



COUNCIL AGENDA: 9/12/17  
ITEM: 8.1 (17-041)

## Memorandum

---

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** August 31, 2017

---

**SUBJECT: Fireworks Enforcement Ordinance Post-Fourth of July 2017 Status Report.**

**RECOMMENDATION:** As recommended by the Public Safety, Finance, and Strategic Support Committee on August 17, 2017, accept the status report on the implementation of the Fireworks Enforcement Ordinance Post-Fourth of July 2017.



# Memorandum

**TO:** PUBLIC SAFETY, FINANCE, AND  
STRATEGIC SUPPORT COMMITTEE

**FROM:** Curtis P. Jacobson

**SUBJECT:** FIREWORKS ENFORCEMENT  
ORDINANCE POST-FOURTH  
OF JULY 2017 STATUS REPORT

**DATE:** August 9, 2017

Approved

Date

8-10-17

## RECOMMENDATION

Accept the status report on the implementation of the Fireworks Enforcement Ordinance Post-Fourth of July 2017; and refer the Fireworks Enforcement Ordinance Post-Fourth of July Status Report to the September 12, 2017 City Council meeting for full adoption.

## BACKGROUND

On June 23, 2015 at the City Council Priority Setting Session, Council directed staff to establish a new framework to cite, fine, and adjudicate the use, possession, sale, advertisement for sale, transportation, and/or manufacturing of fireworks and to explore the use of administrative citations in addition to criminal charges.

On April 12, 2016, Council adopted an ordinance amending the Municipal Code to prohibit the sale, use, possession, and storage of all types of fireworks. Council also adopted a resolution amending the Administrative Citation Schedule of Fines to establish administrative fines for fireworks-related violations.

In June and July of 2016, the City implemented Year 1 of its Illegal Fireworks Pilot Program that aimed to reduce the public's possession and use of all fireworks including so-called "safe and sane" fireworks. The program was a partnership involving the San José Fire Department, San José Police Department, Department of Transportation, Parks, Recreation & Neighborhood Services (PRNS) Department, Planning, Building and Code Enforcement (PBCE) Department, and the City Manager's Office, and it entailed a publicity effort that began in May 2016 and an enforcement component that ran from July 1 to July 10, 2016.

On August 18, 2016, staff provided the Public Safety, Finance, and Strategic Support Committee (PSFSS) with a Fireworks Enforcement Ordinance Post-Fourth of July Report<sup>1</sup> that provided information regarding the outcome of the multi-departmental coordinated efforts, as well as the implementation of the ordinance and issuance of administrative citations. The same report was presented on September 9, 2016 to the City Council. The Council meeting included a memo authored by Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Raul Peralez, Don Rocha, and Johnny Khamis that provided the following direction to staff:

- (1) Direct the City Manager to report to Council through the FY 2017-18 budget process on costs for expanding fireworks enforcement before July 4 and during other times of the year when fireworks are used in celebrations within the City of San José, focusing specifically on non-sworn personnel, such as Code Enforcement and Park Rangers<sup>2</sup>.
- (2) Direct the City Manager to return to PSFSS and City Council in January 2017 with the following:
  - (a) Feasibility of utilizing both technology and volunteers to relieve emergency dispatch personnel of call volume and to improve response, particularly to encourage residents to use online reporting prior to, and during, the Independence Day enhanced-enforcement period.
  - (b) Determine a schedule for enforcement that allows for online reporting, enforcement, and follow-up to occur in early May 2017 or sooner to help deter additional illegal activity during the Fourth of July holiday.
  - (c) Coordinate messaging between departments, including the call center and dispatch, so all departments and staff are utilizing the same, consistent message, and so residents with Internet access will utilize the online reporting tool.
  - (d) Develop a more targeted communications campaign focused on online reporting, enhanced administrative enforcement, collaboration with ethnic organizations and ethnic media outlets, and how residents can help, rather than merely offering generic messages about fireworks safety.
- (3) Direct the City Manager to work with the Mayor's Office Chief Innovation Officer and the City Manager's Office of Innovation to enhance to the online reporting tool, specifically focused on minimizing confusion, and simplifying and streamlining the back end of the process to improve response and follow-up.

