

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDINANCE NO. ORD-21-0017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.81 RELATING TO FIREWORKS; AND BY REPEALING SECTION 16.08.600 OF THE LONG BEACH MUNICIPAL CODE; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, during the past two years, the City of Long Beach has seen an unacceptable increase in the use of illegal fireworks leading to increased strain on emergency services, its dispatch center, and the overall quality of life of its residents.

WHEREAS, during the 24-hour period of July 4, 2020, there were 779 fireworks-related calls to the City's dispatch center alone which was a 67% increase in calls compared to an average day. The City's dispatch center staff received 3,854 calls, which included 9-1-1 calls and calls to the non-emergency line, and which resulted in 1,301 calls-for-service. By comparison, on an average day, the City's dispatch center handles approximately 2,301 calls, both 9-1-1 and non-emergency calls, and roughly 566 calls-for-service. During the peak time of 8:30 p.m. to 9:15 p.m., on the 4<sup>th</sup> of July ,the City's dispatch center received 449 calls, both 9-1-1 and non-emergency calls, which was an average of 10 calls per minute.

WHEREAS, the use of illegal fireworks begins well before July 4th and continues well after New Year's celebrations and has increasingly occurred in times of the year outside of the periods immediately preceding and following these major holidays, the City seeks to take action to protect its residents, their pets, and their property from these illegal explosives.



1 caps, chasers, fountains, smoke sparks, aerial bombs, and firework kits.””

2 B. “Host” means a person who either:

3 1. Is in charge of private property, including, but not  
4 limited to, an owner, tenant, landlord, or property manager of the property;  
5 or

6 2. Organizes, supervises, officiates, conducts, controls, or  
7 is otherwise in charge of the activity on the property.

8 C. “Response costs” means costs associated with law  
9 enforcement, fire, medical, or other emergency personnel responding to,  
10 remaining at, and leaving the scene of a gathering, including but not limited  
11 to:

12 1. Salaries and benefits of law enforcement, fire, medical,  
13 or other emergency personnel;

14 2. Administrative costs;

15 3. The cost of any medical treatment of injuries to any law  
16 enforcement, fire, medical or other emergency personnel;

17 4. The cost of using any city equipment;

18 5. The cost of repairing any damaged city equipment or  
19 property; and

20 6. Any other costs related to enforcement of this article.

21 D. “Dangerous Fireworks” has the same meaning as in California  
22 Health and Safety Code Section 12505.

23  
24 8.81.020 General prohibition against possession, sale or use of Fireworks.

25 Except as otherwise provided in Chapter 18.48.720, no person shall  
26 possess, sell, use, display or explode any Fireworks as defined in section  
27 8.81.010 A. or any kind of fireworks, by whatsoever name known, within the  
28 City of Long Beach.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8.81.030 General prohibition against possession, sale or use of Dangerous Fireworks.

No person shall possess, sell, use, display or explode any Dangerous Fireworks within the City of Long Beach.

8.81.040 Seizure of fireworks.

The Police Chief, Fire Chief, or designee, may seize, take, remove or cause to be removed, at the expense of the owner, all fireworks possessed or displayed in violation of this Chapter.

8.81.050 Host's liability.

A. No host shall allow any person to violate a provision of this Chapter on the host's private property, except as provided below in Subsection A.2.

1. Whenever a host is present at the private property while another person violates a provision of this Chapter, there shall be a rebuttable presumption that the host knew or should have known of the violation.

2. The provisions of this Section shall not apply to a host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity in order to comply with this Chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this Chapter.

B. No host shall aid or abet another person's violation of a provision of this Chapter in a public right of way adjacent to the host's private property. A host aids and abets another person's violation of a

1 provision of this Chapter if he or she knows of the other person's unlawful  
2 purpose and the host specifically intends to, and does in fact, aid, facilitate,  
3 promote, encourage, or instigate the other person's commission of that  
4 violation.

5  
6 8.81.060 Violation - penalty.

7 A. In addition to any other remedy allowed by law, any person  
8 who violates a provision of this Chapter is subject to criminal sanctions, civil  
9 actions, and administrative penalties pursuant to Chapter 1.32.

