

Date: August 24, 2020

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager 

Subject: **Illegal Explosives and Fireworks Action Plan**

---

At its June 23, 2020 meeting, the City Council adopted recommendations for an Illegal Explosives and Fireworks Action Plan to address the illegal use of fireworks and explosives in Long Beach (see attached). To facilitate the implementation of these recommendations, the City Manager has formed a Fireworks Committee (Committee) comprised of City staff, including the Assistant City Manager (Chair), Police Chief, Fire Chief, City Prosecutor, and two Deputy City Attorneys. The Committee, which will meet monthly, held its first meeting on July 21<sup>st</sup>.

### **Debriefing of July 4<sup>th</sup> Response**

The Committee began its initial meeting with a debrief of the City of Long Beach's (City) response to the July 4<sup>th</sup> holiday and the weeks preceding it. All members acknowledged that this year's response was greatly impacted by the COVID-19 pandemic, civil unrest, and First Amendment demonstrations. The Police Chief also noted that his department's resources were further strained by an increase of shootings and calls for service during that time. Not only was the City's physical response to fireworks-related issues/complaints limited, but its educational/ prevention efforts were less robust than in prior years. The lack of organized fireworks shows is also thought to have played a role in the abundance of illegal fireworks this year. Both the Police Chief and Fire Chief reported they had been in contact with their counterparts in other regional cities, and all reported similar experiences.

### **Committee Focus Areas**

To address the future use of illegal fireworks in Long Beach, the Committee will focus on six key areas. A brief description of each is provided below:

1. Supply Chain

Arrests for the sale of fireworks not only reduce the number of fireworks on the street, but the publicity from the confiscation of fireworks caches has, in prior years, been an effective tool in the curtailment of fireworks activity. The Police and Fire Departments will strategize as to how best to deploy resources to disrupt the supply chain, and will seek opportunities to collaborate with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Customs and Border Protection (CBP), and other federal and state agencies toward this end.

## 2. Collaboration with Regional Cities

A number of Long Beach's neighboring cities permit the sale of "safe and sane" fireworks. While less disruptive than the skyrocket and explosives (e.g., M-80s), these fireworks have the potential for harm to persons and property. It is not likely the City and other regional cities that prohibit the sale of fireworks can convince those that allow the sale of fireworks to stop doing so. Fireworks stands are frequently operated by community groups (e.g., youth sports organizations) for fundraising purposes. That said, the Police and Fire Departments will reach out to other cities in the region, as well as professional associations, to see what collaborative efforts could be undertaken to impact both illegal and "safe and sane" fireworks.

### State Legislation

Banning the sale and use of fireworks in the State of California, with the exception of professional demonstrators, has been on the City's State Legislative Agenda since at least 2005. There have been several attempts in the Legislature to strengthen the restrictions on fireworks over the past 15 years, though none have been successful. Staff, working in collaboration with the State Legislation Committee and the City's lobbyist, will continue efforts to try to bring about a total ban.

### Fines

Currently, the City has the ability to issue administrative citations, which can carry fines up to \$1,000, per California Government Code Section 36901, for violations of ordinances. The Committee will evaluate whether it would be possible to increase the fine amount through a new ordinance, or through the addition of new fees, such as the Fire Marshal fee (\$250) and other penalties imposed by the City of Lakewood, CA. Issuance of administrative citations, however, poses a number of challenges as have previously been communicated in a memorandum dated [March 15, 2019](#). Criminal prosecutions have proven to be more effective.

### Community Outreach and Education

The Committee will revisit the outreach efforts made in prior years and determine what additional steps can be taken to strengthen future education and anti-fireworks messaging to the community.

### Data Collection

The City Prosecutors' [fireworks portal](#) was a good first step in enlisting the public's assistance in identifying locations where fireworks were ignited/detonated. The portal, which went live on June 22, 2020, allows residents to directly report illegal fireworks, as well as upload video or photographic evidence of the discharge of fireworks. As a result of the portal:

- 260 letters have been sent to property owners and tenants of properties alerting them they could face legal action if fireworks are permitted to be discharged on their property.
- 2 criminal misdemeanor cases were filed in court based on video evidence provided through the portal. (The two cases are in addition to 62 citations presented by law enforcement for criminal charges.)

# Illegal Explosives and Fireworks Action Plan

August 24, 2020

Page 3

To capture additional data, the Committee will evaluate alternatives for a live heat map of illegal fireworks activity as it proceeds with the new GoLongBeach app. One such example is that used by the [City of Lakewood, CO](#). Residents are invited to “drop a pin” to show where they are seeing or hearing illegal firework activity. The website states that placing a pin does not dispatch a police officer or other agent to the location, but it will help to identify areas where illegal fireworks are being ignited for follow up education and enforcement efforts.

The Committee will provide the City Council with additional updates as progress is made in the areas identified above. If you have questions, please contact Linda F. Tatum, Assistant City Manager, at (562) 570-6916 or via email at [linda.tatum@longbeach.gov](mailto:linda.tatum@longbeach.gov).

KJ/AK

CC: CHARLES PARKIN, CITY ATTORNEY  
DOUGLAS P. HAUBERT, CITY PROSECUTOR  
LAURA L. DOUD, CITY AUDITOR  
KEVIN JACKSON, DEPUTY CITY MANAGER  
TERESA CHANDLER, DEPUTY CITY MANAGER  
REBECCA G. GARNER, ADMINISTRATIVE DEPUTY CITY MANAGER  
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #[20-0603](#))  
DEPARTMENT HEADS



**City of Long Beach**

*Working Together to Serve*

**Memorandum**

*Councilmember Al Austin II  
Eighth District*

**NB-25**

**Date:** June 23, 2020

**To:** Mayor and Members of the City Council

**From:** Councilmember Al Austin II, Eighth District  
Councilmember Mary Zendejas, First District  
Vice Mayor Dee Andrews, Sixth District  
Councilmember Rex Richardson, Ninth District

**Subject:** **Illegal Explosives and Fireworks Action Plan**

---

**RECOMMENDED ACTION:**

**Request the City Council approve the following recommendations of the Illegal Explosives and Fireworks Action Plan to address the illegal use of fireworks and explosives in Long Beach:**

- 1) Request the City Attorney to draft an ordinance that would include a person who owns, rents, leases or otherwise has possession of a premises as a responsible party for the illegal use, discharge, possession, storage or sale of fireworks on the premises;**
- 2) Request the City Attorney and City Manager to report back to the City Council with options for increasing the penalties for anyone cited or arrested for fireworks violations;**
- 3) Request the City Attorney and City Manager to report back to the City Council on the feasibility of including an administrative citation process for illegal fireworks use, to allow for additional enforcement capability in Long Beach;**
- 4) Request the City Manager to assess the feasibility of establishing an online portal or GoLongBeach app feature for residents to submit video evidence of fireworks violations for referral to the City Prosecutor;**
- 5) Request the City Manager to assess the feasibility of utilizing OpenData or crowdsourcing to create a publicly accessible heat map of incidents of illegal fireworks and explosives in Long Beach;**
- 6) Request the City Manager to assess the feasibility of establishing a fireworks hotline for residents to report illegal fireworks and explosives**
- 7) Request the City Manager to provide an update on public education efforts this year that all fireworks are illegal in Long Beach.**

**BACKGROUND:**

While all fireworks are illegal in Long Beach, neighborhoods throughout the City are experiencing a noticeable and significant increase this year in the use of fireworks and illegal explosives. By almost all accounts, the explosions have started earlier, with more frequency, and with greater noise and disruption than in previous years.

MAYOR AND MEMBERS OF THE CITY COUNCIL

June 23, 2020

Page 2 of 2

The illegal fireworks and explosions negatively impact the quality of life for almost all residents, but they can have a particularly detrimental effect on veterans and other survivors of PTSD, as well as small children. These illegal explosives also cause great distress to numerous pets.

Long Beach dedicates significant resources each year to educate the public that all fireworks are illegal in the City, as well as on enforcement efforts through the Police and Fire Departments.

Last year, nearly 10,000 pounds of fireworks were recovered by the Long Beach Fire and Police Departments between Memorial Day and the 4<sup>th</sup> of July. Long Beach PD investigations resulted in eight arrests and 30 citations in the weeks leading up to July 4<sup>th</sup> last year, and on Independence Day made six felony arrests, 11 misdemeanor arrests and 36 fireworks-related citations.

Residents throughout our City are asking for additional measures to help address the daily barrage of explosions and nuisance from illegal fireworks, and have looked at additional steps that have been taken in other cities, as examples.

For example, some cities hold the property owner or lessee of a residential property responsible for to be cited for the unlawful and public nuisance of allowing the use of fireworks on their premises. Long Beach has successfully utilized this approach with other public nuisances, such as the Social Hosting Ordinance.

The City Prosecutor has also indicated that his office can take follow-up actions if they receive video evidence and other supporting information of illegal fireworks activity. The City can help facilitate this process by establishing an online portal or GoLongBeach app feature for residents to submit this video evidence.

Based on community input, a review of best practices in other cities, and ongoing discussions, we ask the City Council to approve this Illegal Explosives and Fireworks Action Plan, to help enhance Long Beach's efforts to curtail this significant public nuisance and health and safety concern.

**FISCAL IMPACT:** No fiscal impact was able to be conducted due to the urgency and time sensitivity of this item.

**STATEMENT OF URGENCY:** Council consideration is timely to take action prior to the 4<sup>th</sup> of July holiday.