The January 2017 staff report to PSFSS for Year 2 of the Illegal Fireworks campaign was deferred to March 16, 2017, however, following the Coyote Creek Flood, Council directed staff

---

<sup>1</sup> Fireworks Enforcement Ordinance Post-Fourth of July Report:  
[http://sanjose.granicus.com/MetaViewer.php?meta\\_id=587430](http://sanjose.granicus.com/MetaViewer.php?meta_id=587430).

<sup>2</sup> This direction was addressed in the April 25, 2017 report to Council:  
[http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2681&meta\\_id=628807](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2681&meta_id=628807).

to bring the report to the full City Council in April 2017. The report was heard on April 25, 2017<sup>3</sup>.

At the April 25, 2017 meeting, a memo authored by Mayor Sam Liccardo and Councilmembers Sylvia Arenas, Johnny Khamis and Raul Peralez reiterated the direction previously provided and placed emphasis on the following points of direction:

- Re-focus communications from a message of “fireworks are illegal/dangerous” to “here's how we can work together to reduce dangerous fireworks in your neighborhood” that would include promotion of our improved online reporting tool and information on when to call 311 or 911.
- Use a more targeted campaign to reach our ethnic communities across language and cultural barriers. Approximately 57% of our residents do not speak English in the home. We need to make a concerted effort to connect with these residents and make sure they are aware of the dangers of illegal fireworks, City's rules in regard to usage, and the online reporting tool.
- Begin efforts in mid-May, when fireworks usage begins in many neighborhoods, so that perpetrators can be identified and parents/property owners can be warned sufficiently to deter fireworks usage during the July 4th holiday.
- Use volunteers strictly to perform tasks that our professional dispatch personnel do not have the time to do.

During discussion that ensued, staff reinforced to councilmembers the challenges and safety concerns with involving volunteers in enforcement roles. As discussed in this memo, an appropriate volunteer efforts may include outreach and education through a school program that includes an educational video about the dangers of illegal fireworks, as well as outreach and education in the community to prevent the use of illegal fireworks and instruction on how to report incidents of illegal fireworks use.

This report provides an analysis on the Illegal Fireworks Program 2017, addresses staff response to Council direction, and outlines opportunities for improvement as the City continues to address the illegal use of fireworks.

## **ANALYSIS**

It should be noted that the February 21 Coyote Creek Flood and ensuing recovery activities affected staff's capacity to get an early start on preparing for and rolling out the 2017 illegal fireworks education and enforcement program. Nevertheless, staff invested considerable time, effort, and resources in the 2017 program to deter fireworks activities in our neighborhoods.

---

<sup>3</sup> April 25, 2017 staff report:

[http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2681&meta\\_id=628807](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2681&meta_id=628807)

While metrics on outreach and the number of incoming reports exist, there is only anecdotal evidence, as well as observations by enforcement and emergency response personnel, to consider on whether the use of fireworks diminished as the result of outreach and enforcement. Such anecdotes reflect the specific experience of an individual or neighborhood. Staff assessment from general observations and community engagement through conversations, online reporting, and emails gave indication that the use of fireworks before July 4, 2017, appeared to be less extensive than in the prior year. For the July 4, 2017 holiday period, in comparison to 2016, anecdotal evidence and observations about the use of illegal fireworks varied greatly, ranging from: a) illegal fireworks use was similar to last year; b) worse than last year; or c) better than last year. The observations varied depending on the individual and area reporting.

Activities, metrics, and observations across the City departments in enforcement efforts are further detailed below.

