

Report with Recommendations

by

**Freedom From Fireworks**

*<http://freedomfromfireworks.weebly.com/>*

Submitted

to

Santa Cruz County Board of Supervisors

12 January 2016



Report with Recommendations  
Submitted to Santa Cruz County Board of Supervisors  
by Freedom From Fireworks  
12 January 2016

## Introduction

The [Freedom From Fireworks](#) campaign began in June 2015. The underlying ethic of the campaign is respect for neighbors and respect for community. FFF is composed of residents countywide, from Boulder Creek to Watsonville, who want upgraded enforcement of County Code 5601.1.2. Their reasons for stronger enforcement of the law include the following:

- Neighborhoods are barraged by fireworks all year long.
- Fireworks explosive noise puts veterans with PTSD and autistic children at emotional risk.
- Fireworks are mistaken for gun-fire incidents, causing safety and evacuation concerns.
- Fireworks cause disruption, stress and anxiety in domestic pets, as well as wild birds and mammals.
- Fireworks have ignited fires in residential neighborhoods, rural areas, wooded areas and grasslands.
- Fireworks pollute the air, especially on the 4th of July, cause breathing problems for children, elderly residents and asthmatics of all ages.
- Fireworks disrupt sleep, which can contribute to reduced immune system function.
- The use of fireworks is also a violation of the County's newly strengthened Noise ordinance (Chapter 8.30.010)

## Results of Insufficient Enforcement of County Code 5601.1.2

1. The volume of fireworks bought and used increases every year.
2. The myth has spread that so-called "safe and sane" fireworks are legal and will be tolerated.
3. The few citations issued on July 4th sends a message to the public that using fireworks throughout the rest of the year will receive the same low level of enforcement.
4. Only 5 County Code 5601.1.2 citations were written on July 4, 2015 even though there were fireworks going off all over Santa Cruz County. The City of Santa Cruz issued X citations for the same holiday.
5. Fireworks and fireworks hazmat calls for service *in the month of July* increased from 360 in 2014 to 445 in 2015.
6. Total *annual* fireworks and fireworks hazmat calls for service increased from 693 in 2014 to 819+ in 2015.

## **Recommendations for Reducing Fireworks Problems**

Our recommendations are based on seven months of study. Our goal is to eliminate all illegal fireworks. However, we recognize this is probably unrealistic. We have four distinct requests for action by the County that will at least be a good start toward reduction of problems.

### **I. Fund a *Zero Tolerance of Fireworks Comprehensive Educational Campaign* to be implemented the County Sheriff Department.**

a). Raise in-house awareness of Sheriff Department that County Code 5601.1.2 and state law provide or support the following:

- the use and possession of all fireworks (including safe and sane) is a misdemeanor crime and must be treated as such at all times
- the use of fireworks in Santa Cruz County is a health and safety issue
- citations for possession and use of all fireworks can and should be issued throughout the year, not just on July 4th
- the low level of citations in past years is no longer acceptable

b.) Add Zero Tolerance as a theme for the annual meetings with the Fire Marshal, CHP, SC Police, Cal Fire and all Fire Departments that begin in February.

c). Produce and distribute bilingual flyers or door hangers (Appendix F).

d). Produce a Public Service Announcement in collaboration with local radio and television stations.

e). Visit hot spot neighborhoods identified by residents or department data, beginning in June of 2016, to inform residents of the law and distribute flyers and/or door hangers.

f). Visit local County high schools, beginning in May 2016, to educate students that using fireworks is a crime, describing the harm caused by them.

g.) Monitor safe and sane fireworks legally sold in the City of Watsonville and take action to keep them from being brought into the unincorporated County.

h.) Create a sting operation for the sale of fireworks on Craigslist.

### **II. *Actions requested of either the Sheriff Department or the Board of Supervisors (BOS), whichever is appropriate:***

1. Arrange with CalTrans to use its electronic signs on Highway 1 and Highway 17 for one full month before July 4th. Message will say "*No Fireworks allowed in Santa Cruz County \$1,000 fine.*"

2. Arrange for training of 9-1-1 dispatchers that County Code 5601.1.2 is a health and safety law and calls for service are to be treated accordingly.

3. In June 2016 and specific to each July 4th holiday period, provide for bilingual signage on major roadways, parks, and beach entrances that all fireworks are illegal, including the fine amount.

4. Amend the County's existing Social Host Liability Ordinance (Chapter 8.32) to include fireworks, which constitute "a threat to public health, safety, quiet enjoyment of residential property or general welfare..." as defined in the Noise ordinance (Chapter 8.30).

5. Provide for the use of Citizen Connect, the smart phone app reporting process, to allow reports and records of the use and possession of fireworks.

