

ORDINANCE NO. 10-24

AN ORDINANCE OF THE PEOPLE OF THE CITY OF ORANGE AMENDING CHAPTER 8.13 OF THE ORANGE MUNICIPAL CODE REGARDING SALES, POSSESSION AND USE OF FIREWORKS.

WHEREAS, in 1990 the voters of the City of Orange approved Measure L adopting an ordinance (Ordinance No. 05-91) which repealed and deleted then Chapter 8.12 and Section 15.32.130 of the Orange Municipal Code and adding Section 15.32.130 prohibiting the manufacture, sale and use of state safety approved fireworks; and

WHEREAS, the prohibition on fireworks has been difficult for the City of Orange to enforce over the years, due to the legality and widespread availability of fireworks in neighboring areas; and

WHEREAS, at the time of the passage of Ordinance No. 05-91, many cities in Orange County prohibited fireworks. Cities such as Anaheim, Buena Park, Costa Mesa, Fullerton, Garden Grove, Los Alamitos, Villa Park, and Santa Ana have since lifted those prohibitions and presently permit “safe and sane” fireworks; and

WHEREAS, only “safe and sane” fireworks are sold in California for private use (Cal. Health and Safety Code § 12574); and

WHEREAS, fireworks are often sold by local civic and youth organizations for fundraising, and the City’s prohibition currently prevents such groups from participating in such fundraising activities; and

WHEREAS, the State of California permits cities to regulate by ordinance the sale, use, or discharge of fireworks (Cal. Health and Safety Code § 12541).

NOW, THEREFORE, the People of the City of Orange hereby ordain as follows:

SECTION I:

Chapter 8.13 (Fireworks – Prohibited) of Title 8 (Health and Safety) of the Orange Municipal Code, regarding the use, possession and discharge of fireworks, is hereby repealed and replaced in its entirety with the following:

Chapter 8.13 – FIREWORKS

8.13.010 Fireworks prohibited except as authorized herein.

It is unlawful for any person to possess, store, to offer for sale, expose to sale, sell at retail, or use or explode any fireworks, except as provided herein. The sale, possession and discharge of

“safe and sane” fireworks for private display shall be permitted within the City, in accordance with rules and regulations adopted by ordinance or resolution, relating to the following: who may sell such fireworks; the limited dates and times when such fireworks may be sold and discharged; the manner, location, and any required permits for the sale, storage, possession, discharge and/or disposal of such fireworks.

For purposes of this Chapter, “safe and sane” shall include those fireworks bearing the seal of the State Fire Marshal and that are “safe and sane fireworks” with the provisions of California Health and Safety Code Section 12529, or any successor provision thereto, and/or any other relevant provisions of State Law relevant thereto (i.e. California Code of Regulations and State Fire Marshal Regulations or Guidelines.)

Notwithstanding the above, the Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, association, or other organizations. Every such use or display shall be handled by a competent operator approved by the Fire Chief and shall be such character and so located, discharged, or fired so as, in the opinion of the Fire Chief, after proper investigation, not to be hazardous to property or endanger any person.

SECTION II:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION III:

Pursuant to California Elections Code Section 9217, this ordinance shall take effect only if approved by a majority of the eligible voters of the City of Orange voting at a General Municipal Election to be held on November 5, 2024, and shall take effect ten (10) days after the City Council has certified the results of the General Municipal Election by resolution.

SECTION IV:

The Mayor and City Clerk are hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 5, 2024, by signing where indicated below.

The foregoing ordinance was **PASSED, APPROVED AND ADOPTED** by the People of the City of Orange voting on November 5, 2024, which vote was certified by the City Council on this 10th day of December, 2024.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Mike Vigliotta, City Attorney