CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REGULATIONS GOVERNING FIREWORKS	400-2	5/17/04 REV: 1/17/06; 6/3/06, 5/6/08, 05/19/09	1 of 3

BACKGROUND

The Costa Mesa Municipal Code contains regulations governing the issuance of fireworks permits and the discharge of fireworks. These regulations are found in Sections 9-179 through 9-190. The City Council is authorized to enact further measures governing fireworks.

PURPOSE

The City Council wishes to adopt additional regulations governing the sale and discharge of fireworks in order to increase the protection and well-being of our citizens. The Council intends to tighten the safety regulations while still allowing our residents the limited use of fireworks.

POLICY

The City Council of Costa Mesa believes that the City residents can safely utilize fireworks to celebrate their patriotism when done according to reasonable safety regulations. Various youth oriented organizations should be permitted to sell fireworks to raise funds for support of valuable youth activities that contribute to the general strength, health and enjoyment of our residents. These goals can be obtained by limiting the number of fireworks and strictly prohibiting the sale of all dangerous fireworks.

REGULATIONS

1. The sale of "spinners" and similar fireworks and the sale of any fireworks that are intended to be "hand held" are prohibited. This prohibition shall be effective immediately for the sale of these devices individually or in homogeneous packages, and their sale within group packages containing an assortment of various fireworks devices shall be prohibited beginning in year 2006. The Fire Chief shall prepare (and update as needed) a list of the common names of the various fireworks devices that are "hand held" and "spinners." This list will be made available to fireworks manufacturers, distributors and other interested persons.

2. No more than one fireworks sales permit shall be issued to a single organization or school, unless more are expressly allowed in this Policy.

3. No more than 9 permits each year may be issued to organizations based at a single high school located within the City or where Costa Mesa residents constitute 50% or more of the students at a high school located within 1 mile of the City boundary. For an applicant based at a high school to qualify for a permit, the applicant must attach a letter to the application from the school's Principal or Activities Director certifying the applicant is a recognized organization supporting school activities.

4. No more than 2 permits each year may be issued to each K-8 private or public school within Costa Mesa city boundaries or to K-8 schools outside of the City's boundaries with enrollment of fifty percent (50%) or more Costa Mesa resident students,

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5. No more than 5 permits each year may be issued to a Group 1 User (or sponsored group) as defined in the City's Athletic Field/Facility Use and Allocations Policy.

6. The requirement in Costa Mesa Municipal Code Section 9-181(c) that a non-school applicant must have 80% of its "members" be residents of Costa Mesa may be satisfied if the applicant can show that the funds raised from the fireworks sales will be used for an activity or event where at least 80% of the participants or persons benefited are youths residing in Costa Mesa. The 80% requirement shall not apply to post-twelfth-grade schools located in Costa Mesa.

7. No more than 40 permits for fireworks sales stands shall be approved each year. The Finance Department will use a lottery system to allocate the permits if more than 40 qualified applicants file for permits in any year.

8. No permits shall be issued for any year unless the fireworks industry prepares flyers in both English and Spanish, explaining fireworks safety and water quality protection for distribution to all Costa Mesa schools for their students. A sample of the flyer shall be submitted to the City Fire Chief for his comments. The flyers shall be delivered to the Fire Chief by June 1st each year. A sufficient number of these flyers must also be provided to the operators of the fireworks stands for distribution to all buyers.

9. Permit applicants may be asked by the Director of Finance to submit information to verify statements made on the application form. Any applicant who is unable to verify such statements may be disqualified from obtaining any future permits. Permits are not transferrable.

10. Fireworks sales to the public on 7/1 through 7/3 shall be limited to between the hours of 10:00 am and 10:00 p.m. each day. On 7/4, fireworks sales to the public shall be limited to between the hours of 9:00 am and 8:00 p.m.

11. Discharge of safe and sane fireworks shall be limited to the Fourth of July (7/4), from 4:00 p.m. until 10:00 p.m.

12. The Costa Mesa Fire Chief has been granted the authority by the City Council to declare a moratorium on the use of fireworks if conditions of high winds or advanced drought conditions exist. The City Manager will be notified immediately and will determine how this will be communicated to the public.

13. All City parks shall be posted with appropriate signs advising the public that discharge of any fireworks is prohibited at Costa Mesa public parks, and that violators will be cited and fined. The Maintenance Services Manager or his/her designee shall ensure that all park sprinkler irrigation systems are functioning properly and set to go on for a period of time on the evening of July 4th to further discourage the use of fireworks at City parks.

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14. Notification signs to the public shall be strategically placed at access points of the City at least one week prior to July 4th. The signs shall advise the public of the City's zero tolerance of illegal fireworks and illegal use of legal fireworks as well as associated penalties.