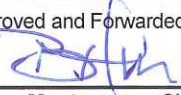


### STAFF REPORT

**Date:** September 12, 2017  
**To:** City Council  
**From:** Bryan Montgomery, City Manager  
**SUBJECT:** **WORK SESSION** regarding “Safe and Sane” Fireworks

Approved and Forwarded to City Council:

  
Bryan Montgomery, City Manager

#### Background and Discussion

As you recall, the City ordinance regarding fireworks prohibits all types of fireworks and is consistent with the County and East Contra Costa Fire Protection District ordinances. The City ordinance is as follows:

##### **4.1.102 Fireworks Prohibited.**

No person shall possess, manufacture, sell, use or discharge, or offer to do so, any fireworks (including "dangerous," "safe and sane," and other fireworks) as defined in or pursuant to Health and Safety Code Sections 12502 through 12534, other than emergency signaling devices, as defined therein, properly used by railroads, peace officers, firefighters, and motorists.

A request was made by Vice-Mayor Pope to explore a modification to the City ordinance that would allow “safe and sane” fireworks in Oakley. A common definition of this type of fireworks includes non-explosive fireworks that do not leave the ground, such as sparklers, snake-type fireworks, ground-spinners, and pinwheels.

Only some preliminary research has been conducted and the purpose of this work session is to determine if at least a majority of the City Council would like Staff to perform some further legal research. This research would be necessary because it appears that there may be some inconsistency in State law relating to whether a city can adopt a fireworks ordinance less restrictive than what a county or fire district has already adopted. It appears it may be possible to do so, but whether that is something the Council wants to pursue is to be discussed during this work session.

#### Recommendation

Staff believes the current City ordinance is appropriate and recommends maintaining consistency with the County and Fire District ordinances.