#### **(A) Illegal Fireworks Education and Enforcement Publicity Campaign**

The City Manager's Communication Office led efforts and organized the outreach and publicity campaign about reporting illegal fireworks and the illegality of fireworks use in San José. As staff worked concurrently on the Coyote Creek Flood Recovery activities, the fireworks campaign, and other ongoing assignments, there was not enough time to undertake a complete overhaul of the past year's messages (which had been deployed across a significant number of outreach tactics). As a result, staff focused on the Council's direction to:

- Improve performance, instruction, and publicity of the reporting tool;
- Increase Spanish language outreach during the July 4 season and hold part of the 2017-18 outreach budget for targeted outreach during Lunar New Year festivities; and
- Use new tactics to enable residents to participate in the messaging around reporting illegal fireworks and refraining from using illegal fireworks;

Specific work and outcomes of the campaign are described below:

- (1) *Improve and publicize reporting tool.* Staff from the City Manager's Communications Office and Innovation Team collaborated to improve the online reporting tool. Staff researched the existing app "Nail 'Em" that is promoted by TNT (a manufacturer of so-called "safe and sane" fireworks), but instead made quick and efficient use of an existing robust platform tool that enabled mapping and reporting, thus saving the considerable fee associated with "Nail 'Em" as well as enabling a future transition to the City's new customer relations management platform. The online tool at [www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks) was included (prominently as space allowed) on all collateral, including banners, bus ads, billboards, flyers, lawn signs, and in social media.

Outcome: Use of the tool increased 60 percent compared to the prior year (1,075 online reports in 2017 compared to 694 reports in 2016), reflecting the greater publicity and public awareness of the tool.

- (2) *Publicize legal fireworks display events, improve and amplify messaging, introduce "respect" theme.* Behavior change theorists will explain that changing entrenched behaviors is always a multi-year effort, and such efforts benefit from offering alternatives to the undesired behavior and removing barriers to the desired behavior. To this end:
- *Legal fireworks displays.* Staff promoted attendance at legal fireworks display events, including providing a listing and map of all such events at [www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks). Three display events were held in San José and were widely attended.
  - *Improved and amplified messages.* To promote recognition and continue groundwork for instilling a new norm, multi-year campaigns require a consistent visual component. Staff replayed the visual comic-style design of 2016 but freshened the messages, incorporated more of the reasons why fireworks are illegal as well as the risk of a fine, and introduced the theme of "*respect your neighbors, veterans and pets.*" The respect theme was picked up by people in social media dialogues and attracted significant media coverage.
  - *New – Block party permit fee waiver.* Communications and Police Department staff coordinated on offering a waiver of the \$175 block party permit fee, thus encouraging more block parties which involved signing an agreement to not use fireworks. The waiver was publicized on social media and through flyer distribution. The Police Department issued 40 permits with the fee waiver, a 21 percent increase from the 33 permits issued in 2016. The loss of fee revenue totaled \$7,000. Further activity on this tactic is discussed in the Police Department section.
  - *New – Lawn signs.* Staff designed and printed 3,000 lawn signs to enable residents to participate in sending the message that they are against fireworks use. Total cost of the signs was \$14,000. The signs attracted significant media coverage including a segment devoted to the intent of using the signs. The lawn signs were made available through 10 Community Centers (300 signs available at each center). An estimated 2,500 signs were picked up by residents, with many residents and members of the Stop Illegal Fireworks Committee expressing appreciation for the signs. The remaining unused signs will be made available to residents for the next season of fireworks use.
  - *New – Messages via signs at Eastside Union High School District.* Staff contacted the Eastside Union High School District communications manager to involve the district schools in posting a message about illegal fireworks on their street-side message boards. At least four schools reported placing the message. It should be noted that further coordination with more schools in the future could be extremely helpful to amplify the messaging, however, such coordination is time-intensive.
  - *Purchased publicity and multi-lingual approach.* Of the \$75,000 the City Manager's Office budget made available for fireworks outreach, staff expended approximately \$57,000, with the intent to use the remaining \$18,000 for targeted publicity during the

2017-18 New Year's Eve and Lunar New Year celebrations. Media and publicity purchases included:

*Ads, radio/television, flyers.* Purchased media included trilingual billboards and bus ads, movie theater ads; Spanish-language radio and TV ads that included an improved script from the prior year; print ads in the Mercury News, El Observador, Vietnam Daily, and several thousand trilingual fliers. Additionally, a San José firefighter participated in a TV interview with Telemundo.

