

RESOLUTION NO. 11545

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE ADOPTION OF A PROPOSED ORDINANCE AMENDING CHAPTER 8.13 OF THE ORANGE MUNICIPAL CODE TO PERMIT THE SALE, POSSESSION AND USE OF SAFE AND SANE FIREWORKS IN THE CITY OF ORANGE

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to an ordinance to permit the sale, possession, and use of safe and sane fireworks in the City of Orange.

NOW, THEREFORE, the City Council of the City of Orange does hereby resolve, declare, determine and order as follows:

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Orange, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years; one (1) Member of the City Council from District 2 for the full term of four (4) years; one (1) Member of the City Council from District 3 for a full term of four (4) years; one (1) Member of the City Council from District 5 for the full term of four (4) years; a City Clerk for the full term of four (4) years; and a City Treasurer for the full term of four (4) years.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall Ordinance No. 10-24 be approved by the voters to amend Chapter 8.13 of the Orange Municipal Code to permit the sale, possession, and use of safe and sane fireworks in areas of the City of Orange that are not high risk fire areas?	YES
	NO

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached as Exhibit A. The full text of the ordinance is attached as Exhibit B.

SECTION 4. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 5. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 7. Vote Centers for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the Vote Centers shall be closed, pursuant to Election Code § 10242, except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

SECTION 8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner as required by law.

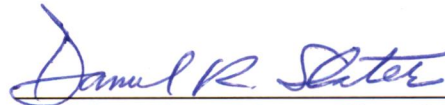
SECTION 10. In the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County, the City Council, in accordance with Election Code § 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 11. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors of the County of Orange and the Registrar of Voters of the County of Orange.

SECTION 12. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 13. The City Council authorizes the City Clerk to administer said election and the City shall pay all reasonable and actual election expenses upon presentation of a properly submitted bill.

ADOPTED this 14th day of May 2024.


Daniel R. Slater, Mayor, City of Orange

ATTEST:


Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:


Mike Vigliotta, City Attorney

Attachments: Exhibits A & B

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orange at a regular meeting thereof held on the 14th day of May, 2024 by the following vote:

AYES: COUNCILMEMBERS: Dumitru, Tavoularis, Bilodeau, Gutierrez,
Gyllenhammer, and Slater
NOES: COUNCILMEMBERS: Barrios
ABSENT: COUNCILMEMBERS: None


Pamela Coleman, City Clerk, City of Orange

Exhibit A

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.

If you desire a copy of proposed Ordinance No. 10-24, please call the City Clerk’s Office at (714) 744-5500 and a copy will be provided at no cost to you.

Exhibit B

[PROPOSED] 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 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

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ___ day of _____, 2024, and thereafter at the regular meeting of said City Council duly held on the ___ day of _____, 2024 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange