

To: Island County Commissioners-- Jill Johnson, Janet St. Clair, Melanie Bacon
Sheriff Rick Felici
County Administrator: Michael Jones
VIA EMAIL

DATE: May 16, 2023

RE: May 10, 2023 Work Session topic of Fireworks Ban

Safe and Humane Fireworks is grateful to the Island County Commissioners for taking up the conversation regarding the ICC Fireworks Code. As a group we have been actively engaged in an effort to ban all fireworks in unincorporated Island County for environmental and public safety reasons since August of 2022. The May 10, 2023 Work Session brought forth some important issues and some solutions for implementation immediately. The conversation also left open some questions. Below is our response and recommendations including immediate action items and code changes to go into effect in 2024.

IMMEDIATE ACTION ITEMS 2023

Communications Plan for 2023: The BOCC directed Michael Jones, County Administrator to immediately implement a communications plan to educate the public about the current code. S&H requests that the communications plan include the following:

- Permanent Signage at all county owned and operated parks to include
 - ALL fireworks are illegal in the parks.
 - State the penalty.
 - Phone number to report violations ¹
- Temporary signage at Clinton, Coupeville ferry landings, Deception Pass Bridge, Highway 532 at Island County Boundary on Camano as well as at all permitted fireworks stands indicating current code with penalty and phone number to report violations.
- Social Media and traditional campaign in cooperation with Fire Departments to publicize current code and courtesy including:
 - Distinction of legal vs illegal
 - Time restrictions
 - Penalty
 - Cleanup of debris on neighboring public and private property
 - Planning for potential fire with hoses that can reach neighboring private and public property
 - Phone numbers for reporting violations
- Outreach to property managers that owners of rental properties will be liable for violations of their renters.

¹ The phone number for reporting violations could be either 911 or a non-emergency line and website. The suggestion for a non-emergency line and website is in recognition that the 911 capacity may be limited so it must be reserved for life-threatening emergencies. If a non-emergency line and website is implemented they MUST allow for collection of call data as well as contact information of the person reporting and location of violation so that the Sheriff's department can follow up and issue a warning.

- Assign deputies to patrol at fireworks stands, not as a search and seizure effort, but as a presence to give citizens a sense that enforcement is a priority.

Increasing Park Enforcement in 2023: The BOCC directed the County Administrator to increase enforcement at parks. The BOCC also requested that the Sheriff's department increase patrols at parks noting that Sheriff Felici stated that in recent years his deputies have not been fully enforcing the code; he even acknowledged his awareness that there are a few parks where people have been going for "30 years to light off fireworks". S&H requests that the Park Enforcement Plan include the following:

- Stationing deputies at known locations with heavy activity BEFORE the activity begins
- Stationing county employees at parks
- Signage as noted above

POTENTIAL CODE CHANGES 2024

There were several other points of discussion about changes to the code at the May 10, 2023 work session. S&H Recommendations follow for implementation in 2024:

Unincorporated Island County Consumer Ban We STRONGLY URGE a ban on all consumer fireworks in all of unincorporated Island County. Our Policy and Impact Paper (posted on the Safe and Humane Fireworks Website www.islandcountyfireworks.com) and public presentations make the case that consumer fireworks present a danger to public safety and the environment.

Two of the Guiding Principles of the BOCC is to 1) *Provide for the long-term health and safety of the people, the economy and our natural resources,* and 2) *Assure customer service & promote operational excellence and efficiencies of Island County.*

In addition, the Growth Management Act RCW 36.70A.172 states "*In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas.*"

Given that the BOCC and Sheriff have stated that due to staffing shortages and competing budget priorities, the current fireworks code does not provide the promised protections or operational excellence which could present a legal liability to the County. Many other counties have implemented bans knowing that it would take time for public behavior to change but recognizing that the status quo was no longer safe or humane and the potential risk too high to wait for a disaster to occur to make the change.

South Whidbey Fire District Only Ban If the BOCC does not proceed with an Unincorporated Island County ban, S&H recommends the BOCC, by councilmanic vote in June 2023, implement a complete ban on consumer fireworks in the jurisdiction of the South Whidbey Fire District. While Sheriff Felici has expressed to S&H his preference not to have different codes for different areas, he has acknowledged that he is not fully enforcing the current code. This incremental step is a small-scale opportunity to work through the enforcement process during the one year waiting period.

Safe and Humane Fireworks will be submitting a 'proposal' document, requesting a South Whidbey Fire District ban on consumer fireworks, via a separate communication.

In addition to the letters to the local newspapers and BOCC coming from South Whidbey citizens, S&H Change.org petition clearly indicates that South Whidbey residents are invested in a ban on consumer fireworks; 81% of the Island County signatures supporting a ban are from within the South Whidbey Fire District's boundaries (Clinton, Langley, and Freeland).

Misc. Code Changes Assuming the BOCC implements a South Whidbey only ban S&H strongly advises the following changes to Island County fireworks code:

- Refine definition of Illegal Fireworks to prohibit mortars “devices that launch legal fireworks” as suggested by Commissioner Bacon.
- Allow “Legal” fireworks **ONLY** on July 4th between NOON and 11 PM hours. July 4th is the **ONLY** federally designated day holiday to celebrate the USA's founding. December 31, July 3rd and 5th prolong the unnecessary trauma and risk. Given the trauma to animals, the 9 AM start time is a disturbance that must be eliminated.
- Significantly increase penalty to \$1,000 for first offense, \$5,000 for second offense. The fact that people will spend thousands of dollars to light illegal fireworks makes the current penalty an ineffective deterrent.
- Make rental property owners and managers liable for violations by their tenants
- Require the Sheriff and County Administrator submit annual enforcement plans to the BOCC for approval of additional budget requirements.
- Establish and publicize non-emergency phone number and website to record/report violations. The statement by Sheriff Felici that enforcement has been “we will get to it when we can” means that the data he provided at the May 10, 2023 work session does not tell the whole story. If citizens know that the code won't be enforced, they do not call giving the false impression that there are not as many violations. Therefore, a method to report violations that could lead to enforcement is required. There are some states where a civil infraction can be issued based on photo or video evidence from a citizen—we suggest Island County research this option.

We appreciate your attention to an important effort at preventing a destructive, likely imminent event. We are available to collaborate on this important issue.

Thank you,

Safe and Humane Fireworks