



Legislation Text

File #: 14-0141, **Version:** 1

Recommendation to receive and file a report and presentation regarding the impacts of allowing the sale and use of state-approved fireworks. (Citywide)

On January 7, 2014, the City Council considered a recommendation by Councilmember Al Austin (attached) to direct the City Clerk to place an advisory question on the April 8, 2014 citywide election ballot asking Long Beach voters: "Should the City of Long Beach allow the sale, use, and possession of state-approved fireworks within the city limits?" Following considerable discussion, the City Council directed staff to return with a report on the impacts of allowing the sale and use of fireworks in the city so that the Council could decide prior to March 7, 2014 whether to place the question on the June 3, 2014 ballot.

"Safe and sane" fireworks, which are approved by the State Fire Marshal, are those that do not go up into the air, explode, or move about the ground in an uncontrolled way. These include, but are not limited to, cones, sparklers, smoke balls, and spinners. There are currently 39 cities in Los Angeles County and 8 cities in Orange County that permit the sale of legal fireworks. State law prohibits the sale of fireworks to persons under 16 years of age.

As reported by fireworks distributors, some of the reasons for permitting the sale of fireworks are:

- Provides a fund-raising opportunity for non-profit groups,
- Fireworks purchased in nearby cities are already being used in Long Beach now,
- Allows residents to celebrate the 4th of July at home using products approved by the State Fire Marshal, and
- License fees, sales tax, and possibly a surcharge would serve to offset additional public safety costs.

The distributors suggest that 30 to 40 stand locations would be appropriate for a city the size of Long Beach, with estimated gross sales being between \$1.0 to \$1.3 million, not including sales tax or permit fees. Based on their assumptions, the average stand grosses between \$22,000 and \$35,000, of which the non-profit groups earn 30 to 35 percent (\$7,000 to \$15,000). A survey of cities that have stands indicates sales per stand are typically near the low end of the estimates (\$23,000 to \$24,000).

Despite the potential community benefits described above, the Fire Department recommends that the City Council continue the fireworks ban that has been in place for decades due to the risk of injury and property damage, and adverse impacts to the quality of life for residents, environment and City services.

There is no safe or sane way for consumers to use fireworks. As was summarized for the City

Council on January 7, 2014, the National Fire Protection Association's (NFPA) 2013 Fireworks Report, which can be found at www.nfpa.com/fireworks <<http://www.nfpa.com/fireworks>>, illustrates the many fire and emergency medical service-related issues caused when fireworks are permitted for sale, use and possession locally.

No coastal city in Los Angeles or Orange County permits the sale or discharge of State-approved fireworks. Coastal cities, such as Long Beach, attract many visitors to their shores each Independence Day. Even though fireworks are prohibited on the beachfront, it is very difficult with existing staff to prevent their discharge on the shores. This creates potentially dangerous conditions on crowded beaches at night, contributes to litter, and exposes ocean waters to toxic substances found in fireworks. Legalizing fireworks will exacerbate this problem in Long Beach.

Contents of fireworks include toxic substances that can accumulate in soil and in water. Of particular concern is perchlorate, a substance that pollutes surface and ground water. Fireworks are also known to expel toxic chemicals into the air, which are finely respirable, increasing agitation to those with asthma, heart conditions, or other respiratory conditions. The particulate matter can also be problematic for healthy individuals, as some of the particulates are heavy and can remain in the lungs.

Many Long Beach residents consider the noise produced by fireworks to be a nuisance, and many pet owners find the noise to be traumatic for their pets. Pet owners have reported the need to tranquilize their pets to prevent anxiety due to the noise of fireworks. Animal Care Services experiences increased call volumes for missing and injured pets during periods of fireworks activity.

Even with the current ban on fireworks in Long Beach, fire and police services are already stretched on the 4th of July, and it is not possible to respond to all requests for service. Legalizing the sale and use of fireworks will lead to a sharp increase in calls for service, most of which will be unenforceable. It is important to note that the majority of cities adjacent to Long Beach that permit the sale of fireworks contract for their fire and police services. The public safety agencies that provide these services have developed detailed deployment plans for the 4th of July, and staff up to meet the increased demand for service. The cities do not directly incur increased costs for these augmented services, though it is believed that the agencies providing the services have factored these costs into their annual contract amounts.

Lastly, it was suggested that it might be possible to create fireworks exclusion zones in various parts of the city. It would simply not be possible to enforce such zones as it would not only require that staff be dedicated to the area, but that there be enough staff to adequately patrol the area to ensure compliance.

This matter was reviewed by Assistant City Attorney Michael Mais and the Director of Financial Management John Gross on February 7, 2014.

The deadline to place the question on the June 3, 2014 ballot is March 7, 2014.

A fee of \$1,500 per fireworks stand, which staff tentatively proposes at this time, could result in new annual revenue of \$60,000. This would only cover actual costs associated with permitting and inspection. The existing 1 percent City tax on the sale of fireworks could result in additional revenue to the City, in theory, as high as \$14,000 - \$15,000, but more likely in the range of \$8,000 - \$9,000 in

total. However, it is believed that the City's costs for increased fire and police response, as well as Public Works and Parks, Recreation and Marine staffing for clean-up activities, would exceed the tax revenue generated from sales.

In the event of a June 3, 2014, citywide runoff election, the estimated cost of placing an advisory measure on the ballot and in the sample ballot booklet is \$150,000. If there is no citywide runoff election, the estimated cost is \$1.4 million.

Approve recommendation.

MICHAEL DUREE
FIRE CHIEF

APPROVED:

PATRICK H. WEST
CITY MANAGER