

CITY COUNCIL MEETING

SEPTEMBER 27, 2022

**DOCUMENTS RECEIVED
AFTER PUBLISHED
AGENDA**

FIREWORKS

WORK SESSION

ITEM #8

WS 22-028

From: [REDACTED]
To: [List-Mayor-Council](#)
Subject: fireworks agenda item WS 22-028
Date: Sunday, September 25, 2022 12:10:00 PM

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello,

I am a resident of Hayward and have been since 1979. I am emailing regarding the fireworks agenda item.

For many years now we have had to leave the city over the 4th of July and New Year's Eve because our dogs can't handle the amount of fireworks. When we first came to Hayward there were city sponsored fireworks that we could watch from our home. That doesn't happen anymore. It seems after this happened people started doing their own fireworks. Since that time we just leave the city for a few days. At one time we failed to make camping reservations on time and so we had to just pack up the dogs and drive for hours. Guess what, Tracy and Manteca have it just as bad as we do.

Anyway, I'm not understanding the idea of this new policy. If police or city personnel see someone lighting off fireworks, no one stops that from happening. That person, who is violating the law, is not cited but the owner of a property is cited. This makes no sense. If I run a red light and an officer stops me, I am cited right there when the violation occurs. I don't understand why that doesn't happen in the case of fireworks. If you see someone lighting a firework, cite them and confiscate the fireworks as evidence.

This part in this new law is confusing. The property cited may or may not be where the individual lives but the property owner will be responsible for what someone who was around their property did.

I think this sets up a sad situation between neighbors, tenants and landlords. Of course, if you are dealing with no sleep and a terrified animal, that sets up a sad situation also.

I think if you see fireworks being lit, ask for identification, cite the person and confiscate the fireworks.

I also think the city should bring back the public firework display. We used to walk over to Weekes Park and watch the display or climb onto our roof and watch.

Of course you will do what you think is best but I wanted to throw in my two cents.

Thank you for your time and consideration.

Janice McCready

Most fireworks will likely be set off in the street, as opposed to on actual private property. Based on observations made by a police officer, firefighter, or Code enforcement personnel, or reported by a member of the public and confirmed by City, staff will assess which property the person setting the fireworks off came from (including first-person accounts, photographs, or video) and that is the property that may be ultimately responsible.

From: [REDACTED]
To: [List-Mayor-Council](#)
Subject: Fireworks Update
Date: Sunday, September 25, 2022 9:15:41 AM
Attachments: [LTR TO CITY RE FIREWORKS.doc](#)

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

The attached letter is intended for the Mayor and City Council regarding the Fireworks issue. Please forward to them in time for Tuesday's meeting.

The facts:

July 18:

- I Received Notice of Violation: Egregious from Amber Green Code Enforcement Inspector I
- Says violations of the Fireworks code were identified on my property.
- A penalty fee of \$1500 was assessed
- Order to cease and Desist or there would be an additional fee of \$3000+
- Informed of right to request an Administrative Hearing within 10 ten days of notice which was dated July 14th. That means by July 24th.
- Payment of \$946 "hearing fee" is required and a Request for Hearing form.

July 19:

- Emailed Amber Green informing Amber that I and my family are not guilty and asking her to review her evidence,
- My email was forwarded to Angelica Ventura who referred me back to Amber.
 - Amber expected July 22nd

July 21:

My son delivered my hearing request and low income waiver request in person to Lauren Dekas at City Hall.

July 25th:

I received an Email from Amber Green w apology for being away during training and explaining that she was waiting for the body cam so she could review it.

July 28th:

- Email from Amber updating – still looking for file. When she finds it we will meet together to review it.
- I emailed Amber saying that she will see that there is no need to meet since there won't be any evidence showing we violated the ordinance.

August 4th:

Email from Amber:

Good afternoon Sherry,

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August 4th:

Email from Amber:

Good afternoon Sherry,

Thank you so much for your patience. I have reviewed the body worn camera footage and you are correct a mistake was made. The city has rescinded the notice for your property at [REDACTED], and I will be sending a corrected notice to the correct property next door. Thank you again, have a wonderful weekend.

September 25, 2022:

Dear Mayor and City Council:

I am relieved. But I am not happy.

I do appreciate the council's intent to finally take action on this old problem. It isn't going to be easy because although fireworks have been illegal, there has been no real enforcement for so long no one actually believes it will be enforced. The only way to teach that lesson now is to do it consistently until the lesson is learned.

I like all the publicity given the rules but I would have liked it to be more educational and less threatening.

My family and I were shocked to receive a notice of violation since we don't do fireworks. We knew there was something wrong with the process or that wouldn't have happened. And sure enough we saw one thing that was obvious. The person who sent the notice had not seen any evidence! I don't know what made her think our property was involved. But certainly that could be fixed:

Instead, you made law abiding people be threatened by fines that are far beyond their ability to pay. Further, if they can't pay, they can't get a hearing at all! They can apply for a fee waiver, but that is a violation of their right to privacy.

So, I suggest two new rules for you:

1. There should be no noticed sent or fees assessed until you have the evidence in front of you!
2. Hearings should be free of charge.

I hope you will take these suggestions seriously.

Sherry Blair



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[REDACTED]