



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Robert Sapien, Jr.

**SUBJECT:** FIREWORKS ORDINANCE  
WORKPLAN STATUS REPORT

**DATE:** September 4, 2020

Approved

Date

9/4/2020

## **RECOMMENDATION**

Accept the status report on the implementation of the Fireworks Ordinance Workplan Post-Fourth of July 2020.

## **OUTCOME**

Acceptance of the status report and support of next steps suggestions will complement the current resources dedicated to support the Fireworks Ordinance Workplan and reporting tools.

## **BACKGROUND**

In 1984, to protect the health, safety and welfare of its residents, the City Council voted to amend the Municipal Code banning all fireworks, including “safe and sane” fireworks with the exception of controlled public fireworks displays operated by a licensed pyrotechnician pursuant to a permit by the Fire Department<sup>1</sup>.

In August 2014, the City Council directed the City Manager to make changes to fireworks enforcement after several years of increasing noise and safety complaints from residents. Both the Fire and Police Departments were directed to look for options that might slow and eventually contain the illegal sale, use, possession and storage of fireworks. In June 2015, the Council directed staff to establish a framework to cite, fine, and adjudicate the use, possession, sale, advertisement for sale, transportation, and/or manufacturing of fireworks. The Council also directed staff to explore the use of Administrative Citations in addition to criminal charges. On April 12, 2016, the Council adopted an ordinance amending San Jose Municipal Code Section 10.17 to prohibit the sale, use, possession, and storage of fireworks and to provide for civil

<sup>1</sup> ATTACHMENT A: Illegal Fireworks Activities Timeline for an overview of the City’s efforts on illegal fireworks.

liability under certain circumstances for those persons responsible for minors who violate the ordinance. The Council also established administrative fines for fireworks-related violations.

In the ensuing years, the City implemented numerous activities and a reporting pilot program to combat the illegal sale, use, possession, and storage of fireworks. In May through July of 2016, under the newly amended ordinance, the City instituted a comprehensive marketing and outreach campaign, implemented a new online firework reporting platform, and deployed “in the field” enforcement personnel. In 2017, Fourth of July efforts focused on improving and publicizing the reporting tool, development of a new and focused “respect your neighbors, veterans, and pets” messaging campaign, education and outreach utilizing multicultural media outlets, and additional deployment of “in the field” enforcement personnel. While data showed a dramatic increase in the number of online reports received by the City in 2016, 45 Citations issued in response to online reports were rescinded and changed to Warnings to allow time to better prepare the community for enforcement actions.

For 2018, staff carried forward lessons learned from the 2017 Fourth of July reporting period and brought forward significant changes at the November 28, 2017 City Council meeting. Council accepted the 2017 Fireworks Ordinance Work Plan status report, which included several administrative changes to the program, including: a new messaging campaign (“Save Lives, Including Your Own”); a dedicated phone line for reporting illegal fireworks activity; updates to the Fireworks Online Reporting Form; and new advance deposit hardship waiver qualification criteria for all Administrative Citations. These changes were put in place for the 2018 New Year’s Eve fireworks and Tet/Lunar New Year reporting periods. At the April 19, 2018 Public Safety, Finance, and Strategic Support Committee (PSFSS) meeting, the Fire Department updated the Committee about fireworks use on New Year’s Eve and Tet/Lunar New Year, reporting the establishment of Education and Outreach, Reporting, and Enforcement as major program components for 2018. The Fire Department also formally recognized goals to reduce the number of fireworks-related injuries and fires, increase the number of actionable reports, and decrease the number of illegal fireworks hotspots.

In August of 2018, the Fire Department reported to PSFSS on community feedback that illegal fireworks activity seemed lower in the days leading up to the 2018 Fourth of July compared to prior years even though there was still significant illegal use of fireworks within the City limits. Lessons learned from the 2018 Fourth of July reporting period included the importance of a public education and outreach campaign to change the behavior of a community. Specifically, the need to educate people on how to submit sufficient information for enforcement action and to explain the lack of police presence at known problem areas.

Mitigation activities and outcomes from the 2019 reporting period, from June 1, 2019 to July 8, 2019, included the first-time issuance of a Fireworks Non-Renewable Permit in an area known for celebrations using illegal fireworks. The “Fed up with Fireworks” campaign messaging was used for the second consecutive year and distributed via a Social Media Kit along with displaying banners at the City’s 33 fire stations.

The 2019 campaign initiated regular reporting at the Neighborhoods Commission and the Planning, Building and Code Enforcement Department's (PBCE) Code Enforcement Division conducted community surveys. Follow-up with residents whose reports provided the basis for issuance of a Warning Notice or Citation was also conducted. School electronic billboards were used for the first time in the outreach campaign. The continued use of the online reporting tool was facilitated by Fire Department Information Technology (Fire IT).

In 2020, the campaign attempted to continue the innovation and momentum of the previous years. The City of San José's "*Fed Up With Fireworks*" and "*It's Not Worth It*" messaging was used for the third consecutive year. Due to limitations related to the COVID-19 pandemic and County Public Health shelter-in-place orders, standard channels of outreach were limited. A focused effort to increase outreach through targeted social media and use of organizational platforms was adopted to address the unique challenges presented in 2020.

## **ANALYSIS**

This memorandum summarizes illegal fireworks mitigation activities related to the Fourth of July reporting period for 2020 covering June 1, 2020 through July 12, 2020.

The fireworks ordinance workplan team is comprised of Fire, Information Technology, Planning, Building and Code Enforcement and Police Departments. The team collaborated to plan and execute the efforts described below.

### **Fire Department**

The Fire Department has continued to focus on key program components including Education through Outreach, Reporting and Enforcement. Outreach efforts, including collaboration with various partners, has expanded to achieve the goals of the campaign to: reduce injuries and fires; decrease illegal firework activity; increase the number of actionable reports; and educate residents of the dangers and potential fines associated with fireworks use.

This year, the "*Fed Up With Fireworks*" public information and media campaign began on June 15, 2020 in the San José area. The campaign once again used a wide array of distribution channels, featuring digital billboards (2), VTA bus advertisements (50), and Facebook/Instagram ads – all available in English, Spanish and Vietnamese. Fireworks data from the past two years was used to identify areas with high levels of reported fireworks activity. This information was shared with law enforcement and was used to guide geotargeted online ads to reach community members in the most highly impacted neighborhoods.

The "*Fed Up With Fireworks*" print banners were displayed at the City's 33 fire stations, Police buildings, and community centers. Due to limited staffing and closure of city libraries as a result of the City's response to COVID-19, libraries were unable to display banners. Flyers were not utilized as they were in past years, as our typical distribution sites and activities were closed or

cancelled due to the pandemic. With these limitations identified, the campaign focused on increasing outreach using targeted stakeholder engagement, digital messaging and social channels.

Stakeholder outreach included a social media campaign that was customized and shared with key groups. A messaging toolkit was developed and tailored for use by other City departments, City Council, Neighborhood Commission, neighborhood associations as well as the City's Neighborhood Watch groups, Community Emergency Response Teams (CERT), and School Districts.

In 2019, three local schools (Andrew P. Hill High School, Leigh High School, and Dartmouth Middle School) partnered with the City to display fireworks messaging on their digital billboards. This year, three additional schools provided billboard outreach including Del Mar High School, Lynbrook High School and Westmont High School. Further expanding on school outreach, the messaging toolkit was tailored to the school audience and provided suggested banner, newsletter and social media copy and graphics to be shared. Six school districts confirmed sharing of information via their social media accounts (Berryessa Union School District, San Jose Unified School District, Mount Pleasant Elementary School District, Campbell Union High School District, Fremont Union High School District, Saratoga Union School District) and a number of other school districts shared newsletter copy via district e-newsletters (San Jose Unified School District, Mount Pleasant Elementary School District, Fremont Union School District, Saratoga Union School District). Our school district partners amplified the "*Fed Up With Fireworks*" campaign, providing strategic messaging to their audience consisting of over 10,000 newsletter subscribers and approximately 24,483 social media followers.

With the cancellation of community events this Fourth of July due to the COVID-19 pandemic, the Fire Department developed a list of safe alternative activities to share with residents. Activities encouraged residents to safely celebrate the holiday at home rather than with illegal fireworks. The list of activities was shared on the City's fireworks webpage and custom graphics were created for social media sharing. The alternative activities message was shared via social media on City of San José channels, Santa Clara County Fire Department social channels and distributed to school districts to share with their school communities.

In addition to seeing a consistent campaign message, the public has access to a stable online reporting system. This system captures the data submitted by individuals reporting potential fireworks violations and may provide evidence justifying the issuance of Warning Notices or Citations. Responsibility for development and support services for the online reporting tool previously supported by the Information Technology Department is now managed by Fire IT.

The Fire Department received 124 calls<sup>2</sup> for service for fireworks-related incidents during the 2020 Fourth of July reporting period (spanning 42 days). These calls for service were categorized as follows: related to fireworks, possibly related to fireworks, and found not to be

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<sup>2</sup> ATTACHMENT B: Illegal Fireworks Reporting Summary, covering the 42-day reporting period.

related to fireworks after investigation. Of those calls related-to or possibly related-to fireworks, there were:

- 9 building fires
- 34 vegetation fires
- 8 outside rubbish fires
- 3 vehicle fires
- 2 EMS events
- 22 requests for service or to report on conditions
- 46 not related to fireworks after investigation or crews were unable to locate

The total number of fires (all types) during the 42-day reporting period with a possible connection to illegal fireworks was fifty-four (54). This was a marked increase from the previous year that logged fifteen (15) firework-related fires over 38 days in 2019. To provide more timely and accurate reporting, modification to the Fire Department's records management system reports were also made.

Additionally, the Fire Department experienced increased call volume this Fourth of July with a total of 366 calls for service, 200 of those falling between the hours of 6 p.m. and midnight. This is a significant increase compared to 265 calls for service on July 4, 2019. Fire personnel were asked to patrol neighborhoods known to be fireworks hotspots on July 3<sup>rd</sup> and 4<sup>th</sup>. A total of four (4) online reports were submitted by Fire personnel while in the field with one (1) resulting in issuance of a warning, but often crews were unable to successfully locate active fireworks use. On July Fourth, Fire crews were inundated with calls for service necessitating the activation of the Mutual Aid<sup>3</sup> system, which brought in ten additional fire crews from neighboring agencies to assist in San José.

The Fire Department utilized data from previous years to increase outreach more efficiently, built a targeted social media campaign, provided information to law enforcement with current high frequency areas, patrolled neighborhoods and modified the reporting tools to improve processing times. Unfortunately, 2020 Fourth of July illegal fireworks activity and related fires increased. This increase was observed by Fire Chiefs across California and the U.S. The volume and types of illegal fireworks in the community suggested a concerted effort to market directly to the community.

## **Police Department**

The allocation of resources to fireworks-related complaints continues to be a challenge for the Police Department given the competing and more urgent Priority 1 and 2 Calls for Service. However, the Police Department did seize a total of approximately 450 lbs. of fireworks, made three arrests for illegal fireworks and issued one in-field citation during the 2020 July Fourth reporting period.

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<sup>3</sup> In emergency services, **mutual aid** is an agreement among emergency responders to lend assistance across jurisdictional boundaries.

Although there were no sponsored fireworks events this year, all available patrol resources are committed to Priority 1 and 2 calls throughout the City. During the 2020 Fourth of July reporting period, the Police Department Communication's Division received 2,091 related fireworks calls (includes advised, cancelled and duplicated calls) compared to 464 last year.

The Police Department did increase visibility by utilizing on-duty patrol resources to drive through neighborhoods with reported fireworks concerns. It should be noted that a Fireworks Hotspot Police Enforcement pilot was previously planned to be put in place this Fourth of July. However, due to shifting priorities in the Police Department and a reduction to the 2020-2021 overtime budget, no overtime resources were dedicated to this effort. An informational memorandum from the Fire Department was released to the Mayor and Council on June 18, 2020<sup>4</sup>.

The Police Department participated in the "*Fed up with Fireworks*" public outreach campaign described in the previous section by displaying "*Stop Illegal Fireworks*" banners at both the Police Administration Building and the Police Substation as well as posting the "Snap, Click, and Report" on-line reporting tool using the Department's *Next-Door* application.

The Police Department issued *no* block party permits pursuant to the County of Santa Clara Public Health Department orders restrictions for the COVID-19 pandemic.

### **Planning, Building and Code Enforcement – Code Enforcement Division**

Code Enforcement reviewed all 6,601 reports submitted through the online reporting tool and issued a Warning Notice or Citation for reports with sufficient evidence of illegal firework activity. For the 335 reports (or 5%) that were actionable, Code Enforcement conducted follow up with 329 reporting parties via email or phone call to advise individuals that their report resulted in the issuance of a Warning Notice or Citation.

Code Enforcement conducted a community survey for the second consecutive year, from July 29, 2020 through August 5, 2020. The survey was shared with 1,910<sup>5</sup> individuals who reported fireworks activity between June 1, 2020 and July 12, 2020 through the online reporting tool. The purpose of the survey was to solicit feedback regarding their experience using the online reporting tool, their understanding of the City's response model, and suggestions for improvement to the program. The City received a 30% response rate (572 responses out of 1,910) to the community survey. Key survey responses are as follows:

- 57% of the respondents did not know Police/Fire would not immediately respond, down 9% from last year.
- 40% of the respondents found using the online reporting tool easy/very easy and 36% found using the tool neither easy nor difficult.

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<sup>4</sup> <https://www.sanjoseca.gov/home/showdocument?id=59872>

<sup>5</sup> 1,910 represents the number of respondents that provided a phone number or e-mail address for contact.

- 57% of the respondents had suggestions on how to make the online reporting tool better, up 8% from last year.
- An average of 82% of the respondents were aware that a specific address and description of the firework activity were required for the City to take enforcement action, while only 58% were aware a photo or video of the illegal activity were required.

With 62% of the respondents providing suggestions, Code Enforcement summarized the top three categories suggested by the community. The categories are:

1. Enforcement: Desire for real-time response and some type of enforcement action by Police or Fire (175 responses).
2. Improvements to Online Reporting Tool: General changes to the online reporting system such as adding a mapping tool, making some required fields optional, and better overall functionality of the website and phone app (66 responses).
3. Transparency: Providing information to the public about how the report will be used and what follow-up a reporting party can expect (48 responses).

