

ORDINANCE NO. NS-XXX

ORDINANCE AMENDMENT NO. 2023-05 – AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING PORTIONS OF CHAPTER 14
(FIRE PROTECTION AND PREVENTION AND
EMERGENCY SERVICES) OF THE SANTA ANA
MUNICIPAL CODE RELATING TO SAFE AND SANE
FIREWORKS

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS
FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines
and declares as follows:

- A. On an ongoing basis, City of Santa Ana (City) staff review and analyze various chapters of the Santa Ana Municipal Code (SAMC). In an effort to protect public health, safety, and welfare, the Building Safety Division is proposing revisions to the Municipal Code.
- B. Ordinance Amendment No. 2023-05 amends Chapter 14 (Fire Protection and Prevention and Emergency Services), and Section 14-56 (Permits, issuance) addressing issuance of permits for safe and sane fireworks.
- C. The amendments will enable the City to implement a regulatory framework and clarify eligibility criteria to be issued a permit for the sale of safe and sane fireworks.
- D. The amendments are consistent with the General Plan of the City. Modification to the permits section pertaining to fireworks is consistent with General Plan Public Services (PS) Element Goal PS-2 (Public Safety), which seeks to “preserve a safe and secure environment for all people and property.” By limiting issuance of permits for the sale of safe and sane fireworks, the City may minimize risk.
- E. On January 16, 2024, the City Council held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning Ordinance Amendment No. 2023-05.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA and Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a "project", as defined in Section 15378 of the CEQA Guidelines. As a result, a Notice of Exemption, Environmental Review No. 2023-126, will be filed upon adoption of this ordinance.

Section 3. Section 14-56. Permits, issuance of Chapter 14 of the SAMC is hereby amended to read as follows:

Sec. 14-56. Permits, issuance.

- (a) Permits for the sale of safe and sane fireworks shall be issued only to: (i) organizations officially affiliated with and officially recognized by an elementary school, middle school, high school, community college, and/or school district which is located within the boundaries of the City; or (ii) bona fide nonprofit organizations as recognized by the State of California organized for charitable, fraternal, patriotic service or religious purposes located within the City limits and primarily benefiting the Santa Ana community, with their principal and permanent meeting place within the City of Santa Ana, and at least seventy-five (75) per cent of the members or youth members for sports related organizations residing within the city limits. Each such organization shall have been organized and established within the City's corporate limits for minimum of one (1) year continuously preceding the filing of the permit application.
- (b) Permits for the sale of safe and sane fireworks shall limit each sponsoring organization to a single location in any given year. If more than one permit application is submitted, the City may disregard one, or all, of the permit applications at its sole discretion.
- (c) Such permits shall expire on July 4th at 8:00 p.m. of the year of issuance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 5. This ordinance shall become effective thirty (30) days after its adoption.

Section 6. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

[Signatures on the following page]

ADOPTED this _____ day of _____, 2024.

Valeria Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

City Clerk
City of Santa Ana