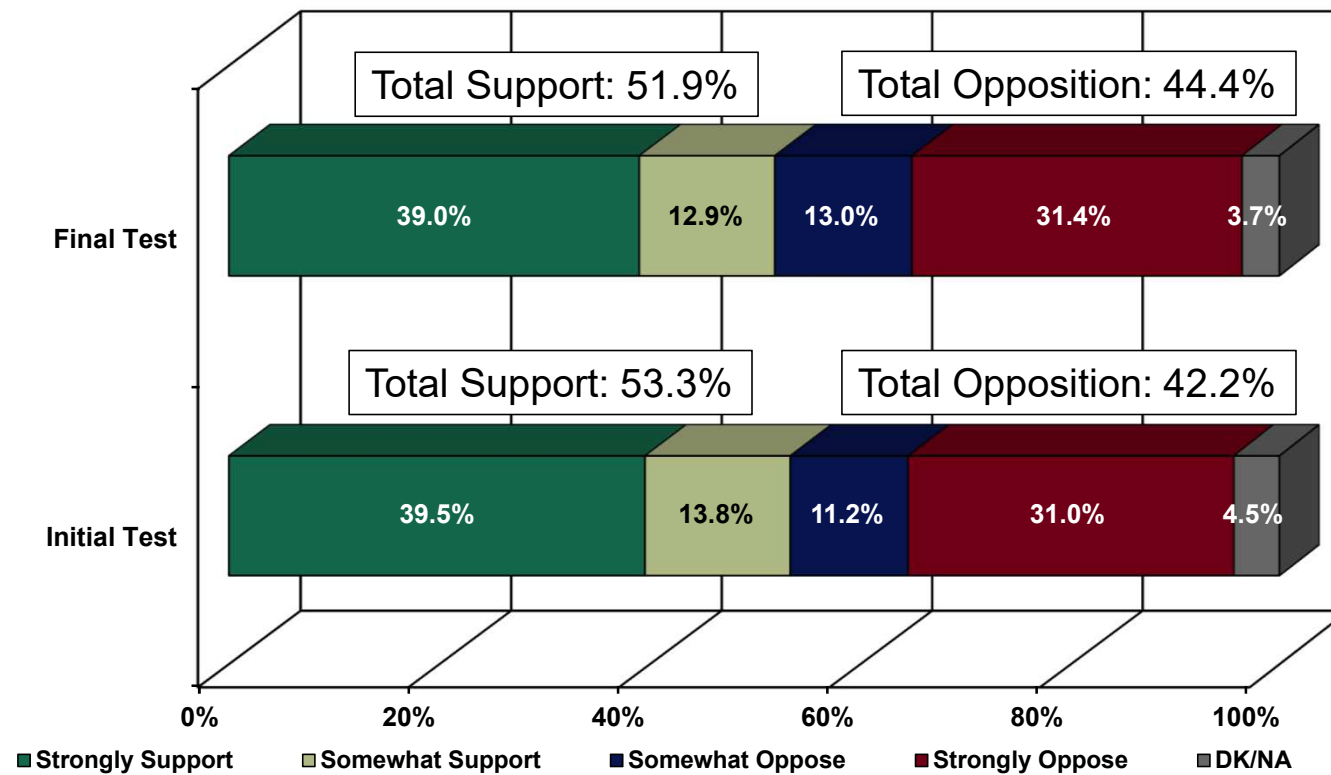
Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "More Likely to Strongly Support" = +2, "More Likely to Somewhat Support" = +1, "More Likely to Somewhat Oppose" = -1, and "More Likely to Strongly Oppose" = -2.

# Informed Support for Ordinance Banning All Fireworks Usage in the City

## Likely November 2022 Voters



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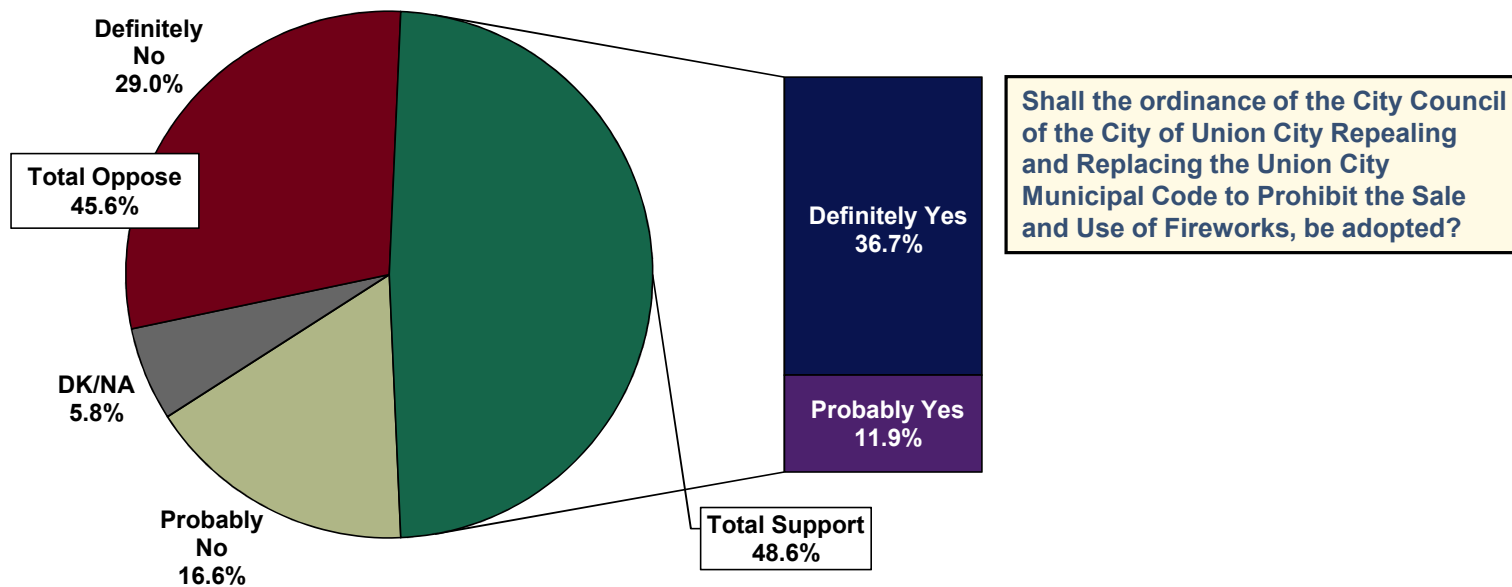