### **Online Reports**

A total of 6,601 reports were submitted online, of which 335 were actionable. The total number of filed reports tripled from the prior year (1,946 to 6,601) and actionable reports more than doubled (161 to 335).

As outlined in Attachment B, Illegal Fireworks Reporting Summary, of the 6,601 online reports received by the City and reviewed by Code Enforcement staff, 2,672 were found to have insufficient information and another 3,416 were incomplete. Reports with insufficient information contained no address, no named party, *and* no photographic or video evidence. Reports that contained no information at all were designated as incomplete. There were 331 submissions that provided sufficient information (such as an address of the fireworks activity) for the City to issue a Warning Notice and four (4) that contained sufficient additional evidence for the City to issue a Citation.

There continues to be a high percentage of online reports that are non-actionable. Specifically, approximately 95% of the total submitted online reports did not contain sufficient information for issuance of a Warning Notice or Citation. The remaining 5% were actionable. The number of reported incidents grew by approximately 340%.

On October 29, 2019 Council directed that “the City Manager to improve the reporting tool and make it more readily accessible as a mobile site, and evaluate the suitability for integration to the next generation the MySanJose App.”

Due to current workplan priorities for the for the Information Technology Department and Civic Innovation including Language Line Translation, Recycle Plus and a major upgrade to the Public Utilities systems, the fireworks reporting tool was not added to the MySanJoseApp work plan.

Although technically possible, the implementation timeframes will be dependent on requirements and availability of funding. Staff will continue to explore this potential integration for the coming year.

### **Phone Reports**

Now active year-round, the dedicated Fireworks Hotline (408-535-5600) provides recorded instructions directing a caller to the online reporting tool as well as an option to speak to the call center. San José 311 (formerly The City Customer Contact Center) serves as the daytime call center. A third-party call center supports daytime overflow and after-hours calls. The online reporting tool functions as the repository for all fireworks reporting, even if filled out by call taker on the public's behalf.

During the 2020 Fourth of July reporting period from June 1, 2020 to July 12, 2020 a total of 1,973 calls were received. Of the 1,973 calls, 900 callers selected the staff option; 889 were answered by staff, mostly by the City's after-hours service provider, 11 calls were abandoned while on hold, and 33 callers hung up.

### **Lessons Learned**

Despite progress and normalization of program activities over the last several years, illegal use of fireworks within the City limits was at an all-time high in 2020. The following areas (some identified in the prior year's fireworks updates) provide a basis for determining next steps:

1. Online Reporting Tool – An extremely high percentage of submitted reports contain insufficient information or were incomplete. Although changes were made to the online reporting tool to guide the reporting parties to provide the necessary information and improve staff's ability to process reports, additional enhancements are required to further increase processing capacity and reduce the number of incomplete or insufficient reports.
2. Public Safety Presence – Community members continue to voice concerns regarding the lack of police presence at known problem areas. Enforcement requires the appropriate authority, therefore, proxy enforcement agents are not sanctioned to serve in an enforcement capacity in the field.
3. Public Education and Outreach Campaign – Education and awareness are important components to change the behavior of a community. An effective message that captures the attention of a target audience, is easy to understand and remember, is available in multiple languages, does not require any further explanation, and calls for the target audiences to act to effect or support a proposed change may have the potential to produce positive results. It is possible to increase the reach of a targeted social media campaign at a reduced cost<sup>6</sup> through the use of previously captured data.

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<sup>6</sup> ATTACHMENT C: Public Education and Outreach Campaign, Facebook Advertisements



4. Actionable Reporting Results - This year a significant amount of data was collected, it would be erroneous to attribute the amount of illegal firework activity solely to the lack of public outreach or inaction on the part of government agencies. The reporting tool collected data supporting 5% actionable outcomes. Due to the safety issues illegal firework activity presents and the transient nature of the violations, obtaining sufficient evidence to issue a Warning Notice or Citations is often difficult to achieve.
5. Consequences – Citation as a deterrent may be ineffective due to limited enforcement or perceived limited enforcement and/or low fine amounts.

### **Next Steps**

Staff will focus on:

1. Refine and refresh messaging campaign to capture broad community interest and compel safe celebrations.
2. Evaluate and improve online reporting tool to improve accessibility and ease of use, increase the number of actionable reports and decrease insufficient evidence and incomplete reports, and if possible integrate with new version of MySanJose App.
3. Provide public education “how to” for reporting of illegal fireworks and on City illegal fireworks abatement activities.
4. Perform comparative analysis of illegal fine amounts across the Bay Area and comparable California cities.
5. Engage regional partners to leverage illegal fireworks mitigation resources and programs.
6. Continue implementation of Police Department deployment plan and enforcement, while factoring in any relevant community feedback or policy work on policing practices that may arise from the Police Reform Workplan.

The team continues to develop methods to define, gather, normalize and track data that can be used to make program adjustments and/or develop policy changes.

