



CITY OF CARSON

Legislation Text

File #: 2016-929, Version: 1

Report to Mayor and City Council

Tuesday, February 07, 2017

Discussion

SUBJECT:

INTRODUCE ORDINANCE NO. 17-1613, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, TO AMEND ARTICLE III CHAPTER 1 OF THE CARSON MUNICIPAL CODE FOR ADMINISTRATION AND REGULATION OF FIREWORKS (CITY COUNCIL)

I. SUMMARY

Article III, Chapter 1 of the Carson Municipal Code (CMC) contains the City's fireworks regulations (Fireworks Ordinance). The Ordinance allows non-profit organizations to sell fireworks in the City as a fund-raising mechanism. The purpose of this agenda item is to propose changes to the Fireworks Ordinance that would increase non-profit fund raising, and increase the City's cost recovery.

This same agenda also includes a proposed update to the Uniform Schedule of Fees, including the fireworks fees.

II. RECOMMENDATION

INTRODUCE Ordinance No. 17-1613, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, TO AMEND ARTICLE III CHAPTER 1 OF THE CARSON MUNICIPAL CODE FOR ADMINISTRATION AND REGULATION OF FIREWORKS

III. ALTERNATIVES

TAKE another action deemed appropriate by City Council.

IV. BACKGROUND

Over the last two years, the Fireworks Subcommittee of the City Council has met to discuss some of the challenges related to administration and regulation of Fireworks in the

City of Carson. At the request of the Subcommittee, Staff surveyed 12 cities in the area to obtain comparison data regarding administration of local fireworks ordinances. The results are included in Exhibit B and demonstrate that administration of local fireworks ordinances vary in terms of fees, the number of stands allowed in the city, and the administrative workload.

Annual administration of the Fireworks Ordinance includes preparation of annual application packets, review of applications submitted, organization verification, a fire safety seminar, the Sheriff's fireworks compliance program, inspections, and issuance of permits. The calculation presented with the proposed update of the Uniform Schedule of Fees includes only wages and benefits for direct staff time, the cost of service from the Sheriff, and postage. The calculation does not include the cost of supervision, legal advice, paper supply and copying, allocations of City equipment and facility use, or any other overhead related to administration of the program.

For the 2015 season, 22 non-profit organizations operated licensed fireworks stands in the City. The net profit for each stand ranged from \$735 to \$11,328, with an average of \$6,220 for each stand. For the 2016 season, 20 fireworks sales stands were operated; but net profit data is not yet available. The non-profit organization must pay the wholesaler for fireworks inventory, the City's business permit fee, rent for use of the private property, rent for the fireworks stand and fire extinguishers, insurance coverage, credit-card processing equipment and fees, and other miscellaneous costs such as t-shirts for sales staff and advertisement banners. Members of each non-profit organization donate their time to sell fireworks for a seven day period from June 28th to July 4th, as allowed by the CMC.

Proposed Changes

The Fireworks Subcommittee of the City Council (Mayor Robles and Mayor Pro-Tem Holmes) has reviewed the proposed changes, summarized as follows.

- Improves the definition of illegal fireworks.
- Requires eligible non-profits to have Carson residents comprise at least 50% of their membership.
- Clarifies the requirements for a sales-site plot plan.
- Clarifies liability insurance requirements for both non-profits and wholesalers.
- Adds City right to review supporting documentation for non-profit revenue and expense information.
- The total number of sales stands would be reduced to 10 through attrition. As non-profits decide not to re-apply the following year, the maximum number of licenses will be adjustment downward. No waiting list would be maintained until the maximum number of 10 stands is reached.
- The minimum distance between stands would be increased to 500 feet. The

current minimum distance is 300 feet on the same-side of street and 100 feet across the street.

- Require wholesalers to provide fire extinguishers, sales stands, two credit-card processing machines, and delivery of purchased fireworks free of charge to non-profits.
- Require wholesalers to submit a public education plan and pay for room-rental to host a safety seminar each year.
- Increases the minimum fine for violation of the Ordinance from \$250 to \$1,000.
- Removes the stated permit fees from the language of the Municipal Code. Permit fees would be included with the Uniform Schedule of Fees.

The proposed changes to the Uniform Schedule of Fees includes an increase of the wholesaler permit fee from \$150 in total to \$1,530 per stand, based upon the City's quantified costs to administer the program.

There is no proposed change to permit fees charged to non-profits. However, the refundable site deposit would be increased from \$50 to \$100, with clear language that should the City incur costs in excess of the deposit, the non-profit would be billed accordingly. Non-payment would result in disqualification from submitting an application the following year.

V. FISCAL IMPACT

If the City Council approves the proposed increase to the wholesale permit fee as part of the proposed Uniform Schedule of Fees, the City may receive additional annual revenue of \$30,000.

VI. EXHIBITS

A - Ordinance No. 17-1613, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, TO AMEND ARTICLE III CHAPTER 1 OF THE CARSON MUNICIPAL CODE FOR ADMINISTRATION AND REGULATION OF FIREWORKS (pages 4-23)

B - Fireworks Survey (pages 24-29)

Prepared by: Kathryn Downs, Director of Finance