



DATE: September 27, 2022

TO: Mayor and City Council

FROM: Assistant City Manager/Development Services Director

SUBJECT: Fireworks: Update on Implementation of Hayward's Enhanced Approach to Education and Enforcement of Its Fireworks Ban

RECOMMENDATION

That Council receives an update and provides feedback on the recent implementation of the City of Hayward's enhanced approach to education and enforcement of its fireworks ban.

SUMMARY

In response to a significant surge in community calls and complaints about illegal fireworks activity, on April 5, 2022, the Council adopted two ordinances amending Articles in the Municipal Code: Chapter 4, Article 15 to specifically include fireworks; and Chapter 3, Article 3 to hold property owners accountable for fireworks on private property, in addition to supporting enhanced community outreach and education efforts. This staff report provides a status update on the recent implementation around the July 4th holiday and recommends modifications and enhancements for future outreach and enforcement.

BACKGROUND

In March 2022, the Council held a work session on firework mitigation options in response to a surge in community calls and complaints about illegal firework activity and enforcement challenges, such as unsafe conditions for police officers in large crowds and the difficulty police officers have witnessing and citing individuals in the moment that they light fireworks. As a result of Council direction, staff proposed an enhanced approach to community education and enforcement related to the City's fireworks ban, which included recommending amendments to Chapter 4 Article 15 of the Hayward Municipal Code relating to social nuisance by specifically including fireworks and to Chapter 3 Article 3 of the Hayward Municipal Code relating to fireworks by specifically identifying property owners as accountable for fireworks.

On April 5, 2022, the Council adopted the amendments to the two ordinances and expressed support for staff's enhanced community education. In response to Council direction, staff

formed an interdepartmental task force (Fireworks Task Force) that implemented the enhanced education and enforcement related to the City's fireworks ban leading up to the July 4th holiday. The Fireworks Task Force identified the following four goals to help guide program objectives:

1. Focus on private properties where violations occur;
2. Have fewer barriers for staff to issue citations for property violations;
3. Ensure a safer process so that staff does not need to engage with groups of people who are setting off fireworks; and
4. Mobilizing the work plan as a pilot program in Spring and Summer 2022 leading up to the July 4th holiday.

This staff report provides a status update on the recent implementation around the July 4th holiday and recommends modifications and enhancements for future outreach and enforcement.

DISCUSSION

Below is a summary of the various milestones completed since April 2022:

April 2022

- **Established proactive public awareness and education campaign about illegal fireworks usage:**
 - Created an educational program page on the City's website specific to illegal fireworks;
 - Issued a press release explaining the new language, the citation process, and the citation amounts; and
 - Publicized changes with multiple social media posts.

May 2022

- **Identified problem zones and conducted pre-compliance outreach for areas prone to ongoing illegal fireworks activity:**
 - Analyzed the previous year's calls for service to identify problematic streets and neighborhoods via a heat map (Attachment II);
 - Mailed courtesy notices to Property Owners/Residents/Tenants in these areas
 - Mailed to Hot Spot Areas as shown on heat map, including 68,267 parcel addresses and all the sub-addresses on the parcels (sub-addresses are extra addresses on the parcel, apartments, offices, property complex, property owners, and management);
 - Messaged new regulations in water bills going to every city water customer in Hayward
 - 32,000 customers received flyers by mail and electronic in English/Spanish;

- Electronic signs with warning messages were posted throughout Hayward leading up to July 4th;
- Thirty “No Fireworks” coroplast signs installed on light poles throughout City; and
- Electric Message boards strategically placed at pre-determined locations (Carlos Bee & Mission; in the turn pocket of northbound Mission before Carlos Bee, and Tennyson, east of Mission).

