

October 7, 2020

To: Mayor and Members of City Council **202001808**

From: Paula Boggs Muething, Interim City Manager

Subject: Report on the Unlawful Use of Fireworks during the Fourth of July Holiday

REFERENCE DOCUMENT # 202000941

On September 1, 2020 the Law and Public Safety Committee referred the following for a report:

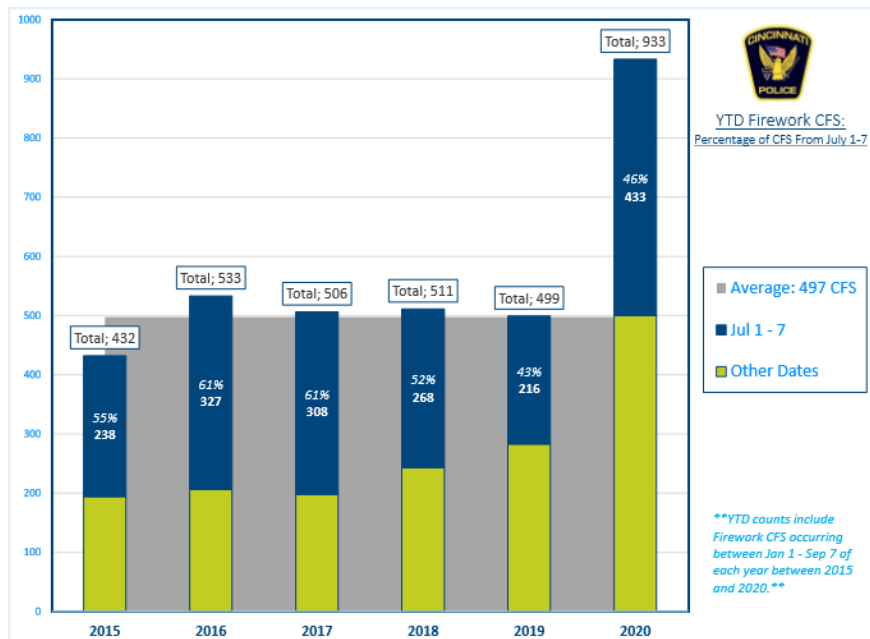
MOTION, submitted by Councilmember Mann, WE MOVE that the City review recent unlawful use of fireworks during the July 4 holiday period and recommend steps to reduce such activity in the future. Recommendations might include improved local and/or state legislation and a better and more coordinated educational and enforcement effort.

REPORT

A review of data associated with fireworks complaints indicates that 2020 was an unusual year. The number of complaints involving fireworks during the week of the Fourth of July holiday almost doubled prior years. While there are legal restrictions that criminalize the possession or unlicensed exhibitions of fireworks, the fleeting nature of the problem makes enforcement difficult. Typically, one or two fireworks are fired from a sidewalk or intersection and the perpetrators disappear before officers respond. For that reason, efforts to reduce illegal fireworks have been focused on education and community outreach by the Fire Department. If Council wishes to enhance educational and enforcement efforts in 2021, there are a number of options, but most will require some kind of additional funding to implement.

A. Review of Firework Complaints 2015 to Present

The number of fireworks complaints has been relatively stable over the last five year with the exception of 2020. The average number of fireworks complaints that are called in to the City's Emergency Communications Center (ECC) at this point in the calendar year is 569. However, prior to 2020, the year with the most calls for service related to fireworks complaints was 2016. That year, there were 533 fireworks complaints year to date. In contrast, there have been 933 fireworks complaints in 2020. Of the complaints that occurred in 2020, 433 of them occurred during the week of the Fourth of July holiday. For context, there were 432 fireworks complaints in all of 2015 year to date. In short, 2020 was an exceedingly unusual year for fireworks complaints since it nearly doubles every other year.



