

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code, and Providing for an Immediate Effective Date

and

Ordinance Concerning Unruly Gatherings and Amending Section 4.670 of the Eugene Code, and Providing for an Immediate Effective Date

Meeting Date: June 23, 2014
Department: Fire and Police
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Al Gerard; Scott Fellman
Contact Telephone Number: 541-726-2294; 541-682-5114

ISSUE STATEMENT

The City Council has asked for options for increased enforcement and education regarding the illegal discharge of fireworks. Attached are two ordinances to respond to that request. The first ordinance establishes a limit for the discharge of legal fireworks for July 3 – 5, and December 31 and January 1, and the second defines the illegal discharge of fireworks as an offense which defines an “unruly gathering.” A provision has been included in these draft ordinances establishing an immediate effective date.

BACKGROUND

The discharge of fireworks within the City of Eugene has progressively become a bigger issue of concern with the occurrence of these disturbances becoming more common. At the January 27 and May 12 work sessions, the City Council discussed options for increasing enforcement and public education aimed at reducing the negative impacts in the community of the illegal discharge of fireworks. A public hearing was held on June 16, 2014.

The first ordinance would clarify that legal fireworks are only legally discharged for the three day period July 3 through July 5, and on December 31 and January 1. It also establishes a maximum fine for this violation of \$500. Actual fines would be established by the Municipal Court.

The second ordinance amends the regulations related to unruly gatherings. In January 2013, the City Council adopted Ordinance 20504, aimed at curtailing unruly gatherings throughout the community. It appears that the strategy of holding the party host and, ultimately, the property owner accountable is having a deterring effect on the negative behaviors stemming from unruly gatherings. This ordinance adds the illegal discharge of fireworks to the list of offenses which, in combination with alcohol served and another listed offense, would constitute an unruly gathering.

These ordinances are being brought back to the City Council for action with a provision for an immediate effective date. Pursuant to Section 32 (2) of Eugene Charter of 2002, with two-thirds of the Council voting in the affirmative, this ordinance can be adopted with an immediate effective date. This immediate effective date is proposed to reduce the risk of serious physical injury and property damage from illegal fireworks during the 2014 Fourth of July holiday period.

RELATED CITY POLICIES

Council Goals - A community where all people are safe, valued and welcome; decreased property crime, and a greater sense of safety

COUNCIL OPTIONS

- Council may adopt one or both ordinances with two thirds voting in the affirmative to be effective immediately.
- Council may adopt one or both ordinances with a simple majority, resulting in a 30-day effective date.
- Council may amend the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the council adopt the ordinances as drafted, with the immediate effective date.

SUGGESTED MOTION(s)

- 1) I move to adopt Council Bill 5121, an Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code, and Providing for an Immediate Effective Date.
- 2) I move to adopt Council Bill 5120, an Ordinance Concerning Unruly Gatherings, Amending Section 4.670 of the Eugene Code, and Providing an Immediate Effective Date.

ATTACHMENTS

- A. Proposed Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of that Code, and Providing for an Immediate Effective Date
- B. Proposed Ordinance Concerning Unruly Gatherings, Amending Section 4.670 of the Eugene Code, and Providing an Emergency Effective Date

FOR MORE INFORMATION

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