10 B. Notwithstanding the provisions of Section 1.32.060 or  
11 9.37.120(a), the amount of an administrative penalty for a violation of this  
12 Chapter is one thousand dollars (\$1,000.00) for each violation. In the event  
13 the fireworks are confiscated and have to be disposed of by the Fire  
14 Marshall, there shall be an additional charge of two hundred and fifty dollars  
15 assessed for disposal fee. Each day of recurrence of any violation shall  
16 constitute a separate offense and may be treated as such pursuant to this  
17 Section.

18 C. Any person who violates Sections 8.81.020 or 8.81.030 and  
19 any host who violates Section 8.81.050 shall be liable for the response  
20 costs relating to the violation. All hosts who violate Section 8.81.050 in the  
21 same incident are jointly and severally liable for the response costs relating  
22 to the violation. The amount of response costs constitutes a debt owed to  
23 the city.

24 1. Notice of the response costs shall be served by first-  
25 class mail on the person or hosts liable for such costs. The notice shall  
26 contain the following information:

27 a. The name of the person or host who is liable for  
28 the response costs;



1 City of Long Beach, and it shall thereupon take effect and shall operative immediately.

2 Section 3. This ordinance shall also be adopted by the City Council as a  
3 regular ordinance, to the end that in the event of any defect or invalidity in connection  
4 with the adoption of this ordinance as an emergency ordinance, the same shall,  
5 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by  
6 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City  
7 Council of the City of Long Beach and shall cause the same to be posted in three-(3)  
8 conspicuous places in the City of Long Beach.

9 Section 4. Section 16.08.600 of the Long Beach Municipal Code is  
10 hereby repealed.

11 I hereby certify that on a separate roll call and vote which was taken by the  
12 City Council of the City of Long Beach upon the request of emergency of this ordinance  
13 at its meeting of June 8, 2021, the ordinance was declared to be  
14 an emergency by the following vote:

15  
16 Ayes: Councilmembers: Zendejas, Allen, Supernaw, Mungo,  
17 Saro, Uranga, Austin, Richardson.  
18 \_\_\_\_\_  
19 \_\_\_\_\_

20 Noes: Councilmembers: None.  
21 \_\_\_\_\_  
22 \_\_\_\_\_

22 Absent: Councilmembers: Price.  
23 \_\_\_\_\_  
24 \_\_\_\_\_

24 Recusal(s): Councilmembers: None.  
25 \_\_\_\_\_  
26 \_\_\_\_\_

26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Supernaw, Mungo,  
Saro, Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price.

Recusal(s): Councilmembers: None.

///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///



1 I further certify that the foregoing ordinance was thereafter adopted on final  
2 reading by the City Council of the City of Long Beach at its meeting of  
3 June 15, 2021 by the following vote:


4  
5  
6 Ayes: Councilmembers: Zendejas, Allen, Supernaw, Mungo,  
7 Saro, Uranga, Austin, Richardson.

8  
9  
10 Noes: Councilmembers: None.

11  
12 Absent: Councilmembers: Price.

13  
14 Recusal(s): Councilmembers: None.

15  
16  
17   
18 City Clerk

19  
20   
21 Mayor


22  
23  
24  
25  
26  
27  
28  
Approved: 6/10/21  
(Date)

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss  
COUNTY OF LOS ANGELES )  
CITY OF LONG BEACH )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 9<sup>th</sup> day of June, 2021, I posted three true and correct copies of Emergency Ordinance No. ORD-21-0017 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
\_\_\_\_\_

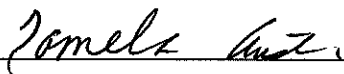
Subscribed and sworn to before me  
This 9<sup>th</sup> day of June 2021.

  
\_\_\_\_\_  
CITY CLERK

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 17<sup>th</sup> day of June, 2021, I posted three true and correct copies of Final Ordinance No. ORD-21-0017 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
\_\_\_\_\_

Subscribed and sworn to before me  
This 17<sup>th</sup> day of June 2021.

  
\_\_\_\_\_  
CITY CLERK