# Support for Referendum on Municipal Code to Prohibit Sale and Use of Fireworks

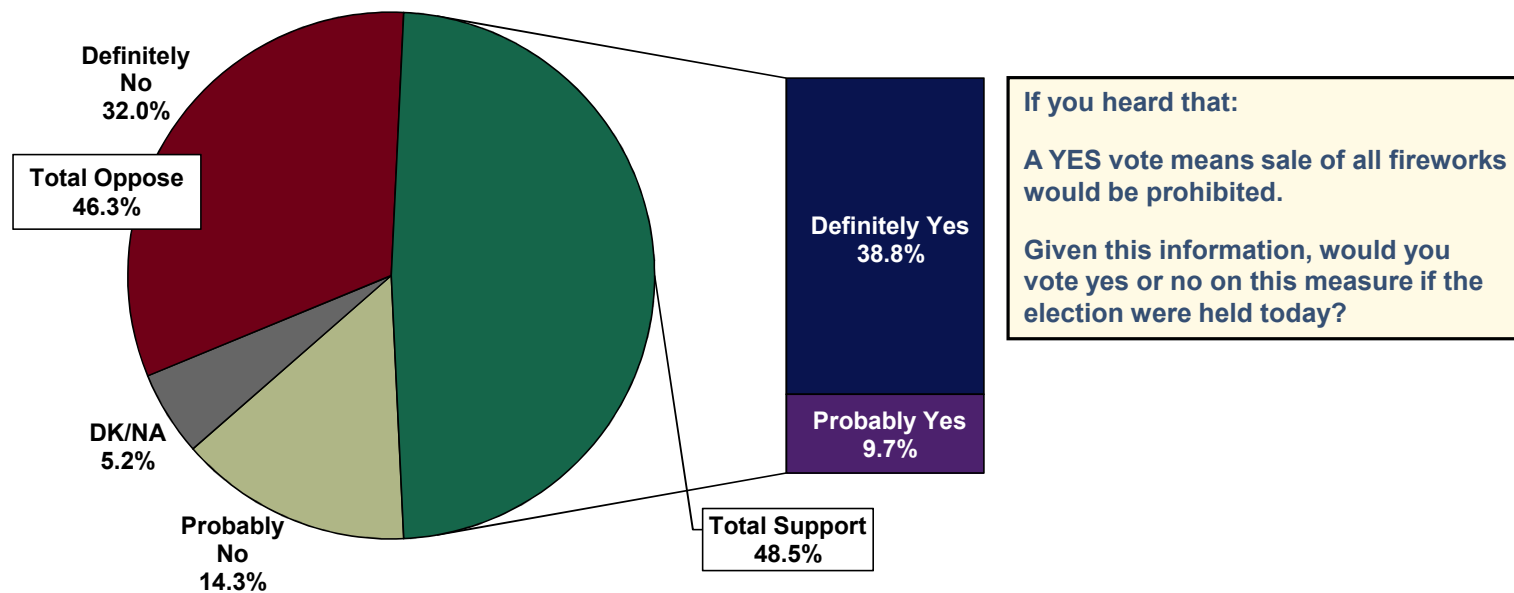
Likely November 2022 Voters



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## Confirmation of What a “Yes” Vote Means Likely November 2022 Voters



## Key Take-Aways

The survey suggests several key take-aways for policy makers:

- A large majority of residents understand the difference between “safe and sane” and illegal fireworks.
- Nearly equal pluralities indicated they were, or were not, negatively impacted by fireworks.
- There is overwhelming support for increasing the penalties on usage of illegal fireworks from \$100 to \$1,000, and making Union City residents liable for the illegal use of fireworks used by guests in their homes.
- Opinions are mixed about a potential ban, and an ordinance banning safe and sane fireworks.
- Should an ordinance banning on safe and sane fireworks be adopted by the council, this ordinance is unlikely to hold up in a referendum.



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