



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Arjun Batra,
Council District 10

**SUBJECT: STUDY SESSION ON THE
PREVENTION OF ILLEGAL
FIREWORKS**

DATE: August 1, 2024

Approved

Arjun Dev Batra

Date: 08/01/24

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RECOMMENDATION

Direct the City Clerk and City Manager to schedule a Council Study Session titled “Prevention of Illegal Fireworks” with a focus on the City’s current work plan and strategies.

OUTCOME

The outcome of the study session will provide the City Council with a better understanding of the current work plan and strategies and ideas for other strategies that may be considered in future budget cycles to combat illegal fireworks in San Jose.

BACKGROUND

The illegal use of fireworks has become a persistent challenge in our city, despite our existing policies and enforcement efforts. These unauthorized displays continue to attract large crowds and pose serious safety risks. For example, in July 2024, illegal fireworks were linked to a fire in the Santa Teresa foothills almost a half mile east of Almaden Lake, which burned over five acres.

During a recent press conference on July 3, 2024, to announce the inaugural celebration of the first professional fireworks show in East Side San Jose at Lake Cunningham Park, several important points were raised:

- Mayor Mahan pointed out that illegal fireworks usage spiked by 60% in 2020 after the cancellation of the Almaden Lake professional fireworks show.
- In 2023, the San Jose Police Department made 11 arrests and issued 30 citations related to illegal fireworks.

- Councilmember Domingo Candelas noted that illegal fireworks usage destroyed a newly renovated basketball court in Groesbeck Hill Park in Council District 8 in 2023.
- Councilmember David Cohen reminded us of the dangers of illegal fireworks, especially in dry conditions.
- Fire Chief Robert Sapien, Jr. reported a concerning number of vegetation fires due to high temperatures and dry conditions.

We've implemented various approaches to try to curb the use of illegal fireworks, including:

- Fines start at \$1,000, increase for repeat offenders, and up to \$50,000 for selling fireworks.
- Public awareness campaigns to educate residents.
- Social host ordinances to hold property owners accountable, and spectator fines of \$25.
- Focused enforcement in areas with high activity.

While these efforts are commendable, we recognize that they haven't fully addressed the issue, and we need to explore new strategies to enhance public safety.

ANALYSIS

The purpose of this memorandum is to encourage a study session where we can collaboratively explore fresh ideas to tackle the ongoing issue of illegal fireworks in San Jose. Our study session provides a valuable opportunity for the City Council, city staff, and community stakeholders to discuss illegal fireworks challenges, identify root causes, and brainstorm alternative solutions.

Key Issues to Discuss

- **Current Policies:** Evaluate how effective our existing policies have been and where we can improve.
- **Safety Concerns:** Address the safety risks of illegal fireworks and their impact on our police and emergency services.
- **Community Feedback:** Residents have expressed frustration over ongoing illegal fireworks activity, especially large events, and it's important to hear their voices.

Proposed Objectives for the Study Session

- **Review Existing Strategies:** Assess whether our current policies work and identify gaps.
- **Explore New Ideas:** Consider innovative approaches like community engagement, advanced detection technology, a fireworks buy-back program, and enhanced public education campaigns.

- **Learn from Others:** Look at successful strategies from other cities that face similar challenges.
- **Engage Stakeholders:** Involve various departments, residents, and community groups in discussions to gather diverse perspectives.
- **Consider Enhanced Penalties:** Discuss stronger penalties for organizers of large-scale illegal fireworks exhibitions.
- **More Professional Fireworks Shows:** Explore hosting additional professional fireworks shows in different parts of the city to help reduce illegal use and relieve congestion at the two city-sponsored professional shows.

Expected Outcomes

- A comprehensive look at our existing prevention efforts.
- Identification of new, data-driven strategies to reduce illegal fireworks usage.
- An action plan for implementing and measuring the impact of new initiatives.

I believe that a focused study session will allow us to reassess our approach and develop effective solutions to combat illegal fireworks, ultimately enhancing public safety and quality of life in San Jose.

This study session will provide the Council with the opportunity for feedback and to identify additional information, perspective, or discussion topics that may be important to reducing illegal fireworks and illegal fireworks exhibitions. Thank you for considering this important discussion!

For questions, please contact Michele Dexter, Chief of Staff, Council District 10, at michele.dexter@sanjoseca.gov or (408) 535-4978.

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