

Agenda Report

May 14, 2018

TO: Honorable Mayor and City Council

FROM: Fire Department/City Attorney/City Prosecutor

SUBJECT: **DIRECTION TO PREPARE AN ORDINANCE MODIFYING PASADENA MUNICIPAL CODE SECTIONS 14.30.020 AND 14.30.050 TO ADD LANGUAGE MAKING 14.30.020 APPLICABLE TO PROPERTY OWNERS AND TENANTS WHO ALLOW FIREWORKS TO BE USED, POSSESSED, SOLD OR DISCHARGED ON THEIR PROPERTY AND CHANGE THE PUNISHMENT FOR VIOLATIONS OF SECTION 14.30 OF THE PASADENA MUNICIPAL CODE**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the Proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060; and
2. Direct the City Attorney to draft an ordinance within 60 days consistent with the provisions set forth herein.

BACKGROUND:

The Pasadena Fire Department has found that enforcement of the City's ban on fireworks is being hampered by property owners and tenants who allow fireworks to be possessed, sold, used or discharged on their property, but then claim that they are unaware of the activity. Under existing Municipal Code sections, property owners and tenants who do not directly participate in the possession, sale, use or discharge of fireworks are not responsible for the activity on their property. The purpose of these amendments to the Pasadena Municipal Code is to improve compliance with the fireworks prohibition pursuant to 14.30 and to hold responsible those who allow for the possession, sale, use or discharge of such dangerous items on their property.

Changes to these sections would allow for greater enforcement power and prosecution of individuals who allow such activities to take place on their property. This would help

to reduce the risk to members of the public from such dangerous activities that injure or kill numerous people throughout the country.

Currently, the Pasadena Municipal Code lists violations of these sections as misdemeanors and do not account for the significant costs associated with responses to, and disposal of, such dangerous items. Modifications to the present ordinance would direct that all costs of disposal of fireworks, as well as all additional expenses, fees and fines, be borne by the offending party and that violations of these sections would constitute an infraction or a misdemeanor at the discretion of the City Prosecutor. Fines would be a maximum of \$500.00 for an infraction and \$1,000.00 for a misdemeanor. There would be no cap on costs related to disposal or other expenses. The offending party would be liable for the entirety of such costs.

Allowing for the prosecution of such offenses to be categorized as either an infraction or a misdemeanor would allow for the City Prosecutor to resolve cases in a more efficient manner and allow for greater collection of fines, fees and disposal costs.

Normally, this item would go through the Public Safety Committee. However, in order to have these changes in effect for the July 4th holiday, immediate action is needed.

COUNCIL POLICY CONSIDERATION:

The proposed amendments of Sections 14.30.020 and 14.30.050 would help to maintain fiscal responsibility, support and promote quality of life and the local economy, ensure public safety and generate additional revenue for the City of Pasadena.

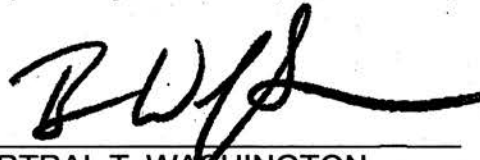
ENVIRONMENTAL ANALYSIS:

This Proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT:

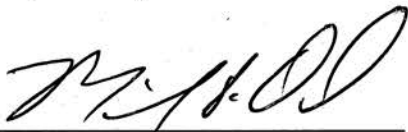
As a result of these proposed ordinances, it is anticipated that the amount of fines and fees paid by offenders will increase and that the City of Pasadena will be able to recover costs that are currently being absorbed by the City for responses to, and disposal of, these dangerous items. At this time, the exact fiscal impact cannot be determined.

Respectfully submitted,



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Approved by:



STEVE MERMELL
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