

IMPARTIAL ANALYSIS

Background and Existing Law

The City of Huntington Beach City Council is submitting Measure ____ to the voters for consideration. Measure ____ would, if adopted, allow for the sale, possession and use of certain types of fireworks, in the City of Huntington Beach, which are generally characterized as “Safe and Sane Fireworks”. The term “Safe and Sane Fireworks” is defined by State law in the California Health and Safety Code Section 12529. In addition, if Measure ____ is adopted, Safe and Sane Fireworks may then be lawfully discharged within the City of Huntington Beach subject to regulations adopted by the City Council. Pursuant to the California Fire Code, any fireworks that are not “safe and sane” would still be prohibited without the appropriate permit from the Fire Department.

In general, current Huntington Beach Municipal Code sections 17.56.650 and 9.70.010 prohibit the sale, use, storage, possession and discharge of all fireworks within the City of Huntington Beach. In 2012, the City Council adopted Chapter 5.90 of the Huntington Beach Municipal Code which established a trial period of two years for the sale, use and discharge of Safe and Sane Fireworks. The trial period expired on July 5, 2013. As such, Huntington Beach again prohibited the sale, use, storage, possession and discharge of any Safe and Sane Fireworks.

Ballot Measure

In general, this measure would permit Safe and Sane Fireworks in the City, subject to regulations established by the City Council. Specifically, this ballot measure proposes to add Section 806 to Article VIII of the Huntington Beach Charter, which would permit the purchase, sale, possession and use of Safe and Sane Fireworks in the City subject to the regulations established by the City Council. As a consequence, if adopted, this Charter amendment would permanently authorize Safe and Sane Fireworks, which could only be removed by a subsequent Charter amendment adopted by the City’s electorate.

Legal Effect of this Ballot Measure

If adopted, this ballot measure would permit the purchase, sale, possession and use of Safe and Sane Fireworks in the City, subject to the regulations established by the City Council. The City Council could not completely ban Safe and Sane Fireworks without a subsequently approved Charter amendment repealing the proposed Charter Amendment. If this ballot measure is not adopted, then Huntington Beach Municipal Code Sections 9.70.010 and 17.56.650 which prohibits Safe and Sane fireworks will apply.

Cost of this Ballot Measure

The discharge of fireworks could impact the cost of City services related to the Police, Public Works, and Fire Departments; however the City can not accurately project such costs.

A “no” vote on this measure would leave in place the existing ordinance which permits only supervised public fireworks displays approved by the City.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF **MEASURE** _____.
IF YOU WOULD LIKE A COPY OF **MEASURE** _____ OR THE PROPOSED
CHARTER AMENDMENT, PLEASE CONTACT THE CITY OF HUNTINGTON
BEACH CITY CLERK’S OFFICE AT (714) 536-5227 AND A COPY WILL BE
MAILED TO YOU AT NO COST, OR IT IS AVAILABLE ONLINE AT
www.huntingtonbeachca.gov

Dated: July 16, 2014

Jennifer McGrath
City Attorney