

## AGENDA

DES MOINES CITY COUNCIL  
PUBLIC SAFETY/EMERGENCY MANAGEMENT COMMITTEE  
City Council Chambers  
21630 11th Avenue S, Des Moines, Washington  
Thursday, March 7, 2024 - 5:00 PM

**Public Safety/Emergency Management Committee:** Chair: Traci Buxton; Vice Chair: Yoshiko Grace Matsui; Harry Steinmetz

### CALL TO ORDER, Chair Traci Buxton

### AGENDA

- Item 1. APPROVAL OF FEBRUARY MEETING MINUTES  
[PSEM Feb 1 Meeting Minutes](#)
- Item 2. 2024 LEADERSHIP RETREAT RECAP (PD)
- Item 3. FLOCK & SAFETY CAMS UPDATE (PD)
- Item 4. 2024 DEBRIS MANAGEMENT ANNEX (EM)
- Item 5. 2024 EOC TTX – EXTREME WEATHER EVENT (EM)
- Item 6. FIREWORKS ON PREMISES ORDINANCE (PD)  
[3-7 PSEM Committee Memo](#)  
[Draft Ordinance No. 24-011](#)
- Item 7. PD GOALS & STRATEGIES (PD)

### ADJOURNMENT



Public Safety/Emergency Management (PSEM)  
Meeting Minutes  
February 1, 2024  
5:00-5:50pm

Council Members: Buxton, Steinmetz, Matsui  
Police Chief Tim Gately  
Emergency Management Director Shannon Kirchberg

---

1. Call to Order, Clerk of the Board
  - Clerk calls for nominations for Committee Chair
  - Mayor Buxton is nominated/selected to be Committee Chair
  - Committee Chair calls for nominations for Vice Committee Chair
  - Counsel member Yoshiko GraceMatsui is nominated/selected to be Vice Committee Chair
2. Approval of November Meeting Minutes
  - Vice Chair Matsui calls for approval of November meeting minutes
3. 2024 Proposed Work Plan
  - Chief Gately presents 2024 Proposed Work Plan
  - Committee Chair calls for a vote to approve 2024 Proposed Work Plan
  - 2024 Work Plan approved
4. Adjourn 5:13pm

**Matthew Hutchins, Acting City Attorney**  
**21630 11th Avenue So., Suite C**  
**Des Moines, WA 98198**

**OFFICE OF THE  
DES MOINES  
CITY ATTORNEY**

# Memo

**Date:** March 7, 2024  
**To:** Public Safety and Emergency Management Committee  
**From:** Matt Hutchins, Acting City Attorney  
**Re:** Permitting Fireworks on Premises Ordinance discussion

The purpose of this agenda item is to provide the Committee with a draft ordinance for consideration intended to provide more effective enforcement of the City's fireworks ban.

With the exception of properly licensed public displays, the sale and use of fireworks has been illegal in the City of Des Moines since 2006. As of 2024, personal fireworks are illegal in virtually every city in King County and the unincorporated areas of the County. Nevertheless, every year around the 4th of July holiday, the neighborhoods of Des Moines are filled with the sounds of illegal fireworks. These firework discharges are a well-known fire hazard and the loud noises can be very traumatic for people and pets alike.

Enforcement of firework bans have always been a challenge for law enforcement. In most cases, police are responding to complaints from neighbors, and by the time officers are out of their cars, violators have ceased lighting off fireworks and no one is willing to admit to being responsible and no one is willing to blame anyone else. The problem is particularly acute at large parties. The Council has previously tried to help with enforcement by reducing possession of a small amount of fireworks from a misdemeanor to a civil infraction, but this has proved insufficient.

Given these realities, it makes sense to put the responsibility for preventing party goers from illegally discharging fireworks on the person who is best positioned to prevent the activity before it happens – the person who has control of the property where the party is occurring. The draft ordinance contains the following provisions that staff hopes will provide Des Moines Police with better tools to combat illegal firework use:

- Prohibits a person who owns or is otherwise responsible for real property to allow fireworks to be discharged on their property.

- Prohibits a person in charge of real property to allow their guest to bring, possess, or place fireworks on their property.
- Requires a person in charge of real property to remove fireworks deposited on public streets or sidewalks by guests of the property.
- Creates a presumption that fireworks discharged on or near real property by guests of the property were discharged with the owner's permission
- Provides a defense for property owners who eject firework users from their property and providing their name to law enforcement.

The intent of the draft ordinance is to give a the property owner or renter liability for inviting individuals onto their property and failing to make sure their guests are not endangering or annoying their neighbors by lighting fireworks, which has not been legal in Des Moines for nearly twenty years. The City's enforcement priority should be focused on the individuals actually discharging the fireworks, but when no one is willing to take responsibility to admit or identify the perpetrator, DMPD would now have additional authority to cite the property owner allowing the behavior to occur.

A violation under this draft ordinance would be a class 1 civil infraction, with a maximum monetary penalty of \$513. This is the same for illegal possession or discharge of fireworks less than five pounds.

**CITY ATTORNEY'S FIRST DRAFT 02/28/2024**

**DRAFT ORDINANCE NO. 24-011**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to fireworks, regulating the use of real property for the discharge of illegal fireworks, adding a new section to chapter 9.42 DMMC, and amending DMMC 9.42.020.

**WHEREAS**, the City Council of the City of Des Moines has previously found that the use of personal fireworks create a risk of fire and a danger to public safety, and

**WHEREAS**, the Council recognizes that firework discharges also create environmental pollution and noise pollution that can cause great distress for both humans and animals, and

**WHEREAS**, the sale and use of fireworks in the City of Des Moines was prohibited by Ordinance no. 1362, adopted in 2005, and

**WHEREAS**, enforcement of the prohibition on fireworks has proven difficult, particularly for gatherings around the Fourth of July, because Des Moines Police Officers and willing witnesses rarely have the opportunity to identify which particular person discharged the fireworks, and

**WHEREAS**, the owner of property who allows their guests to use their real property to discharge fireworks or as a staging area for discharging fireworks in the street should bear some responsibility for enabling this illegal activity that disturbs and endangers their neighbors, and

**WHEREAS**, the City Council finds that it is appropriate to make permitting the use of one's own real property to discharge fireworks a civil infraction in order to combat the behavior, and

**WHEREAS**, DMMC 9.42.020 contains an out of date citation and should be updated to cite the correct section of the Washington Administrative Code, and

**WHEREAS**, the provisions of this Ordinance are necessary and proper to promote public safety, health, and welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. New Section.** A new section is added to chapter 9.42 DMMC to read as follows:

**Permitting illegal firework discharge.**

(1) It shall be unlawful for an owner of real property, or a person renting, leasing, or who has control over the use of real property, to:

(a) permit the property that he or she owns, rents, leases or has control over, to be utilized for the discharge of fireworks unless properly permitted pursuant to this chapter; or

(b) permit any person to bring, possess, or deposit any fireworks on the property that he or she owns, rents, leases or has control over unless properly permitted pursuant to this chapter; or

(c) fail to remove any fireworks or parts of fireworks, whether discharged or not, that have been deposited upon any street, sidewalk or other public place by a resident, guest, licensee, or invitee of the property that he or she owns, rents, leases or has control over.

(2) There shall be a rebuttable presumption that the owner of property, or a person renting, leasing, or who has control over the use of property hosting a gathering where multiple fireworks are discharged has permitted the use, possession, or deposit of fireworks on the property.

(3) It shall be a defense to a violation of this section that following the discharge or deposit of fireworks, the defendant did not permit the person or persons responsible for depositing or discharging fireworks to return or remain on their property and provided the name of the person or persons responsible to law enforcement.

**Sec. 2.** DMMC 9.42.020 and section 2 of Ordinance No. 1362 as amended by section 3 of Ordinance No. 1684 are each amended to read as follows:

**Definitions.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this chapter shall have the indicated meanings.

(1) The definitions of chapter 70.77 RCW as presently constituted or as may be subsequently amended are adopted by reference and shall govern the construction of this chapter when applicable.

(2) "Fire Marshal" means the Fire Marshal of South King Fire and Rescue.

(3) "Trick and novelty devices" means a device defined in WAC ~~212-17-030~~212-17-030, as presently constituted or as may be subsequently amended.

**Sec. 3. Codification.** Section 1 of this Ordinance shall be codified as DMMC 9.42.035, entitled *Permitting illegal firework discharge*.

**Sec. 4. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 5. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this \_\_\_\_ day of \_\_\_\_\_, 2024 and signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
M A Y O R

Ordinance No. \_\_\_\_  
Page 4 of 4

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

Published:

Effective Date: