

H-18

June 15, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and adopt a Resolution amending the Master Fees and Charges Schedule adopting new fees and penalties for violations of Chapter 8.81 of the Long Beach Municipal Code, relating to fireworks. (Citywide)

DISCUSSION

On October 13, 2020, the City Council received a presentation from staff and directed the Fireworks Task Force to develop an amended Ordinance to provide additional enforcement tools and an increase in penalties to effectively reduce the negative impact of illegal fireworks in Long Beach.

The City Manager worked with the City Attorney and other departments to develop the requested Ordinance, which proposes to enact Chapter 8.81 of the Long Beach Municipal Code (LBMC), relating to illegal fireworks. The Ordinance is being presented for City Council consideration and adoption on June 8, 2021. The Ordinance is recommended to be adopted as an emergency Ordinance and would take effect immediately. If adopted, the Ordinance imposes penalties on individuals and social hosts who violate the prohibition on the possession, sale, or use of fireworks in Long Beach, including imposing administrative penalties and liability for response costs relating to the violation.

The Ordinance proposes to impose the following three new Citywide Fees and Charges on parties found to be in violation. The administrative penalty is set at the maximum of \$1,000 allowable under State law, and the Ordinance would impose an additional \$250 Fire Marshal disposal fee in the event that fireworks are confiscated and have to be disposed of by the Fire Marshal.

Fee Name	Description	Fee	Per
Fireworks – Administrative Penalty	Any responsible person or host found in violation of LBMC Chapter 8.81 may be issued an administrative penalty pursuant to Chapter 9.65.	\$1,000	Per Violation, Per Day

HONORABLE MAYOR AND CITY COUNCIL

June 15, 2021

Page 2 of 3

Fee Name	Description	Fee	Per
Fireworks – Disposal Fee	Charge will apply and be added to the Fireworks - Administrative Penalty in the event that fireworks are confiscated and have to be disposed of by the Fire Marshal, after a responsible person or host is found to be in violation of LBMC Chapter 8.81.	\$250	Per Violation (if Applicable)
Fireworks – Response Costs	Any responsible person or host found in violation of LBMC Chapter 8.81 will be held liable for the City's actual costs incurred for response. The actual cost of response constitutes a debt owed to the City, and will be charged in addition to applicable penalties charged for violation of LBMC Chapter 8.81.	Actual Cost of Response	Per Violation

The below cost estimates are provided to illustrate the potential level of costs that a responsible person or host will be held liable for if they are found to be in violation of the Ordinance. Citations may be issued because of a Call for Service or issued through Fireworks Enforcement Operations conducted by the Police Department. The cost of Fireworks Enforcement Operations depends on the number of fireworks seized. Estimated costs of these operations are shown below:

Estimated Fireworks Enforcement Operation Costs			
Seizure Size	Est. Direct Costs	Est. Indirect Costs	Total Estimated Costs
Small	\$4,030	\$1,050	\$5,080
Large	\$15,450	\$4,020	\$19,460

The above estimates encompass only costs incurred by the Police Department. However, additional costs could include those borne by the Fire Department for seizure and storage of the illegal fireworks, as well as costs necessary for the City Attorney, Office of the City Manager, and Department of Financial Management to issue administrative penalties, process fee collections, and fully implement all aspects of the Ordinance. A thorough review of these costs for service will be undertaken as part of the larger Citywide Fee Study being led by Financial Management.

Considering both the response costs and the administrative penalties, an individual found to be in violation of LBMC Chapter 8.81 faces a minimum \$1,000 penalty and, depending on the type of operation required to issue a citation and safely seize the illegal fireworks, could be held liable for an additional amount ranging from \$5,000 to over \$20,000 in City response costs.

TIMING CONSIDERATIONS

City Council action is requested on June 15, 2021, to ensure timely implementation of the proposed fees.

HONORABLE MAYOR AND CITY COUNCIL

June 15, 2021

Page 3 of 3

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on June 3, 2021 and by Revenue Management Officer Geraldine Alejo on June 2, 2021.

FISCAL IMPACT

Contingent upon City Council approval on June 8, 2021 of the Ordinance enacting LBMC Chapter 8.81, this recommendation will amend the Master Fees and Charges Schedule to add an administrative penalty and cost recovery fees required for the administration and enforcement of LBMC Chapter 8.81 related to the illegal possession, sale, or use of fireworks in Long Beach. In addition to a \$1,000 administrative penalty issued per violation, fees will be charged to offset the City's costs related to firework disposal and response. Revenue will accrue to the General Fund Group in the Citywide Activities Department. Revenue will be collected by Financial Management and then accrued to the departments involved in the administrative and enforcement activities. The estimated annual revenues are currently unknown and will depend on the number of violations.

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT: RESOLUTION

OFFICE OF THE CITY ATTORNEY
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE MASTER FEE
AND CHARGES SCHEDULE ESTABLISHING FIREWORKS
FEES

WHEREAS, the City Council of the City of Long Beach ("City") seeks to establish service fees and charges to recover the full, lawfully recoverable costs incurred by the City for the administration and enforcement of fireworks as established in Chapter 8.81 of the Long Beach Municipal Code; and

WHEREAS, the City has conducted an extensive analysis of its services, the costs reasonably borne by the City in providing those services, the beneficiaries of those services, and the revenues produced by those paying service fees and charges for said services; and

WHEREAS, the City Council, at a duly noticed public hearing, took public testimony and input regarding certain proposed new or increased service fees and charges; and

WHEREAS, California Government Code Section 66000, et. seq., authorizes the City to adopt service fees and charges for municipal services, provided such fees do not exceed the cost to the City of providing the service; and

WHEREAS, in accordance with the provisions of Government Code Section 66016, at least fourteen (14) days prior to the public hearing at which this Resolution is adopted, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings regarding new or increased fees or service charges; and

WHEREAS, in accordance with the provisions of the Government Code 66016, data regarding the estimated cost of the services and the revenue sources

1 anticipated to provide the services was available for public review and comment for ten
2 (10) days prior to the public hearing at which this Resolution was adopted; and

3 WHEREAS, publication of the notice of public hearing was given in
4 accordance with the provisions of Government Code Section 6062a, ten (10) days in
5 advance of the public hearing at which the adoption of this Resolution was considered;

6 NOW, THEREFORE, the City Council of the City of Long Beach hereby
7 resolves as follows:

8 Section 1. The facts set forth in the Recitals of this Resolution are true
9 and correct and are hereby incorporated by reference herein as though set forth in full.

10 Section 2. The City Council hereby adopts and approves the new service
11 fees and charges as set forth and described in Exhibit "A", which is attached hereto and
12 incorporated herein by this reference. The fees and charges set forth in said Exhibit "A"
13 shall thereafter be incorporated into those fees and charges previously adopted and
14 approved by the City Council by Resolution and shall collectively be known as the Master
15 Fee and Charges Schedule of the City of Long Beach and may be made available to the
16 public for its information and review.

17 Section 3. Adoption of the new service fees and charges set forth and
18 described in this Resolution for the specified City services, as shown in Exhibit "A"
19 attached hereto and incorporated herein by this reference, are intended to recover costs
20 necessary to provide the services within the City for which the fees are charged. In
21 adopting the new service fees and charges set forth in this Resolution, the City Council of
22 the City of Long Beach is exercising its powers under Article XI, Section 7 of the
23 California Constitution.

24 Section 4. All requirements of California Government Code Sections
25 66000, et seq., are hereby found to have been satisfied.

26 Section 5. The service fees and charges set forth in Exhibit "A" are
27 reasonable estimates of the costs incurred by the City in providing the services to those
28 who request them. The service fees and charges for such services are necessary to

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1 recover the reasonable, estimated cost of providing such services.

2 Section 6. The fees established by this resolution shall be effective as of
3 the adoption of this resolution.

4 Section 7. This resolution shall take effect immediately upon its adoption
5 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City
7 Council of the City of Long Beach at its meeting of _____, 2021

8 by the following vote:

9 Ayes: Councilmembers: _____
10 _____
11 _____
12 _____

13 Noes: Councilmembers: _____
14 _____

15 Absent: Councilmembers: _____
16 _____

17 Recusal(s): Councilmembers: _____
18 _____
19 _____

City Clerk

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EXHIBIT "A"

FY 21 List of Proposed Adjustments - Fireworks Ordinance Enforcement

Fee Description	Description	Current Fee	Requested Fee	Per	Annual Revenue Change*	Fund Group
DEPARTMENT: CITYWIDE FEES & CHARGES						
Fireworks - Administrative Penalty	Any responsible person or host found in violation of Long Beach Municipal Code Chapter 8.81 may be issued an administrative penalty pursuant to Chapter 9.65.	New	\$1,000.00	Per Violation, Per Day	\$0	General Fund
Fireworks - Disposal Fee	Charge will apply and be added to the Fireworks - Administrative Penalty in the event that fireworks are confiscated and have to be disposed of by the Fire Marshall, after a responsible person or host is found to be in violation of Long Beach Municipal Code Chapter 8.81.	New	\$250.00	Per Violation (if applicable)	\$0	General Fund
Fireworks - Response Costs	Any responsible person or host found in violation of Long Beach Municipal Code Chapter 8.81 will be held liable for the City's actual costs incurred for response. The actual cost of response constitutes a debt owed to the City, and will be charged in addition to applicable penalties charged for violation of Long Beach Municipal Code Chapter 8.81.	New	Actual Cost of Response	Violation	\$0	General Fund

*Annual Revenue change from fees and penalties effective under the new ordinance is currently unavailable and will be based on the number of violations.