



Legislation Text

File #: 21-0511, **Version:** 2

Recommendation to declare ordinance 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, read and adopted as read. (Citywide)

Pursuant to your request on July 14, 2020, this Ordinance has been prepared and is submitted for your consideration and approval.

Over the past several years, the City of Long Beach has seen a significant increase in the amount of illegal fireworks activity, particularly in the time period leading up to and during both the July 4th and New Year's holiday celebrations and also year-round. Both the Long Beach Police Department and the Long Beach Fire Department have incurred increased costs in order to respond to illegal fireworks calls during these time periods. The increased illegal fireworks activity has caused a significant negative impact on the public health, safety, and general welfare of the City's residents. In particular, there is a disproportionate detrimental impact on veterans and other survivors of PTSD, small children, as well as on pets.

The City's Fireworks Task Force is committed to finding ways to address these issues. Without additional enforcement tools, the City's efforts to mitigate illegal fireworks will be less effective. In addition, recently introduced fireworks legislation may impose a state-mandated local program. During its meeting on October 13, 2020, City Council 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 on the community. The concept of a social host ordinance for illegal fireworks activities has been used successfully in many jurisdictions in California, including Kern County, Redwood City, Rohnert Park, Lemoore, and Hanford. State fireworks legislation suggests local jurisdictions may include "social host liability" language in their enforcement and administrative fine ordinances.

The discharge of all fireworks within the City's jurisdiction is not permitted except for the use allowed pursuant to the City Fire Code outlined in Long Beach Municipal Code Chapter 8.48.720. However, California law requires a law enforcement officer to personally observe a person discharging an illegal firework in order to issue a citation for a violation. This new amended ordinance provides for social host liability for illegal fireworks, allowing fire department, law enforcement and code enforcement personnel to hold the owner or person in charge of real property or conducting an illegal fireworks event responsible for any response costs associated with the presence of emergency personnel, the discharge of illegal fireworks

on private property, and any aiding and abetting the discharge of illegal fireworks on an adjacent public right of way.

This ordinance is not meant to place a burden on property owners. Persons cited for this offense can appeal pursuant the relevant provisions of Long Beach Municipal Code Chapter 9.65 et seq. In addition to the appeal process, responsible parties who immediately seek the City's assistance in removing noncompliant individuals will not be considered in violation of this new City ordinance.

Approve recommendation.

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

CHARLES PARKIN,
CITY ATTORNEY