June and July 2022

➤ **Observation and reporting:**

- Ninety-four fireworks incidents on private properties were identified and documented;
- Fifty-nine plus notices of violation with penalties mailed out;
- Twenty-seven fire related incidents
 - Eight rubbish fires
 - Thirteen vegetation fire
 - Five building fires (only one of these involved a structure and was contained to the roof; the rest were found to be burning vegetation adjacent to a building)
 - A single commercial building fire (was found to be burning trees behind the building);
- 64,725 social media impressions;
- 123 public comments;
- Stack Extra made the news: [KRON4](#)
- Collaboration with the Rental Housing Authority on messaging on social media outlets;
- No Parking barricades were placed out at pre-determined locations (Carlos Bee & Mission; South side of Carlos Bee between 24967 and entrance to CSUEB, Tennyson, east of Mission, Vista Grande Dr. between Tennyson & 28804 Vista Grande Dr., Bailey Ranch & Mystic View Ct. on both sides of the street);
- Road closure devices strategically placed;
- No Parking signs placed at upper Tennyson near the address of 780 Tennyson, Fortuna Drive; in the courts of Fortuna & Mountain View Dr.; and
- Road delineation devices placed at Alquire Pkwy, east of Mission, Drop off location at the C/of Vanderbilt & Alquire, Central Ave & Maitland / Bunker Hill & Maitland.

Over the July 4th holiday and morning of July 5th, a joint fireworks enforcement team consisting of police and code enforcement officers, along with regular police patrol, were able to document and tie some illegal fireworks activity to specific addresses in the City. Each address was recorded with department issued cell phones, body worn cameras, and/or iPad devices. All the video footage was uploaded to Evidence.com or the appropriate database as used by Code Enforcement, and recordings was labeled with the appropriate address in which the incident took place, so that follow-up could be conducted, and the appropriate citations

issued by Code Enforcement. With the increased community outreach and education regarding the enhanced enforcement, the City received significant feedback from residents through emails and letters. In response, staff developed responses to frequently asked questions, which is provided in Attachment III.

Overall, staff believes the enhanced approach to education and enforcement related to the City's fireworks ban was successful and recommends continuing the program. In fact, as a result of Hayward's enhanced approach, agencies such as Alameda County Sheriff Office reached out and have expressed an interest in implementing a similar action plan. While staff responded successfully to many instances despite complex and evolving situations, there were noticeable challenges to enforcing the amended ordinances, such as being able to respond to all locations throughout the City given limited staffing, continued staff safety concerns, and a significant number of active and unsafe fireworks events happening throughout the City. In light of these challenges, staff recommends the following actions for the next outreach and enforcement implementation:

- **Fireworks Taskforce "Street Team"**
 - Create fireworks "street teams," which includes HFD discussing the dangers of fireworks with neighborhoods that have a high number of calls and complaints while members from HPD and Code Enforcement discuss the legal and financial aspects of their actions.
- **Citywide Mailer**
 - Send out the informational flyer not only to the identified hot spots and/or property owners, but Citywide, which will state the dangers and explain the consequences.
- **Budget Allocation**
 - As part of the budget process, evaluate further the following financial aspects of the program:
 - Hearing administration fees
 - Mailers (Annual Informational flyer, Courtesy Letters, FAQ handouts)
 - Staff overtime costs.
- **Staff Resources**
 - Assess the potential for more patrol to cover more areas of the City (Police, Code Enforcement, Fire), if possible.
- **Equipment**
 - Evaluate the potential to obtain more advanced technology to capture the most accurate evidence, especially targeted for nighttime use.
- **Additional Training**
 - Provide staff additional training and the tools to ensure greater and more streamlined and efficient reporting.

Based on Council feedback at this work session, staff will continue to work on improving the enhanced approach to fireworks education and enforcement.

FISCAL IMPACT

There are no fiscal impacts resulting from this work session report.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Support Quality of Life. This item is not specifically related to a project identified in the adopted Strategic Roadmap, however, staff is bringing forth this item to share with Council as the City's enhanced approach to education and enforcement of its fireworks ban directly supports the quality of life of the Hayward community.

NEXT STEPS

In October 2022, the Fireworks Task Force, in collaboration with the Rental Housing Association, will host a hybrid community educational work session about illegal fireworks and the enhanced enforcement approach that focuses on holding private property owners accountable. Additionally, as part of the future budget process, staff will evaluate the potential to increase staffing and budget resources to this program.

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