



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: Receive a presentation on illegal fireworks activity and enforcement efforts

MEETING DATE: August 28, 2024

PREPARED BY: Jose Mendez, Code Enforcement Manager
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DEPARTMENT HEAD: Christopher Jordan, AICP, Development Services Director
Robert Davis, Chief of Police

RECOMMENDED ACTION:

Staff recommends that the City Council receive a presentation on illegal fireworks activity and enforcement efforts for 2024.

BACKGROUND INFORMATION:

Each year, serious injuries and millions of dollars in property loss are caused by illegal fireworks throughout California. Overgrown dry vegetation and rising summer temperatures, combined with the increased use of illegal fireworks, pose a significant safety concern and the potential for devastating fires. In California, selling, transporting, and/or using fireworks that do not carry the “safe and sane” seal is illegal.

Illegal fireworks are considered extremely dangerous because they can explode, cause significant bodily harm, fly into the air and land in areas that create a safety risk, or uncontrollably move on the ground. Elk Grove Municipal Code (EGMC) section 17.06.010 defines eleven categories of illegal (dangerous) fireworks, including firecrackers, roman candles, and skyrockets. The California State Fire Marshal reported confiscating over 120,000 pounds of illegal fireworks this year leading up to the Fourth of July holiday (Holiday). Across the state, any fireworks that explode or fly in the air are illegal unless used by professionals in permitted shows. Exploding fireworks include skyrockets, bottle rockets, roman candles, aerial shells, sparklers and firecrackers.

To provide residents with an opportunity to celebrate the Holiday with individual firework displays, the City of Elk Grove allows retailers to sell safe and sane fireworks with a business license issued under EGMC Chapter 4, Article IV. Approximately 290 communities in California permit the sale and use of state-approved (“safe and sane”) fireworks for the Holiday, giving ample opportunity to purchase legal fireworks. Despite the availability of safe alternatives, fire risks associated with illegal fireworks continue to grow.

In April of this year, the City Council adopted amendments to EGMC Chapter 17.06 to strengthen enforcement efforts relating to the possession and use of illegal fireworks within city limits. The amendments included the adoption of EGMC section 17.06.035, Host Liability, which provides the ability to cite any person who owns, leases, rents, or is otherwise in lawful possession of private property, including any person that organizes, supervises, officiates, conducts, controls, or is otherwise in charge of activity occurring on private property. Additionally, Resolution No. 2019-136 was repealed, and a new Schedule of Administrative Fines was adopted (Resolution No. 2024-063). The fine schedule allows for a \$1,000 citation for violations of Title 17 of the EGMC. Each violation or each single dangerous firework is a separate offense, meaning every time a dangerous firework is activated, it is a new \$1,000 fine.

The City’s Public Affairs Office launched a messaging campaign leading up to the 2024 Holiday to spread awareness of the adopted amendments. Information was communicated to the public via the City’s social media channels, as well as those of the Elk Grove Police Department (EGPD) and the Cosumnes CSD Fire Department (CSD Fire); the campaign generated more than 36,000 impressions on City-managed social media platforms. Announcements about the amendments were also displayed on electronic signs located at various City facilities, discussed on a City podcast episode, and included in the City’s Weekly Email Blast sent to over 1,900 subscribers. An article was published in the City’s bi-monthly print newsletter, which was mailed to 64,050 City addresses prior to July 1, 2024. The Code Enforcement Division also mailed notices to residents cited for violations of EGMC Chapter 17.06 the year prior, informing them of the adopted amendments.

On June 29, 2024, the Cosumnes CSD Fire Department and the City’s Code Enforcement Division held an amnesty day at Fire Station 71, located at 8760 Elk Grove Boulevard. The event was intended to encourage residents to voluntarily relinquish illegal fireworks – no questions asked, and without criminal or civil action. Approximately 3,000 illegal fireworks were collected,

including 300 bottle rockets, eight roman candles, and seven homemade explosive fireworks.

On July 4, 2024, EGPD, Code Enforcement, and CSD Fire responded to calls relating to the use of illegal fireworks. EGPD utilized a drone as a first responder. The drone assisted in identifying and recording properties using illegal fireworks. Video footage captured by the drone was passed on to Code Enforcement for evaluation. The video footage was utilized to substantiate violations of EGMC Chapter 17.06 (the Code). A total of six properties were recorded launching illegal fireworks, with one of the cited properties launching over 100 aerial fireworks. A combined total of \$180,000 in citations were issued to the six properties. All fireworks that violated the Code were aerial fireworks that exploded in the air.

Code Enforcement also patrolled the City in conjunction with EGPD and CSD Fire. City vehicles were equipped with dash cams that recorded persons launching illegal fireworks. The footage was used to substantiate violations of the Code. Eight properties were identified and recorded launching illegal fireworks. Citations totaling \$53,000 were issued to the eight properties. All fireworks that violated the Code were aerial fireworks that exploded in the air.

EGPD officers and CSD Fire investigators observed five incidents of persons using illegal fireworks, which were referred to Code Enforcement. Those referrals resulted in the total issuance of \$7,000 in citations to five separate property owners.

Nineteen property owners were issued a combined total of \$240,000 in citations for using illegal fireworks in City limits, as summarized in Table 1. The City is processing these citations, and fine collection and enforcement efforts are pending.

Table 1: Citation Details

Reporting Source	Total Properties Issued Citations	Total Citation Amounts
EGPD Drone Unit	6	\$180,000
Code Enforcement	8	\$53,000
EGPD/ CCSD Fire Referral	5	\$7,000
Total	19	\$240,000

Despite the City's enhanced patrol efforts, the volume of calls increased by approximately 50 percent this year compared to 2023. EGPD's Dispatch Center received 562 calls this year (375 calls in 2023) from concerned

residents regarding the use of illegal fireworks between 6:00 PM and midnight despite the Holiday falling on a weekday. Additionally, between July 4 and July 5, 2024, the Cosumnes CSD Fire Department responded to 80 incidents; 22 were fires, and fireworks were identified as the heat source that caused seven of those fires.

Enforcement efforts continue to involve confiscating illegal fireworks and issuing fines to persons using, distributing, or possessing illegal fireworks and persons in lawful possession of private property who allow this activity to occur on private property or adjacent public streets and sidewalks. Government entities throughout the state share the concern that illegal fireworks pose a threat to life and property.

In preparation for July 4, 2025, staff will be working on education and continued outreach to residents in the weeks leading up to the Holiday. Ultimately, however, the 2025 Holiday will fall on a Friday evening, and staff expects higher calls for service from residents than in either 2023 or 2024. Staff will continue to use video recording devices and rely on EGPD's drones to record persons using illegal fireworks, and will issue citations to reduce the use of these illegal devices. A second drone will be added to next year's operations to increase coverage and response throughout the City. Regardless of increasing resources and strategies used, it is important to note that there are increasingly more calls than there is staffing to effectively stop the illegal activity; however, staff will continue to identify additional solutions and resources to further expand enforcement efforts.

FISCAL IMPACT:

There are no fiscal impacts associated with receiving the presentation.

ATTACHMENTS:

None.