

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING FIREWORKS SALES

WHEREAS, City Council has received numerous requests from the non-profit organizations that sponsor fireworks stands to modify the closing time for fireworks booths on July 4th to 9:00 p.m. in order to have the opportunity to increase their sales and reduce the number of customers turned away at closing time; and

WHEREAS, two of the organizations additionally requested reversal of the ban on hand held devices, which would also increase profitability; and

WHEREAS, at the meeting of April 20, 2010, City Council approved the above-referenced requests.

THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 9, Chapter II, Article 8, Fireworks Sales, Section 9-190 of the Costa Mesa Municipal Code is hereby amended to read as follows:

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

- (a) No person shall discharge, sell or offer for sale, any fireworks within the city which are classified as dangerous fireworks, ~~or wood core or metal core sparklers~~ as those terms are defined by the California Health and Safety Code.

- (d) No person shall sell or offer for sale fireworks within the city unless such sale occurs between July 1st and ~~8:00~~ 9:00 p.m. on July 4th, inclusive.

Section 2. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of

such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 4. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____th day of May, 2010.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Julie Folcik, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 10-___ was introduced and considered section by section at a regular meeting of said City Council held on the ___th day of May, 2010, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ___th day of May, 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ___th day of May, 2010.

City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa