

Fireworks Ballot Measure Full Text

Chapter 8.13 of the Orange Municipal Code shall be amended to permit the sale, possession, and use of “safe and sane fireworks” within the limits of City of Orange that are not within high-risk fire areas. The sale and discharge of safe and sane fireworks shall be prohibited in any geographical area determined to present high risk of fire from discharge of safe and sane fireworks. Following enactment of this ordinance, the City Council shall establish, by resolution or ordinance, such reasonable rules and regulations as may be appropriate to establish such things as the qualifications of those who may sell fireworks, the time periods in which they may be sold and discharged, the locations where they may be discharged and the manner in which they may be discharged, stored, disposed of, etc., permits which may be required relating to fireworks, and similar provisions to protect the public health, safety, and welfare. The Fire Chief will continue to have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by competent operators in a manner which protects life and property in the City.

[PROPOSED] ORDINANCE NO. XX-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WHEREAS, in 1990 the voters of the City of Orange approved Measure L adopting an ordinance (Ordinance No. 05-91) which repealed and deleted then Chapter 8.12 and Section 15.32.130 of the Orange Municipal Code and adding Section 15.32.130 prohibiting the manufacture, sale and use of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 ban on fireworks has been difficult for the City of Orange to enforce over the years, due to the widespread availability of fireworks, and the legality of such fireworks, in neighboring areas; and

WHEREAS, at the time of the passage of Ordinance No. 05-91, many cities in Orange County were banning fireworks. Since then, cities such as Anaheim, Buena Park, Costa Mesa, Fullerton, Garden Grove, Los Alamitos, Villa Park, and Santa Ana have lifted those bans 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 ban currently prevents such groups from participating in such fundraising activities; and

WHEREAS, the State of California permits cities to regulate or prohibit 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 of the City Council, 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; etc.

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, including the California Code of Regulations, State Fire Marshal Regulations or Guidelines, etc.

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 City Clerk is 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 ____ day of _____, 2024.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Mike Vigliotta, City Attorney