B. Legal Restrictions on Firework Possession and Use

Both state law and the municipal code currently regulate the possession and use of fireworks in the City of Cincinnati. In Ohio, the possession of fireworks is prohibited unless a person falls into an exception. R.C. 3743.65(A). Generally, the exceptions cover particular professional or business groups: manufacturers, wholesalers, exhibition companies, etc. The penalty for illegal possession of a firework is a first-degree misdemeanor. R.C. 3743.99(C). An offender can be jailed for up to 180 days, fined \$1,000, or both. R.C. 2929.24.

The City also regulates fireworks, but rather than possession, focuses on restricting the use of pyrotechnic devices. Specifically, the Fire Prevention Code prohibits the use of fireworks within the jurisdictional limits of the City unless a permit is obtained. C.M.C. Sec. 1213-7(a). The penalty for a violation is also a first-degree misdemeanor (not more than 180 days, a \$1,000 fine or both). C.M.C. Sec. 1201-49. In addition, once a permit is obtained, various other safety regulations guide the display itself, such as required set back from structures and particular institutions, such as hospitals. See C.M.C. Sec. 1213.15.

C. Current Educational and Enforcement Efforts

The City's response to fireworks complaints has generally been more focused on education and compliance rather than any punitive action. Prior to the Fourth of July holiday, the Fire Department has traditionally engaged in a public awareness campaign through social media. The posts typically describe the potential dangers of fireworks in terms of fire, the injuries that can result from improper use, and the general impact on the community (such as noise and the refuse created). Those efforts have been consistent since at least 2015.

Complaints about fireworks usage from members of the public are typically directed to ECC. ECC dispatches a police officer to investigate. The majority of the current calls for service about fireworks complaints are resolved gone-on-arrival, meaning the officer was unable to locate a suspect which is the function of the nature of the complaint. Fireworks complaints are low-priority runs and so often hold until an officer is available. Moreover, fireworks complaints are not reported based on a fixed location where fireworks are illegally discharged in volume, but from a group of individuals who fire off one to several fireworks in the street in a couple of minutes and then leave the immediate area. Consequently, locating offenders is a challenge to patrolling officers.

D. Recommendations for 2021

For the upcoming year, the Administration can enhance education and enforcement efforts. As a primary step, the Administration can identify locations with regular complaints about fireworks as well as licensed sellers in the tri-state area who make retail sales of fireworks. Then, potential stakeholders can be contacted to solicit involvement: community groups, veterans' organizations, and the fireworks industry. After engaging and soliciting suggestions from participating groups, the City can begin to implement outreach and education efforts:

- Contact retailers to request that they not sell fireworks to individuals with Cincinnati addresses who do not have a permit for a firework display
- Through social and traditional media, conduct a general public safety campaign about fireworks
- Place materials at community institutions and businesses located in proximity to locations with regular fireworks complaints

Finally, immediately around the holiday, patrol resources from the Police Department can be deployed to hot spots to conduct high visibility patrols to prevent illegally shooting fireworks focusing on the 9 PM to 1 AM time slot, when the majority of complaints are made. Citizens on patrol could supplement officers in this role, though the deterrent effect would be significantly diluted and should likely be restricted to daylight hours for safety reasons. The following is a potential timeline for response:

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| January 2021 | Identify "hot spot" locations for fireworks complaints and assess needed resources |
| February to May, 2021 | Identify and meet with potential governmental, community, business, and industry partners |
| May 2021 | Begin campaign to firework retailers |
| June 14, 2021 | Begin general public safety awareness campaign |
| June 14 to 25, 2021 | Distribute public safety awareness materials to community institutions and businesses in target areas with fireworks complaint "hot spots" |
| June 30 to July 4, 2021 | Proactive patrolling in areas with firework complaint "hot spots" |
| August, 2021 | Assess results |

This plan is contingent on the identification of resources that would support the effort. At a minimum, materials for outreach and funding for high visibility patrols by police officers would be needed to make this plan operational.

cc: Roy E. Winston, Fire Chief
Eliot K. Isaac, Police Chief