



## Legislation Details (With Text)

|                       |  |                      |   |                      |                                 |
|-----------------------|--|----------------------|---|----------------------|---------------------------------|
| <b>File #:</b>        | 21-0546  | <b>Version:</b>      | 1 | <b>Name:</b>         | CM - Firework Cost Recovery Fee |
| <b>Type:</b>          | Resolution   | <b>Status:</b>       |   | <b>Status:</b>       | Adopted                         |
| <b>File created:</b>  | 6/1/2021   | <b>In control:</b>   |   | <b>In control:</b>   | City Council                    |
| <b>On agenda:</b>     | 6/15/2021  | <b>Final action:</b> |   | <b>Final action:</b> | 6/15/2021                       |
| <b>Title:</b>         | Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt 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) |                      |   |                      |                                 |
| <b>Sponsors:</b>      | City Manager   |                      |   |                      |                                 |
| <b>Indexes:</b>       |  |                      |   |                      |                                 |
| <b>Code sections:</b> |  |                      |   |                      |                                 |
| <b>Attachments:</b>   | 1. 061521-H-18sr&att.pdf, 2. 061521-H-18 PowerPoint.pdf, 3. RES-21-0060.pdf  |                      |   |                      |                                 |

| Date      | Ver. | Action By    | Action                           | Result |
|-----------|------|--------------|----------------------------------|--------|
| 6/15/2021 | 1    | City Council | approve recommendation and adopt | Pass   |

Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt 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)

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        |
| 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:

| <b>Estimated Fireworks Enforcement Operation Costs</b> |                          |                            |                              |
|--|--------------------------|----------------------------|------------------------------|
| <b>Seizure Size</b>                                    | <b>Est. Direct Costs</b> | <b>Est. Indirect Costs</b> | <b>Total Estimated Costs</b> |
| 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.

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

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.

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.

Approve recommendation.

[Enter Body Here]

THOMAS B. MODICA  
CITY MANAGER