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

ORDINANCE NO. ORD-21-0017

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.

15 WHEREAS, during the 24-hour period of July 4, 2020, there were 779 16 fireworks-related calls to the City's dispatch center alone which was a 67% increase in 17 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 18 19 1,301 calls-for-service. By comparison, on an average day, the City's dispatch center 20 handles approximately 2,301 calls, both 9-1-1 and non-emergency calls, and roughly 566 21 calls-for-service. During the peak time of 8:30 p.m. to 9:15 p.m., on the 4th of July the 22 City's dispatch center received 449 calls, both 9-1-1 and non-emergency calls, which was 23 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.

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1 WHEREAS, the use of illegal fireworks constitutes a substantial fire safety 2 risk as well as causes a disproportionate adverse impact on military veterans, pets, and 3 other vulnerable populations. 4 WHEREAS, the City has convened an internal Fireworks Task Force, 5 consisting of senior management, to develop new strategies and enforcement measures 6 to address the increased frequency and severity of illegal fireworks activity. 7 WHEREAS, the urgency of this ordinance is due to the continued 8 detonation of illegal fireworks throughout the City which continues to significantly affect 9 the quality of life of its residents, and in preparation to be implemented before the 10 upcoming July 4th holiday. 11 NOW, THEREFORE, the City Council of the City of Long Beach hereby 12 ordains as follows: 13 14 Section 1. Chapter 8.81 is added to the Long Beach Municipal Code to 15 read as follows: 16 Chapter 8.81 17 FIREWORKS 18 19 8.81.010 Definitions. 20 The following definitions belong to this Chapter: 21 A. "Fireworks" has the same meaning as in California Health and 22 Safety Code section 12511 which states, ""any device containing chemical 23 elements and chemical compounds capable of burning independently of the 24 oxygen of the atmosphere and producing audible, visual, mechanical, or 25 thermal effects which are useful as pyrotechnic devices or for 26 entertainment. The term "fireworks" includes, but it is not limited to, devices 27 designated by the manufacturer as fireworks, torpedoes, skyrockets, 28 roman candles, rockets, Daygo bombs, sparklers, party poppers, paper 2

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1	caps, chasers, fountain	caps, chasers, fountains, smoke sparks, aerial bombs, and firework kits.""			
2	B. "Host" me	eans a person who either:			
3	3 1. Is	in charge of private property, including, but not			
4	limited to, an owner, te	limited to, an owner, tenant, landlord, or property manager of the property;			
5	5 or				
6	3 2. Or	ganizes, supervises, officiates, conducts, controls, or			
7	is otherwise in charge of	is otherwise in charge of the activity on the property.			
8	C. "Respons	e costs" means costs associated with law			
9	enforcement, fire, medical, or other emergency personnel responding to,				
10	remaining at, and leavi	remaining at, and leaving the scene of a gathering, including but not limited			
11	to:				
12	2 1. Sa	laries and benefits of law enforcement, fire, medical,			
13	or other emergency pe	or other emergency personnel;			
14	4 2. Ad	ministrative costs;			
15	5 3. Th	e cost of any medical treatment of injuries to any law			
16	6 enforcement, fire, medi	enforcement, fire, medical or other emergency personnel;			
17	7 4. Th	e cost of using any city equipment;			
18	3 5. Th	e cost of repairing any damaged city equipment or			
19	property; and	property; and			
20	6. An	y other costs related to enforcement of this article.			
21	D. "Dangero	us Fireworks" has the same meaning as in California			
22	Health and Safety Code Section 12505.				
23	3				
24	8.81.020 General p	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	8.81.010 A.or any kind of fireworks, by whatsoever name known, within the			
28	City of Long Beach.				
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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.

Α. 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.

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

8.81.060 Violation - penalty.

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

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

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

1. Notice of the response costs shall be served by firstclass mail on the person or hosts liable for such costs. The notice shall contain the following information:

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

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1	b. The address of the private property where the				
2	incident occurred;				
3	c. The date and time of the response;				
4	d. The law enforcement, fire, or other emergency				
5	response personnel who responded; and				
6	e. An itemized list of the response costs.				
7	2. Payment for response costs shall be remitted to the				
8	City of Long Beach within thirty (30) calendar days of the date of the notice.				
9	The payment of any such costs shall be stayed upon the filing of a timely				
10	appeal.				
11	3. A person or host charged with response costs may,				
12	within ten (10) calendar days of the date of the notice of response costs,				
13	appeal the response costs in accordance with Chapter 9.65. The appeal				
14	hearing shall be scheduled and conducted in the manner prescribed in				
15	Chapter 9.65. Failure to timely file an appeal constitutes a failure to				
16	exhaust available administrative remedies, and bars any further review or				
17	administrative appeal of the response costs.				
18	D. Violations of this Chapter are hereby declared to be a public				
19	nuisance.				
20	E. All remedies prescribed under this Chapter are cumulative				
21	and the election of one or more remedies does not bar the city from the				
22	pursuit of any other remedy to enforce this Chapter.				
23					
24	Section 2. This ordinance is an emergency ordinance duly adopted by				
25	the City Council by a vote of five of its members and shall take effect immediately. The				
26	City Clerk shall certify to a separate roll call and vote on the question of the emergency of				
27	this ordinance and to its passage by the vote of five members of the City Council of the				
28	City of Long Beach, and cause the same to be posted in three conspicuous places in the				
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1 City of Long Beach, and it shall thereupon take effect and shall operative immediately.

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

9Section 4.Section 16.08.600 of the Long Beach Municipal Code is10hereby repealed.

11I hereby certify that on a separate roll call and vote which was taken by the12City Council of the City of Long Beach upon the request of emergency of this ordinance13at its meeting of ______ June 8 _____, 2021, the ordinance was declared to be

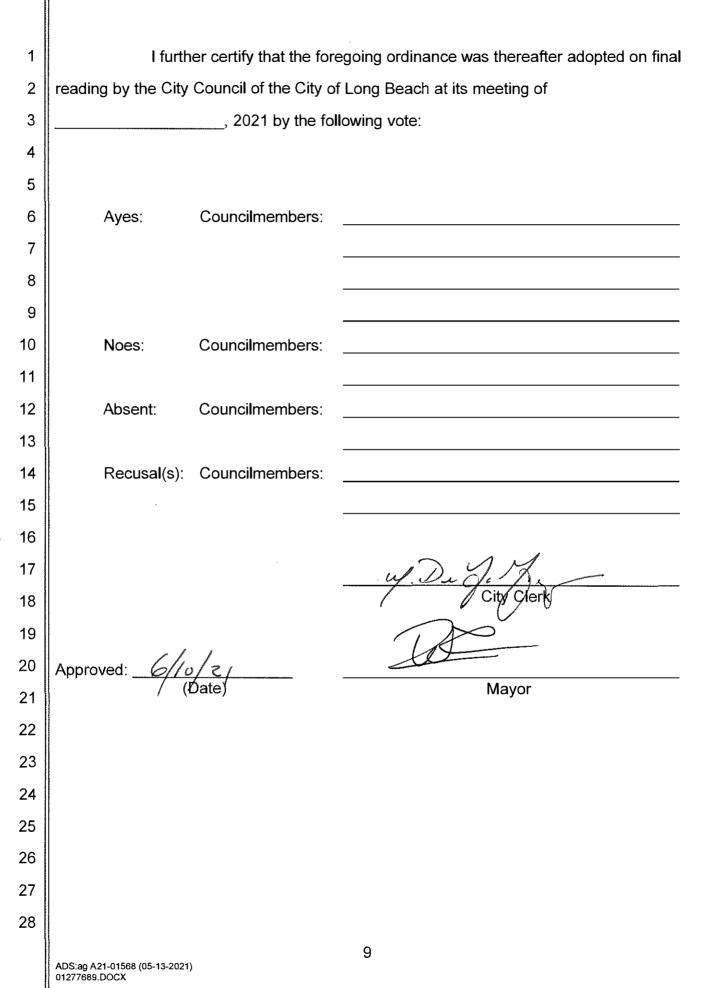
14 an emergency by the following vote:

16		Ayes:	Councilmembers:	Zendejas, Allen, Supernaw, Mungo,
17			-	Saro, Uranga, Austin, Richardson.
18			-	
19			-	
20		Noes:	Councilmembers:	None.
21	5 5 1		-	
22		Absent:	Councilmembers:	Price.
23			-	
24		Recusal(s):	Councilmembers:	None.
25			-	
26	<i>III</i>			
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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:

5		Ayes:	Councilmembers:	Zendejas, Allen, Supernaw, Mungo,
6				Saro, Uranga, Austin, Richardson.
7				
8				
9		Noes:	Councilmembers:	None.
10				
11		Absent:	Councilmembers:	Price.
12				
13		Recusal(s):	Councilmembers:	None.
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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 9th 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.

Tomels but

Subscribed and sworn to before me This 9th day of June 2021.

CITY GLERK