

CITY OF COSTA MESA, CALIFORNIA

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
REWARD POLICY	400-1	4-17-00	1 OF 3

**PURPOSE**

The purpose of this Policy is to set forth a procedure for establishing police reward offers. Such reward offers are used by the Police Department to encourage citizens to come forward with information that could lead to the arrest and conviction of offenders who have committed crimes within the jurisdiction of the City of Costa Mesa.

**BACKGROUND**

Authority. Government Code §§ 53069.5 and 53069.7 authorize the City Council to:

1. Offer and pay a reward to any person who furnishes information leading to the arrest and conviction of any person(s) killing or assaulting with a deadly weapon or inflicting serious bodily harm upon a peace officer of the City of Costa Mesa while such officer is acting in the line of duty.
2. Offer and pay a reward for information leading to the determination of the identity of, and the apprehension of, any person whose willful misconduct results in injury or death to any person or who willfully damages or destroys any property.

**POLICY**

1. Publicly Funded Reward Offers. The posting of a reward with public funds ordinarily shall require approval by the City Council. In exigent circumstances, the Police Chief or the Acting Chief of Police, in his absence, is hereby authorized to post a reward of up to \$10,000, payable out of the general fund. When posting a reward, the City Council or Police Chief shall specify the total amount of money being offered, the conditions for payment, the term of the offer, and the facts of the criminal offense for which the reward offer is being made.
2. Privately Funded Reward Offers. Private individuals or entities may offer to pay a reward to anyone who furnishes information leading to the arrest and conviction of a person who has committed a felony or misdemeanor crime within the City of Costa Mesa.
  - a. Prior to the posting of such an offer, the private party and/or entity must submit a written offer to the Police Chief or his/her designee that contains the following information:

- i. The name, address and telephone number of the person or entity that is offering to pay the reward. This information shall remain confidential upon request;
  - ii. The amount of the reward offered;
  - iii. The term of the offer in calendar days, with the time period to expire at 5:00 p.m. on the last day specified in the offer;
  - iv. A summary of the facts of the crime for which the reward offer is being made, including the name of the victim(s), if applicable. A copy of the police report or criminal complaint filed thereon will suffice in lieu of a summary of the facts; and
  - v. Authorization for the Police Chief to pay the reward once the conditions of the reward offer are satisfied.
- b. At the time of submission of the written reward offer, the donor shall also present a check or money order made out to the City of Costa Mesa in the full amount of the reward offer. The reward funds shall be deposited in a separate trust account maintained by the City Finance Department. The donor shall be entitled to receive the interest accrued on this account, less any expenses incurred by the City to maintain the account.
  - c. The Police Chief shall have the authority to post and publicize the privately funded reward offer immediately upon receiving (1) the written offer as specified above, and (2) evidence that the monies have been deposited with the City. In exigent circumstances, the Police Chief may waive the requirement that the reward monies be on deposit with the City if the Police Chief is satisfied that they will be deposited forthwith.
  - d. The Police Chief shall have the discretion to decline to accept a privately funded reward offer if he/she believes that the reward would not be in the public interest.
  - e. Under no circumstances will the City of Costa Mesa pay or be obligated to pay public funds to a person claiming entitlement to a reward offered by a private person or entity.

### 3. Payment of Rewards.

- a. Person(s) intending to claim a reward shall tender the necessary information to the Police Chief or his/her designee. The Police Chief shall make the final determination as to who is entitled to receive the reward. If multiple parties claim a reward, the reward may be divided in a proportion set by the Police Chief based upon the relative importance of the information provided.
- b. The Police Chief or his/her designee shall request a warrant for the funds

from the Finance Department. The Chief shall obtain a written receipt from the person receiving the reward, which will be maintained by the Finance Department for at least five (5) years.

- c. For privately offered rewards not earned within the term of the reward, the Chief shall arrange for the return of the funds to the offeror and obtain a receipt therefore, which shall be maintained for five (5) years.
4. A copy of this Policy may be made available to any person requesting information on the procedure for establishing police rewards. The Police Chief or his/her designee may establish forms and other necessary rule or regulations to administer this policy.

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REGULATIONS GOVERNING FIREWORKS	400-2	5/17/04 REV: 1/17/06; 6/3/06, 5/6/08, 05/19/09 5/4/10, 5/17/11, <u>2/19/13</u>	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. No more than one fireworks sales permit shall be issued to a single organization or school, unless more are expressly allowed in this Policy.
2. 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 certifying the applicant is a recognized organization supporting school activities and must certify that the organization is a tax exempt charity or non profit organization under state and federal law in good standing or approved Newport Mesa Unified School District entity under direct control of the school.
3. 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,
4. 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.

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5. 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.
6. Currently, Council Policy 400-2 allows no more than 40 permits for firework sale stands to be issued annually for the 4<sup>th</sup> of July holiday. As of July 1, 2012, the City issued 38 firework sale stand permits. The Council, through attrition, desires to reduce the maximum allowed firework sale stand permits issued annual to 25. All user groups who were issued permits for the July 4th 2012 holiday will continue to be eligible to receive a permit until such time as the group relinquishes rights to the permit (even if the total is over the 25 permit limit). If less than 25 permits in any year are issued, the Finance Department will use a lottery system to allocate the remaining permits to the user groups that have been placed on a waiting list.
7. 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 1<sup>st</sup> each year. A sufficient number of these flyers must also be provided to the operators of the fireworks stands for distribution to all buyers.
8. 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. All approved permits, along with certifying documents, shall be posted online 25 days prior to the 4th of July.
9. Fireworks sales to the public on 6/30 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 9:00 p.m.
10. Discharge of safe and sane fireworks shall be limited to the Second of July (7/2) through the Fourth of July (7/4) and during the hours of 4:00 pm to 10:00 pm each day.
11. 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.

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12. 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 4<sup>th</sup> to further discourage the use of fireworks at City parks.
13. Notification signs to the public shall be strategically placed at access points of the City at least one week prior to July 4<sup>th</sup>. 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.
14. The maximum cost an approved user group will pay to a firework provider for site rental will be \$1,000 for the duration of firework sales, exclusive of insurance costs.
15. The City of Costa Mesa shall waive all permit and inspection fees for firework stands.

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**PURPOSE**

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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 1<sup>st</sup> 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.
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