



ORDINANCE NO. 28767

1 BY REQUEST OF COUNCIL MEMBERS BEALE AND HUNTER

2 AN ORDINANCE relating to fireworks; amending Chapter 3.12 of the Tacoma
3 Municipal Code, relating to fireworks, to reclassify the use of illegal
4 fireworks from a Class 2 civil infraction to a Class 1 civil infraction to
5 promote public safety.

6 WHEREAS the illegal use of fireworks in Tacoma, particularly around the
7 July 4th holiday, creates a dangerous fire hazard threatening life and property,
8 and

9 WHEREAS last summer there was a proliferation of fires; from June 26,
10 2020, through July 6, 2020, the Tacoma Fire Department (“TFD”) responded to
11 122 fires, and 32 of those, or 26 percent, were fireworks-related and resulted in
12 damage of over \$480,000, and

13 WHEREAS, during that same reporting period, TFD treated six fireworks-
14 related patients, and

15 WHEREAS, in 2019, in South King County, fireworks led to the death of a
16 man in his 70s and a dog, along with the destruction of two homes by fire and
17 displacement of 12 residents, and

18 WHEREAS the 2017 Eagle Creek Fire in Oregon burned 48,000 acres,
19 crossing state lines, cost approximately \$25 million to contain, and was the result
20 of a teenager setting off fireworks, and

21 WHEREAS the unlawful use of fireworks is a serious fire hazard and a
22 danger to the community, and

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WHEREAS personal use of fireworks has been illegal in the City of Tacoma since 1992; 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, and

WHEREAS fireworks can be heard citywide year-round, becoming more prevalent closer to the 4th of July holiday, and

WHEREAS the illegal use of fireworks is currently classified as a Class 2 civil infraction with a maximum penalty amount of \$125, and with assessments, totals \$257 to the person being cited, and

WHEREAS 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, and

WHEREAS, as the use of fireworks is one of the most difficult offenses to enforce, the expectation is not that enforcement efforts would be increased, but that strengthening the deterrent may resonate with residents who consider using fireworks in the City; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 3.12 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not



1 limited to, the correction of scrivener's/clerical errors, references, ordinance
2 numbering, section/subsection numbers, and any references thereto.

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4 Passed _____

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Mayor

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Attest:

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City Clerk

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Approved as to form:

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City Attorney

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EXHIBIT "A"

**CHAPTER 3.12
FIREWORKS**

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3.12.060 Prohibited acts.

A. The manufacture of fireworks within the City is prohibited. Violation of this subsection is a misdemeanor, punishable by 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.

B. Except as permitted under Section 3.12.010, and except for public display of fireworks under Section 3.12.050, the sale, transportation, discharge, storage, or use of fireworks within the City is prohibited. This total ban applies each day of the year.

C. 1. Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor, any violation of this chapter is a Class ~~1~~² civil infraction and, upon a finding that a violation has been committed, the person committing the act shall be assessed an amount not to exceed ~~\$250~~^{\$25} plus applicable statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

2. "Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Tacoma Municipal Court.

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