

CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE Q

This Advisory Measure Q asks the voters whether they would like the City Council to amend the Pacifica Municipal Code (“PMC”) to prohibit the ignition, use, discharge and sale of all State-approved safe and sane (“Safe and Sane”) fireworks in the City of Pacifica.

State law and existing City regulations allow the ignition, use, discharge and sale of State-approved Safe and Sane fireworks within the City of Pacifica. Safe and Sane fireworks are defined in Health and Safety Code sections 12529 and 12562, the relevant sections of Title 19, California Code of Regulations Division 1, Chapter 6 and City of Pacifica Municipal Code (“PMC”) section 4-3.201(i). In those regulations Safe and Sane fireworks generally mean any fireworks which are not “Dangerous Fireworks,” or are specified as “exempt fireworks,” or fireworks designated by the State Fire Marshal as Safe and Sane. The City’s current regulations allow certain eligible organizations to sell “Safe and Sane” fireworks between the days of June 28th through July 4th of each year, upon issuance of a City permit. Existing regulations also allow the general public to use Safe and Sane fireworks between the days of June 28th to July 5th of each year, except in certain locations in the City. While Safe and Sane fireworks are currently allowed under the PMC, “Dangerous Fireworks,” which are defined in PMC section 4-3.201(b), are prohibited. “Dangerous Fireworks” are defined as any fireworks specified in Section 12505 of the California Health and Safety Code, which include among other things, firecrackers, skyrocketes and Roman candles, and any Safe and Sane fireworks altered in a manner such that they fall within the definition of dangerous fireworks. This advisory Measure Q would have no implications on the City’s continued prohibition of Dangerous Fireworks.

Measure Q is an advisory measure and would advise the City Council on whether voters desire to either prohibit the ignition, use, discharges and sale of Safe and Sane fireworks in the City or continue to allow the ignition, use, discharges and sale of Safe and Sane fireworks. As Measure Q is only an advisory measure it would not impose any legal requirement on the City Council to take any action as a result of the outcome of the vote.

A “yes” vote on Measure Q means that the voter wants the City to prohibit the ignition, use, discharge, and sale of all State-approved “Safe and Sane” fireworks in the City.

A “no” vote on Measure Q means that the voter wants the City to continue to allow the ignition, use, discharge, and sale of all State-approved “Safe and Sane” fireworks in the City.

The entire text of Measure Q shall be printed on the ballot.

Measure Q was placed on the ballot by the City Council of the City pursuant to Resolution No. 31-2022.

/s/ Michelle Marchetta Kenyon,
City Attorney for the City of Pacifica