



U City of Fullerton, City of Fullerton Fireworks Ballot Measure

Shall Ordinance ____ be approved by the voters to amend Chapter 7.26 of the Fullerton Municipal Code to prohibit the sale, possession and use of fireworks in the City of Fullerton?

What your vote means

YES	NO
A "yes" vote on this measure would prohibit sales, possession and use of all fireworks in the City except permitted professional displays.	A "no" vote on this measure would leave in place the existing ordinance which permits safe and sane fireworks sales, possession and use in the City.

For and against

FOR	AGAINST
No argument in favor of this measure was submitted.	<p>Jennifer Fitzgerald Mayor, City of Fullerton</p> <p>Bruce Whitaker Councilmember, City of Fullerton</p> <p>Larry Houser Business Owner, Founder of Fullerton Cares</p> <p>Jesse Barrera Pastor, Alcance Victoria Fullerton</p> <p>Marcella Calvillo Vice President, Fullerton High School Football Boosters</p>

Ballot Measures-UFull Text of Measure U
City of Fullerton

[PROPOSED] ORDINANCE NO. ____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FULLERTON AMENDING CHAPTER 7.26 OF THE FULLERTON MUNICIPAL CODE REGARDING SALES, POSSESSION AND USE OF FIREWORKS

WHEREAS, in 1990 the voters of the City of Fullerton approved Ordinance No. 2747 which repealed the then-existing chapter of the Fullerton Municipal Code which permitted the sale, possession and use of fireworks in the City of Fullerton.

WHEREAS, in 1996, the City Council of the City of Fullerton adopted Ordinance No. 2898 to affirmatively prohibit the sale, possession and use of fireworks in the City of Fullerton, in accordance with Ordinance No. 2747.

WHEREAS, in 2012, the City Council placed a measure on the ballot to allow the sale, possession and use of safe and sane fireworks, which was passed by the voters and codified by Ordinance No.3183.

WHEREAS, the availability and legality of use of safe and sane fireworks has resulted in a huge increase in use of illegal fireworks in the City, leading to even greater difficulty for enforcement efforts regarding illegal fireworks.

WHEREAS, use of illegal fireworks in the City has resulted in weeks of loud and dangerous fireworks display both before and after Independence Day, causing trauma to veterans with PTSD, the elderly, pets and disturbing the peace of neighborhoods throughout the City.

WHEREAS, the State of California permits cities to regulate or prohibit by ordinance the sale, use, or discharge of fireworks (Cal. Health & Safety Code § 12541).

NOW, THEREFORE, the People of the City of Fullerton HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 7.26 (Fireworks Prohibited) of Title 7 (Public Safety and Morals) of the Fullerton Municipal Code, regarding the use, possession and discharge of fireworks, is hereby repealed and replaced in its entirety with the following:

Chapter 7.26 FIREWORKS**7.26.010 Fireworks prohibited except as authorized herein.**

It is unlawful for any person to possess, store, to offer for sale, expose to sale, sell at retail, or use or explode any fireworks, except as provided herein.

Notwithstanding the above, the Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair, association, amusement park, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief, after proper investigation, not to be hazardous to property or endanger any person.

SECTION 2. Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, then the remainder of the ordinance shall be deemed valid, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this ordinance were declared invalid.

SECTION 3. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be posted and/or published in the manner required by law. This ordinance shall become effective immediately from and after its passage.



Ballot Measures-U

**Impartial Analysis
City of Fullerton
Measure U**

The Fullerton City Council is submitting Measure U to the voters for consideration.

Measure U would, if adopted, amend Fullerton Municipal Code section 7.26 to prohibit the sale, possession and use of fireworks, in the City of Fullerton, which would reinstate the City's prior prohibition on "safe and sane" fireworks. All fireworks would be prohibited except for professional fireworks shows approved by the Fire Chief with the appropriate licenses and permits.

Currently, the sale and discharge of only safe and sane fireworks is legal within the City of Fullerton, except that professional shows approved by the Fire Chief are also permitted. The current law was enacted after a vote of the citizens in 2012 which allowed sale, possession and use of "safe and sane" fireworks. Previous to 2012, safe and sane fireworks were banned by a vote of the citizens in 1990 which repealed an ordinance permitting the sale of safe and sane fireworks. Because the current law was enacted by the voters, a majority vote of the citizens is required to reinstate the ban on firework sales and discharge.

If Measure U is approved, "safe and sane" fireworks will be prohibited along with other currently illegal fireworks such as bottle rockets, mortars, cherry bombs, etc. Only permitted professional fireworks shows would be allowed.

A "yes" vote on this measure would prohibit sales, possession and use of all fireworks in the City except permitted professional displays.

A "no" vote on this measure would leave in place the existing ordinance which permits safe and sane fireworks sales, possession and use in the City.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF MEASURE U. IF YOU WOULD LIKE A COPY OF MEASURE U OR THE PROPOSED ORDINANCE, PLEASE CONTACT THE FULLERTON CITY CLERK'S OFFICE AT (714) 738-6350 AND A COPY WILL BE MAILED TO YOU AT NO COST, OR IT IS AVAILABLE ONLINE AT www.cityoffullerton.com.

Dated: August 3, 2020

s/ Richard D. Jones
City Attorney



Argument Against Measure U

In 2012, voters approved Fullerton residents to use California State Fire Marshal approved Safe and Sane Fireworks. Supporters promised that local nonprofit community groups would generate over \$100,000 per year.

DURING THE PAST SEVEN YEARS, 47 DIFFERENT LOCAL COMMUNITY GROUPS HAVE SHARED IN OVER \$2 MILLION IN PROFITS FROM THESE FIREWORKS SALES.

Every year 15 local community groups are awarded permits by a lottery. These groups vary from local sports teams, school boosters, education foundations, seniors, veterans and other philanthropic groups. This 4th of July, the 15 groups earned over \$350,000 in less than one week.

Much attention focuses on use of dangerous illegal fireworks. The abuses of selfish law breakers using dangerous illegal fireworks is putting this all at risk.

Join us and Vote NO on U.

- **Vote NO on U** – don't take away the millions of dollars Fullerton nonprofit community groups have through fireworks sales!
- **Vote NO on U** – help to close the door to dangerous, illegal fireworks in Fullerton.
- **Vote NO on U** – don't let a few vocal residents take away your right to safely celebrate the 4th of July on your private property with your family and friends.

Let's face the facts. From 1990 until 2012, when the use of State Fire Marshal approved fireworks was banned in Fullerton, residents still used fireworks. The only difference is that there were more illegal fireworks and the legal ones were purchased from neighboring cities.

Fullerton voters allowed Safe and Sane Fireworks back in 2012. Let's maintain this fundraising opportunity for Fullerton nonprofits and your right to responsibly celebrate the 4th of July with Safe and Sane Fireworks. Vote NO on U.

NO on U – www.SafeFourthofJuly.com

s/ Jennifer Fitzgerald
Mayor, City of Fullerton

s/ Bruce Whitaker
Councilmember, City of Fullerton

s/ Larry Houser
Business Owner, Founder of Fullerton Cares

s/ Jesse Barrera
Pastor, Alcance Victoria Fullerton

s/ Marcella Calvillo
Vice President, Fullerton High School Football Boosters

No argument in favor of this measure was submitted.