

RESOLUTION NO. 4314

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF A CERTAIN MEASURE RELATING TO FIREWORKS AT THE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2010, AS CALLED BY RESOLUTION NO. 4305.

WHEREAS, a general election on Tuesday, November 2, 2010 has been called by Resolution No. 4305, adopted on June 9, 2010; and

WHEREAS, Resolution No. 4307, adopted June 9, 2010 requested that the City of Westminster consolidate with the County of Orange Department of Elections for the General Municipal Election to be held on Tuesday, November 2, 2010, with the statewide general election to be held on that date pursuant to section 10403 of the elections code; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to fireworks; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTMINSTER, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the general municipal election the following question:

| | |
|--|-----|
| Shall Chapter 9.64 of the Westminster Municipal Code prohibiting the possession, storage, sale, and use of state-approved fireworks in the City of Westminster, be repealed? | YES |
| | NO |

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit A.

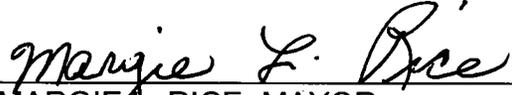
SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

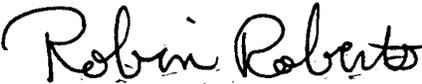
SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 19th day of July, 2010 by the following vote:

AYES: COUNCIL MEMBERS: RICE, FRY, TA, DIEP
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: QUACH


MARGIE L. RICE, MAYOR

ATTEST:


ROBIN ROBERTS, MMC, CITY CLERK

APPROVED AS TO FORM:


RICHARD D. JONES, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, ROBIN ROBERTS, hereby certify that I am the duly appointed City Clerk of the City of Westminster and that the foregoing resolution was duly adopted at a special meeting of the City Council of the City of Westminster held on the 19th day of July, 2010.


Robin Roberts, MMC
City Clerk

EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF WESTMINSTER, REPEALING CHAPTER
9.64 OF THE WESTMINSTER MUNICIPAL CODE,
RELATING TITLED FIREWORKS PROHIBITION

NOW THEREFORE THE PEOPLE OF THE CITY OF WESTMINSTER DO
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 9.64 of the Westminster Municipal Code is repealed.

~~Chapter 9.64 FIREWORKS PROHIBITED~~

~~9.64.010 Fireworks prohibited.~~

~~It is unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks; provided, that the fire chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair, associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use of display shall be handled by a competent operator approved by the fire chief and shall be of such character and so located, discharged or fired so as, in the opinion of the fire chief after proper investigation, not to be hazardous to property or endanger any person. (Ord. 2129 § 2, 1990 (Approved by electorate at special election on June 5, 1990); Ord. 2115 § 2, 1989)~~

SECTION 2. Execution. The Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below upon certification by the City Clerk that a majority of those electors voting on this Ordinance have voted in the affirmative.

PASSED, APPROVED AND ADOPTED by the voters of the City of Westminster at the regular municipal election on November 2, 2010.

MARGIE L. RICE, MAYOR

ATTEST:

ROBIN ROBERTS, MMC, CITY CLERK