**COUNCIL AGENDA SYNOPSIS**

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Prepared by</th>
<th>Mayor’s review</th>
<th>Council review</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/24/19</td>
<td>CO</td>
<td>MCE</td>
<td>KKC</td>
</tr>
</tbody>
</table>

**ITEM INFORMATION**

**STAFF SPONSOR:** BRUCE LINTON  
**ORIGINAL AGENDA DATE:** 6/24/19

**AGENDA ITEM TITLE:** July 4 Fireworks Enforcement Strategy

**CATEGORY:** Discussion

**SPONSOR:** Council Mayor HR DCD Finance I Fire ETS EPW ECourt

**SPONSOR’S SUMMARY:** An update to the Council on the July 4 Fireworks Enforcement Strategy

**REVIEWED BY:**
- C.O.W. Mtg.
- CDN Comm
- Finance Comm.
- Public Safety Comm.
- Trans & Infrastructure
- Arts Comm.
- Parks Comm.
- Planning Comm.

**DATE:** 6/17/19

**COMMITTEE CHAIR:** ROBERTSON

**RECOMMENDATIONS:**
- Sponsor/Admin. Tukwila Police and Fire Departments
- Committee: Unanimous Approval; Forward to Committee of the Whole

**COST IMPACT / FUND SOURCE**

<table>
<thead>
<tr>
<th>Expenditure Required</th>
<th>Amount Budgeted</th>
<th>Appropriation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

**Fund Source:**

**Comments:**

**MTG. DATE**

**RECORD OF COUNCIL ACTION**

**MTG. DATE**

<table>
<thead>
<tr>
<th>6/24/19</th>
<th>ATTACHMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/24/19</td>
<td>Informational Memorandum dated 6/12/19, plus attachments</td>
</tr>
<tr>
<td></td>
<td>Minutes from the Public Safety Com. of 6/17/19</td>
</tr>
</tbody>
</table>
INFORMATIONAL MEMORANDUM

TO: Public Safety Committee
FROM: Bruce Linton, Police Chief
       Jay Wittwer, Fire Chief
BY: Chris Flores, Assistant Fire Chief
CC: Mayor Ekberg
DATE: 06/12/19
SUBJECT: 4th of July Fireworks Enforcement Strategy

ISSUE
Active enforcement of Ordinance 1787, Banning the Discharge of Fireworks within the Corporate Limits of the City of Tukwila, during the week of July 4, 2019.

BACKGROUND
On 12/09/1996 Council passed Ordinance 1787, banning the discharge of fireworks as described above. In previous years, emphasis patrols staffed by Police and Fire have focused mainly on education and confiscation without pursuing civil penalties on behalf of the city. These emphasis patrols seem to have exacted minimal impact on the use of fireworks in the community. The activities have continued, and complaints regarding the illegal discharge of fireworks continued to be registered. TMC 8.12 charges the Chief of Police and Fire Marshal with administering and enforcing related provisions. TMC 8.45 allows for monetary penalties: “Each civil infraction shall carry with it a monetary penalty of $100.00 for the first violation, $175.00 for a second violation of the same nature or a continuing violation, and $250.00 for a third or subsequent violation of the same nature or continuing violation.” (TMC 8.45.120 Penalties- attached)

DISCUSSION
The kinder and gentler approach associated with education and enforcement has failed in stemming the illegal discharge of fireworks in the City of Tukwila. The Police Chief and Fire Marshal are preparing for proactive enforcement within the full guidelines of the ordinance and within TMC 8.12 and 8.45. In advance of the upcoming holiday, community messaging will emphasize a City of Tukwila “Zero Tolerance” policy aimed at the illegal discharge of fireworks.

OUTREACH EFFORTS
Part of the Police and Fire Department fireworks enforcement strategy encompasses messaging to ensure Tukwila residents and visitors are well informed of Ordinance 1787, banning the discharge of fireworks inside our city limits.

Staff understands that communications with residents and guests on the City’s ban on fireworks and this year’s emphasis patrols that will result in citations. Accordingly, the City is utilizing the following communication channels to get the message out:

- Social media and website – The City will utilize all of its social media channels from the main City account, Parks and Recreation account and the Tukwila Police Department account to push out a centralized message on the fireworks ban. and the fact that the Police Department will be writing citations in 2019. The website will also be updated accordingly.
• Channel 21 – City staff will put materials on Channel 21 for viewers to see regarding the ban and citations.