*Banners.* This year, more than 80 banners appeared across all 33 fire stations, two police stations, 10 community centers, and 12 regional parks. Bilingual banners (English-Spanish and English-Vietnamese) were produced for certain locations.

*Amplified social media/Facebook campaign.* Also new this year, staff worked with the Mercury News on a Facebook ad campaign that targeted all online users in San José and brought greater awareness of the online reporting tool.

## **(B) Fire Department Efforts**

*Education and outreach activities.* Fire Department education and outreach efforts leading up to July 4 included presentations about illegal fireworks to Council District Associations, the Neighborhoods Commission, and elementary schools. Staff posted banners about illegal fireworks at each of the 33 fire stations. Fire staff worked closely with the communications team in the City Manager's Office in the development of public service announcement materials and in publicizing of the South Bay fire departments' press conference in May.

*Enforcement activities.* Fire Inspectors were present at each of the three scheduled pyro-technic events in the City. In addition, on the evening of July 4, Fire personnel paired up with Police Department personnel (three teams of two) to conduct fireworks enforcement activities. Fire and Police personnel reconnected with block party applicants, reinforcing the message of fireworks are illegal, and assisted Park Rangers at Kelley Park in serving as a deterrent to illegal fireworks activities.

*Confiscations and field citations.* Fire staff confiscated approximately 40 pounds of fireworks devices and issued five citations in the field.

*Fires and service calls.* During July 1 – 8, Fire emergency response crews responded to 17 fireworks-related calls for service including eight fire-related events.

*Fireworks returned to fire stations.* After July 4, City staff used social media and media interviews to communicate that the proper way to dispose of fireworks is to bring them to a fire station, no questions asked. Fire stations reported collecting 50 pounds of fireworks from voluntary disposal.

August 9, 2017

Subject: Fireworks Enforcement Ordinance Post-Fourth of July 2017 Status Report

Page 7

### (C) Police Department Efforts

*Education and outreach activities* – The Police Department participated in the City of San José’s Fireworks Education and Enforcement Plan between June 1, 2017 and July 4, 2017. This included:

- *Hot spot identification.* In April 2017, the Crime Analysis Unit reviewed all fireworks incidents and reports from the 2016 Fourth of July season. From this information, a heat map was created, identifying a list of 62 “hot spots” citywide.
- *Education and enforcement. Between June 1 and June 15.* Volunteer officers worked to educate the public on the City’s fireworks ordinances and collect any fireworks residents would like to turn over for destruction. Flyers in English, Spanish, and Vietnamese were handed out or posted. Between June 15 and July 4, the emphasis was on both education and enforcement. Officers were encouraged to determine the appropriate disposition based upon the totality of the circumstances including, but not limited to, prior calls for service, prior contacts, severity of the violation, and the protection of the public. The Police Department’s School Liaison Unit and Crime Prevention Unit supported this plan by contacting more than 30 school officials and presenting fireworks information in 35 community policing meetings, respectively. The Police Department’s Permits Unit educated 39 “Block Party” applicants. The Police Department’s Special Operations METRO Unit also participated in enforcement action.
- *Publicity and social media participation.* Banners with messages about illegal fireworks were placed at the Police Department at the intersections of North San Pedro Street at West Mission Street and North San Pedro Street and West Taylor Street. Additionally, banners were placed at fire stations, libraries, parks, and elsewhere throughout the City. Illegal fireworks notifications were sent to the public through the Department’s social media accounts (Twitter, NextDoor, etc.), press releases, and the Department’s public-notification emails.

*Enforcement activities* – Officers made 793 courtesy contacts with the public. A contact consisted of either verbally admonishing or giving a flyer to a community member or a group of residents. Contacts were conducted in English, Spanish, and Vietnamese. Other enforcement included:

- *Patrols.* Officers patrolled the identified hot spots a total of 448 times during the Fourth of July season. The presence of the officers acted as a deterrent to both fireworks and other illegal activity. On July 4, 2017, approximately 12 sergeants and officers offered to work 8-hour overtime shifts on their regularly scheduled day off. They re-contacted the 39 block parties, reminding them of the fireworks ordinances. Officers conducted patrols and premise checks of hot spots.



