



TO: Elizabeth Pauli, City Manager
FROM: Council Member Lillian Hunter, Council Member Chris Beale, and Council Assistant Claire Goodwin
COPY: City Council and City Clerk
SUBJECT: Ordinance – Increasing the Penalty on Illegal Use of Fireworks – May 25, 2021
DATE: May 19, 2021

SUMMARY AND PURPOSE:

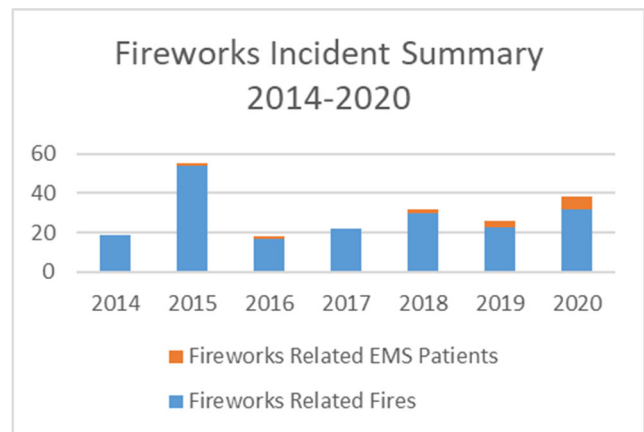
An ordinance reclassifying the illegal use of fireworks from a Class 2 civil infraction to a Class 1 civil infraction, effective immediately, to promote public safety through strengthening the legal deterrent.

COUNCIL SPONSORS:

Council Members Lillian Hunter and Chris Beale

BACKGROUND:

The illegal use of fireworks in Tacoma, particularly around the July 4th holiday, creates a dangerous fire hazard - threatening life and property. Last summer, there was a proliferation of fires. From June 26, 2020 through July 6, 2020, the Tacoma Fire Department (TFD) responded to 122 fires. Of these, 32 were fireworks-related (or 26%) and resulted in damage of over \$480,000. During the same reporting period, TFD treated six fireworks-related patients. In 2019, in South King County, fireworks led to the death of a man in his 70s and a dog, along with the destruction of two homes by fire and displacement of 12 residents.¹ The 2017 Eagle Creek Fire in Oregon burned 48,000 acres, crossing stateliness, cost approximately \$25 million to contain, and was the result of a teenager setting off fireworks.² This summer is anticipated to be hot and dry – perfect weather for fires.



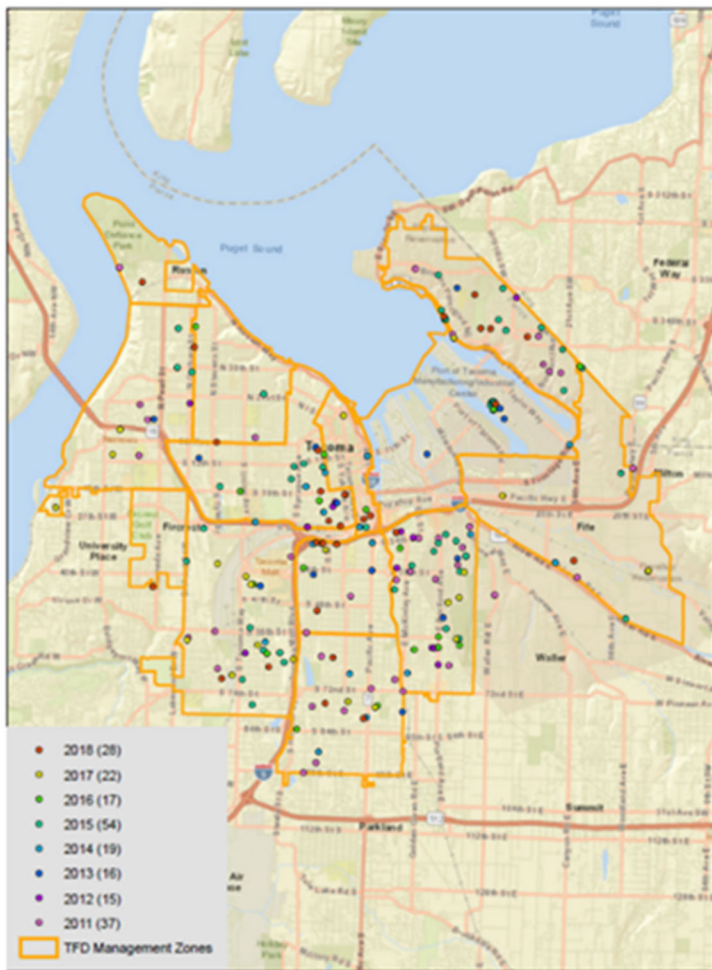
Personal use of fireworks has been illegal in the City of Tacoma since 1992.³ The sale, transportation, discharge, storage, or use of fireworks within the City is prohibited, except for display fireworks discharged by a professional at a permitted event. This ban applies each day of the year.⁴ Illegal use of fireworks is classified as a Class 2 civil infraction. The maximum penalty amount is \$125, and with assessments, totals \$257 to the person being cited. State law establishes the maximum penalty amounts, excluding assessments.⁵ This has done little to deter the illegal use of fireworks in Tacoma and nation-wide during the 2020 July 4th holiday.⁶ Fireworks can be heard citywide year round, and becomes more prevalent the closer July 4th gets, upsetting sleeping infants, military veterans, rescue dogs, and others. Unlawful use of fireworks are a serious fire hazard and dangerous to the community.

¹ <https://www.seattletimes.com/seattle-news/fireworks-may-be-to-blame-for-deadly-highline-house-fire-3-hurt-at-muckleshoot-fireworks-stand/>
² <https://www.opb.org/news/series/wildfires/oregon-eagle-creek-fire-price-tag-payment/>
³ <https://www.cityoftacoma.org/cms/one.aspx?pageId=28444>
⁴ TMC 3.12.060: <https://cms.cityoftacoma.org/cityclerk/Files/MunicipalCode/Title03-Fire.PDF>
⁵ RCW 7.80.120: <https://app.leg.wa.gov/rcw/default.aspx?cite=7.80.120>
⁶ <https://www.cnn.com/2020/06/23/us/firework-complaints-new-york-trnd/index.html>



Increasing the penalty on the illegal use of fireworks from a Class 2 civil infraction to a Class 1 civil infraction would increase the maximum fine to \$250, and with assessments, the total fine would be \$513. An increase in the fine would serve as a deterrent to those individuals thinking about using fireworks in city limits. Understanding that fireworks is one of the most difficult offenses to enforce, the expectation is not that the Tacoma Police Department would be able to increase enforcement, but that strengthening the deterrent may resonate with residents who consider using fireworks in the city.

Firework Responses (2011-2018): Tacoma, Washington



COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Residents who engage in the unlawful, personal use of fireworks in the City of Tacoma, residents in the vicinity of those who engage in the unlawful use of fireworks, the Tacoma Police Department, and the Tacoma Fire Department will all be impacted. Community members in the South End have expressed concern for several years about the unlawful use of fireworks in the neighborhood, especially around Alling Park. The situation has not improved and residents are eager to see these dangerous activities reduced.



2025 STRATEGIC PRIORITIES:

Equity and Accessibility: (Mandatory)

This legislation will reduce inequities by increasing public safety through the use of a stronger deterrent to reduce the number of people engaging in unlawful use of fireworks, especially prevalent in areas of “low” or “very low” opportunity based on the City’s Equity Index.

Livability: Equity Index Score: Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

Explain how your legislation will affect the selected indicator(s).

Increasing the penalty on illegal use of fireworks will serve as a deterrent to individuals considering using fireworks in the City of Tacoma and reduce these unlawful incidents. Reducing the illegal use of fireworks will lead to improved feelings of safety for residents who live nearby where these incidents occur.

ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. No action	NA	Illegal use of fireworks may continue to escalate with no policy change to limit these incidents.
2. Increase enforcement	Possible reduction of illegal use of fireworks.	Families and communities of color may be disproportionately impacted.
3. Allow personal use of fireworks on July 4	Residents would have one day to use fireworks, making enforcement the rest of the year easier to justify to offenders.	Since personal use of fireworks has been illegal for almost 30 years, it would be a major policy shift for the City and residents may interpret the change to mean more leniency on use of fireworks, leading to an increase in use throughout the year.

EVALUATION AND FOLLOW UP:

The Tacoma Fire Department tracks data on fireworks-related fires, responses, and EMS patients. Success will look like a reduction of these incidents in the coming years. The Tacoma Fire Department, in collaboration with the Tacoma Police Department, are requested to present to City Council Study Session one year from passage of this legislation on the number of fireworks-related incidents that were responded to in the previous year and any recommendations on how to achieve a reduction in the use of illegal fireworks.

STAFF/SPONSOR RECOMMENDATION:

The recommendation is to pass this ordinance to reclassify the illegal use of fireworks from a Class 2 civil infraction to a Class 1 civil infraction, effective immediately, to promote public safety through strengthening the legal deterrent.



FISCAL IMPACT:

The fiscal impacts of the proposed legislation are unknown. If there is an increase in citations, than an incremental increase in ticket revenue will occur. If there is a decrease in citations, than an incremental decrease in ticket revenue will occur. Since an increase in enforcement is not anticipated, there is no direct cost of this legislation.

Fund Number & Name	COST OBJECT (CC/WBS/ORDER)	Cost Element	Total Amount
1. NA	NA	NA	NA
TOTAL			NA

What Funding is being used to support the expense?

NA

Are the expenditures and revenues planned and budgeted in this biennium’s current budget?

NO, PLEASE EXPLAIN BELOW

The fiscal impacts are unknown at this time.

Are there financial costs or other impacts of not implementing the legislation?

YES

If illegal use of fireworks continues along the current upward trend, there is increased potential for property damage and injuries to individuals nearby the incidents.

Will the legislation have an ongoing/recurring fiscal impact?

YES

Will the legislation change the City’s FTE/personnel counts?

NO

This legislation only changes the penalty of the offense and not the enforcement.

ATTACHMENTS:

- Ordinance