


Agenda Report Reviewed by:
City Manager: 

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting Date: April 6, 2021
To: Honorable City Councilmembers
From: Agenda Review Committee
Subject: Fireworks
Recommendation: City Council Direction to Staff
Funding: Currently Budgeted: ___ Yes ___ No XX N/A
Net General Fund Cost: None

Account Code/Costs authorized in City Approved Budget AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item tonight is for City Council Discussion of fireworks and direction to staff.

BACKGROUND:

The City Council may, by resolution, authorize temporary use permits for retail sales of fireworks at temporary fireworks stands. City of Sebastopol Resolution #3082 authorizes issuance of Temporary Use Permits for the retail sale of fireworks in the corporate City limits. The period of sale is from 12:00 noon, June 28th through 12:00 midnight July 4th.

Historically, each year, organizations would submit an application for a temporary use permit through the Fire Chief. The Fire Chief would review the permit and submit a recommendation to the Council. However, in 2020 due to COVID-19 Shelter in Place Orders, the City reached out to County Counsel and in light of the order at that time, recommended that selling fireworks was not an essential business during that COVID-19 Shelter in Place and having a large event at that time was not in the best interest of the public health.

Also, many cities temporarily or permanently banned the sale of safe and sane fireworks as the events had the potential to be large gatherings which were prohibited in the order in place at that time. The Council at that time denied the sale of safe and sane fireworks in the City of Sebastopol for the 2020 period only.

DISCUSSION:

Currently the County of Sonoma is still under a Shelter in Place Order and listed in the Red Tier. Under the blueprint for re-opening, outdoor live events cannot have any live audiences and indoor gatherings should have no more than 3 households. As of the writing of this report, the Kiwanis have determined they will not be holding the Fireworks show this year. They have considered all options and determined to cancel the fireworks show until at last 2022.

City staff has surveyed the local Sonoma County cities for their current policies on Fire Works. Fire Chief Braga received the following results which are listed below:

1. Cloverdale – City Council will decide on April 14, 2021.
2. Cotati – Banned sales and use of Safe and Sane Fireworks. No Shows or Fireworks allowed.
3. Healdsburg - Banned sales and use of Safe and Sane Fireworks. No Shows or Fireworks allowed.

4. Petaluma – Banned sales and use of Safe and Sane Fireworks. They are discussing allowing a one night fireworks show similar to our Kiwanis Show - Parks & Recs are waiting for State Guidance on Large Group gatherings.
5. Rohnert Park – City Council will decide on April 13, 2021.
6. Santa Rosa – Banned Safe & Sane Fireworks. Red, White, and Boom Show Canceled.
7. Sonoma – Banned sales and use of Safe and Sane Fireworks. Discussions with State Parks, City, and Sheriff's Department to allow a one night fireworks show.
8. Windsor – Banned sales and use of Safe and Sane Fireworks. Possible Aerial Display at Windsor Golf Course (no large gatherings).

The item tonight is to discuss Fireworks in the City of Sebastopol and provide direction to staff. The City recognizes that the sale of fireworks is major source of income for most non-profits and agendized this item tonight to provide direction to staff on options for Council consideration.

Some items for consideration are:

- Allow Sale of Safe and Sane Fire Works for 2021
- Prohibit Sale of Safe and Sane Fire Works for 2021 and Review in 2022
 - Discussion of submission of community benefit grants
- Prohibit/Ban Sale of Safe and Sane Fire Works (Requires repealing of ordinance)
- Allow Use of Fire Works
- Prohibit/Ban Use of Fire Works (Requires repealing of ordinance)
- Prohibit/Ban Use of Fire Works other than for Specific Events Such as July 3rd Fire Works (Requires amendment of ordinance)
- Other

Tonight's item is not for Council Action but Council discussion and direction to staff of actions, if any, to be brought back to the Council as a future agenda item.

PUBLIC COMMENT:

As of the writing of this staff report, the City has received public comment which is attached to this report. If staff receives additional public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

There is no fiscal impact associated with discussion of this item.

RECOMMENDATION:

That the City Council discuss and provide direction to staff.

