

City Council tables beach fire ban until new members sworn in

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On the verge of approving an updated ordinance on regulating beach fires between Battery Point and 6th Street, the City Council instead chose on Nov. 2 to wait until after the election to involve their newly elected colleagues in the decision.

City Manager Eric Wier said the earliest staff would be able to bring the ordinance back for introduction and adoption would be Nov. 16. He added the Nov. 3 election created a timing issue.

“This particular election, it will not be certified until Nov. 20. The new council will not be seated until Dec. 7, meaning a new city council would have the final vote. That council would sit for a public hearing. Upon direction tonight, we could postpone introduction of the ordinance.”

City staff were already bringing the proposed changes back to the City Council a fourth time after being directed to survey the 16 homeowners along the stretch of beach in question.

Additionally, an incident just two days before on Halloween night illustrated the need to reexamine the ordinance — Crescent City Fire and Rescue responded to a out of control fire on the beach near 8th Street and Pebble Beach Drive.

“It was pretty impressive looking,” Crescent Fire Chief Bill Gillespie told the councilors. “They had brush clear up to the bank on fire and this one stemmed from a homeless camp. It ran through the brush. They said they had trees on the bank crowned out. You wouldn’t believe the amount of embers that were blowing into the field across the road.

He added it took more than an hour to extinguish the fire.

In addition, Wier said staff were unable to get a consensus from the survey of the homeowners on the proposed new ordinance, throwing another monkey wrench into the discussion.

Changes to the 40-year-old beach fire ordinance would ban beach fires from 6th Street all the way to end of Lighthouse Way on public property and written consent from a property owner would be needed to build a beach fire on private property. In addition, fires would be limited to a diameter of three feet and two-feet high, and be allowed no closer than 25 feet from vegetation and buildings. Lastly, it prohibits burning inorganic materials.

City Attorney Martha Rice said this proposal would bring the city’s ordinance in line with California’s 2019 Code.

“The fire chief does have authority to order the extinguishment of any fire that presents a hazard due to weather conditions or some other local conditions,” Rice explained.

However, homeowners asked about the proposal could not come to a consensus in their support. Wier said of the 16 property owners contacted, feedback was received from only 11. Responses were to the following questions:

- Do you support the draft ordinance with the provisions as stated, which prohibits fires between 6th Street and the Battery Point parking lot except on private property and defines the regulations for all beach/recreational fires: Yes - 6, No - 4, No answer - 1

- Would you support a total ban on beach fires for beach fires on both private and public property in this area? Yes: 5, No: 5, one answer “Whatever the city feels is best.”

- Another proposed idea is to implement an 11 p.m. curfew if beach fires were permitted. Would you support his being included in the ordinance for all beach/recreational fires: Yes: 4, No: 7, one answer preferred a 10 p.m. curfew.

“It is kind of representative of what the council has been hearing from the public, there’s been argument on both sides of this,” Wier said.

Councilman Jason Greenough, who as of Nov. 5 leads the six-way race to retain his seat, said while he leans on the side of liberty, an update of the ordinance is needed.

“This will give our law enforcement, our fire department tools to enforce the law,” he said. “And we’re planning on putting up signage to educate. I think this is a balanced way of doing it. We’re not taking away the opportunity to use the beaches but at the same time regulating it enough to put a reasonable regulation on people’s behavior.”

However, Mayor Blake Inscore said he was able to reach a consensus while talking with community members in and around the area — an outright ban on all fires along that stretch of beach, including an extension to city boundaries at Preston Island.

“Nobody said they want beach fires there. For clarity, for the best safety of the region ecologically, for personal safety and out of respect for those who will enforce this or deal with violations, I believe the city boundary just north of 9th Street to Vista Point should simply be no fires,” Inscore said.

He added having looked and walked in the area, he felt there are plenty of other areas in the community where beach fires can be constructed safely.

“To say we should provide this option for liberty purposes when there are plenty of other options, really puts the liberty issue off the table. When I’m talking prohibition, I’m talking property owners as well as public areas. It’s a sensitive habitat area, area frequented by homeless and transient people, the simplest way to keep it safe for everyone is to simply say no fires,” Inscore said.

Mayor Pro Tem Heidi Kime, who did not run for reelection, disagreed with her colleague.

“It is a liberty issue. Once we ban this, then we’ll ban the next area, then there’s going to be another reason and so on and so forth,” Kime said. “We can all buy a fire pit and put it in our yard. But we all can’t do that and have the tranquility of sitting next to the ocean and enjoying it. It seems to me the ones doing it responsibly are the ones who are going to suffer. The irresponsible need to be held accountable.”

In addition, both Kime and Greenough worried where the endpoint would be of banning air quality nuisance issues from backyard fire pits, barbecuers or even indoor wood stoves.

With the city council obviously spilt on the issue, by consensus they agreed to table the discussion until after the election.

“This by no means is an act of passing the buck,” Inscore clarified. “This is a matter of us making sure we do all the work necessary and that we get it right. And frankly, it’s not going to do any good to introduce something that has a strong likelihood of being sent back and started over anyway.”