• Tukwila Talk – Staff will coordinate with the editor to convey the ban and upcoming enforcement strategies.

• Nextdoor – Staff will leverage blockwatch communities to communicate the ban and enforcement strategy via the NextDoor blog.

• Digital Message Board – Staff is reaching out to the advertiser of the digital message board at West Valley Highway and S. 180th Street to push out a message both about the fact that there will not be fireworks at Ft. Dent this year as well as the fireworks ban in the City of Tukwila.

• Code Red – The City will push out messages to people in Tukwila that have signed up for non-emergency alerts reminding people that fireworks are illegal in the City of Tukwila and to warn them that citations will be issued this year.

• Yard Signs in Parks – As the department has done in previous years, Parks and Recreation will develop “Respect the Ban” yard signs and place them in parks throughout the City reminding people about the fireworks ban.

• Tukwila School District Coordination – City staff will work with the Tukwila School District to utilize some of their channels such as social media and sign at Foster High School, to push out the message of the ban and planned citations.

• The city will work with TIBAC, COPCAB and other committees, to spread the word and possibly assist with distributing information pamphlets to apartment managers for distribution to their rental communities.

In addition, staff is working on various ways to spread the word that there will not be fireworks at Fort Dent. Efforts include leveraging social media, outreach to media and installing the variable message board signs on West Valley Highway at Fort Dent Way.

FINANCIAL IMPACT
Approximately $2,600.00 in overtime and benefits for two police officers and two firefighters on July 3, 2019 to patrol eight hours. Approximately $5,200 for six police officers and two firefighters on July 4, 2019 to patrol eight hours. The total impact is approximately $7,800.

RECOMMENDATION
Forward to the June 24, 2019 Committee of the Whole for an update to the full Council.

ATTACHMENTS
Tukwila Municipal Code 8.12 Fireworks
Tukwila Municipal Code 8.45.120 Penalties
20 Year summary - Tukwila Police Department Fireworks Calls for Service (CFS)
6/28/18 – 7/5/18 – Fireworks CFS graph
6/28/18 – 7/5/18 – Fireworks CFS (hotspots map)
CHAPTER 8.12
FIREWORKS

Sections:
8.12.010 Sale of Fireworks Prohibited
8.12.020 Ban on Fireworks Discharge
8.12.030 Fireworks Discharge, Enforcement Authority
8.12.040 Fireworks Discharge, Penalties

8.12.010 Sale of Fireworks Prohibited

No person, firm or corporation shall manufacture, sell, or store fireworks in the City of Tukwila, except that a person granted a permit for a public display of fireworks shall be allowed to buy, possess and store fireworks according to the permit granted.

(Ord. 1786 §1, 1996)

8.12.020 Ban on Fireworks Discharge

No person or persons shall ignite, explode or discharge any fireworks or firecrackers within the city limits of Tukwila, except as provided below:

1. Use by a group or individual for religious or other specific purposes on an approved date an approved location pursuant to a permit issued pursuant to RCW 70.77.311.
2. Use of trick and novelty devices as defined in WAC 212.17.030, and use of agricultural and wildlife fireworks as defined in WAC 212.17.045.
3. Public Display of Fireworks
   a. "Public displays of fireworks" are defined as an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks.
   b. Public displays of fireworks shall be allowed pursuant to the definitions and permit provisions found in RCW 70.77.255, 70.77.260 (2), 70.77.260 through 70.77.295, and City requirements in TMC 8.12.020-3.c, 3.d & 3.e below.
   c. Applications for public display of fireworks shall be made in writing at least 14 days before the proposed display. The Fire Marshal shall investigate the safety, supervision, responsibility and preparation for the display, and shall report to the City Council those findings.
   d. The City Council shall review all permit applications for a public display of fireworks, and shall have the power, based upon the finding of their investigation, to grant or deny any application for a permit, or to subject the same to such reasonable conditions, if any, as they shall prescribe. Said decision to grant, deny, or grant subject to conditions shall be in writing with findings and conclusions provided therein in support of the City Council’s decision.
   e. The fee for a public display shall be $100.
   f. Permits granted shall be in effect for the specified single event, date and time specified in the permit. Such permit shall not be transferable.
   g. Any applicant who feels he/she has been denied a permit for reasons other than those set forth in this section, is entitled to appeal the written decision in accordance with procedures set forth in TMC 8.45.060 relating to appeals from notice and orders.