ATTACHMENTS:

Public comments Received as of the Posting of this Report

Hello Sebastopol City Council Members -

I live in Santa Rosa but I am a lifelong Sonoma County resident who absolutely loves Sebastopol! So you are probably wondering why as a resident of Santa Rosa I would take the time to write to the council members of Sebastopol. It's because I have a concern regarding the safety and enjoyment of all Sonoma County residents that you as members of the Sebastopol City Council can certainly assist with. Sebastopol and Cloverdale are now the two remaining holdouts in banning the sale and use of fireworks here in Sonoma County. Again, every other incorporated city or town and unincorporated part of Sonoma County has banned fireworks, including Rohnert Park at their latest council meeting held just this past week. I would like to respectfully request your consideration in finally banning fireworks in Sebastopol...for the safety of all of Sonoma County.

Again, this isn't just an issue specifically regarding Sebastopol, but for all Sonoma County. There is no guarantee that fireworks sold in Sebastopol will remain in Sebastopol. Fireworks booths attract buyers from other parts of Sonoma County. If Sebastopol placed a ban on fireworks it would make it more inconvenient for Sonoma County residents to get their hands on them. It's my understanding this past year the members of your council placed a one year moratorium on the sale of fireworks. I commend you on that decision, although I firmly believe going

through the formality of passing an ordinance whereby the sales and use of fireworks were prohibited would have been the most logical step.

This might sound somewhat hyperbolic but what's it going to take to convince your council to pass a fireworks ban? To have a whole subdivision go up in flames, or even thousands of acres? Or does a house need to burn down, injuring firefighters? That's exactly what it took in my hometown of Santa Rosa more than a decade ago. In June of 2003 a fire in east Santa Rosa was started by two teenagers using fireworks purchased legally. The fire destroyed a home and threatened many others. A total of 42 acres were scorched and eight firefighters were injured fighting the blaze. Yes, here in Sonoma County these are real risks, so hyperbolic it's not. But I do get it. In my heart I love a good fireworks show just as much as the next person. We think of fireworks when recalling our country's history as they've been a longtime American tradition celebrating the birth of our nation on the Fourth of July. There's a thrill too with fireworks - the explosion of light, the boom, the glistening and the smoke. And of course there's the money to be made by our nonprofits who sell the fireworks and do good work in contributing back to our communities. This is likely the overriding issue in not voting to ban fireworks. But the nonprofits and service clubs will need to find other revenue streams, and they will, just like other organizations here in Sonoma County. They will not cease to exist. If there's a will to continue their good work, there's a way.

As council members you took an oath to protect the wellbeing and safety of your community. There's a danger with fireworks that can't be ignored. Even the most well-intentioned person can slip up while handling fireworks. A sparkler tossed aside too casually by a child who doesn't know that it remains dangerous after the sparkles stop can start a fire. A spinner or a smoke bomb dropped negligently can do the same. A sparkler burns at 1,600 degrees Fahrenheit and can't be blown out, unlike a match which burns at 600 degrees. There are serious injuries, too. Around the Fourth of July, people wind up in the emergency room with fireworks-related injuries. Anyone who believes "safe and sane" fireworks actually are safe and sane need only look to what happened in Santa Rosa, or north to Oregon four years ago. In 2017 it took only one irresponsible teenager with a smoke bomb to spark a blaze that devastated the Columbia River Gorge. And how can we constantly push to convince others as to the danger of climate change but do nothing about banning fireworks? Not only do fireworks cause wildfires, but they produce toxic air pollution and enter into our lands and waterways with their environmentally hazardous materials that they are made of. Solving global warming will be a long battle, but eliminating the harm done by fireworks need

not be.

Are any Sebastopol City Council Members pet lovers? If nothing else, please ban fireworks for our beloved pets. Many of us have animals that are so afraid of the noise around the Fourth of July that they need to be medicated, with some running away trying to get away from the noises. Finally, do it for the members of your Sebastopol community who suffer from PTSD. The random explosion of fireworks can often trigger a flashback or medical situation in combat veterans and victims of past Sonoma County wildfires.

