

ORDINANCE NO. 04-25

**AN ORDINANCE OF THE CITY OF ORANGE
AMENDING CHAPTER 8.13.130 SUBSECTION A OF
THE ORANGE MUNICIPAL CODE RELATING TO
THE PROHIBITION OF SAFE AND SANE
FIREWORKS IN CERTAIN AREAS OF THE CITY**

WHEREAS, the Orange City Council adopted Resolution 11583 on December 10, 2024, certifying the results of the November 5, 2024, General Municipal Election; and

WHEREAS, Measure AA was placed on the November 5, 2024, General Municipal Election ballot so Orange voters might consider amending the Orange Municipal Code so as to permit the sale, possession, and use of Safe and Sane Fireworks; and

WHEREAS, Ordinance No. 10-24 requires the City Council to adopt a resolution or ordinance prescribing reasonable rules and regulations to effectuate a Safe and Sane Fireworks program in the City of Orange; and

WHEREAS, the City Council adopted Ordinance No. 01-25 on January 28, 2025, effectuating the Safe and Sane Fireworks program in the City of Orange; and

WHEREAS, to ensure the safety of the public and to promote greater consistency with the State of California's fire hazard designations, the City Council desires to amend the areas in which Safe and Sane Fireworks are prohibited.

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

SECTION I:

Chapter 8.13.130, Subsection A is repealed and replaced as follows:

Chapter 8.13 FIREWORKS

8.13.130. Safe and Sane Fireworks – Limitation on Places and Hours of Discharge and Sale of Safe and Sane Fireworks.

- A. As further depicted in Exhibit "A", it shall be unlawful for any person and Permittee to sell, ignite, discharge, project, or otherwise use any Safe and Sane Fireworks, or allow the ignition, discharge, or projection thereof in any area located east of Hewes Street within the City's jurisdictional boundaries, any area west of Cannon Street, north of Santiago Canyon Road, south of Taft Avenue within the City's jurisdictional boundaries, any area located east of Cannon Street north of Santiago Canyon Road within the City's jurisdictional

boundaries, and any area east of Meats Avenue north of the City of Orange-Villa Park city limit boundary within the City’s jurisdictional boundaries.

SECTION II:

Neither the adoption of this ordinance nor the amendment hereby of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor to be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City related to the same subject matter, shall be constructed as restatements and continuations, and not as new enactments.

SECTION III:

References to Prior Code – Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of former adopted City of Orange Ordinances shall be construed to apply to the corresponding provisions. Ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION IV:

CEQA Findings – The City Council hereby determines that the adoptions of Measure AA, Resolution 11593, this Ordinance, Ordinance 01-25, and Resolution No. 11597 are exempt from review under the California Environmental Quality Act because allowing and regulating safe and sane fireworks sales in the City on the Fourth of July cannot be expected to have a significant environmental effect because such sales already occur without compliance with law or regulation to ensure the public health, safety and welfare, and therefore this project regulates existing activity for the protection of the environment and other public values rather than allowing wholly new activity. Therefore, these provisions of the State CEQA Guidelines apply: section 15061(b)(3) – the “common sense” exception, section 15305 – the categorical exemption for minor alterations to land use limitations, and section 15308 – the categorical exemption for actions by regulatory agencies to protect the environment.

SECTION V:

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 VI:

The City Clerk is hereby directed to certify the adoption of the Ordinance and cause the

same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Wayne W. Winthers
Interim City Attorney, City of Orange

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 13th day of May, 2025, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2025 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

EXHIBIT "A"

[Beneath this sheet]

