## IMPARTIAL ANALYSIS BY CITY ATTORNEY CITY OF FULLERTON MEASURE X

The Fullerton City Council is submitting Measure X to the voters for consideration. Measure X would, if adopted, allow for the sale, possession and use of certain types of fireworks, in the City of Fullerton, which are generally characterized as "safe and sane" fireworks. The sale of safe and sane fireworks would be limited to the period approved by State law, which is currently from noon on June 28th to noon on July 6th, or any shorter period established by the City Council by ordinance or resolution. In addition, if Measure X is adopted, safe and sane fireworks may then be lawfully discharged within the City of Fullerton pursuant to rules adopted by the City Council. All other fireworks would still be prohibited without the appropriate licenses and permits.

Currently, the sale and discharge of all fireworks is illegal within the City of Fullerton except for supervised public displays of fireworks authorized by the City's fire chief. The current law was enacted after a vote of the citizens in 1990 which repealed an ordinance permitting the sale of safe and sane fireworks, and therefore, requires a majority vote of the citizens to repeal the ban on firework sales and discharge.

If Measure X is approved, the City Council shall then enact, by resolution or ordinance, such reasonable rules and regulations as may be appropriate to determine the qualifications of those who may sell fireworks, the time periods in which they may be sold and discharged, the locations where they may be discharged and the manner in which they may be discharged, stored, disposed of, etc., permits which may be required relating to fireworks displays, and similar provisions to protect the public health, safety and welfare. These rules and regulations are not contained in the proposed ordinance.

The discharge of fireworks could impact the cost of services related to the Police and Fire Departments during the Independence Day celebration period. However the City can not accurately project such costs associated with public safety services. Depending on the rules and regulations adopted by the City Council, sales of fireworks could also be beneficial to those selling fireworks in the city and generate sales tax revenue for the City.

A "no" vote on this measure would leave in place the existing ordinance which permits only supervised public fireworks displays approved by the City's fire chief

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF MEASURE X. IF YOU WOULD LIKE A COPY OF MEASURE X 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 9, 2012 Richard D. Jones City Attorney