



Amendment to Master Fees and Charges Schedule Fireworks Cost Recovery Fee

City Council Public Hearing - June 15, 2021

Background

- **October 13, 2020:** City Council directed the City's Interdepartmental Fireworks Team to develop an amended Ordinance to provide additional enforcement tools and an increase in penalties to deter illegal fireworks in Long Beach.
- **June 8, 2021:** City Council adopted an emergency Ordinance enacting LBMC Chapter 8.81 relating to illegal fireworks. This Ordinance:
 - Defines a "Host" as anyone in charge of private property including, but not limited to, an owner, tenant, landlord, or property manager of the property; or an individual who organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.
 - Holds a "host" liable for any illegal fireworks activity on the property or in the public right-of-way adjacent to the property.
 - Hosts may be subject to administrative penalties and be held liable for the response costs relating to the violation.

Proposed Illegal Fireworks Fees and Penalties

Fee Name	Description	Fee	Per
Administrative Penalty	Any responsible person or host found in violation of LBMC Chapter 8.81 may be issued an administrative penalty pursuant to LBMC Chapter 9.65.	\$1,000	Per Violation, Per Day
Fireworks – Disposal Fee	Charge will be added to the Administrative Penalty if 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	<p>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.</p> <p>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.</p>	Actual Cost of Response	Per Violation

Estimated Costs of Enforcement Activities

- Responsible persons or host will be liable for the City's actual costs incurred for investigations and enforcement activities, including but not limited to:
 - **Police Department:** Enforcement and investigation of fireworks activity
 - **Fire Department:** Seizure, storage, and disposal of illegal fireworks
 - **Financial Management:** Processing of fee collections
- This amount could exceed \$20,000 depending on the type of violation.
- Actual costs will vary depending on the staff hours incurred in the enforcement activities.

Example Fireworks Enforcement Costs to Police Department

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

Ordinance Enforcement Process

Department/Party	Violation Occurs	Step 1	Step 2	Step 3	Step 4
City Residents (Witnesses)	<ul style="list-style-type: none"> Call for service Submit complaint through City Prosecutor Fireworks Portal 				
Police		<ul style="list-style-type: none"> Respond to call for service Issue criminal citation or make arrest Collect evidence Seize fireworks Conduct investigation 	<ul style="list-style-type: none"> Transmit case evidence to City Attorney, City Prosecutor Transmit case evidence to District Attorney (if applicable) 	<ul style="list-style-type: none"> Send Cost of Response to City Attorney 	
Fire		<ul style="list-style-type: none"> Respond to call for service (if there is smoke/fire or injury) Store and dispose of fireworks 	<ul style="list-style-type: none"> Report calls for service to Police Department 	<ul style="list-style-type: none"> Send Cost of Response to City Attorney 	
City Attorney			<ul style="list-style-type: none"> Assemble evidence for Administrative Citation 		<ul style="list-style-type: none"> Issue Administrative Citation including fees and penalties
City Prosecutor			<ul style="list-style-type: none"> Share Portal data with City Attorney 		<ul style="list-style-type: none"> Pursue criminal charges based on evidence
Other (City Manager/Financial Management)				<ul style="list-style-type: none"> Send Cost of Response to City Attorney 	<ul style="list-style-type: none"> Collect fees, track violations and citations

Next Steps

- Revenues related to the penalty fees are currently unknown and will depend on the number of violations and penalties issued.
- A thorough review of the costs for service will be undertaken as part of the larger Citywide Fee Study being led by Financial Management.
- Prepare outreach materials for distribution.

RECOMMENDATION

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.



Thank you

**Linda F. Tatum
Assistant City Manager**



New Fireworks Ordinance Enforcement Process

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Distribution of New Ordinance and Penalties

- The City has distributed information about the new ordinance and penalties through the following channels:
 - Press release issued on June 11, 2021
 - City Council Offices
 - List of Neighborhood Groups
 - Fireworks stakeholder list
 - Fire Department – Fireworks Website
 - Social Media
 - Block Party Applicants
 - Information sent to properties/individuals with prior record of illegal fireworks complaints or citations
 - Distribution to apartment owner associations
 - Door-to-door noticing in “hot spot” areas

Enforcement Process

City Objective: Hold the responsible party liable for citation fees and recovery costs. The City expects and relies on landlord cooperation to enforce Ordinance provisions.

If Initiated by Call for Service:

1. Police Department responds to a Call for Service and takes enforcement action.
2. Police Department provides report with incident details to the City Attorney.
3. City Attorney reviews Report, investigates, and includes information/evidence gathered from the City Prosecutor Fireworks Portal (if applicable)
4. City Attorney issues Administrative Citation based on available evidence. Citation includes notice of all applicable administrative penalties and cost recovery fees.

If Initiated through Prosecutor Fireworks Portal:

1. Complainant or Witness submits video or other evidence of illegal fireworks to the City Prosecutor online Fireworks Portal.
2. City Prosecutor follows up with complainant to obtain additional information/evidence.
3. City Prosecutor shares information with City Attorney to support issuance of Administrative Citations.
4. City Prosecutor files criminal charges against responsible party (if applicable)