

ORDINANCE NO. _____ (N.C.S.)

**AN ORDINANCE REQUIRING
FIREWORKS WHOLESALER AND DISTRIBUTOR PERMITS**

WHEREAS, Salinas is a Charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, the Salinas City Council finds that fireworks wholesalers and distributors have a high degree of responsibility for ensuring the safety and the welfare of the community as it pertains to the products they sell in the community through eligible nonprofit organizations; and

WHEREAS, the Salinas City Council finds that requiring fireworks wholesalers and distributors to obtain a permit from the City will provide the City with an additional tool to review and to ensure the qualifications and the capabilities of the fireworks wholesalers and distributors and will provide the City with an additional tool for holding fireworks wholesalers and distributors accountable for ensuring the safety and the welfare of the community as it pertains to the products they sell in the community through eligible nonprofit organizations; and

WHEREAS, the Salinas City Council finds that the adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

Section 1. Effective for the 2017 fireworks season and continuing thereafter, each fireworks wholesaler and fireworks distributor which desires to supply fireworks to an eligible non-profit organization pursuant to Salinas City Code Chapter 13A shall, on an annual basis and prior to entering into an agreement with an eligible non-profit organization and prior to the sale or the distribution of any fireworks, apply for and obtain a fireworks wholesaler and distributor permit from the City. The fee for the fireworks wholesaler and distributor permit shall be established by Resolution of the City Council.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and

every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

This Ordinance was introduced on _____, 2017 and was adopted on _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney