

ORDINANCE NO. 2324

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 10, ARTICLE II, SECTION 5608.2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO PERMITS FOR THE PUBLIC DISPLAY OF FIREWORKS

WHEREAS, the City of West Covina (“City”) has previously adopted a permit approval process for the public display of fireworks, which are codified in Chapter 10, Article II, Section 5608.2 of the West Covina Municipal Code; and

WHEREAS, the existing municipal code provisions give the City Council the power in its discretion to grant or deny a permit for the public display of fireworks; and

WHEREAS, the City Council desires to delegate authority to grant or deny a permit for the public display of fireworks on any public or private school site within the City to the Fire Chief;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10 (Fire Prevention and Protection) of the West Covina Municipal Code is hereby amended to read as follows:

The City Council may permit any person, licensed by the State fire marshal, to conduct a public display of fireworks (except at locations for which the Chief of the Fire Department has been designated to issue such permits), and for that purpose to use and discharge fireworks at such times and such places in the City as the City Council may fix and establish, provided that a written application for a permit to do so is filed with the Chief of the Fire Department of the City at least fifteen (15) days in advance of the date of the display. It shall be the duty of the Chief of the Fire Department to whom the application for a permit is made to make an investigation and submit a report of his findings and his recommendations for or against reasons therefore, to the City Council. The City Council shall have the power in its discretion to grant or deny the permit. If the permit is granted, the applicant shall furnish the City with a certificate of insurance in adequate amount, which shall also contain a clause holding the City harmless from any damage or injury resulting from granting the permit.

The Chief of the Fire Department may permit any person, licensed by the State fire marshal, to conduct a public display of fireworks at a public or private school site, and for that purpose to use and discharge fireworks at such times and such places as approved by the Chief of the Fire Department, provided that a written application for a permit to do so is filed with the Chief of the Fire Department of the City at least fifteen (15) days in advance of the date of the display. It shall be the duty of the Chief of the Fire Department to whom the application for a permit is made, or his or her designee, to make an investigation and file a report of his findings and his recommendations for or against and the reasons therefore in the Fire Department. The Chief of the Fire Department shall have the power in his or her discretion to grant or deny the permit. If the permit is granted, the applicant shall furnish the City with a certificate of insurance

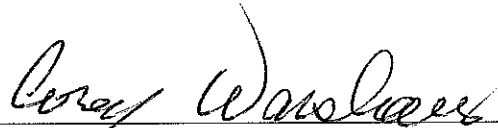
in adequate amount, which shall also contain a clause holding the City harmless from any damage or injury resulting from granting the permit.

SECTION 2. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this ordinance may have a significant effect on the environment. The ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstances. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

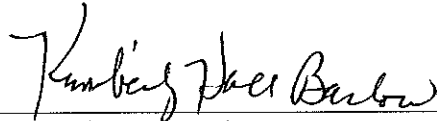
SECTION 4. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of West Covina shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED AND ADOPTED on this 19th day of September, 2017.



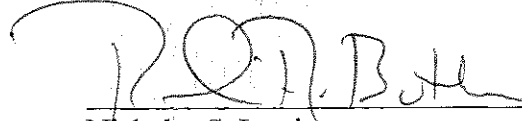
Corey Warshaw
Mayor

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

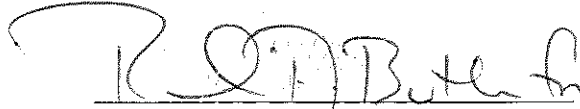
ATTEST:



Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 5th day of September, 2017. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 19th day of September, 2017, by the following vote:

AYES: Johnson, Spence, Toma, Wu, Warshaw
NOES: None
ABSENT: None
ABSTAIN: None

A handwritten signature in black ink, appearing to read "Nickolas S. Lewis", written over a horizontal line.

Nickolas S. Lewis
City Clerk