### **CONCLUSION**

The 2020 campaign built on the progress of the previous years while recognizing the restrictions related to the COVID-19 pandemic. With fewer established outreach channels available, a pivot to an enhanced data driven messaging campaign through targeted social media was initiated. The intent was to make more precise paid advertising decisions and tap into established community and neighborhood networks. Fire companies also drove neighborhoods to increase visibility.

Code Enforcement reviewed an unprecedented number of online report submissions in 2020. The online submissions through the reporting tool more than tripled and the number of actionable reports resulting in a Warning Notice or Citation doubled. Code Enforcement also followed-up

with the reporting parties via email or phone to advise individuals that their report resulted in the issuance of a Warning Notice or Citation.

The Police Department continued to manage the allocation of resources to fireworks-related complaints which resulted in priority given to Priority 1 and 2 calls. The Police Department did seize approximately 450 lbs. of fireworks, made arrests for illegal fireworks and issued one in-field citation during the 2020 July Fourth reporting period. The Police Department also increased visibility using on-duty patrol resources to drive through neighborhoods with reported fireworks concerns.

Residents now also have access to the dedicated 24/7, 365 days, Fireworks Hotline (408-535-5600) that provides recorded instructions or offers the option to speak to the call center staff for assistance.

In addition, staff would like to note that several other suggestions from Public Safety, Finance and Strategic Support Committee and the Neighborhood Commission have been implemented:

- Neighborhood patrols were conducted by on-duty Police and Fire Department resources.
- Fireworks activity was provided on July 5<sup>th</sup> and shared through social media.

Comparable data and measures from 2019 is included in this memorandum.

The lessons learned for 2020 confirms much of what was known from previous years about the Online Reporting Tool, Public Safety Presence and the Public Education and Outreach Campaign. Additional effort is needed to increase the number of actionable reports and increase the understanding of the outcomes a resident/reporter should expect after filing a report. Recognition that the consequences at their current levels are not acting as an effective deterrent and further consideration of the consequences of illegal fireworks use is warranted.

## **EVALUATION AND FOLLOW-UP**

The following are the previous Next Steps from the 2019 campaign and the associated outcomes:

- 1) Messaging, outreach, and education activities to address the suggestions received from the community survey was the first of four action items. **Achieved**
  - Code Enforcement staff contacted reporting parties who submitted an actionable report that resulted in a Warning Notice or Citation issued. Unfortunately, system automated responses for all reporting parties was found to not be feasible with the current configuration. Surveyed respondents also indicated that a greater police presence was desired.
- 2) Production of an online tutorial video on how to use the reporting tool and what type of information is needed for the City to issue a Warning Notice or Citation; notice was also a next step to assist with improving user reporting success. **Achieved**
  - Video explaining where to find the reporting tool and how to use it was deployed through social media in English, Spanish and Vietnamese.

- 3) Exploring integration with the MySanJoseApp to provide the community with a "one-stop" mechanism to report issues to the City. **Not Implemented**
  - The fireworks reporting tool was not added to the MySanJoseApp work plan due to current priority projects within the Information Technology Department and Civic Innovation, along with reduced staffing levels. Staff will continue to explore this potential integration for the coming year.
- 4) Police Department pilot to patrol hot-spots with reported high use of illegal fireworks was a planned response for 2020. **Not Implemented**
  - Due to shifting priorities and loss of overtime funding as described above. However, the use of on-duty resources patrolling high use neighborhoods was implemented.

Staff will make their best effort to implement these next steps with existing resources, with the acknowledgement that full implementation may require additional funding. Any additional funding needs for this purpose will be evaluated in the context of the City's overall fiscal condition and other departmental program needs. Staff plans to report back to City Council in Fall 2021 on the status of these efforts through an informational memorandum.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

A toolkit was developed and tailored for use by other City departments, City Council, Neighborhood Commission, neighborhood associations as well as the City's Neighborhood Watch groups, Community Emergency Response Teams (CERT), and School Districts. This toolkit was distributed via email and provided graphics and customized messages for each respective group to share on social media and in emails or newsletters. A total of 8 local school districts partnered with the City to share campaign messaging, up from three districts in 2019. Four school districts confirmed sharing electronic billboard messaging, six school districts confirmed sharing of information via their social media accounts and three school districts shared newsletter copy via district e-newsletters. Flyers were not utilized due to the COVID-19 pandemic; however, multi-lingual banners were displayed at all fire stations, Police buildings and Community Centers. Additionally, bus advertisements, highway billboards and a paid online ad campaign were utilized to help spread campaign messaging in English, Spanish and Vietnamese. Three videos (English, Spanish and Vietnamese) were also created to share campaign messaging and encourage community members to "Snap. Click. Report." illegal fireworks use via the City's online form or to call the fireworks reporting hotline.

