



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Councilmember Peralez

SUBJECT: SEE BELOW

DATE: October 27, 2020

APPROVED:

Date: 10/23/20

SUBJECT: FIREWORKS ORDINANCE WORKPLAN STATUS REPORT

RECOMMENDATION

Accept the Fireworks Ordinance Workplan Status report, and

1. Place the social host ordinance item on the next Council Priority Setting session, to direct the City Attorney to draft an amendment to the SJ municipal code.
2. Direct the City Manager to improve the reporting tool, specifically:
 - a. to make it more readily accessible for mobile users,
 - b. to redesign the tool to ensure that users are more aware of the necessity of providing comprehensive information about any incident for the issuance of an enforceable citation;
 - c. to evaluate the suitability and feasibility for integration to the San Jose 311App; and
 - d. to return to City Council before the end of the calendar year with a list of recommended “next applications” to include in the next San Jose 311 App upgrade, with an expansive list of alternatives based on Council and ongoing public feedback, and a clear description of any additional resources required to upgrade the app
3. Reinstate the Fireworks Ordinance Workplan in the Public Safety, Finance, and Strategic Support committee workplan for FY 20-21 and cross-reference the report to full Council by May 2021.

BACKGROUND

Increasing use of illegal fireworks has worsened the quality of life and safety for many San Jose residents. Our response as a City has not evolved fast enough to keep up with the problem. San José’s municipal code regarding fireworks was last amended in April of 2016. It is necessary to bring forth new amendments as a direct response to the increased activity we are seeing year after year.

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We propose the Council consider a social host ordinance, akin to that of Pacifica, that would place liability for discharged fireworks on the property owner, putting the onus on the social host to identify the person who discharged the fireworks.

The Fire Department has done prime work around the “Fed Up With Fireworks” campaign, providing a social media toolkit that teaches and encourages people to report, and makes the materials readily accessible to the public. We thank Deputy Fire Chief Hector Estrada and his team for their outreach and communication to various neighborhood groups, schools, and commissions, in addition to the code enforcement team that handles the reports.

We appreciate the work that has been done in improving the reporting tool. Nonetheless, it has become apparent that more work is required to make the tool more mobile-friendly and to improve real-time reporting. For the past few years, San José has struggled with the number of incomplete reports from the reporting tool, resulting in reports that provide an insufficient basis for citation or enforcement by the City. When our data shows that only 5% of the reports are actionable, we must improve our communication with the reporting public. Staff should re-incorporate the Fireworks Ordinance Workplan into the Public Safety, Finance, and Strategic Support committee within this fiscal year, and report back to council on the progress made with the integration of the reporting tool to San José 311 app.

BROWN ACT

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member’s staff, concerning any action discussed in the memorandum, and that each signer’s staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member’s staff.