



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Jimenez  
Vice Mayor Jones  
Councilmember Davis

**SUBJECT:** Fireworks Ordinance  
Workplan Status Update.

**DATE:** October 23, 2020

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Approved

Date: 10-23-20

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## RECOMMENDATION

Accept the Fireworks Ordinance Workplan Post- Fourth of July 2020 status report and include the following recommendations in *Next Steps Staff will focus on* and return to Council with findings:

1. Direct the City Manager in collaboration with the San Jose Police Department to evaluate the use of drones and other similar technology available to SJPD as an enforcement tool during peak firework seasons and return to Council with findings and recommendations.
2. In addition to performing a comparative analysis of illegal fines across the Bay Area, staff should prioritize coming back to Council with increased fine amounts that will more effectively deter illegal fireworks before the 2021 New Year's celebrations.
3. While staff engages regional partners to leverage illegal fireworks mitigation resources and programs staff should also:
  - a. Work with the Office of Administration, Policy, and Intergovernmental Relations to collaborate with county, state and federal partners on legislation that bans the use of fireworks statewide and increases the prosecution of violators.
  - b. Engage with neighboring cities such as Morgan Hill and Gilroy to encourage the banning of fireworks Countywide, and prevent fireworks sold or used in these cities from entering San Jose.
  - c. Search for potential state and federal funding sources that will enable the City to further invest in enforcement mechanisms and programs to deter the use of fireworks.
4. Direct the City Manager to evaluate potential funding for the reinstatement of the Fireworks Hotspot Police Enforcement pilot for Fourth of July 2021.
5. Evaluate current educational campaigns for cultural competency to guarantee that educational efforts are targeted and appropriate for various cultures and ethnic groups.

## **Analysis**

The City of San Jose banned fireworks in 1984. Over the last three decades, multiple tools and resources have been implemented to try and contain the illegal sale, use, possession, and storage of fireworks. Unfortunately, fireworks continue to be a persistent problem across the city. On any given night residents and their pets are disturbed by the loud noise, smoke and flashing lights created by fireworks. As we all know, for many the booming sound is more than just a nuisance and can trigger post-traumatic stress, anxiety, and other mental health conditions. Equally concerning, is the high fire danger created by fireworks. Due to climate change we can expect longer, drier fire seasons which dangerously coincides with celebratory events where fireworks are a notorious problem- such as the Fourth of July. It is imperative that we prevent catastrophic fires like those in recent weeks across the State.

My colleagues and I greatly appreciate the time, effort, and dedication SJFD, SJPD and City staff have taken to provide this update to Council and combat fireworks. However, it is extremely concerning that 2020 has presented such a dramatic increase in use of fireworks and complaints reported. This is a clear sign that more must be done to tackle this growing problem.

Our residents deserve a strategic and comprehensive plan to end the use of illegal fireworks in San Jose. The recommendations above serve to revitalize our commitment to the fight against illegal fireworks through strategic regional partnerships, increased fines and prosecutions, a comprehensive review of current procedures, targeted culturally competent educational campaigns and concrete next steps.

I urge staff and my Council colleagues to support these recommendations which are intended to be brought back to Council for further discussion and approval.