City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	Thomas F. Nixon
Dept:	City Manager	Dept:	City Attorney
Subject:	POTENTIAL BALLOT MEASURE FOR VOTE OF ELECTORATE ON FIREWORKS BAN	Date:	October 23, 2007

OBJECTIVE

To provide for City Council consideration of a ballot measure which, if approved by a vote of the electorate, would ban the sale, purchase, possession and use of fireworks in the City. The City Council may, in the exercise of its discretion, determine whether to place the measure before the voters. If the City Council is interested in placing this measure on the February 5, 2008 ballot, the City Council should move this matter to Items for Consideration on this agenda and then proceed to vote on placing the measure on the ballot. If the City Council is interested in placing this measure on a later ballot (i.e. November 4, 2008), the City Council should direct staff to return with this matter on a later agenda under Items for Consideration.

BACKGROUND

During the October 9, 2007 City Council meeting, Council Member Broadwater requested that an ordinance banning fireworks be presented to the City Council for consideration whether to place the ordinance before the electorate.

DISCUSSION

The City of Garden Grove currently allows the sale, purchase, possession and use of safe and sane fireworks. All other fireworks are illegal. The attached draft ordinance would ban the sale, purchase, possession and use of safe and sane fireworks, thereby making illegal all fireworks in the City.

The ordinance provides an exception for the presentation of "public displays of fireworks" subject to permits issued by the Fire Chief. Such public displays would be permissible for such events as a Fourth of July celebration provided the Fire Chief determines that the proposed display would be conducted in a safe manner. Due to the potential impact on City resources, the maximum number of displays that could be authorized between June 30 and July 7 is proposed to be three.

FINANCIAL IMPACT

The financial impact of placing this ordinance before the electorate would vary depending on when the matter appears on the ballot. Representatives of the County Registrar of Voters Office have informed the City Clerk that the cost of adding this matter to the February 5, 2008 ballot would be approximately \$231,000, while the cost to add to the November 2008 ballot would be approximately \$7,969.

RECOMMENDATION

It is recommended that the City Council consider whether the draft ordinance should be placed on the ballot for a vote by the electorate.

If the City Council determines that the matter should be placed on the ballot, the City Council should determine when the draft ordinance should appear on the ballot, adopt the attached resolutions and direct staff to take any additional steps necessary to place this matter on the ballot, including consolidating this special election with the County's Presidential Primary Election and soliciting ballot arguments in support of and opposing the measure. The attached resolutions are drafted for the February 5, 2008 election in case the City Council decides to place the draft ordinance on the ballot on that date.

THOMAS F. NIXON City Attorney

Attachment: Draft Ordinance Banning Fireworks Election Resolutions