- *Coordination with Fire Department and PRNS.* The Police Department coordinated their response with the Fire Department and Park Rangers. Fire Inspectors and Police Officers supported the Park Rangers at Kelley Park by conducting foot patrol.

*Confiscation and field citations.* The Police Department's Special Operations METRO Unit conducted a three-month investigation resulting in the confiscation of over 2,700 lbs. of fireworks. An arrest warrant was obtained for this violation. On July 4, officers were patrolling the neighborhoods in the area of North 16<sup>th</sup> Street and Washington Street and viewed individuals using fireworks. When the subjects saw the officers, they fled and left behind their fireworks; officers recovered 60 pounds of fireworks. Nine citations (five issued on July 4, four on other dates), or arrests were made for fireworks-related offenses.

*Service calls.* Officers responded to 30 fireworks-related calls for service. Nearly every one of these responses resulted in a courtesy contact with the public.

#### **(D) Code Enforcement Efforts**

One temporary Code Inspector and four support staff were temporarily reassigned from regular duties to process illegal fireworks complaints. Staff activities included training, coordination with Fire Department staff, reviewing complaint information and evidence, opening cases, and drafting and issuing warning notices.

Support staff spent a total of 47 hours over seven days reviewing complaints, creating cases in Code's database, sending out warning notices and assisting the inspector. The inspector spent a total of nine hours over three days reviewing complaints, evidence, and processing cases. The combined efforts of Code Enforcement Inspectors and support staff totaled 56 hours at a cost of \$2,686.

#### **(E) Park Rangers' Efforts**

San José Park Rangers also canvassed City parks and provided late evening patrols for the approved fireworks shows at Almaden Lake Park and Discovery Meadow, as well as at Kelley Park for the fireworks show at San José Municipal Stadium. Rangers were also on duty at Alum Rock Park until 11:00 pm for fire watch and to reduce the risk of fireworks-related incidents and support public safety. Two groups were ejected from Kelley Park for fireworks use.

All Peace Officer Park Rangers were required to work to provide park coverage. The majority of the Rangers worked 12-hour shifts. Fourth of July efforts required all Rangers to work roughly twice as many hours as compared to an average day, with overtime costs estimated at \$10,000.

#### **(F) Department of Transportation Efforts**

The Department of Transportation (DOT) regularly provides 24/7 parking compliance and traffic control services throughout the City. Each year on July 4, DOT deploys Parking and Traffic

Control Officers (PTCOs) to support the parking compliance and traffic control needs at sanctioned events and other areas where large groups of people gather to watch fireworks.

This year, DOT utilized existing staffing levels and deployed additional PTCOs during the Fourth of July period. A total of 25 PTCOs and three Senior PTCOs were assigned duties on July 4, reporting three incidents of suspected illegal fireworks activities to the Police Department and responding to 31 calls from the Police Department for parking violations.

DOT estimates that it incurred an additional \$6,750 in expenses to provide enhanced parking compliance and traffic control services, which included reporting illegal fireworks activities during the Fourth of July period.

**(G) Reporting Tool, Administrative Actions, and Changes to Citation Process**

- (1) *Reporting tool design.* The City Manager's Innovation Team provided support to the City Manager's Communications Office in redesigning the web-based reporting tool for fireworks use. As it did last year, the tool resided at [www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks). Improvements this year included:
  - (a) A cleaner interface with clearer instructions, including communicating that the tool does not initiate an enforcement response in the moment, but rather enables an after-incident administrative citation.
  - (b) Back-end analytics, reporting, and mapping of the fireworks use incidents.
  - (c) Provision of a script for all staff including 311 and the Customer Contact Center to use in directing calls regarding the online form.

The following page includes charts generated by the web-based reporting tool, demonstrating reports made of illegal fireworks; a weekly summary of reports made; number of residents indicating they are willing to testify about the illegal fireworks use they are reporting; actions taken; and a map of complaints made.

