

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
AMENDING SECTION 8.22.090, "OPERATING  
HOURS OF FIREWORKS STANDS," AND  
SECTION 8.22.100, "PROHIBITIONS," OF THE  
MERCED MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN  
AS FOLLOWS:**

**SECTION 1. AMENDMENT TO CODE.** Section, "Operating Hours of Fireworks Stands," of the Merced Municipal Code is hereby amended to read as follows:

**"8.22.090 Operating Hours of Fireworks Stands.**

Fireworks stands may be operated as follows:

- (a) June 28 from 12:00 p.m. until 10:00 p.m.
- (b) June 29 through July 5 from 8:00 a.m. until 10:00 p.m.
- (c) July 6 from 8:00 a.m. until 12:00 p.m."

**SECTION 2. AMENDMENT TO CODE.** Section, "Prohibitions," of the Merced Municipal Code is hereby amended to read as follows:

**"8.22.100 Prohibitions.**

It shall be unlawful to:

- (a) Obtain or use more than one permit or to operate more than one stand in the City per year;

- (b) Sell fireworks in the City earlier than noon on the 28th day of June or later than noon on the 6th day of July;
- (c) Use, discharge or explode any safe and sane fireworks in the City without a permit issued by the Fire Chief or designee for public displays of fireworks. Except as follows:
  - (1) June 28 from 12:00 p.m. until 10:00 p.m.
  - (2) June 29 through July 5 from 8:00 a.m. until 10:00 p.m.
  - (3) July 6 from 8:00 a.m. until 12:00 p.m.;
- (d) Sell fireworks to persons under the age of sixteen years old;
- (e) Sell, assign, or in any way transfer a permit to operate a fireworks stand, or a place or position on the permit waiting list, to another organization, individual, or entity;
- (f) Use or explode any fireworks inside a building other than an outdoor stadium; or,
- (g) Fail to dismantle and remove any stand or structure of any nature where fireworks are sold or offered for sale no later than the 8th day of July at 5:00 p.m.”

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 4. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause,

phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 5. PUBLICATION.** The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and was passed and adopted at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following called vote:

**AYES: Council Members:**

**NOES: Council Members:**

**ABSTAIN: Council Members:**

**ABSENT: Council Members:**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**  
**STEVE CARRIGAN, CITY CLERK**

**BY: \_\_\_\_\_**  
**Assistant/Deputy City Clerk**

**(SEAL)**

**APPROVED AS TO FORM:**

Shirley A. Smith      12-16-19  
City Attorney      Date