

REGULATING BEACH FIRES

AMENDED IN SENATE JULY 1, 2014

AMENDED IN SENATE JUNE 10, 2014

AMENDED IN ASSEMBLY JANUARY 17, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ITEM NO. F.2

ASSEMBLY BILL

No. 1102

Introduced by Assembly Members Allen and Quirk-Silva
(Principal coauthors: Assembly Members Donnelly and Mansoor)
(Coauthors: Assembly Members Beth Gaines, Gonzalez, and
Hagman)
(Coauthors: Senators Correa, Nielsen, Walters, and Wyland)

February 22, 2013

An act to add Section 40440.9 to the Health and Safety Code, and to add Section 30607.8 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, ~~Allen. Beach-burning: fire rings: coastal development-permit: South Coast Air Quality Management District: permit.~~

(1) Existing law establishes the South Coast Air Quality Management District, vested with the authority to regulate air emissions from statutory sources located in the South Coast Air Basin, and establishes a district board to govern the district.

~~This bill would require a public agency located in the south coast district that has jurisdiction over an area containing a beach fire ring, as defined, to comply with a rule adopted by the south coast district that restricts the use or location of a beach fire ring and the California Coastal Act. By increasing the duties of local officials with respect to the California Coastal Act, the bill would impose a state-mandated local program.~~

(2)

(1) Existing law, the California Coastal Act of 1976, provides for the planning and regulation of a development and requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the California Coastal Commission in accordance with prescribed procedures.

~~This bill would require the application a city or county to apply for a coastal development permit to remove or restrict the use of a beach fire ring, as defined, and would require that application to include specified information. The bill would declare that these provisions do not override the applicability of a specified provision relating to ambient air quality standards, emission standards, or air pollution control programs or facilities established by the State Air Resources Board or an air pollution control or air quality management district. The bill would declare that these provisions do not prohibit the City of Newport Beach from distributing charcoal free of charge for use in a beach fire ring within 700 feet of a residence. By increasing the duties of local officials with respect to the California Coastal Act, the bill would impose a state-mandated local program.~~

(2) ~~The bill would declare these provisions to be declaratory of existing law.~~

(3) ~~This bill would find and declare that these provisions relate to an issue of statewide concern and not a municipal affair, as specified.~~

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 40440.9 is added to the Health and Safety~~
2 ~~Code, to read:~~

3 ~~40440.9. (a) A public agency located in the south coast district~~
4 ~~that has jurisdiction over an area containing a beach fire ring shall~~
5 ~~comply with both of the following:~~

6 ~~(1) A rule adopted by the south coast district that restricts the~~
7 ~~use or location of a beach fire ring.~~

8 ~~(2) The California Coastal Act (Division 20 (commencing with~~
9 ~~Section 30000) of the Public Resources Code).~~

10 ~~(b) For purposes of this section, "beach fire ring" has the same~~
11 ~~meaning as in Section 30607.8 of the Public Resources Code.~~

12 SEC. 2. ~~Section 30607.8 is added to the Public Resources Code,~~
13 ~~to read:~~

14 ~~30607.8. (a) An application for a coastal development permit~~
15 ~~to remove or restrict the use of a beach fire ring shall include an~~
16 ~~analysis of alternatives and mitigation measures that would avoid~~
17 ~~or minimize the need to remove or restrict the use of a beach fire~~
18 ~~ring.~~

19 ~~(b) For purposes of this section, "beach fire ring" means a device~~
20 ~~in which recreational or ceremonial burning occurs that is located~~
21 ~~on a beach in the coastal zone.~~

22 SECTION 1. ~~Section 30607.8 is added to the Public Resources~~
23 ~~Code, to read:~~

24 ~~30607.8. (a) For purposes of this section, "beach fire ring"~~
25 ~~means a device in which recreational or ceremonial burning occurs~~
26 ~~that is located on a beach in the coastal zone.~~

27 ~~(b) Notwithstanding subdivision (b) of Section 30005, the~~
28 ~~removal or restriction of the use of a beach fire ring by a city or~~
29 ~~county shall be subject to the requirements of this division and~~
30 ~~any other applicable regulatory requirements.~~

31 ~~(c) (1) An application for a coastal development permit to~~
32 ~~remove or restrict the use of a beach fire ring shall include an~~
33 ~~analysis of alternatives and mitigation measures that would avoid~~
34 ~~or minimize the need to remove or restrict the use of a beach fire~~
35 ~~ring.~~

36 ~~(2) An application for a coastal development permit submitted~~
37 ~~pursuant to this section and that may be approved through a waiver~~
38 ~~procedure shall not be unreasonably denied by the commission at~~

1 a public hearing. A decision on the application shall be expedited
2 to the maximum extent feasible.

3 (d) Nothing in this section affects the applicability of Section
4 30414.

5 (e) Nothing in this section prohibits the City of Newport Beach
6 from distributing charcoal free of charge for use in a beach fire
7 ring within 700 feet of a residence.

8 SEC. 2. The addition of Section 30607.8 to the Public
9 Resources Code made by this act does not constitute a change in,
10 but is declaratory of, existing law and clarifies potential conflicting
11 interpretations.

12 SEC. 3. The Legislature finds and declares that the removal
13 and restriction of the use of fire rings at coastal areas is a matter
14 of statewide concern and not a municipal affair, as that term is
15 used in Section 5 of Article XI of the California Constitution.
16 Therefore, Section 1 of this act shall apply to a charter city or
17 county.

18 ~~SEC. 3.~~

19 SEC. 4. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.