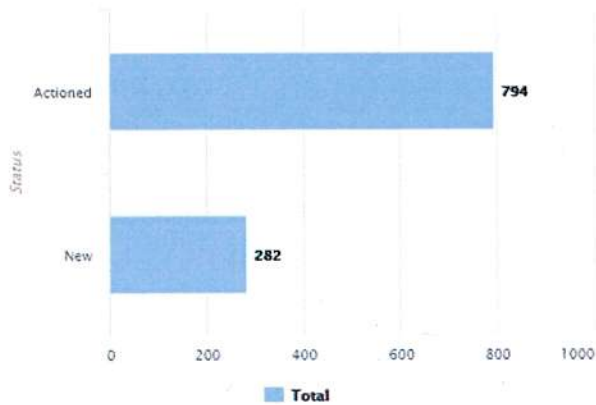
August 9, 2017

Subject: Fireworks Enforcement Ordinance Post-Fourth of July 2017 Status Report

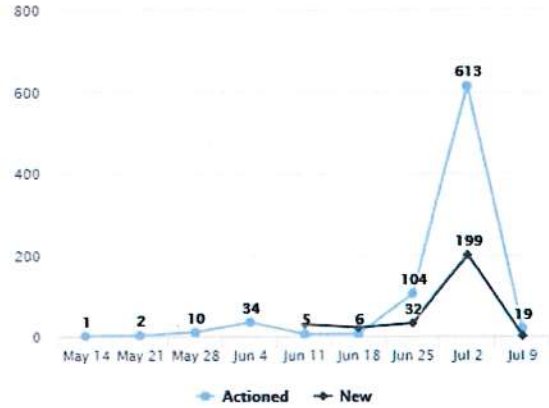
Page 10

### Firework Reports

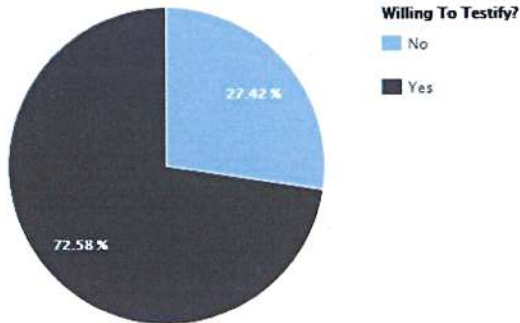
Total by Status



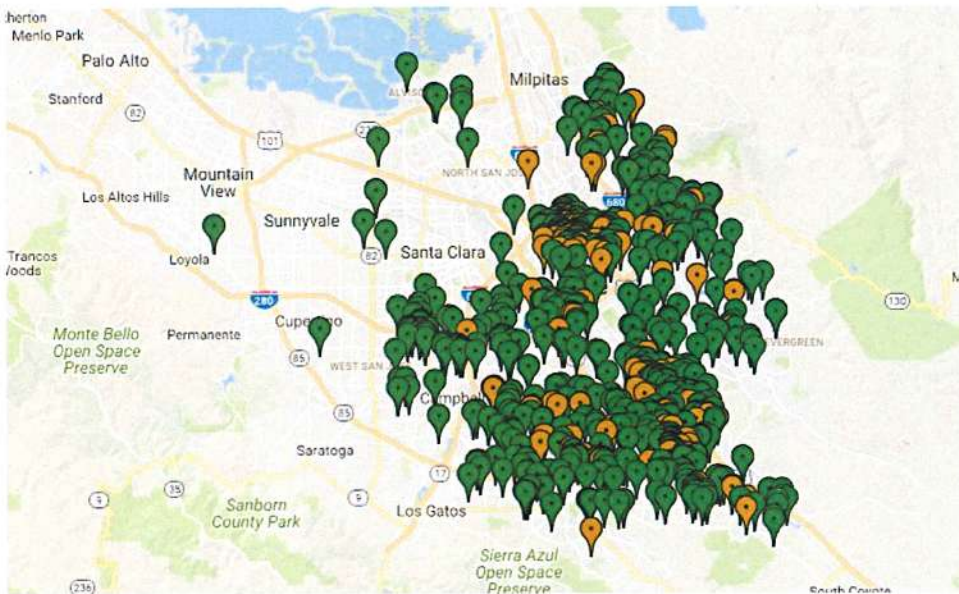
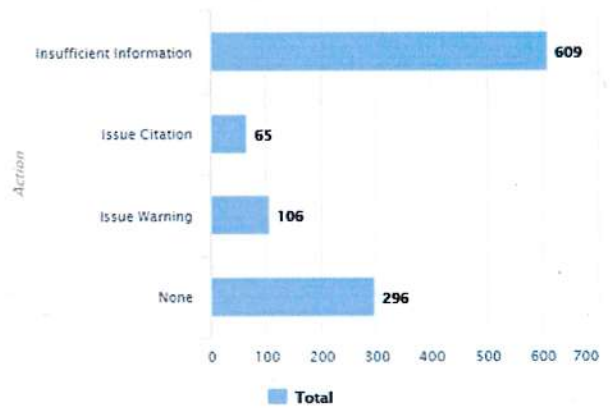
Weekly Summary



