

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

**AN ORDINANCE OF THE CITY OF SALINAS REPEALING SECTIONS TO CHAPTER 13A
OF THE SALINAS CITY CODE PERTAINING TO SOCIAL HOST LIABILITY FOR
ILLEGAL DISCHARGE OF FIREWORKS ON PRIVATE PROPERTY**

WHEREAS, on May 3, 2016, the City of Salinas adopted an ordinance adding Section 13A-19.100 through 13A-19.140 to the Salinas City Code to permit social host liability for the illegal discharge of fireworks on private property within the city; and

WHEREAS, a petition was filed with the legislative body of the city of Salinas signed by more than fifteen percent of the registered voters of the city to submit a proposed ordinance regulating the possession, use, storage, sale, and display of fireworks ("fireworks initiative"), including provisions calling for social host liability, which was verified by the Monterey County Registrar of Voters, and certified by the City Clerk; and

WHEREAS, the Salinas City Council submitted the fireworks initiative to a vote on June 7, 2016, in accordance with Elections Code Section 10401 and 10403; and

WHEREAS, said municipal election was held on said date, and the Salinas City Council declared that the fireworks initiative received a majority yes vote, has been passed and approved by the voters of Salinas; and

WHEREAS, given the duplicative and conflicting language existing in the Salinas City Code regarding social host liability for fireworks discharged on private property, the Salinas City Council desires to repeal its previous action and remove such conflicting language.

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

SECTION 1: The findings set forth above are incorporated here in their entirety by reference.

SECTION 2: Sections 13A-19.100 through 13A-19.140 of the Salinas City Code are repealed in their entirety.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 4: This Ordinance shall become effective on the thirty-first day following its adoption.

This ordinance was introduced and read of the 12th day of July, 2016, and passed and adopted on the 16th day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Joe Gunter, Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia M. Barajas, City Clerk