



Request for Policy Analysis (Council Referrals)

Department Fire Rules Date 8/7/2024 Item C.4 (24-644)
 Department Rep. Name/Ext. Robert Sapien, Jr. Councilmember Sponsorship Arjun Batra
 Policy/Ordinance Subject Illegal Fireworks Ordinance

Staff Recommendation

<input checked="" type="checkbox"/> GREEN Adopt based on tradeoffs outlined on next page	<input type="checkbox"/> YELLOW Defer to a later designated date or the annual Budget Process	<input type="checkbox"/> RED Recommend Council not adopt nominated idea	<input type="checkbox"/> NEEDS CLARIFICATION OR MORE TIME TO EVALUATE
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Staff Evaluation

Is this already underway in a department work plan?	Is this time critical or an emergency?	Will this require substantial resources, staffing, budget, strategic support, or reprioritizing existing work plan?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Criterion to Determine Scale of Project Complexity

Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.

a. Low Complexity is a sum of 6 or less.

b. Medium Complexity is a sum of 7 – 9. Total Score = 10

c. High Complexity is a sum of 10 or greater.

		Low Complexity	Medium Complexity	High Complexity							
	Scoring Criterion	Estimated Duration	6 – 9 months <input type="checkbox"/> = 1	9 - 18 months <input checked="" type="checkbox"/> = 2	More than 18 months <input type="checkbox"/> = 3						
(Internal)		Organizational Complexity Can easily be absorbed into existing work plan	<input checked="" type="checkbox"/> = 1	Planned work (future) <input type="checkbox"/> = 2	Work not currently proposed <input type="checkbox"/> = 3						
		Have staff with required skillset/knowledge	<input checked="" type="checkbox"/> = 1	Have staff with required skillset/ requires moderate research <input type="checkbox"/> = 2	Do not have staff with required skillset/requires significant research <input type="checkbox"/> = 3						
		Less than or equal 2 staff required	<input type="checkbox"/> = 1	3 - 4 staff required <input type="checkbox"/> = 2	More than 5 staff required <input checked="" type="checkbox"/> = 3						
(External)		1 Additional department; no community outreach required <input type="checkbox"/> = 1	2 Other departments Involved; some community outreach required <input type="checkbox"/> = 2	3 or more departments and/or external partners involved; significant community outreach required <input checked="" type="checkbox"/> = 3							
DEPT. Required	<input type="checkbox"/> Airport	<input type="checkbox"/> Auditor	<input type="checkbox"/> CMO	<input type="checkbox"/> OEDCA	<input type="checkbox"/> ESD	<input type="checkbox"/> Fire	<input type="checkbox"/> HR	<input checked="" type="checkbox"/> IT	<input type="checkbox"/> PRNS	<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Retirement
	<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Clerk	<input type="checkbox"/> CMO – Budget	<input type="checkbox"/> Community Energy	<input type="checkbox"/> Finance	<input type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input checked="" type="checkbox"/> PBCE	<input type="checkbox"/> PW	<input type="checkbox"/> DOT

CMO Approval: /s/ Lee Wilcox Date 8/6/2024

Analysis

Explain the rationale for staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant work plan changes, etc.). Please address the following as well.

GREEN LIGHT: The Administration can implement this nominated idea under its current work plan. Item should be sent to Council to add to department work plan. (1) How will the idea be approached? (2) If adopted, what is its impact and/or tradeoff to the City Council Focus Area or to a department work plan, including strategic support? (3) What is the minimum viable scope to move the idea forward and reduce its complexity?

The City of San José has an existing Fireworks Ordinance Work Plan for which regular progress updates were made to the Public Safety, Finance, and Strategic Support (PSFSS) Committee. Rather than holding a Study Session, staff recommend adding an ordinance work plan update to the FY 2024-2025 PSFSS Committee Work Plan. The purpose of this update would be to provide the Committee a status report of the City's Fireworks Ordinance Work Plan, and staff's ongoing efforts to implement strategies towards the prevention of illegal fireworks displays in San José.

YELLOW LIGHT: Administration recommends Council defer this nominated idea to a later designated date or the annual Budget Process due to (describe cost implications, workload impacts, or other factors)

RED LIGHT: The Administration recommends Council not to adopt this nominated idea due to (describe reason implementation would be difficult if not impossible – conflict with other laws, etc.).

Analysis (Continued)

[Illegal Fireworks Ordinance Work Plan Background]

Over the course of 40 years, the City of San José developed and implemented strategies to deter the transport, storage, and use of illegal fireworks.

In 1984, the City Council voted to amend the San José Municipal Code to ban all fireworks, including “safe and sane” fireworks, with the exception of controlled public fireworks displays operated by a licensed pyrotechnician pursuant to a permit issued by the Fire Department.

In August 2014, the City Council directed the City Manager to make changes to fireworks enforcement after several years of increasing noise and safety complaints from residents. Both the Fire and the Police Departments were directed to look for enforcement mechanisms that might slow and eventually contain the illegal sale, use, possession, and storage of fireworks.

In June 2015, the City Council directed the City Manager to establish a framework to cite, fine, and adjudicate the use, possession, sale, advertisement for sale, transportation, and/or manufacturing of fireworks.

On October 27, 2020, the City Council first directed the City Manager to complete 10 action items for the Fireworks Ordinance Work Plan, out of which 7 are completed, and 3 are in-progress/ongoing.

Adding an Illegal Fireworks Ordinance Work Plan update to the PSFSS Committee Work Plan will ensure the Council Committee is aware of the ongoing efforts to address the remaining work plan items.