

REPORT

To the Honorable Mayor and City Council
From the City Manager

April 23, 2018

SUBJECT

Reducing Illegal Fireworks Use in Redwood City through Comprehensive Education Campaign and Increased Fines

RECOMMENDATION

Approve Comprehensive Education Campaign to Reduce the Use of Illegal Fireworks in the City of Redwood City and adopt a Resolution Increasing Fines for Illegal Fireworks Use

BACKGROUND

The use of fireworks to commemorate holidays, especially the Fourth of July and other celebratory occasions, has been a tradition in this country going back many years. For nearly 70 years the Peninsula Celebration Association (PCA) has hosted the annual Fireworks Show in Redwood City providing a professional fireworks experience for the community that continues today. The use of fireworks by people unlicensed to display fireworks is illegal in the City of Redwood City as it is in most communities on the peninsula.

On January 13, 2014 the City Council adopted Ordinance #2402 "AN ORDINANCE OF THE CITY OF REDWOOD CITY REPEALING ARTICLE II OF CHAPTER 12 OF THE REDWOOD CITY MUNICIPAL; AND ADDING A NEW ARTICLE II TO CHAPTER 12 OF THE REDWOOD CITY MUNICIPAL CODE ADOPTING BY REFERENCE THE 'CALIFORNIA FIRE CODE, 2013 EDITION, PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION AND BASED ON THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE'." Within the ordinance, Section 12.25 prohibited "Safe and Sane" fireworks. This addition made use of all fireworks illegal in Redwood City.

On January 9, 2017, the City Council adopted Ordinance #2429 "AN ORDINANCE OF THE CITY OF REDWOOD CITY REPEALING ARTICLE II OF CHAPTER 12 OF THE REDWOOD CITY MUNICIPAL CODE; AND ADDING A NEW ARTICLE II TO CHAPTER 12 OF THE REDWOOD CITY MUNICIPAL CODE ADOPTING BY REFERENCE THE 2015 EDITION INTERNATIONAL FIRE CODE ALONG WITH THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, AS PUBLISHED BY THE

CALIFORNIA BUILDING STANDARDS COMMISSION AND INTERNATIONAL CODE COUNCIL.” This ordinance included Section 12.25, which continued to prohibit the use of “Safe and Sane” fireworks within Redwood City.

Despite these restrictions on fireworks, people still acquire and display fireworks, including “Safe and Sane” fireworks, within the City during holiday celebrations and other times of the year.

Illegal fireworks use presents many challenges for both the Fire and Police Departments. There is an increased potential for fires and traumatic injuries through the mishandling of these devices and successful criminal prosecution is extremely difficult. While public safety staff strive to deter illegal firework use, especially around Independence Day, efforts to deal with the issue continue all year.

Several factors make suppression via enforcement difficult. Illegal fireworks are easy to obtain from neighboring cities and counties. The sheer volume of violations at peak times, combined with the relatively minor penalties associated with most illegal fireworks use, makes it harder to gain voluntary compliance with the law. Using technology to detect illegal fireworks use has limited effectiveness, and successful prosecution requires residents to publicly identify individuals engaging in the illegal activity. These dynamics, and recent efforts to limit illegal fireworks use, are discussed further below.

In the past, the Redwood City Police Department (RCPD) has tried a variety of enforcement approaches to curtail illegal fireworks use. The most basic approach was simply to increase the uniformed patrol presence during the peak hours on the Fourth of July. This was ineffective and RCPD was no more successful at overall suppression with increased staffing than it had been with standard staffing levels. Additionally, the Fire and Police Departments have deployed joint response teams in unmarked vehicles in an effort to leverage additional resources, but found this tactic no more effective than standard uniformed patrols.

Further increasing staff for enforcement activities is not feasible due to competing demands. For example, Police staff and volunteers help support safe and festive events over a 16-hour period on July 4, providing service during a morning parade, afternoon festival and evening licensed fireworks display. Specialized enforcement teams to address illegal fireworks would delay responses to other calls for service.

Redwood City bans the sale and use of all fireworks. Nearby cities such as Pacifica, San Bruno, Newark and Union City all allow the sale and possession of “Safe and Sane” fireworks, making them readily available to Redwood City residents and visitors.

There are also significant black markets for “dangerous” fireworks in both San Francisco and the South Bay and it is not difficult for a determined person to acquire these devices. Additionally, nearby states such as Nevada have much more lenient laws and California residents bring fireworks into the state from these locales. During the peak period of annual fireworks use, July 1 through July 6, RCPD has received an average of 176 reported incidents each year over the past decade. The highest number of reported incidents during this period was in 2013 with 236 reported incidents; the lowest was in 2017 with 125 reported incidents. It is safe to assume that the reported instances represent only a portion of actual illegal uses of fireworks within the City limits.

Many people incorrectly assume the principal difficulty in successfully enforcing fireworks laws is finding the location where fireworks are being set off and responding in time to investigate and identify responsible parties. In fact, the difficulty for officers is not locating where fireworks are being used, but rather in actually identifying the person in possession of the fireworks or responsible for their ignition.

Additionally, RCPD staff is often asked why the ShotSpotter gunfire detection system cannot be used to help enforce fireworks laws. The answer is two-fold: 1) the system is designed to differentiate and filter out fireworks from gunshots to reduce the number of false alarms; and 2) even with the fireworks filter deactivated, the system only covers a very small portion of the city and does not always directly correlate to where fireworks are used.

In order to successfully prosecute an individual for use of illegal fireworks at the misdemeanor or infraction level, an officer must actually witness the person(s) physically lighting the devices. Merely identifying a group of people who are near active or recently discharged devices is not enough to support an arrest. The fact that most fireworks use involves small or medium-size crowds setting off devices after dark makes it difficult for officers to approach undetected to make a positive identification of the person actually using the fireworks and get close enough to physically make an arrest before the suspect retreats into a crowd or flees.

Misdemeanor cases can sometimes be made if a citizen sees someone in possession of fireworks and is willing to make a citizen’s arrest, which may include following through with legal testimony. While many citizens may be willing to anonymously report illegal fireworks use to the police, the Police Department has found few residents are willing to become officially and publicly involved when it is often their neighbors engaging in the illegal activity.

ANALYSIS

Given that increased enforcement has not deterred illegal fireworks use in the past, staff recommends a comprehensive education campaign to seek assistance from the community and increasing the administrative fines associated with illegal fireworks use.

Education Campaign

Fire, Police and City Manager's Office Communications staff have developed an outreach campaign to inform, educate and deter the public from using illegal fireworks. The proposed plan utilizes best practices, and includes physical signs, digital communications using social media and email, and other communications and community engagement efforts. The campaign will focus on peak periods for illegal fireworks use: Memorial Day, Independence Day and New Year's Eve.

Physical Signage and Mailed Information: Banners (in English and Spanish) will be developed and placed at fire stations and other key locations to inform the community that the use of fireworks is illegal. City staff will distribute flyers (printed and digital) to all City facilities and share through community networks including Neighborhood Associations, Redwood City 2020, local schools, parent groups, faith-based groups, non-profit partners and more. Lawn signs will be available for neighbors and posted along city right-of-ways. Signboards will be set up in specific areas of the city with the highest calls for service. Information will also be included in the next mailed City newsletter. Staff will ask San Mateo County to help share information with their neighborhood networks as well.

Digital Marketing, Social Media: Staff will utilize existing social media channels, including Nextdoor, to share information about the risks and penalties of using illegal fireworks. In addition, staff is developing a campaign with our local movie theater to advertise a public service announcement about the risks of illegal fireworks. Staff will also request that the Redwood Shores Community Association post information on their new electronic sign boards in advance of Memorial Day, Independence Day and New Year's Eve.

Communications and Community Engagement: Staff will develop news announcements to inform media about the risks of fireworks, the potential changes to local ordinances/new fines and current enforcement efforts to share information through local media outlets. In addition, staff will develop messaging for Neighborhood Association leadership to share through their networks and encourage their neighbors to pick up and display lawn signs. Staff will also request that the *Pilot* magazine include information about the risk of fireworks in their June and July editions. Information collected through Emergency 911 reporting remains our best portal for automated data

retrieval and will allow us to track and monitor fireworks incidences and evaluate further efforts to decrease illegal fireworks usage. Staff will also evaluate other upcoming events and public meetings as opportunities to share materials with the public, including Coffee with the Cops, State of the City, SteamFest, and Neighborhood Association meetings.

Resolution to Increase Fines

In addition to a comprehensive communications campaign, staff recommends that the City Council approve a resolution to increase the fines associated with illegal fireworks use. The City’s current and proposed rates for administrative citations are provided below:

	Current Fee	Recommended Fee
First Violation, with no written notice provided	\$50	\$500 for First Violation
First Violation, with written notice provided	\$100	
Second Violation of the same code section by the same person within a 12-month period of the first violation	\$200	\$750
Third Violation and each Subsequent Violation of the same code section by the same person within a 12 month period from the second or most recent violation	\$500	\$1,000

In addition to the City’s increase in Administrative Citation Fines, someone who violates the State Fireworks Law can be fined and imprisoned. Per California Health & Safety Code Section 18700, penalties for violating the State Fireworks Law can range from fines of \$500 to \$50,000 and violators also can be imprisoned in the county jail.

Additional Enforcement Approach to be Researched

Due to the increase in the use of illegal fireworks and the difficulty in holding users and possessors fully accountable, an increasing number of cities and counties are adopting “Fireworks Social Host Ordinances”. Under these ordinances, owners, renters, leases, and/or those that have possession of and use of a property can be held responsible for illegal fireworks possession and use on that property. In this situation, law enforcement can enforce illegal fireworks laws simply by verifying on what property the fireworks were launched or used. A “Fireworks Social Host Ordinance” will be researched and if deemed viable, presented to the Council at a later date.

ALTERNATIVES

The City Council may choose not to adopt the Resolution or provide staff with alternate direction.

FISCAL IMPACT

The cost of staff time to implement the outreach plan and increase fines can be covered within the existing budget.

ENVIRONMENTAL REVIEW

This activity is not a project under CEQA as defined in CEQA Guidelines, section 15378, because this ordinance has no potential for resulting in either a direct or foreseeable physical change in the environment.



STAN MAUPIN
FIRE CHIEF



MELISSA STEVENSON DIAZ
CITY MANAGER

ATTACHMENT:

- RESOLUTION