



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: APRIL 19<sup>TH</sup>, 2005

ITEM NUMBER:

**SUBJECT: NEW YEARS EVE, DECEMBER 31, 2005  
FIREWORKS EDUCATION AND ENFORCEMENT OPTIONS**

**DATE: MARCH 10, 2005**

**FROM: POLICE AND FIRE DEPARTMENTS**

**PRESENTATION BY: RICH ALLUM, SPECIAL EVENTS SERGEANT  
TRAFFIC SAFETY BUREAU  
KEVIN DIAMOND, CAPTAIN/ARSON INVESTIGATOR  
FIRE DEPARTMENT**

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## **RECOMMENDED ACTION:**

Staff recommends utilizing existing on-duty personnel to handle calls related to illegal fireworks during New Year's Eve celebrations (Option #1). This option will not incur overtime expense.

## **BACKGROUND:**

Complaints related to use of illegal fireworks and/or the misuse of "safe and sane" fireworks have been routinely received in Costa Mesa. Costa Mesa is one of the last few municipalities to allow the sale or discharge of "safe and sane" fireworks. As such, calls for service related to discharge of both illegal and legal (safe and sane) fireworks continue to be received during July 4<sup>th</sup> celebrations. Complaints to several departments in the City, and the City Council, prompted a concerted effort to educate the public about the dangers of fireworks during the 4<sup>th</sup> of July 2004.

The Police and Fire Departments conducted an extensive fireworks education and enforcement effort on the 4<sup>th</sup> of July 2004 (*Fireworks Enforcement Program*). Program efforts were directed at public safety. It consisted of education regarding the dangers related to illegal fireworks and misuse of legal or "safe and sane" fireworks, as well as citation issuance for violations of applicable laws. Fireworks related calls for service on the 4<sup>th</sup> of July 2004 totaled 254 and resulted in thirty-six (36) arrests/arrest citations.

In the past, there has been a certain level of tolerance of celebration in regard to New Year's Eve. In more recent years, the use of fireworks has become more and more of an area of concern for the community. The Police and Fire Departments have a

renewed focus in regard to taking appropriate enforcement action with fireworks related violations.

At the City Council meeting of January 3, 2005, the City Council received public comments expressing concern over the use of illegal fireworks during New Year's Eve celebrations. Because of those comments, the City Council directed Police and Fire staff to review the nature of violations occurring and to suggest options to address the use of illegal fireworks.

### **ANALYSIS:**

A review of calls received by the Tele-Communications Division and subsequent calls for service at the Police/Fire Departments revealed very few calls for service related to fireworks on New Year's Eve, December 31, 2004.

There were twenty-four (24) calls related to fireworks on New Year's Eve. Thirteen (13) of the calls occurred during the twenty-five (25) minutes following the stroke of midnight. The remaining number of calls, eleven (11), occurred between 4 p.m. and midnight, with the majority of those occurring between 9 p.m. and midnight.

Additional staffing for a fireworks related education and enforcement program, similar to that employed for the July 4, 2004 holiday would need to cover the hours expected to be impacted by fireworks use. Based upon fireworks related calls for service on the evening of December 31, 2004, additional staffing would be deployed from 7:00 p.m. until one hour after midnight.

### **ALTERNATIVES CONSIDERED:**

In order to educate the public, a pre-New Year's Eve press release would be distributed to the local media outlets, and posted on the City's website, explaining the needs for safety during the holiday celebrations. The press release would remind residents that any and all fireworks are illegal at this time of year. Residents will be advised that Police and Fire Department personnel will strictly enforce all laws related to the misuse of fireworks during the New Year's Eve celebration.

In addition to the above, one of the following options could be implemented:

Option #1 is to handle calls for service with existing personnel due to the small number of anticipated fireworks related calls and the post-midnight grouping for the bulk of those calls. Staffing levels for Police Department personnel are highest from 10 p.m. to 2 a.m. due to the overlap of PM and AM shifts. Staffing assignments show 26 police officers scheduled during this four (4) hour period. This option generates no overtime expenditure/no fiscal impact for either the Police or Fire Department. It would be emphasized to on duty personnel of the objective to diligently enforce fireworks violations.

Option #2 is to assign two (2) Police Officers and one (1) Fire Department Arson Investigator, all on an overtime basis, as a team to pro-actively patrol for violations in City parks and in previously noted areas of concern, as well as responding to calls for service related to fireworks. The program will consist of two (2) teams (total of six [6] personnel). This option generates overtime expenditures for both the Police and Fire Departments. It would result in approximately \$3,500 in overtime expenditures.

**FISCAL REVIEW:**

The aforementioned cost associated with Option #2 would be covered by the adopted budgets of the Police and Fire Departments.

**LEGAL REVIEW:**

No legal review is necessary for this item.

**CONCLUSION:**

Staff recommends utilization of Option #1 as being the most cost effective and reasonable given the small number of fireworks related calls for service anticipated and the hours of occurrence.

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Police Sergeant

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Fire Captain/Arson Investigator

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**JOHN D. HENSLEY**  
Chief of Police

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**JAMES M. ELLIS**  
Fire Chief

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**MARC R. PUCKETT**  
Director of Finance

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**KIMBERLY HALL BARLOW**  
City Attorney

DISTRIBUTION: City Manager  
City Attorney  
Finance Director  
City Clerk

ATTACHMENTS: 1 [Calls for Service New Years Eve 2004](#)