6. On July 4th, patrol neighborhoods as well as beaches.

7. Ask for maximum fines from the courts to send the message that illegal fireworks are both a public health and safety issue and a crime.

III. ***BOS communicates support of SB 522 to Senator Tony Mendoza.*** This bill will provide that 100% (rather than current 35%) of money from fines are to be deposited with the county treasurer in which the court is situated, rather than transferred to the state. SB 522 will therefore greatly help local funding of enforcement and education.

IV. ***BOS writes to the City of Watsonville,*** explaining that sale of safe and sane fireworks sold there end up elsewhere in the County, where possession and use is illegal. Stress that this situation causes countless problems for County residents and law enforcement officers. Ask the City of Watsonville to instruct law enforcement officers to do whatever they can to insure that fireworks do not leave the City limits. (appendix Watsonville code)

## **Appendix A**

### FFF study of fireworks problems in Santa Cruz County included:

- A two hour meeting with officers from the Sheriff Department and followup correspondence and phone calls (10/1/15)
- A 35 minute phone meeting with the County Fire Marshal (9/14/15)
- A one hour meeting with the County Clerk to research and study the history of fireworks ordinances in Santa Cruz County (9/8/15)
- A 45 minute phone meeting with the aide of Senator Tony Mendoza who has introduced SB 522, which, if passed, will help fund County handling of confiscated fireworks (10/22/15)
- A hour long meeting with officers from the SC Police Department (12/29/15)
- Meetings with Native Animal Rescue, County Animal Services, Santa Cruz SPCA, Save Our Shores, VFW Post 7263, and County Seniors Advisory Commission (9/15 - 10/15)
- Research on California State laws regarding fireworks, as well as Santa Cruz County Code, and municipal codes of the cities of Santa Cruz, Scotts Valley, Capitola and Watsonville.
- Research on Santa Cruz Regional 9-1-1 (a Joint Powers Authority ) with whom the County contracts services.

## **Appendix B**

### County Code 5601.1.2 and State Law

- The possession and use of all fireworks is prohibited by County Code 5601.1.2
- The violation of County Code 5601.1.2 is a misdemeanor under CA state law (CA Health & Safety Code 12700).
- The fines for violating County Code 5601.1.2 are set by CA Health & Safety Code 12700 to be "up to \$1,000 and up to 1 year in jail."
- Fines for violation of County Code 5601.1.2 apply throughout the entire year, not just on the 4th of July.
- The County Sheriff Department has the authority to issue citations to those who violate County Code 5601.1.2 throughout the year, as well as the July 4th weekend.

## **Appendix C**

### **8.32.020 Loud or unruly gatherings.**

(A) It is unlawful and constitutes an infraction for a responsible person to conduct or allow a loud or unruly gathering on premises owned by the responsible person or on premises rented by or to the responsible person.

## **Appendix D**

### **8.30.010 Offensive noise.**

(A) No person shall make, cause, suffer, or permit to be made any offensive noise.

(B) "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, activity, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, tool, structure, construction, vehicle, ride, machine, implement, or instrument.

## **Appendix E**

Things that FFF will continue to do:

1. Maintain our website as an educational tool for all residents.
2. If possible, observe and/or participate with the 2016 Fireworks Team planning
3. Distribute the County educational fliers to local businesses for windows.
4. Prepare an annual report of progress from residents.



Appendix F

Flyer produced for July 4, 2007



County of Santa Cruz  
Sheriff-Coroner



California  
State Parks

We invite you to have an enjoyable and SAFE Fourth of July Holiday

## ***DID YOU KNOW . . . ?***

**ALL** fireworks are prohibited on **ALL** beaches as well as in the unincorporated areas of the county.

That the possession or use of **any quantity** of firecrackers, bottle rockets, M-80's, M-100's, M-1000's, or other large commercial or non-commercial explosive devices is a **misdemeanor** punishable by a fine of **not less than \$500 or imprisonment in the county jail for up to one year or both**. *Each year serious injuries occur due to these types of explosives.*

That the possession or use of 1 pound or more of the above explosives is a **FELONY** and may be punishable by imprisonment in the state prison.

Please report anyone possessing or using any of these types of explosives by phoning the Sheriffs Office at 454-1121.

***Alcohol*** is prohibited on all Santa Cruz County public beaches.

***THE FOLLOWING STATE PARK CLOSURES WILL BE IN EFFECT JULY 4, 2007 FOR PUBLIC SAFETY AND EMERGENCY VEHICLE ACCESS:***

Rio Del Mar Parking Lot at the End of Beach Drive.  
Seacliff Day Use Area Closed to Vehicles.  
San Lorenzo Point Day Use Area.

**We appreciate your cooperation to help insure public safety**