(Ord. 1787 §1, 1996)

8.12.030 Fireworks Discharge, Enforcement Authority

The Chief of Police and Fire Marshal are both directed to administer and enforce the provisions of this chapter. Upon request by the Chief of Police or the Fire Marshal, all other City departments and divisions are authorized to assist them in enforcing this Chapter.

(Ord. 1787 §2, 1996)

8.12.040 Fireworks Discharge, Penalties

Any person who violates any portion of this ordinance shall be subject to having their fireworks confiscated as provided for in RCW 70.77.435, and shall be guilty of a civil violation and penalty as provided in TMC Chapter 8.45.

(Ord. 1787 §3, 1996)
Enforcement Officer may issue a Stop Work Order specifying the violation and prohibiting any work or other activity at the site. Any violation of a Stop Work Order may be prosecuted with a Notice of Violation and Order, and is hereby declared to be a public nuisance. The Code Enforcement Officer is authorized to enjoin or abate such public nuisance summarily by any legal or equitable means as may be available. The City shall assess the cost of abatement, including any and all legal fees incurred by the City attendant thereto, and any fine levied jointly and severally against the responsible parties, the subject property or both. The costs for the injunction or abatement, including any and all penalties and legal fees incurred by the City, shall be recovered by the City from the person(s) responsible in the manner provided by law.

(Ord. 2547 §14, 2017)

8.45.100 Abatement
Any condition or violation described in a Notice of Violation and Order that is not corrected within the time specified therein is hereby declared to be a public nuisance. The Code Enforcement Officer is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The City shall assess the cost of abatement, including any and all legal fees incurred by the City attendant thereto, and any fine levied jointly and severally against the responsible parties, the subject property or both. The costs for the injunction or abatement, including any and all penalties and legal fees incurred by the City, shall be recovered by the City from the person(s) responsible, in the manner provided by law.

(Ord. 2547 §15, 2017)

8.45.110 Appeal to Hearing Examiner
A. The person(s) responsible named on a Notice of Violation and Order issued by the Code Enforcement Officer, pursuant to TMC Section 8.45.070, may appeal the Notice by requesting such appeal within 10 calendar days after being served with the Notice pursuant to TMC Section 8.45.070. When the last day of the period so computed is a Saturday, Sunday, or a Federal or City holiday, the period shall run until 4:30 PM on the next business day. The request shall be in writing and include the applicable appeal fee as specified in the City’s fee schedule adopted by resolution of the City Council. Upon receipt of the appeal request, the Code Enforcement Officer shall schedule an appeal hearing before the Hearing Examiner. Notice of the hearing shall be sent to the appellant and/or the person(s) named on the Notice of Violation and Order under the procedures described in TMC Section 8.45.070, or as may be otherwise requested by the appealing party.
B. At or after the appeal hearing, the Hearing Examiner may:
1. Sustain the Notice of Violation and Order;
2. Withdraw the Notice of Violation and Order;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the Notice of Violation and Order, which may include an extension of the compliance date.

C. The Hearing Examiner shall issue a written decision within 14 days of the date of the completion of the review, and shall cause the same to be sent to the person(s) named on the Notice of Violation and Order under the same procedures described in TMC Section 8.45.070 or as otherwise directed by the appealing party.

D. The decision of the Hearing Examiner shall be final and conclusive unless appealed. An appeal of the decision of the Hearing Examiner must be filed with superior court within 21 calendar days from the date the Hearing Examiner’s decision was mailed to the person(s) responsible to whom the Notice of Violation and Order was directed, or is thereafter barred. The cost for transcription of all records ordered certified by the superior court for such review shall be borne by the appellant.

(Ord. 2547 §16, 2017)

8.45.120 Penalties
A. VIOLATIONS OF THE TUKWILA MUNICIPAL CODE:
1. Civil Infraction: Each civil infraction shall carry with it a monetary penalty of $100.00 for the first violation, $175.00 for a second violation of the same nature or a continuing violation, and $250.00 for a third or subsequent violation of the same nature or a continuing violation.
2. Notice of Violation and Order:
   a. A Notice of Violation and Order shall carry with it a cumulative monetary penalty of $250.00 per day for each violation from the compliance date until compliance with the Notice of Violation and Order is achieved.
   b. The Code Enforcement Officer shall have the discretion to impose penalties in an amount lower than those set forth herein, taking into account the mitigating factors described below:
      (1) Was the responsible party willful or knowing of the violation?
      (2) Was the responsible party unresponsive in correcting the violation?
      (3) Was there improper operation or maintenance?
      (4) Does the violation provide economic benefit for noncompliance?
      (5) Does the discharge result in adverse economic impact to others?
      (6) Will cleanup activities be able to fully mitigate or remediate the impacts?
      (7) Is there a history of violations?
      (8) Were there unforeseeable circumstances that precluded compliance?
      (9) Did the responsible party make a good-faith effort to comply?
3. Liability for Damages: In addition to any penalty that may be imposed by the City, any person violating or failing to comply with any of the provisions of the Tukwila Municipal Code shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6/28</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6/29</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>6/30</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>7/1</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>10</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>7/2</td>
<td>4</td>
<td>10</td>
<td>3</td>
<td>1</td>
<td>7</td>
<td>6</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>7/3</td>
<td>11</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>11</td>
<td>21</td>
<td>5</td>
<td>11</td>
<td>7</td>
<td>2</td>
<td>6</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>7/4</td>
<td>46</td>
<td>52</td>
<td>40</td>
<td>28</td>
<td>38</td>
<td>55</td>
<td>33</td>
<td>45</td>
<td>42</td>
<td>29</td>
<td>19</td>
<td>26</td>
<td>27</td>
<td>15</td>
<td>29</td>
<td>22</td>
<td>29</td>
<td>35</td>
<td>38</td>
</tr>
<tr>
<td>7/5</td>
<td>13</td>
<td>3</td>
<td>1</td>
<td>9</td>
<td>12</td>
<td>19</td>
<td>16</td>
<td>14</td>
<td>8</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>14</td>
<td>1</td>
<td>3</td>
<td>7</td>
<td>21</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>77</td>
<td>78</td>
<td>56</td>
<td>55</td>
<td>76</td>
<td>106</td>
<td>89</td>
<td>77</td>
<td>74</td>
<td>57</td>
<td>33</td>
<td>44</td>
<td>63</td>
<td>34</td>
<td>39</td>
<td>41</td>
<td>60</td>
<td>68</td>
<td>60</td>
</tr>
</tbody>
</table>

Tukwila Police Department
Fireworks Calls for Service
6/28-7/5
PUBLIC SAFETY COMMITTEE
Meeting Minutes
June 17, 2019 – 5:30 p.m. – Hazelnut Conference Room, City Hall

Councilmembers:   Dennis Robertson, Chair; Kate Kruller, Zak Idan
Staff:    David Cline, Jay Wittwer, Bruce Linton, Laurel Humphrey

CALL TO ORDER: Chair Robertson called the meeting to order at 5:30 p.m.

I.  ANNOUNCEMENT

II.  BUSINESS AGENDA

A.  Resolution: Surplus Vehicle
Staff is seeking Council approval of a resolution that would declare as surplus and transfer ownership of a 1997 Ford Expedition from the Fire Department to the Zone 3 Fire Explorers. The vehicle was donated to the Zone 3 Fire Explorers Program in 2010 and has numerous mechanical issues and required repairs exceed the cost of the vehicle. The Explorers have requested the title and will be responsible for future costs. They will also add signage in honor of former advisor Mike McCoy.  **UNANIMOUS APPROVAL. FORWARD TO JULY 15, 2019**

REGULAR CONSENT AGENDA.

B.  Fourth of July Holiday Enforcement Strategy
Staff updated the Committee on plans to enforce the fireworks ban during the upcoming Fourth of July holiday. The City plans to do more proactive enforcement this year with emphasis on a “zero tolerance” message to the community in the weeks prior. The City will get the word out through its media channels and coordination with the School District. Both Police and Fire will be providing additional staff on July 3 and July 4 for an estimated financial impact of $7,800. Councilmember Kruller suggested messaging in additional languages and seeking guidance from the Equity and Social Justice Commission.  **DISCUSSION ONLY. FORWARD TO JUNE 24, 2019 COMMITTEE OF THE WHOLE.**

III.  MISCELLANEOUS
Staff updated the Committee on the propane tank emergency incident over the weekend. Councilmember Idan asked if the City would be reimbursed. The Fire Chief will be sending a letter to responsible parties explaining the violations and outlining next steps.

Staff distributed a document showing automatic aid given and received per station between 2014 and 2018. Chair Robertson reiterated the Committee’s intent to review public safety data to assess long term change and ensure effective policymaking.