

ORDINANCE NO. 11-6

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, the City Council has received numerous requests from non-profit organizations that sponsor fireworks stands to modify and extend the days allowed for fireworks sales to June 30th through July 4th, in order to have the opportunity to increase their sales over the holiday period; and

WHEREAS, this year July 4th falls upon a Monday, making celebration of the holiday difficult for many working families; and

WHEREAS, several other cities in Orange County allow for the discharge of fireworks for several days leading up to the Fourth of July and the City Council wishes to provide the same opportunity to City residents.

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

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

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

(d) No person shall sell or offer for sale fireworks within the city unless such sale occurs between June 30th and 9:00 p.m. on July 4th, inclusive.

Section 2. Subsection (e) of Section 9-190 of Title 9, Chapter II, Article 8 (Fireworks Sales) of the Costa Mesa Municipal Code is hereby amended as follows:

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

(e) No person shall discharge any fireworks of any kind within the city, except on the dates of July 1st through July 4th between 4:00 p.m. and 10:00 p.m. on such days.

Section 3. 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inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.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 4. 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 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law.

Section 6. 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 17th day of May, 2011.

Gary Monahan, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Folcik, City Clerk

Thomas Duarte, City Attorney