



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 17, 2011

ITEM NUMBER: _____

**SUBJECT: AMENDING ARTICLE 8 OF THE COSTA MESA MUNICIPAL CODE
REGULATING FIREWORKS**

DATE: MAY 11, 2011

FROM: CHIEF EXECUTIVE OFFICER'S OFFICE

**PRESENTATION BY: DAN JOYCE, PUBLIC AFFAIRS MANAGER
TOM DUARTE, CITY ATTORNEY**

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RECOMMENDATION:

That the City Council give second reading, of an ordinance amending section 9-190 of the Costa Mesa Municipal Code (Attachment 1) with the following amendments:

1. Amend language to Costa Mesa Municipal Code Section 9-190 (d) reflecting new days of operations for firework stands from June 30 through July 4th; and
2. Amend language to Costa Mesa Municipal Code Section 9-190 (e) reflecting new hours of discharging fireworks from July 1st through July 4th.

BACKGROUND:

At the City Council meeting of May 3, 2011 (Attachment 2), the City Council approved amendments to the Costa Mesa Municipal Code relative to the days of operation of fireworks stands from June 30 through July 4th and the hours of discharge of fireworks from July 1st through July 4th.

Also at that meeting, the City Council reviewed a number requests from non-profit organizations and residences both in favor and against the amendments. In addition, the City Council received public input both in favor and against the amendments and approved the request for the changes with a vote of 3-2. The approval of these requests requires a modification to both Municipal Code Section 9-190(d) and (e) and a revision to the Council Policy 400-2.

ANALYSIS:

At their May 3, 2011 meeting, City Council approved two actions related to the sale of fireworks and the discharge of fireworks in the City of Costa Mesa. The first being to extend the days of operation for the sale of fireworks from June 30 through July 4th and secondly to extend the days of discharging fireworks from July 1st through July 4th.

The City Council must adopt the following changes to Section 9-190 of the Costa Mesa Municipal Code:

1. Change wording in Section 9-190(d) to read, "No person shall sell or offer for sale fireworks within the city unless such sale occurs between June 30 and 9:00 p.m. on July 4th, inclusive."; and
2. Change wording in Section 9-190(e) to read, "No person shall discharge any fireworks of any kind within the city, except on July 1st through July 4th from 4:00 pm - 10:00 pm of such days.

The handouts and a copy of the presentation are included with this report as Attachment 3.

FISCAL REVIEW:

Consistent with the staffing approach for July 4, 2010, no additional staff resources will be proactively deployed for this year. Additional overtime may be needed if weather conditions and/or call volumes justify the use of overtime. It is anticipated that \$1,000 will be needed in clean-up services.

LEGAL REVIEW:

The City Attorney's Office has recommended, reviewed, and approved the changes to the Costa Mesa Municipal Code and the previously approved Council Policy as to form.

CONCLUSION:

Per the City Council's action on May 3, 2011, staff recommends that the City Council give second reading of an ordinance amending section 9-190 of the Costa Mesa Municipal Code reflecting the sale and discharge of fireworks.

Dan Joyce
Interim Public Affairs Manager

Thomas R. Hatch
Chief Executive Officer

Director of Finance (fiscal review only)

City Attorney (legal review only)

- ATTACHMENTS:
- 1 [Ordinance No. 11-06](#)
 - 2 [City Council Staff Report –May 3, 2011](#)
 - 3 [Presentation and Handouts from May 3, 2011](#)