



CITY OF SALINAS

COUNCIL STAFF REPORT

Re

DATE: **April 30, 2019**

DEPARTMENT: **SALINAS POLICE DEPARTMENT AND SALINAS FIRE DEPARTMENT**

FROM: **ADELE FRESÉ, CHIEF OF POLICE
SAMUEL KLEMEK, INTERIM FIRE CHIEF**

TITLE: **SALINAS POLICE AND FIRE 2019 FIREWORKS ENFORCEMENT PLAN**

RECOMMENDED MOTION:

No motion is required with this item.

RECOMMENDATION:

No action is required for this item, so no recommendation is being made. This Report is provided for informational purposes only as required by the Salinas Municipal Code.

EXECUTIVE SUMMARY:

Measure C, an initiative measure approved by the voters of Salinas in June 2016, allows for the sale and use of “Safe and Sane” fireworks within the city. One component of the measure requires the Salinas Fire Department and the Salinas Police Department to present a plan outlining public education and enforcement efforts to address illegal fireworks use during the Fourth of July holiday. The plan is multifaceted and includes education, enforcement, and response elements.

BACKGROUND:

The proliferation of illegal fireworks continues to plague jurisdictions throughout the state and the country. Efforts to curb the importation, distribution, and use of illegal fireworks have had marginal success at best and continue to consume limited public safety resources.

Salinas’ issue is not unlike those of much larger jurisdictions as we continue to search for ways to combat the problem more effectively. As most fireworks violations are considered misdemeanors under the law, it is a challenge to prosecute offenders under the rules of evidence and proof without eyewitness corroboration. To that end, our enforcement efforts will focus on administrative citations, public involvement and education to try to make illegal fireworks “socially unacceptable”.

DISCUSSION:

Measure C, which permitted the sale of “Safe and Sane” fireworks, was approved by 58% of voters during the June primary elections in 2016. Measure C overturned a ban on all fireworks, which was established through City Council Ordinance in 2015. Fireworks that fly or explode are not considered “Safe and Sane” and continue to be illegal within the City of Salinas.

During the weeks leading up to and including the Fourth of July holiday, the SFD and SPD will be conducting additional fire prevention and law enforcement activities to help educate the public to prevent fireworks related fires and burn injuries. Illegal fireworks will be confiscated and the owners/tenants of properties where illegal fireworks were discharged will receive a citation.

Recent changes in CA law make it difficult for local jurisdictions to confiscate fireworks as they are now considered “hazardous waste” and may only be handled by those specifically licensed to do so. This will undoubtedly hinder our efforts while an alternative is sought.

The plan established by the Salinas Fire Department (SFD) and Salinas Police Department (SPD) to address the discharge of illegal fireworks during the lead up to Fourth of July employs a multifaceted approach to prevention efforts and enforcement and is as follows:

1. Provide for the safety of the public and first responders.

We will provide for the safety of the public and first responders through increased staffing and heightened awareness of illegal fireworks discharges. As in previous years, augmented fire crews will perform citywide patrols to address witnessed or reported occurrences of unsafe or illegal fireworks use.

2. Prevent the use of illegal fireworks use through public outreach activities.

We will work to prevent the use of illegal fireworks through public education efforts that will include:

- Large signs “Zero Tolerance” signage will be posted on all fireworks stands and at prominent locations throughout the city.
- Printed materials will be distributed to schools and fireworks stands with safety messages.
- Newspaper ads with a fireworks safety message will be placed in conjunction with the sale of Safe-and-Sane fireworks.
- A “Zero Tolerance” warning letter will be sent to all postal addresses and property managers within the city limits and outline the various methods that illegal fireworks activity can be reported, and the penalties associated with violations.

- “Violation letters” will be sent to city addresses where illegal firework discharges were reported and/or witnessed last year.
- Outreach letters to the Association of Realtors and Property Managers Associations with information for tenants in multi-family dwelling units.
- Promotion of the www.salinasfireworks.com website and recently deployed “Salinas Connect” phone application to (1) educate the public on the penalties related to the use of illegal fireworks; and (2) provide information to facilitate reporting of illegal firework discharge anonymously.
- Press releases sent to local news outlets and social media to spread the word regarding the hazards of all fireworks and the penalties that accompany the use of illegal fireworks.

Leading up to and including the Fourth of July holiday, the SFD and SPD will be conducting additional fire prevention and law enforcement activities to help educate the public to prevent fireworks related fires and burn injuries. Illegal fireworks will be confiscated where possible and those observed discharging illegal fireworks will receive a citation.

3. Enforce current codes and ordinances with the support of law enforcement agencies.

We will execute enforcement with the collaborative efforts by multiple City departments:

- Enforcement staff will monitor social media and other person-to-person platforms in attempts to gain intelligence regarding the distribution and sales of illegal fireworks.
- Staff will collaborate with allied enforcement agencies such as, but not limited to the U.S. Dept. of Justice ATF, FBI, Monterey County Sheriff, and Monterey County District Attorney.
- The Office of the Fire Marshal and Salinas Code Enforcement Division will collect reports of illegal fireworks activity and issue administrative citations via mail where reports are duly substantiated by staff and corroborating evidence.
- Commencing June 21, 2019, designated fire prevention and code enforcement staff will be assigned to follow-up on reports of illegal fireworks reports.
- Funds from the 7% surcharge will fund recording equipment that will be used document illegal fireworks discharges for citations after-the-fact.
- Roaming unmarked patrols units will be deployed throughout the city during this period and intensified for the period of July 3rd- July 5th.

- We will enlist the participation of organized civilian groups to “observe and report” fireworks violations and provide actionable information to enforcement personnel for follow-up citations.
- We will confiscate illegal fireworks with the assistance of the Monterey County Bomb Squad where feasible and issue administrative and criminal citations to violators where fireworks discharges are witnessed.
- Administrative citations will be issued to property owners where illegal fireworks were discharged in accordance with Salinas Municipal Code.
- Additional SPD police officers will be assigned to enforcement efforts.
- Additional Salinas Fire Department resources will be deployed for emergency responses and to assist with “observing, recording, and reporting” of violations.

CEQA CONSIDERATION:

The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378)

STRATEGIC PLAN INITIATIVE:

The objectives of the SPD and SFD’s plan for the Fourth of July are to support the goals of the City Council as follows:

1. We will mitigate hazards and protect life to ensure a safe, livable community.
2. We will protect property to promote economic diversity and prosperity.
3. We will work to prevent the use of illegal fireworks to support an effective, sustainable government.

FISCAL AND SUSTAINABILITY IMPACT:

Costs to cover the 2019 emergency response and enforcement efforts for illegal fireworks will be paid through the 7% surcharge recovered from the sale of fireworks.

ATTACHMENTS:

Administrative Report PPT