

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF VILLA PARK
MEASURE II**

**City of Villa Park
Safe and Sane Fireworks**

Background/Existing Law

On March 26, 2013, the City Council of the City of Villa Park added Article 11-2 to Chapter XI of the Villa Park Municipal Code. Article 11-2 temporarily permitted the purchase, sale, and use of "Safe and Sane Fireworks" in the City, subject to certain restrictions. The term "Safe and Sane Fireworks" is defined by State law to include fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks." Article 11-2 was originally intended to expire near the end of 2013. However, on December 17, 2013, the City Council extended the expiration date of Article 11-2 through the July 4, 2014 holiday and declared that the City Council would submit the question of the use and sale of Safe and Sane Fireworks to the City's voters at the November 2014 election.

Ballot Measure

This measure would permit the purchase, sale, and use of Safe and Sane Fireworks in the City, subject to the rules and regulations established by the City Council. Specifically, this ballot measure proposes to add Section 11-2.05 to Article 11-2 of the Villa Park Municipal Code, which would permit the purchase, sale, and use of Safe and Sane Fireworks in the City subject to the rules and regulations established by the City Council. This ballot measure also proposes to repeal Section 11-2.11 of Article 11-2 of the Villa Park Municipal Code. The repeal of Section 11-2.11 would have the effect of eliminating the expiration date of the City's temporary law permitting and regulating Safe and Sane Fireworks; as a consequence, the purchase, sale, and use of Safe and Sane Fireworks in the City of Villa Park, subject to the rules and regulations established by the City Council, would be permanently authorized, subject to further action by the City's electorate.

Legal Effect of this Ballot Measure

If adopted, this ballot measure would permit the purchase, sale, and use of Safe and Sane Fireworks in the City, subject to the rules and regulations established by the City Council. The City Council could not completely ban Safe and Sane Fireworks without a subsequently approved ballot measure banning Safe and Sane Fireworks.

If this ballot measure is not adopted, then the City's Municipal Code provision permitting and regulating the use, sale, and purchase of Safe and Sane Fireworks will expire.

A "Yes" vote is in favor of adopting this measure. A "No" vote is against adopting this measure. If a majority of voters vote "Yes," then this measure will take effect ten days after the vote is declared by the City Council. This measure was placed on the ballot by the City Council.

Dated: July 16, 2014

s/ Todd Litfin
City Attorney

The above statement is an impartial analysis of Measure II. If you desire a copy of the ordinance or measure, please call the elections official's office at (714) 998-1500 and a copy will be mailed, emailed, or otherwise provided at no cost to you.

ARGUMENT AGAINST MEASURE II

We live in a high-hazard fire zone. We have neither the financial resources nor manpower to enforce the ordinance and protect citizens from risks associated with sale and use of fireworks in our city.

Safety professionals express myriad concerns. According to a 2008 Grand Jury Report, police and fire are often overwhelmed with calls for service and refer to sections of their cities as resembling "war zones." The chaos has been indisputable: impassable streets, increased illegal fireworks and nonresidents setting up parties wherever they choose.

Only 8 of 34 cities, and none of Orange County unincorporated areas, allow sale and use of so called "safe and sane" fireworks.

It pains us to see Villa Park listed among cities like Santa Ana, Garden Grove, Stanton, Buena Park and Westminster. At least these are west of the 55, where fire risk is substantially lower.

Like it or not, we have gang and criminal activity in Villa Park. Residents have valid concerns that our city's singular location among east county cities that permit fireworks parties by nonresidents becomes an attraction for troublemakers. It invites them to case our city and homes for other illegal activity at some future date. We favor our identity as the "Hidden Jewel."

Yes, school booster clubs profit. However, only 8-percent of students actually live in Villa Park, but we are being asked to assume 100-percent of the risks. So far, we've dodged a bullet. How long will it be before we are not so lucky?

Fireworks wholesalers are big for-profit businesses that offer significant inducements, including contributions to sympathetic politicians. Expect them to fund proponent campaigns.

Don't let them seduce you with their money. Keep Villa Park citizens and our homes safe. Vote NO!

s/ Deborah Pauly
Councilwoman, City of Villa Park

s/ MJ Lucero
Treasurer, Villa Park Community Services Foundation

s/ Gwen MacAloney
widow of former Mayor Bill MacAloney

s/ Jeannie DeSantis-Poremba
President, Villa Park Women's League

s/ Roger Fitschen
retired City of Orange Professional Firefighter

No argument in favor of this measure was submitted.