HONORABLE MAYOR AND CITY COUNCIL

September 4, 2020

**Subject: Fireworks Ordinance Work Plan Status Report**

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This memorandum will be posted on the City's Council Agenda website for the September 15, 2020 Council Meeting.

### **COORDINATION**

This memorandum was coordinated with the City Attorney's Office, City Manager's Office of Communications, Information Technology Department, Planning, Building, and Code Enforcement Department, and Police Department.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

/s/

ROBERT SAPIEN, JR.  
Fire Chief, Fire Department

Attachments:

- A: Illegal Fireworks Activities Timeline
- B: Illegal Fireworks Reporting Summary
- C: Public Education and Outreach Campaign

For questions, please contact Hector Estrada, Deputy Fire Chief/Fire Marshal, at (408) 535-7794.

## ATTACHMENT A: Illegal Fireworks Activities Timeline

Date	Activity
1977-1984	State approved fireworks were allowed in San José.
1984	City Council amended the San Jose Municipal Code banning all fireworks, including “safe and sane” fireworks.
2014	Fire and Police Departments were directed to look for options that might slow and eventually contain the illegal use, sale, possession and storage of fireworks.
August 20, 2014	Rules and Open Government Committee directed the City Manager to draft and bring forward to City Council an ordinance which would authorize the issuance of Administrative Citations and fines for the use, possession, sale, and storage of Fireworks.
June 23, 2015	City 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.
April 12, 2016	City Council adopted an ordinance amending the San Jose Municipal Code to prohibit the sale, use, possession, and storage of all types of fireworks. A resolution was also adopted amending the Administration Citation Schedule of Fines to establish administrative fines for fireworks-related violations.
July 1, 2016- July 5, 2016	Illegal Fireworks Pilot Program entailing publicity and enforcement. Illegal Fireworks Online Reporting System was created as a technology solution to allow the public to inform the City of illegal fireworks activity (up to 6 Code Enforcement Inspectors and 4-6 Fire Prevention Inspectors will review online reports).
April 2017	Police Department created a list from 2016 Fourth of July data identifying 62 “hot spots” citywide.
May-June-July 2017	City instituted a comprehensive marketing and outreach campaign, implemented a new online firework reporting platform, and deployed “in the field” enforcement personnel for the 2017 Fourth of July.
September 2017	City Manager designated the Fire Department as the lead department for coordination and project implementation. City Council provided direction on Fines and Appeals, Use of Volunteers, and Outreach and Marketing Campaign.
November 28, 2017	High level Illegal Fireworks Plan developed and presented to City Council; Expanded illegal fireworks messaging campaign and online reporting to New Year’s Eve and Tet/Lunar New Year; Created a “Save Lives, Including Your Own” New Year’s Eve fireworks and Tet/Lunar New Year campaign; Established a dedicated phone line for reporting illegal fireworks activity; Updated and improved Illegal Fireworks Online Reporting Form.

Date	Activity
January 1, 2018	Established new advance deposit hardship waiver qualification criteria for all Administrative Citations.
March 16, 2018	Applied for Federal Emergency Management Agency, Department of Homeland Security Fire Prevention & Safety (FP&S) Grant to provide education and awareness funding to assist the City in accomplishing our goals.
March 20, 2018	City Council approved the Mayor's March Budget Message for 2018-2019, which recommended one-time funding to support the Rotary International 2018 Fourth of July Fireworks event.
April 2018	Established Education and Awareness, Reporting, and Enforcement as major program components along with the lowering injuries and fires, increasing the number of actionable reports, and decreasing the number of illegal fireworks hotspots as program goals.
August 2018	Fire IT took over support of the online reporting tool.
October 2018	Initiated regular reporting at Neighborhoods Commission.
February 2019	Planning, Building and Code Enforcement conducted community survey. Received 178 responses out of 616 surveys sent out.
May 2019	Fire Department partnered with Andrew P. Hill High School, Leigh High School, and Dartmouth Middle School to display messaging campaign on digital boards and banners.
June 2019	Google translation service added to the online reporting system.
July 2019	Planning, Building and Code Enforcement sent emails and phone calls to reporting parties who submitted reports during the 2019 Fourth of July reporting period advising individuals that their report resulted in the issuance of a Warning Notice.
July 2020	COVID -19 shelter-in-place presented significant challenges. Focused on outreach through social media, community-based networks and alternate activities. Used data from previous years was used to target social media campaign and community contact.