Willing to Testify Breakdown



Total by Action



August 9, 2017

**Subject: Fireworks Enforcement Ordinance Post-Fourth of July 2017 Status Report**

Page 11

- (2) *Fireworks reporting pilot program results.* The Fireworks Reporting Tool activation period ran from Saturday, May 20 through Wednesday, July 12, 2017. During this time, residents could report fireworks use and submit videos, photos, and detailed information through the online reporting tool. A total of 1,075 online reports were received; the vast majority (812) contained insufficient information to enable a citation. Staff will continue to evaluate and improve the form to make it clear that a) the form does not enable enforcement, and b) the form is valuable only if it provides complete information. Table 1 summarizes the actions taken as a result of the Fireworks Reporting Program.

**Table 1: 2017 Illegal Fireworks Reporting Program Actions**

Reporting Data	Online Reports Received		Citations Issued		Warning/Verbal or Letter Issued		Fireworks Confiscated	
	2016	2017	2016	2017	2016	2017	2016	2017
Police Department	n/a	n/a	13	9	Not tallied	n/a	32 lbs.	2,760+ pounds
Fire Department	347	538	3	50 (45 online)	133 online	see total	0	40 lbs.
PBCE/Code Enforcement	347	537	0	0	64 online	see total	0	0
PRNS/Park Rangers	n/a	n/a	0	0	26	no report	11 sets	0
<b>Total</b>	<b>694</b>	<b>1,075</b>	<b>16</b>	<b>59</b>	<b>223</b>	<b>161</b>	<b>853</b>	<b>2,800+ pounds</b>

The 60 percent increase in online reports in 2017 compared to last year (1,075 versus 694) likely reflects the increased publicity of the online reporting tool. This year, the Fire Department issued 45 citations using online reports, compared to zero last year. The criteria for issuing citations based on the online reporting included video or photographic evidence, multiple reporting parties pointing to the same property, and/or follow-up phone conversations with the reporting party concerning the verity of their information.

- (3) *Changes to citation process.* Shortly after some recipients received their mailed citations, it became clear through media news stories that a small number of recipients would be appealing the citations. By August 7, 2017, the City had received five requests to appeal the mailed citations, and these included three requests for hardship waivers of the fine, which were all granted. While the City Attorney's Office confirmed the legal standing for use of the online form, the process for issuing the citations based on the online reports appeared to warrant further refinement. So that all of the 45 citation recipients be treated equally, the City Manager made the decision on the morning of August 9 to use his authority to dismiss the 45 citations

and replace them with warning letters. City staff will review and refine the criteria and keep the Council informed as appropriate.

## **(H) CHALLENGES**

While improvements were made to the Illegal Fireworks Program following the 2016 Pilot Program year, this year's more comprehensive implementation of certain aspects of the program has highlighted concerns requiring attention to such areas as online reporting based citation issuance, future enforcement strategies, legal considerations, possible code changes, staffing needs, and providing security for certain properties (e.g. school grounds, community centers, libraries, and city parks).

