

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
AMENDING VARIOUS PROVISIONS OF THE GARDEN GROVE MUNICIPAL CODE
PERTAINING TO ANIMAL CONTROL AND SERVICES FORMERLY PERFORMED BY THE
FIRE DEPARTMENT THAT ARE BEING TRANSFERRED TO OTHER DEPARTMENTS AND
TO THE ORANGE COUNTY FIRE AUTHORITY, INCLUDING REVISIONS TO
FIREWORKS REGULATIONS

City Attorney Summary

This Ordinance enacts a prohibition against feeding wildlife or undomesticated animals, adopts a cat management program, and revises the provisions of the Garden Grove Municipal Code that were previously performed by the Fire Department, which are being transferred to other departments and the Orange County Fire Authority, including revisions to Chapter 5.28 pertaining to Fireworks and fireworks stands permit regulations.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Animal Control. Section 6.04.150 is hereby added to Chapter 6.04 (Animal Regulations) of Title 6 (Health and Sanitation) of the Garden Grove Municipal Code to read as follows:

6.04.0150 Feeding Wildlife or Undomesticated Animals Prohibited

No person shall feed or in any manner intentionally provide food as sustenance or to encourage domesticity in wildlife and/or an undomesticated animal, with the exception of a bird feeder in the yard. Living food sources such as trees and gardens not intended to attract undomesticated animals shall not be considered as undomesticated animals feeding. Provided, further, that the prohibition herein shall not apply to employees, agents or contractors of the City, County, State and Federal government or veterinarians who in the course of their official duties have undomesticated animals in their custody.

SECTION 2: Management of Cat Population. Section 6.04.160 is hereby added to Chapter 6.04 (Animal Regulations) of Title 6 (Health and Sanitation) of the Garden Grove Municipal Code to read as follows:

6.04.160 Management of Cat Population; Permitted Acts

A. Definitions. For purposes of this Section, the following terms shall have the following meanings:

“Community Cat” shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral (undomesticated).

“Community Cat Caregiver” shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harborer, controller, or keeper of a community cat.

“Eartipping” shall mean the removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

“Trap-Neuter-Return” or “Return to Field” shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

B. Permitted Acts. The following actions shall be permitted in the City as part of Trap-Neuter-Return:

1. Trapping, subject to subdivision (C) below, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.
2. An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.
3. A person who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.
4. Trap-Neuter-Return shall be the preferred disposition for impounded community cats. The Director and the local shelter are authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.

C. Trapping Permit Required. No person shall set up a trap or perform any trapping of a cat without first obtaining a permit therefor from the Director. The term of the permit shall be valid for one year, from January to December of each calendar year.

SECTION 3: Ambulances. The definition of "City Fire Department" and "Fire Chief" in Section 5.10.020 of the Garden Grove Municipal Code shall be revised to state:

"City Fire Department" means the Orange County Fire Authority.

"Fire Chief" means the Fire Chief designated by the Orange County Fire Authority for the City of Garden Grove.

SECTION 4: Ambulance Contract. Subdivision B of Section 5.10.130 of Chapter 5.10 (Ambulances) of Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code is hereby amended to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

- B. The ~~Fire Chief~~ **City Manager or his/her designee** shall administer the contracts for ambulance service awarded by the City Council under this section. The ~~Fire Chief~~ **City Manager or designee** shall also prepare and keep current emergency response area lists specifying contract providers for each area. The ~~Fire Chief~~ **City Manager or designee** shall include on the list for emergency response area the provider that has entered into an ambulance service agreement with the City as the primary contractor, as well as the emergency ambulance service provider(s) who will provide back-up emergency ambulance service for that area.

SECTION 5: Ambulance Rules. Subdivisions B and C of Section 5.10.140 (Rules and Regulations) of Chapter 5.10 (Ambulances) of Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code is hereby amended to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

- B. As to Section 5.10.130, the ~~Fire Chief~~ **City Manager or his/her designee** shall make such rules and regulations as may be necessary to implement this chapter. Prior to adoption, the ~~Fire Chief's~~ **City Manager's** rules and regulations shall be submitted to the Orange County Emergency Medical Care Committee for comment.
- C. The Health Officer or the ~~Fire Chief~~ **City Manager** or their designee(s) may inspect the records, facilities, transportation units, equipment, and method of operations of each licensee whenever necessary and, by the Health Officer, at least annually.

SECTION 6: Ambulance Variance. Section 5.10.160 (Variance) of Chapter 5.10 (Ambulances) of Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code is hereby amended to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

As to all but Section 5.10.130, the Health Officer may grant variances from the terms of this chapter if he or she finds such action is necessary to protect the

public health, safety, or welfare. As to Section 5.10.130, the ~~Fire Chief~~ **City Manager or his/her designee** may grant variances from the terms of this chapter if he or she finds such action is necessary to protect the public health, safety, or welfare. As to the Health Officer, such variances may include the issuance of a temporary license. No variance shall exceed 180 days in duration.

SECTION 7: Weed Abatement. The definition of "Weed Abatement Official" in Section 6.20.010 (Definitions) of Chapter 6.20 (Weed Abatement) of Title 6 (Health and Sanitation) is hereby amended to read as follows:

"Weed abatement official" as used in this chapter means the City Manager or his/her designee.

SECTION 8: Hazmat Emergency Contracts. Section 6.21.070 (Emergency Services Contracts) of Chapter 6.21 (Hazardous Material Incident Cost Recovery) of Title 6 (Health and Sanitation) of the Garden Grove Municipal Code is hereby amended to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

The ~~Fire Chief~~ **City Manager or his/her designee**, without compliance with formal contract bidding procedures, may enter into standby professional emergency services agreements with qualified, licensed "HazMat" services providers for emergency abatement of hazardous materials incidents. Such providers shall be selected on the basis of quoted services rates, qualifications, and availability.

SECTION 9: Hazmat Fees. Section 6.32.110 (Fees and Penalties) of Chapter 6.32 (Hazardous Materials) of Title 6 (Health and Sanitation) of the Garden Grove Municipal Code is hereby amended to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

6.32.110 Fees and Penalties

The ~~Fire Chief~~ **City Manager** shall recommend a schedule of fees to be paid by persons using or handling hazardous materials that is sufficient to cover the costs to the City of administering this chapter. Said schedule shall include a schedule of fees that is sufficient to cover the costs, including duplication and administration costs, to the City of responding to a request from the public for access to business emergency plans to be paid for by persons requesting access. Fee schedules shall be reviewed periodically by the ~~Fire Chief~~ **City Manager** to cover the cost of administering this chapter. ~~Changes recommended by the Fire Chief shall be brought before the City Council for action. (Refer to current hazardous materials disclosure fee schedule resolution.)~~ **The charges established pursuant to this section shall be limited to City costs. Nothing herein shall be deemed to limit the ability of the Orange County Fire Authority from establishing and collecting fees to recover its costs in its functions in the administration of this chapter.**

SECTION 10: Fireworks. Chapter 5.28 (Fireworks) of Title 5 (Business Operation Taxes, Permits and Regulations) of the Garden Grove Municipal Code is hereby amended in its entirety to read as follows (deletions in ~~striketrough~~, additions in **bold**):

Chapter 5.28

FIREWORKS

5.28.010 Temporary Stand Permits

A. Permits for temporary stands for the display and retail sales of fireworks shall be issued by the Finance Director **or his/her designee** only in accordance with the provisions of this chapter.

B. The Finance Director or his/her designee shall have the discretionary authority to grant or deny a permit, subject to reasonable conditions as may be prescribed.

C. In addition to the permit issued by the City, each qualified permittee shall obtain the permit required by the Orange County Fire Authority.

5.28.020 Eligible Organizations

A. The City Council finds that locally based tax exempt organizations consistently contribute to the public health and safety of city residents by: donating time and funding to a variety of community events; assisting individuals with medical, educational, and moral support; conducting unique volunteered events contributing to the City's historical and cultural heritage. These organizations further contribute to the City's mission of providing cost effective public services to the community. They are also uniquely qualified to assist in educating City residents in fire safety procedures as further provided herein. Accordingly, based upon these contributions, the City Council finds and determines that it is appropriate to designate such organizations located within City limits as the only organizations eligible to sell fireworks under the conditions set forth in this section.

B. Only federally certified non-profit tax exempt organizations located within the City limits and primarily benefiting the Garden Grove community are eligible to receive temporary fireworks stand permits. Applicants for temporary fireworks stands shall provide to the City documentation that establishes, to the reasonable satisfaction of the City, compliance with these requirements. **In the event the organization's address on the IRS 501(c)(3) Charitable Organization Determination Letter is a Post Office Box, a Personal Mail**

Box at a Commercial Mail Receiving Agency, or the address of an authorized agent such as an accountant or legal representative, the organization shall provide such other documentation showing to the satisfaction of the City that the organization is located within the City.

C. As a condition to receiving a temporary fireworks stand permit, each permittee shall work with the ~~Fire Chief~~ **Orange County Fire Authority to ensure safe operation of the temporary stand and** to prepare and deliver educational material to customers pertaining to fire safety in the use of fireworks at any location. In addition, each permittee agrees to present such educational materials in a programmed manner to its members on an annual basis, and to the public in conjunction with sales from fireworks stands.

5.28.030 Application Contents

A. An application for a temporary stand permit shall be made in writing on forms prescribed by the Finance Director, and filed therewith not later than March 31st of the year for which the permit is requested. **If March 31st falls on a weekend, official city holiday, or a day in which city hall is closed, the application will be due on the next business day when the City is open for business.**

B. Such application and permit shall only be issued to a regular member of the stated organization, and he or she shall be held responsible for compliance with all rules and regulations.

C. Permits are not transferable or assignable, shall only be valid for the dates specified in the permit, and shall be subject to all conditions set forth in the permit.

D. A completed permit application package shall include, but not be limited to:

1. Name, **residence or physical business** address, proper identification, and signature of an authorized representative of the permit applicant;

2. Copy of the applicant's IRS 501(c)(3) Charitable Organization Determination Letter;

23. The location of the proposed temporary stand, along with a notarized affidavit from the property owner authorizing locating the stand on such property;

34. Completed application to appeal or solicit on City-prescribed form;

45. Fireworks distributor's (the "company") name, address, telephone number, and point of contact;

56. A copy of the sales tax permit from the ~~Board of Equalization~~ **California Department of Tax and Fee Administration** with the address of the fireworks stand and ~~proof of the filing of such permit application;~~

67. A copy of a valid State Fire Marshal Retail Fireworks License;

78. A completed City business tax application with the organization's Federal Tax Identification Number (FEIN). **The FEIN must match the FEIN in the IRS 501(c)(3) Charitable Organization Determination Letter;**

9. **A legible, color copy of a Plot Plan showing the stand location and distances from buildings, structures, or other facilities that may impact the access, circulation or safety of the stand, workers and patrons.**

810. Additional information as reasonably required by the Finance Director **to process the application** or the Fire Chief **Orange County Fire Authority** to evaluate the proposed operation of a temporary stand by the applicant; and

911. A completed liability release and indemnity form pursuant to Section 5.28.130**110** executed by the individual(s) authorized to bind the organization applying for the permit-; **and**

12. **The required permit fee established therefor.**

E. Incomplete or inaccurate applications will be denied.

5.28.040 Permit Fee

Each qualified permittee shall pay a ~~\$500.00~~ permit fee **in the amount established by resolution of the City Council from time to time.** The permit fee is intended to cover all costs associated with **administering the temporary fireworks stand permit program, including reviewing applications and issuance of the City permit for temporary stands, inspection, enforcement, and cleanup costs.** ~~Following the Fourth of July, the Fire Department shall conduct an accounting of all such costs. If excess funds remain after the pro-rata cost assessment, then those excess funds shall be returned to each permittee on an equal pro-rata basis.~~

5.28.050 Limitation on Total Number of Permits

A. Each permittee shall be limited to one stand and permit, except schools, which shall be limited to three stands and permits.