## ATTACHMENT B: Illegal Fireworks Reporting Summary

### Statistics

	4 <sup>th</sup> of July 2016	4 <sup>th</sup> of July 2017	4 <sup>th</sup> of July 2018	4 <sup>th</sup> of July 2019	4 <sup>th</sup> of July 2020
<b>Hot Spots</b>	62	62	-	-	
<b>Fire Permits</b>	-	-	4	4	0 (COVID-19)
<b>Police Block Party Permits</b>	33	40	37	29	0 (COVID-19)
<b>Actionable Online Reports</b>	-	-	92	161 (includes duplicates)	335
<b>Online Report Stats</b>	694	1,075	3,421 reports filed (1,017 insufficient <sup>7</sup> info.)  2,312 incomplete	1,946 reports filed (596 insufficient info.)  1,189 incomplete	6,601 reports filed (2,672 insufficient info. / 3,416 incomplete/ 178 duplicates)
<b>Citations Issued</b>	16 *13 criminal (PD)	14 *9 criminal (PD)	6 *1 criminal (PD) 4 online (PBCE)	7	4 (PBCE)
<b>PD Criminal Citation</b>	13	9		1 Citation 2 Arrests	1 Citation 3 Arrests
<b>Warnings Issued</b>	223 197 (online) 26 (PRNS)	161	88	150	331 (PBCE)
<b>Field Citations</b>	3 Admin (Fire)	5 Admin (Fire)	1 Admin (Fire)	0	1
<b>Fire/Police (PD) Confiscations</b>	853 lbs.  32 lbs. (PD) 11 Sets (PRNS) Total -	40 lbs. (Fire) 2,760+ lbs. (PD)  *50 lbs. (Fire) voluntary disposal	0 lbs.	300 lbs.	450 lbs. (PD)
<b>Fire Calls for Service</b>	109 80 (PD) 29 (PD & Fire)	17 *17 fireworks related calls that included 8 fires	5 *28 fireworks related calls that included 14 fires   none related to med emergency	1 *23 fireworks related calls that included 15 fires   none related to med emergency	*124 fireworks related calls, included 54 fires   2 related to medical emergency

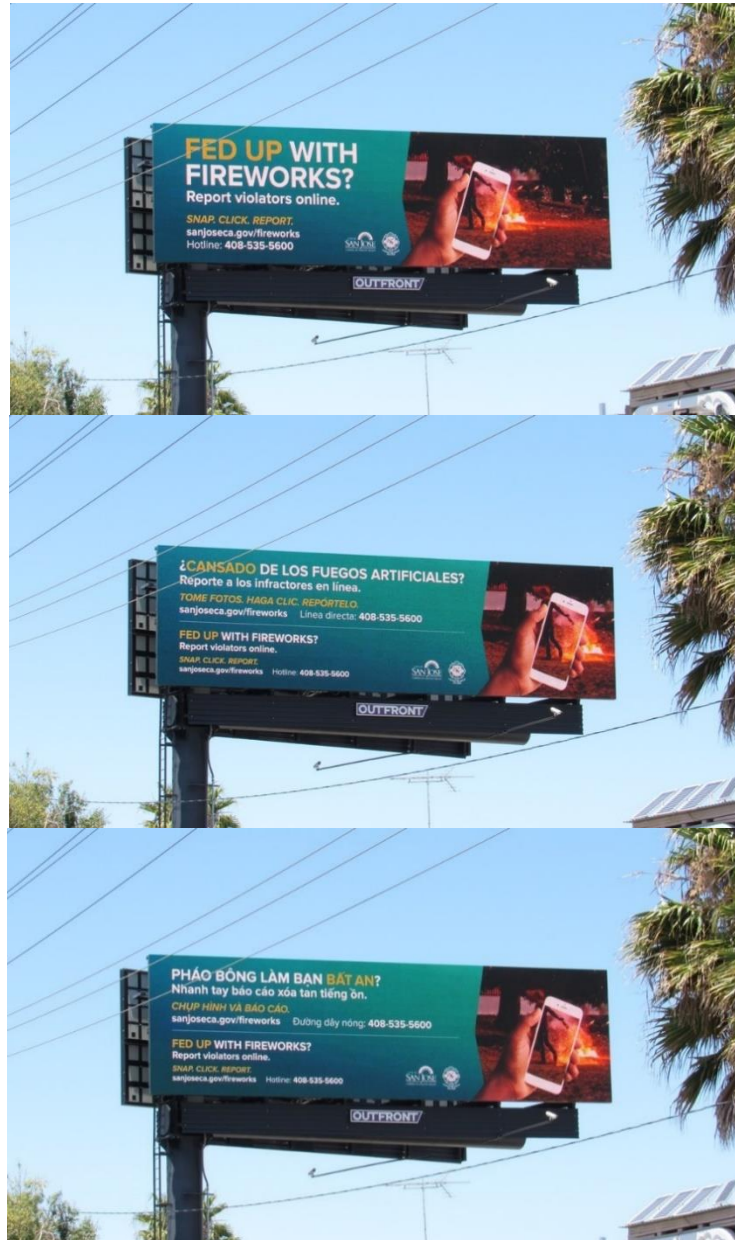
<sup>7</sup> Note: Insufficient info. is defined as reports lacking an address, name, or sufficient evidence to warrant a Warning or Citation. Incomplete submissions are reports that lack any information.

	<b>4<sup>th</sup> of July 2016</b>	<b>4<sup>th</sup> of July 2017</b>	<b>4<sup>th</sup> of July 2018</b>	<b>4<sup>th</sup> of July 2019</b>	<b>4<sup>th</sup> of July 2020</b>
<b>Police (PD) Calls for Service</b>	392 *TBD	378 *84 after canceled and duplicate calls removed	596 *265 after canceled and duplicate calls removed	464 *125 after advised, canceled, and duplicate calls removed	2,091 *529 after advised, canceled, and duplicate calls removed
<b>Hotline Calls</b>	Hotline was not implemented	Hotline was not implemented	611 *27 by Call Center and 411 afterhours	787 *68 by Call Center and 434 after hours	1,973 *1073 by Hotline directed to online form. 889 answered by staff. 311 answered 77 calls



# ATTACHMENT C: Public Education and Outreach Campaign

## Billboards and Banners



# VTA Bus Wraps



**IT'S NOT WORTH IT.**  
You will be reported.  
*SNAP. CLICK. REPORT.*  
[sanjoseca.gov/fireworks](http://sanjoseca.gov/fireworks)  
Hotline: 408-535-5600

**ĐỐT PHÁO BÔNG CÓ ĐÁNG KHÔNG?**  
Bạn sẽ bị báo cáo.  
▶ *HÃY CHỤP HÌNH VÀ BÁO CÁO.*  
[sanjoseca.gov/fireworks](http://sanjoseca.gov/fireworks)  
Đường dây nóng: 408-535-5600

## NO VALE LA PENA.

Usted será reportado.

*TOME FOTOS. HAGA CLIC. REPORTELO.*  
[sanjoseca.gov/fireworks](http://sanjoseca.gov/fireworks)  
Línea directa: 408-535-5600



**FED UP WITH FIREWORKS?**  
Report violators online.  
*SNAP. CLICK. REPORT.*  
[sanjoseca.gov/fireworks](http://sanjoseca.gov/fireworks)  
Hotline: 408-535-5600

**PHÁO BÔNG LÀM BẠN BẤT AN?**  
Nhanh tay báo cáo xóa tan tiếng ồn.  
▶ *CHỤP HÌNH VÀ BÁO CÁO.*  
[sanjoseca.gov/fireworks](http://sanjoseca.gov/fireworks)  
Đường dây nóng: 408-535-5600

## CANSADO DE LOS FUEGOS ARTIFICIALES?

Reporte a violadores en línea.

*TOME FOTOS. HAGA CLIC. REPORTELO.*  
[sanjoseca.gov/fireworks](http://sanjoseca.gov/fireworks)  
Línea directa: 408-535-5600



## Regional Campaign Messaging



## School Campaign Messaging



## Measurement

### *Fireworks Webpage (June 1 – July 12)*

Metric	2019	2020	% Change
Page Views	6,038	18,930	314%
Unique Visitors	4,591	13,657	297%
Returning Visitors	1,638	2,436	149%
Clicks on Reporting Tool link	258	174	-67%

### Additional 2020 Fireworks webpage Data

- Traffic Sources:
  - Search Engines: 7,330 / 46.7%
  - Direct Traffic: 6,729 / 42.9%
  - Social Media: 1,015 / 6.5%
  - External Referrers: 617 / 3.9%
- Devices:
  - Mobile: 12,098 / 71.8%
  - Desktop: 4,385 / 26.0%
  - Tablet: 373 / 2.2%

### *VTA Bus Ads (50)*

- 2,821,750 impressions via 50 bus ads

### *Digital Bulletin/Billboards*

- 2 at US101/Lafayette
- 2,499,296 impressions

### *Facebook Advertisements*

Metric	2019	2020	% Change
Clicks	1,319	1,692	28.30%
Impressions	349,499	265,420	-24.10%
Click through Rate %	0.38%	2.33%	513.20%
Cost per Thousand	\$ 10.01	\$ 5.46	-45.40%
Cost per Click	\$ 2.65	\$ 0.86	-67.70%

## School Outreach

School District	Location	Email	Social Media	Billboard
Berryessa Union School District			x	
Campbell Union High School District	Leigh, Del Mar & Westmont High Schools		x	x
East Side Union High School District	Andrew Hill High School			x
Fremont Union High School District	Lynbrook High School	x	x	x
Mount Pleasant Elementary School District				
San Jose Unified School District		x	x	
Saratoga Union School District		x	x	
Union Elementary School District	Dartmouth Middle School			x

	Campbell Unified	San Jose Unified	Mount Pleasant Elementary	Berryessa Union	East Side Union	Fremont Union	Saratoga Union	Union Elementary
Facebook	1,682	4,571	71	1,373	3,151	3,645	556	400
Twitter	970	1,638	-	467	-	3,297	135	705
Instagram	822	1,000	-	-	-	-	-	-
Staff newsletter	845	-	-	-	-	-	-	-
Community Newsletter	8,348	-	1,800	-	-	-	-	-