## **(I) FUTURE CONSIDERATIONS /IMPROVEMENTS**

- (1) **Hire a media buyer for the outreach campaign.** A professional media buyer can assume the significant duties of executing media purchases for billboards, bus ads, theater ads, news print ads, radio ads, and more. This would save significant effort by City Manager's Office communications staff and City purchasing staff, and provide the benefit of having a professional media buyer optimizing placements for maximum results.
- (2) **My San José app.** Incorporate fireworks reporting in the My San José app in order to continue to strive to set expectations around the reporting tool. Social media and emails from residents show that there is confusion and disappointment within the community as to how the form does not enable immediate enforcement response.
- (3) **Partner-funded video and volunteer program for school outreach.** A high-quality video targeting students could be funded through partnering with other South Bay cities and potential grants for fire education. Then, in partnership with school districts, volunteers could share the video with students to help them understand the real risks of fireworks, the impact on pets, the potential for fire incidents and injury, and more. Students could then bring home the message that illegal fireworks are not a safe, respectful way to celebrate. Volunteers could be enlisted to help deliver the video to schools and present the message. Feedback from the community also supports this idea, as was stated in this social media message:

*"I'd like to suggest a presentation on the dangers of fireworks, complete with graphic pictures, be developed for middle school and high school kids in San Jose. I know that the department may not have the staff to do this, but I think volunteers from the community could develop the presentation and go to schools to show it. There are many retired teachers and others who have posted on the listserv who would probably jump at the chance to do something about this problem that they felt would have positive results."*

- (4) **Multi-lingual lawn signs.** Continue the lawn sign tactic, but improve this outreach effort by making the sign multi-lingual to better reach all community members.
- (5) **Targeted outreach preceding New Year's Eve and Lunar New Year's celebrations.** This action will ensure consistent year-round message and may address the perception, reported by some residents, of inconsistency in enforcement action.
- (6) **Administrative Citation process/fines.** Staff will be reviewing and refining the process for issuing citations based on online reports. In addition, Council may want to consider, following legal consultation, the possibility of increasing the current fine amount or implementing an "increased fine period" during specific time periods or holidays (e.g. Fourth of July, New Year's Day, Cinco de Mayo, Lunar New Year) when fireworks use is more extensive than normal.
- (7) **Fireworks sellers/distributors.** Employ greater efforts to go after Sellers/Distributors of fireworks devices and implement a fine through City ordinance that is appropriate to this activity type.
- (8) **Property seizure ordinance.** This type of measure would examine the legality of confiscating property from Sellers and Distributors of illegal fireworks, such as confiscating vehicles used in the illegal transport-for-sale of illegal fireworks.
- (9) **Emergency response cost recovery.** Consider recapturing the costs associated with emergency response activities if an event is found to be related to illegal fireworks and through the adjudication process, the individual has been found guilty.
- (10) **Volunteer education and outreach to neighborhoods and community groups.** Provide training and educational materials to volunteers to enable them to reach out to neighbors and community groups to educate them about the options for reporting illegal fireworks and about the dangers illegal fireworks pose.

## **COORDINATION**

This memorandum was coordinated with the City Attorney's Office; City Manager's Budget Office; City Manager's Communications Office; Police Department; and the Departments of Planning, Building and Code Enforcement; Parks, Recreation and Neighborhood Services; and Transportation.

## **CONCLUSION**

Changing behavior around the decades-old use of fireworks is challenging and is a multi-year effort that necessitates cities, communities, and schools working together. Staff from the participating departments are continually collaborating in hopes of identifying and implementing "best practice" strategies and opportunities that would accelerate a reduction in fireworks use.

PUBLIC SAFETY, FINANCE, AND STRATEGIC SUPPORT COMMITTEE

August 9, 2017

**Subject: Fireworks Enforcement Ordinance Post-Fourth of July 2017 Status Report**

Page 14

Critical components of staff efforts continue to center around evaluation of roles, workload capacity, ongoing funding, and resource investments necessary to meet both Council and community expectations. In addition, Council should consider strengthening its enforcement ordinances to provide a solid foundation for robust enforcement in future years.

/s/

CURTIS P. JACOBSON

Fire Chief

For questions, please contact Deputy Chief Ivan D. Lee, Fire Marshal, at (408) 535-7794.