



CITY COUNCIL AGENDA REPORT

MEETING DATE: May 1, 2012

ITEM NUMBER: NB-2

SUBJECT: REVIEW ORDINANCE 11-6, TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING FIREWORKS SALES AND DISCHARGE

DATE: APRIL 25, 2012

FROM: OFFICE OF THE CEO

PRESENTATION BY: DAN JOYCE, PUBLIC AFFAIRS MANAGER

FOR FURTHER INFORMATION CONTACT: dan.joyce@costamesaca.gov
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RECOMMENDATION:

Receive and file this report.

BACKGROUND:

Pursuant to City Council's direction, staff was requested to bring forward a review of Ordinance 11-6, Title 9 of the Costa Mesa Municipal Code regarding the sale and discharge of fireworks. City Council stipulated that the results of the ordinance be reviewed within a year for possible changes to the ordinance, to be read by title only and waive further reading.

The purpose of this report is to update the City Council on 2011 July 4th activities and to recommend no changes to the Ordinance.

At the May 17 2011, City Council meeting, the Council amended and approved Ordinance No. 11-6 to read:

Subsection (d) of Section 9-190 of Title 9, Chapter II, Article 8 (Fireworks Sales) of the Costa Mesa Municipal Code is hereby amended as follows:

Sec. 9-190. Prohibitions; state permit required.

(d) No person shall sell or offer for sale fireworks within the city unless such sale occurs between June 30th and 9:00 p.m. on July 4th, inclusive.

Subsection (e) of Section 9-190 of Title 9, Chapter II, Article 8 (Fireworks Sales) of the Costa Mesa Municipal Code is hereby amended as follows:

Sec. 9-190. Prohibitions; state permit required.

- (e) No person shall discharge any fireworks of any kind within the city, except on the dates of July 2nd through July 4th between 4:00 p.m. and 10:00 p.m. on such days.

ANALYSIS:

Last year, 33 separate non-profit organizations and high school groups operated firework booths within the City. Total sales were up 7% from 2010; increasing total gross revenue to \$430,000.

This year, City Council and staff have received additional letters of support to keep the same amount of days for firework sales for 2012. (Attachments #1 and #2).

Based on the reviews of the following departments below, staff recommends that no changes be made to the ordinance and that the City Council receives and files this report. Last year's report is provided (Attachment #3).

Police and Fire Department

The Police and Fire Departments will independently deploy adequate staffing and manage the calls for service each day throughout the holiday period.

For the 2011 holiday, July 1 through July 4, there were 455 calls for service reported. Of those, 387 were routine fireworks calls requiring no contact and handled on a case by case prioritized basis, 59 required a police officer response and contact, and 9 were handled by the Fire Department.

The Police Department plans to have additional resources available to handle the July 4th calls for service. The additional resources will not create extra overtime but will come from pre-planned and scheduled personnel

Last year, Fire personnel met with firework stand operators a week before the holiday to review requirements and regulations. On June 30, Fire Prevention staff inspected each firework stand to ensure all requirements were met before they were authorized to sell fireworks. On July 4, Fire units checked on all approved block parties and participated in Community Service Requests around the City. Last year, there were no significant fireworks related incidents.

The Fire Department always anticipates an increase in activity which is normal for the time period around the July 4th holiday. None the less, the Fire Department is developing an operational plan in preparation for the special challenges this holiday presents.

Public Service Department

In 2011, Public Services personnel installed informational fireworks signs at City entry points as well as at various selected parks. Sprinkler systems were programmed to assist with mitigating the impact of fireworks use. There were no reports of any problems throughout the holiday weekend. Additional part time personnel and some full time personnel were brought in for a few hours on July 4 and July 5 to clean up from the long holiday weekend. The clean-up mostly involved picking up litter and emptying trash cans. The same amount of days for the sale of fireworks will not impact Public Services Department.

This year, similar staffing requirements are recommend for Tuesday July 3rd, Wednesday July 4th, and Thursday July 5th (the busiest day for cleaning) at a total estimate cost of \$1,000.

CEO's Office

In 2011, the CEO's office coordinated a Fireworks Safety Outreach Program relating to safe and sane fireworks. The campaign included press releases, public service announcements on the website, Facebook, Twitter and Channel 24, phone alerts to residents in the highest illegal firework zones, letters to the non-profits discussing regulations and worked with vendors, TNT and Phantom, in the distribution of informational flyers and posters at fireworks stands. This informational Safety Campaign will occur again in 2012.

FISCAL REVIEW

Consistent with staffing for the last two years, 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 reviewed this report and their comments have been incorporated.

CONCLUSION:

Staff recommends no changes to the Ordinance and that City Council receive and file this report.

DAN JOYCE
Public Affairs Manager

RICK FRANCIS
Assistant Chief Executive Officer

BOBBY YOUNG
Finance & I.T. Director
(fiscal review only)

THOMAS P. DUARTE
City Attorney
(legal review only)

DISTRIBUTION: Police Department
Fire Department
Public Services Director
Recreation Manager
Parks Project Manager

ATTACHMENTS: 1 [Letter from Costa Mesa High School](#)
2 [Letter from Estancia High School](#)