



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

October 11, 2017

12:00 p.m. CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

**Meeting of October 11, 2017;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Alan Zelenka, President

Emily Semple

Claire Syrett

Jennifer Yeh

Mike Clark, Vice President

Greg Evans

Chris Pryor

Betty Taylor

12:00 p.m. CITY COUNCIL WORK SESSION

Harris Hall, 125 East 8th Avenue

A. WORK SESSION:

Fireworks Proposal

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Fireworks Proposal

Meeting Date: October 11, 2017
Department: Fire
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Fire Chief Joe Zaludek
Contact Telephone Number: 541-682-7115

ISSUE STATEMENT

Over the past few years, the City Council has considered a complete ban of fireworks with exceptions for professional event displays and within designated locations in Eugene. The decision at that time was to focus on education and enforcement. Impacts from the pervasive use of fireworks include the risk of injuries and property damages from fires, and the noise generated from them disrupts the quality of life for animals, senior citizens, military veterans, refugees, and community members at-large. The purpose of this work session is to provide City Council with information to consider a ban on the use of fireworks in Eugene.

BACKGROUND

For Eugene, the purchase and use of Oregon legal fireworks is regulated through the Eugene Fire Code. Legal fireworks may be purchased only from Oregon permitted fireworks retailers and stands. Oregon law bans possession, use or sale of fireworks that fly, explode or travel more than six feet on the ground or 12 inches in the air (e.g., firecrackers, bottle rockets, M-80's and similar devices). The state regulates fireworks for storage, public viewing events and public use. There have been no local amendments to the Oregon Fire Code, therefore, ORS 480.110 through 480.165, and OAR 837-12-0600 through 837-12-0675, govern fireworks sales, storage and use, public display, and retail sales respectively, and apply in their entirety within the city of Eugene.

As was stated in the January 27, 2014, Agenda Item Summary, "It is believed that it will require a multi-year and multi-phase approach to make any significant changes to the community behavior relating to the sale and use of fireworks." Since that time, education, prevention activity, and enforcement have increased, along with a reported decrease in unwanted activity. Despite this, there remains a significant quantity of illegal fireworks use within the city.

Retail sales of permitted fireworks and related products occur within the city of Eugene from June 23 through July 6 each year. After that period, sales cease and all unsold items must be returned to the wholesaler. All retail sales locations in the city are inspected by Eugene Springfield Fire Marshal's Office staff. Annually, there are about 43 retail outlets permitted and inspected, of which 28 are in Eugene and 15 are in Springfield. It is important to note that authorized public displays also generate a variety of noise complaints and impact the quality of life for many residents. Often times these displays occur after 10:00 p.m. in violation of Eugene's noise ordinance, 4.080(2) and 4.083(a)(1). This was the case most recently when the Eugene Emeralds started the scheduled 4th of July fireworks show at 1:00 a.m. on July 5, resulting in a number of complaints to City council.

The City Council instituted a ban in Eugene on fireworks in July 2015 in response to drought like-conditions for the Wildland Urban Interface (WUI) for properties south of 18th Avenue and east of Agate Street. Over the past few years, increased fire patrols have been deployed to observe and report illegal fireworks use and to provide public education. Designated locations create a problem for the City or property owner due to the potential for property damage and injury when a high number of participants using fireworks are close to one another.

Approaches by Other Oregon Communities

Research shows that currently Jacksonville, Talent and Rogue River prohibit the use of all fireworks. Additionally, Ashland prohibits the use of fireworks at any time, except wire-cored sparklers, smoke bombs, party poppers and snakes.

Statutory Fines Currently in Place

The following shows ORS related to fireworks enforcement with maximum penalties:

- ORS 480.120 Unlawful Sale/Possession of Fireworks (Class B Misd) 6months jail, \$2,500
- ORS 164.315 Arson I/II (Class A/C Felony) 20 years prison, \$375,000/ 5 years, \$125,000
- ORS 164.335 Reckless Burning (Class A Misdemeanor) 1 year jail, \$6,250
- ORS 164.365 Criminal Mischief 1 (Class C Felony) 5 years, \$125,000
- ORS 166.384 Manufacture of a Destructive Device (Class C Felony) 5 years, \$125,000
- ORS 166.382 Possession of a Destructive Device (Class C Felony) 5 years, \$125,000

Challenges with Enforcing Discharges of Illegal Fireworks

The greatest challenge to implementing a complete ban of fireworks will be to overcome entrenched community behaviors that have developed through years of permissiveness relating to fireworks use. Enforcement on discharges of illegal fireworks would require resources from both the Police and Fire Departments. Police would need to be available to assist in confrontational situations, which can be frequent when confiscating fireworks from individuals or parties.

If banning the public use of fireworks in Eugene is proposed, a city Ordinance will need to detail the following:

- That the public use of fireworks is illegal.
- That the use of fireworks for public display is permitted only when done in compliance with State and local permitting requirements and pyrotechnic licensing regulations.
- Whether the illegal use of fireworks should be an infraction, misdemeanor or if it only qualifies for the issuance of a citation.
- Identify a fine structure for 1st offense, 2nd offense, and 3rd offense for citations.

Following are other factors to consider for supporting a proposed Ordinance to ban the use of fireworks in Eugene, and how to enforce new regulations:

1. Is funding available for additional personnel to respond to fireworks complaints?
2. Will the public support the proposal?
3. Will fire and injury loss statistics, and costs associated to emergency response support the proposed ban?

Current enforcement and prevention activities include the Oregon State Fire Marshal's Office working with the U.S. Postal Service and other private parcel carriers to identify, confiscate and take enforcement actions on illegal shipments through the U.S. Mail. In addition, the Eugene Springfield Fire Department responds locally to suspicious shipments identified by the U.S. Postal Service, as well as other private parcel carriers and appropriate enforcement actions are taken against violators. During the evening hours of July 3 and 4 each year, all fire suppression companies are detailed to tour their respective areas, serving as a deterrent to inappropriate behaviors.

Education and Enforcement Efforts

Educating the public with the "Vets and Pets" messaging over the last few years combined with the activity of the Eugene Police Explosion Disposal Unit has resulted in a measurable reduction in illegal fireworks activity. Last year, EPD action included the confiscation of over 200 lbs. of fireworks with a value of over \$10,000.

Turn-In Event

As occurred in previous years, the City would hold a turn-in event, to allow residents to legally and safely dispose of illegal fireworks. It would be staffed with four technicians from the Explosive Disposal Unit for eight hours, and would cost approximately \$3,000. In 2017, 150 to 200 pounds of fireworks were turned in.

Enforcement Efforts

Historically, the Police Department has aimed to gain compliance with laws, rather than by issuing tickets. While no citations were issued in 2017, it is estimated that over 100 contacts with the public were made by the five targeted enforcement teams operating on July 4. The outcome of this strategy was warnings, education, and confiscation of over 200 pounds of fireworks with a value of over \$10,000. If the police were focused on writing citations, each contact would take significantly longer, resulting in an estimate of two contacts during the evening per team, rather than the estimated 20 contacts and warnings.

Potential Future Solutions

The Nail 'em app for smart phones is presently being used in communities across California. Staff is actively reviewing this app for use in Oregon and hope to consider this technology as it becomes available in Oregon.

The development of "quiet" fireworks technology is maturing in the U.K and Europe and staff is in contact with distributors to determine the availability of quiet fireworks for both professional and use by the general public.

RELATED CITY POLICIES

Previous Council action instituted a limited duration ban for all fireworks, allowing use only between June 23 and July 6, and December 31 and January 1. In addition to amending the code to adopt a full or partial ban, there are two approaches available to the City for more restrictive regulation of fireworks. Both approaches are detailed in the City Code as listed below:

This topic also relates to the following City policies:

- City Code Section 2.019 (1) authorizes the City Manager or designee to adopt rules for implementation. This is generally a several month process.
- City Code Section 2.019 (5) authorizes the City Manager or designee to adopt an emergency rule without prior notice or hearing. The City Manager must issue: 1) A statement of findings that a failure to act will result in serious prejudice to public interest; 2) A citation of the City's legal authority; 3) A statement of need for the rule; and 4) A list of principle documents relied upon by the City in considering the need for the rule. The rule is effective for a limit of 180 days.

ATTACHMENTS

- A. Wildland Urban Interface Area map for proposed ban
[Fireworks Prohibited Map](#)

FOR MORE INFORMATION

Staff Contact: Fire Chief Joseph Zaludek
Telephone: 541-682-7115
Staff E-Mail: joe.s.zaludek@ci.eugene.or.us

Fireworks Prohibited

