

RESOLUTION NO. 2014-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM, CALIFORNIA, REPEALING RESOLUTION NO. 2014-024 AND ORDERING THE SUBMISSION OF A PROPOSED INITIATIVE MEASURE TO THE ELECTORS OF SAID CITY AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON JUNE 3, 2014 (MEASURE NO. 4—SAFE AND SANE FIREWORKS)

WHEREAS, pursuant to Sections 1301 and 1302 of the City Charter, the City Council of the City of Anaheim adopted City Council Resolution No. 2014-025 calling and giving notice of the holding of a special municipal election in the City of Anaheim to be held on Tuesday, June 3, 2014; and

WHEREAS, the City Council adopted Resolution No. 2014-024 ordering the submission of a ballot measure (Measure 4) proposing to the electors of the City at the June 3, 2014 special municipal election amendments to the Anaheim City Charter adding Section 1214 relating to "safe and sane fireworks"; and

WHEREAS, the City Council now desires to repeal Resolution No. 2014-024 and not place the matter addressed therein before the voters as a Charter amendment but, instead, place before the voters an initiative measure that amends the City Municipal Code's provisions relating to "safe and sane fireworks" found in Anaheim Municipal Code Section 6.40.030; and

WHEREAS, pursuant to authority provided Section 1303 of the Anaheim City Charter, and Section 9222 of the Elections Code of the State of California, the City Council of the City of Anaheim desires to submit to the qualified electors of said City an initiative measure proposing to repeal Anaheim Municipal Code section 6.40.030 ("Safe and Sane Fireworks Prohibited").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1.

That City Council Resolution No. 2014-024 is hereby repealed in its entirety and shall be of no further force or effect.

SECTION 2.

That, pursuant to Section 1303 of the Anaheim City Charter and Section 9222 of the Elections Code of the State of California, it is hereby ordered that the following initiative measure proposing amendments to the Anaheim Municipal Code be submitted to the qualified electors of said

City at the special municipal election previously called by City Council Resolution No. 2014-025 to be held in said City on June 3, 2014:

Measure No. 4:

The full text of Measure No. 4 (with additions to and deletions from the current Charter text indicated thereon) is set forth below in Section 3.

Said Measure No. 4 shall appear upon the ballots for said special municipal election in substantially the following form:

MEASURE ____	Yes	No
SAFE AND SANE FIREWORKS. Shall Anaheim Municipal Code Section 6.40.030, which prohibits (bans) the retail sale, possession or use of safe and sane fireworks in the City of Anaheim except pursuant to a public display permit issued by the Fire Chief, be repealed and the City Council granted the authority to regulate safe and sane fireworks?		

SECTION 3.

That the proposed initiative measure submitted to the voters is as follows:

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF ANAHEIM, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE ANAHEIM MUNICIPAL CODE TO REPEAL SECTION 6.40.030 ("SAFE AND SANE FIREWORKS PROHIBITED")

THE PEOPLE OF THE CITY OF ANAHEIM DO ORDAIN AS FOLLOWS:

Section 1

That Chapter 6.40 of Title 6 of the Anaheim Municipal Code be, and the same is hereby amended only as follows:

6.40.030 Repealed. ~~SAFE AND SANE FIREWORKS PROHIBITED. —No person shall manufacture, possess, sell, offer for sale, store, display, dispose of, give away, keep stock, discharge, explode, fire or set off any safe and sane fireworks within the City of Anaheim without a permit issued by the Fire Chief.~~

Section 2

That no other provision in Municipal Code Chapter 6.40 is repealed by this ordinance.

Section 3

That the voters intend by repealing Municipal Code Section 6.40.030 to, and here by do, grant the City Council all lawful power and authority pursuant to Charter Section 505 to permit, prohibit, regulate and/or restrict the manufacture, possession, sale, offer for sale, storage, display, disposal, giving away, keeping in stock, discharge, firing or setting off of any "safe and sane fireworks" (as that term is defined in California Health and Safety Code Section 12529 or any successor provision thereto) by adopting ordinances relating to "safe and sane fireworks."

Section 4

That the repeal of Municipal Code Section 6.40.030 shall not in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this ordinance section, and shall not be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof.

Section 5

That the voters hereby declare that should any section, paragraph, sentence or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the voters that they would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

This is to certify that Ordinance No. _____ in the exact form above written was submitted to the voters as Measure __ on the ballot at the special municipal election held June 3, 2014, and according to the Certificate of Canvass from the Orange County Registrar of Voters received _____ "yes" votes and _____ "no" votes.

That the declaration of results of this canvass was adopted by the Anaheim City Council at their regular meeting held _____, 2014, in the form of Resolution No. 2014-_____, and said Ordinance No. _____ will be in full force and effect 10 days following adoption of said declaration.

In witness whereof I have hereunto set my hand this ___ day of _____, 2014.

CITY CLERK OF THE CITY OF ANAHEIM

SECTION 4.

That the City Clerk is authorized, instructed and directed 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 5.

That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this 18th day of February, 2014, by the following roll call vote:

AYES: Mayor Tait and Council Members Murray, Eastman, Brandman and Kring

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF ANAHEIM
By 
MAYOR OF THE CITY OF ANAHEIM

ATTEST 
CITY CLERK OF THE CITY OF ANAHEIM