

# **REPORT TO THE CITY COUNCIL**

*City of Salinas, California*

**DATE:** February 21, 2017

**FROM:** Christopher A. Callihan, City Attorney

**SUBJECT: AN ORDINANCE REQUIRING FIREWORKS WHOLESALER AND  
DISTRIBUTOR PERMITS**

## **RECOMMENDATION:**

It is recommended that the City Council consider adopting an ordinance requiring all fireworks wholesalers and distributors to obtain permits prior to operating within the city.

## **DISCUSSION:**

In June 2016, the voters of Salinas approved an initiative measure to allow the sale in the city of “safe and sane fireworks” or “state-approved fireworks”. The initiative measure has been codified at Chapter 13A of the Salinas City Code. Pursuant to Chapter 13A, “fireworks wholesalers” and “fireworks distributors” provide fireworks to “eligible nonprofit organizations” to sell in the city. Given their significant role in this process, fireworks wholesalers and fireworks distributors have a high degree of responsibility for ensuring the safety and the welfare of the community as it pertains to the products (fireworks) they sell to the community through the eligible nonprofit organizations.

Recognizing this high degree of responsibility and their unique role in making fireworks available in the community, the City Council’s Fireworks Subcommittee (Mayor and Councilmembers Craig and Davis) recommended that the City Attorney’s Office prepare an ordinance requiring fireworks wholesalers and fireworks distributors to obtain a permit from the City (and pay the appropriate fee therefore) prior to engaging in any sales activities. Each fireworks wholesaler or distributor which desires to sell fireworks in Salinas through an eligible nonprofit organization shall first obtain a permit from the City; the permit must be obtained prior to entering into an agreement with an eligible nonprofit organization and prior to the sale or the distribution of any fireworks. The permit forms and permit application forms will be developed by City staff and made available to prospective wholesalers and distributors in sufficient time for the 2017 fireworks sales season.

The intent of the obligation imposed pursuant to the proposed Ordinance is to provide the City with an additional tool to review and to ensure the qualifications and the capabilities of the fireworks wholesalers and distributors who desire to conduct business operations in the City. Conditions will be imposed through the permits to ensure that the wholesalers and the distributors are held responsible for ensuring the safety and the welfare of the community as it pertains to the products they sell in the community through eligible nonprofit organizations. The permits will be revocable based upon the wholesaler or the distributors’ compliance with the permit conditions.

## **ISSUE**

Shall the City Council adopt an ordinance requiring fireworks wholesalers and distributors to obtain permits prior to supplying fireworks to eligible nonprofit organizations?

## **CEQA CONSIDERATIONS**

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed ordinance is exempt from further environmental analysis per CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

## **FISCAL IMPACTS**

There are no direct, immediate fiscal impacts to the City with the City Council's introduction and adoption of the ordinance. A permit application fee and a permit fee will be established by Resolution of the City Council. Staff are working to determine the appropriate fee amount and will present that to the City Council for consideration at an upcoming City Council meeting.

## **TIME CONSIDERATIONS**

The "fireworks sales season" has begun as the application period for eligible nonprofit organizations recently opened. To ensure the 2017 "fireworks sales season" is uninterrupted, the City Council is urged to take action on the proposed Ordinance in an expedient manner. Unanimous approval of the proposed Ordinance will make it effective more immediately than otherwise; an introduction of the proposed Ordinance at this meeting will require that it be considered for adoption at the City Council's next meeting with it becoming effective thirty days later.

## **COUNCIL GOALS**

Adoption of the proposed Ordinance holding fireworks wholesalers and distributors responsible for the safety and the welfare of the community supports the City Council's goal of promoting a safe, livable community.

## **ALTERNATIVES AVAILABLE TO COUNCIL**

The City Council could choose to not adopt the proposed ordinance, as recommended by the City Council's Fireworks Subcommittee.

BACK UP PAGES

Proposed Ordinance