



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 6, 2008 ITEM NUMBER:

SUBJECT: FIREWORKS REGULATION/EDUCATION

DATE: April 29, 2008

FROM: CITY MANAGER'S OFFICE

PRESENTATION BY: COUNCIL MEMBER WENDY LEECE

**FOR FURTHER INFORMATION
CONTACT:**

**Allan L. Roeder, City Manager
(714) 754-5327**

RECOMMENDATION:

It is recommended that the City Council:

1. Determine strategies to be implemented.
2. Direct staff to return with a budget adjustment sufficient to provide the necessary funding to implement the strategies adopted. Funding to be provided via Fund Balance or identified reductions in General Fund Operating Budget.

BACKGROUND:

Since the early 1990's, the subject of prohibiting or further restricting the sale and discharge of fireworks has been discussed extensively in Costa Mesa. This report will not attempt to chronicle the history of these deliberations, but rather to pick up from where these discussions last took place.

At the August 7, 2007 regular City Council meeting, Council Member Linda Dixon brought forward a request to place the matter of prohibiting the sale & discharge of fireworks on the November 2008 General Election ballot along with a companion measure to increase the City's Transient Occupancy Tax. The measures failed to gain majority support with the City Council acting to receive and file the matter. At the City Council Study Session of August 14, 2007, Council Member Wendy Leece brought forward a number of items relating to this subject including but not limited to discussion of alternative means of fundraising for community organizations, consideration of additional restrictions on the sale & discharge of fireworks and possible changes to the City's existing enforcement strategies. The subject was discussed

extensively by the City Council although there was no clear direction for a future course of action. Council Member Leece indicated that she would continue to look for alternative strategies to address the concerns discussed.

At the January 8, 2008 City Council Study Session, Council Member Leece presented a list of possible strategies for the City Council to consider and provide general comments and feedback. The January 8, 2008 report is included as Attachment A of this report. These strategies were developed from practices that are existent in other communities including background on how other cities have implemented the various approaches. At this meeting, the City Council provided general comments and suggestions on which of these strategies might make the most sense in Costa Mesa. With this feedback, Council Member Leece proceeded to refine the list of possible strategies into a list that could be presented to the past holders of permits for fireworks stands and the fireworks industry for discussion and feedback.

ANALYSIS:

On April 3, 2008, approximately 30 past permit holders attended a two-hour Fireworks Workshop to discuss the possible strategies and allow the City the opportunity to listen to their concerns and suggestions. The group was welcomed by Council Member Leece who proceeded to outline the challenge of reducing the negative impacts while preserving the positive aspects for a community that allows the sale and discharge of Safe and Sane Fireworks. She further explained the process for researching the strategies and that the strategies are designed to accomplish one or more of the following objectives:

1. Educate members of the community about the differences between State approved Safe & Sane Fireworks and unauthorized, illegal fireworks.
2. Strengthen efforts to identify, cite and/or arrest individuals who import, sell or discharge illegal fireworks.
3. Implement measures designed to obtain compliance with adopted fireworks regulations and defray the public cost of enforcement and cleanup.

Council Member Leece also pointed out that last year the 4th of July fell on a Wednesday and this year it falls on a Friday. Because of how the 4th falls on a Friday, she has heard increased concerns about the discharge of fireworks continuing beyond Independence Day through the holiday weekend.

Staff from the Fire Department and Police Department assisted in the presentation to the stand operators by outlining the steps the City takes to prepare, maintain order/safety and clean-up from the 4th of July. John Kelly, Vice President of TNT/Blockbuster Fireworks discussed his impressions of the current status of the fireworks industry and the overall public perception of fireworks.

Council Member Leece and City Manager Allan Roeder facilitated a discussion of individual strategies and answered related questions. A complete list of the strategies and the corresponding comments from the workshop attendees is included as Attachment B of this report. Staff has also included the potential financial cost and legal review associated with the implementation of each strategy.

Based on extensive input from the community, the City Council, City staff as well as firework stand permit holders, Council Member Leece has formulated a recommended list of strategies for City Council consideration. The City Council may choose to request separate discussion and vote on each of the strategies.

An important point of discussion between staff and Council Member Leece has been the timing of any proposed changes. The consensus is that if changes are to be implemented for July 4, 2008, they should be acted on as soon as possible so the community, non-profit organizations and City personnel can make the necessary adjustments. Many of the items will include a good amount of lead time and preparation. Still other items may influence the decisions of non-profit organizations to continue to sell fireworks as a fundraising endeavor.

FISCAL REVIEW

The estimated cost associated with the implementation of each strategy is included within Attachment B of this report. If the City Council determines to implement all of the various strategies, then the estimated cost would range from \$19,251 to \$32,851 depending on the number of shifts of additional patrol teams authorized and if direct mail is used to deliver educational information. These expenditures are not budgeted at this time and staff would need to return to the City Council with a Budget Adjustment authorizing the required funding via budget reductions from the current year budget or Fund Balance.

LEGAL REVIEW

The City Attorney has reviewed this report. Based on any new City Council direction, staff will proceed to follow up with any necessary changes to Council Policy 400-2 governing fireworks, revise existing administrative procedures as needed and further investigate the ability to implement administrative citations in lieu of criminal citations for various offenses.

CONCLUSION:

After reviewing strategies implemented in other communities related to fireworks regulation and education, obtaining preliminary input from City Council and discussing a refined list of strategies with firework stand permit holders, Council Member Leece is recommending that the City Council review and determine the strategies to be implemented for the upcoming 4th of July Celebration.

ALLAN L. ROEDER
City Manager

WENDY LEECE
City Council member

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Department Directors

ATTACHMENTS: A [Council Study Session Report from 1/8/08](#)
B [Summary of Fireworks Workshop from 4/3/08](#)