I realize this is a passionate issue on both sides but the time has come. Thank you for your consideration.

- Tony

A handwritten signature in blue ink, appearing to read "Anthony D. Smith".

Mary Gourley

From: Cheryl White <[REDACTED]>
Sent: Monday, March 22, 2021 8:53 AM
To: Mary Gourley
Subject: fireworks

I would like to say that I think fireworks should be banned everywhere. I understand that this would be hard to support politically, but realistically, there are so many reasons why they shouldn't exist anymore.

Fire threats

Air pollution

Animal, insects, etc. toxicity

PTSD in humans (I know people who support this)

clean up issues

waterway pollution

Thank you for your consideration

Cheryl D. White

Mary Gourley

From: david henneman [REDACTED]
Sent: Monday, March 22, 2021 8:05 AM
To: Mary Gourley
Subject: Fireworks

Please keep ALL fireworks illegal in Sebastopol. If you wait until a major fire starts from fireworks, you are complicit. Furthermore, the Sebastopol police do not enforce existing state laws against explosive and projectile fireworks. Use of those most dangerous fireworks is pervasive in Sebastopol. Please direct the Sebastopol police department to begin making arrests for people using explosive and projectile fireworks in the city limits.

Thank You,

David Henneman
[REDACTED]
Sebastopol, CA 95472

Mary Gourley

From: Arlene&Bill [REDACTED]
Sent: Monday, March 22, 2021 7:47 AM
To: Mary Gourley
Subject: Fireworks

Hi, not sure who this is going to...if Sarah, I sound like an old person (I am), but I have gotten so much more in fear of what fireworks can do in these past several fire seasons.

I adamantly oppose the sale of fireworks here anymore and suggest alternatives for fund raising...perhaps something like selling soaker guns or some such fun thing for young people.

Thank you, Arlene Houghton

Sent from my iPad

Mary Gourley

From: Michael Burson [REDACTED]
Sent: Thursday, March 25, 2021 10:52 AM
To: Mary Gourley
Subject: Fireworks

I hope the City decides Against allowing firework sales in Sebastopol.

The extreme dry weather and irresponsible actions of a few people are an unnecessary risk that no one needs. I am all for supporting the good groups that get the revenue from the sales but Fire is Bad.

Please vote **Against** allowing Fireworks sales in the city.

Thank you
Michael

Mary Gourley

From: Susan [REDACTED]
Sent: Thursday, March 25, 2021 7:52 AM
To: Mary Gourley
Subject: Fireworks

Our current fire risk REALITY warrants a halt to permits to sell fireworks. I suggest we develop another creative way to acknowledge Fourth of July. Perhaps the community can display fireworks out at the cemetery? A parking fee of \$1-\$2 could be charged in addition to the cost of the show?. Or would a citizen's volunteer donation \$15-\$20 contribution to fill in the non-profits losses make a difference? In any case we have to give something to get something. Yes, people may go to other places to purchase their fireworks but we have a responsibility to model for other communities while balancing the need to keep these non-profits healthy.

I hope someone tracks the hard numbers as to how much these non-profits gain from these sales so we can establish how to work towards those goals without firework stands

Susan Fink

Mary Gourley

From: Diane Psota [REDACTED]
Sent: Monday, March 22, 2021 3:53 PM
To: Mary Gourley
Subject: Fireworks

To the Sebastopol City Council,

Please ban the selling and use of fireworks in Sebastopol. The past three and a half years of fires and the current drought make the sale and use of fireworks potentially catastrophic. Fire season is close to year round when there is a drought and high winds. Sonoma County has lost so much: lives, homes, businesses, and natural resources. So far, West County has been spared actual flames, but another firestorm could easily burn through Sebastopol and into surrounding unincorporated areas. How much more loss can we take? Thank you.

Sincerely,
Diane Psota

Mary Gourley

From: Philip Saluzzo [REDACTED]
Sent: Monday, March 22, 2021 6:11 PM
To: Mary Gourley
Subject: fireworks

Please uphold the ban on fireworks.

All of the reasons stated in the Sonoma County Gazette article should be sufficient to sustain the ban.

Philip Saluzzo