B. There shall be a maximum of ~~45~~ **30** permits issued for temporary stands each year.

C. At such time as the total number of current, ~~or returning~~ qualified permittees falls below the number of ~~45~~**30**, ~~the City will accept new applicants, and if the number of new applicants then exceeds 30,~~ the Fire Finance Department is authorized to implement an appropriate lottery system ~~to determine which of the total number of new applicants will be awarded a City permit, thus~~ in bringing the total annual number of permittees to ~~45~~**30**.

5.28.060 Permit Issuance

The ~~Fire Chief~~ **Finance Director**, or his/~~or~~ her designee, shall approve or deny each application for a **City** permit based upon:

A. An assessment of the applicant's proposed operations for compliance with the various provisions of this chapter;

B. If the applicant is a past permit holder, and if the applicant's:

1. Prior compliance with the various provisions of this chapter and any conditions imposed in the prior permit, **including the timely submission of the required Fireworks Financial Statement form and related proof of sales tax payment to the California Department of Tax and Fee Administration**; and if

2. The applicant's prior safety history in the operation of a temporary fireworks stand; and

C. An assessment of the proposed operation of the stand relative to the protection of the public health, safety, and welfare. Conditions may be imposed on permit issuance in order to ensure compliance with the provisions of this chapter and as determined to be appropriate to protect the public health, safety, and welfare from the potential impacts of the operation of the stand.

~~5.28.080~~**070** Safe and Sane Fireworks

~~Only safe and sane fireworks, bearing the seal of the State Fire Marshal, as defined in Part 2, Division 11 of the Health and Safety Code of the state, may be sold, except that toy cap pistols, caps, and carbide cannons may also be sold.~~ **Except as expressly permitted and pursuant to the requirements of this Chapter, it shall be unlawful to possess, sell, use, display or discharge,**

within the City, those fireworks not bearing the seal of the State Fire Marshal and that are defined and classified as "safe and sane fireworks" as prescribed in Section 12529 of the California Health and Safety Code and relevant sections of Title 19, Code of Regulations ("fireworks").

5.28.090**080** Time Limit on Sales of Fireworks

~~Retail sales of safe and sane fireworks shall be limited to only that time between July 1st to July 3rd, from 10:00 a.m. until 11:00 p.m., and on July 4th from 10:00 a.m. until 10:00 p.m.~~ **Retail sales of safe and sane fireworks are authorized in the City for temporary stand permit holders only on the dates and during the times in this section. Retail sales shall be limited to that time, between the hours of ten a.m. and ten p.m. during the days of July 1st, July 2nd and July 3rd, and between the hours of ten a.m. and nine p.m. on July 4th of that same year. All sales of fireworks shall cease at 9:00 p.m. on July 4th, until the next calendar year.**

5.28.100**090** Temporary Stand Regulations

All temporary stands, or the display and sale of safe and sane fireworks, shall be located, maintained, and operated subject to the provisions of Sections ~~5.28.110 through 5.28.180~~ **this chapter.**

5.28.110 **100** Complying with Application

Any ~~persons~~ **person or organization** operating any such ~~permitted temporary fireworks~~ stand shall abide by and comply with all matters set forth in the application for such permit, all regulations relating thereto and established by ordinance, ~~and all restrictions and conditions imposed by the Fire Chief~~ **Finance Director or his/her designee** in granting the permit, ~~and the regulations and conditions under the Orange County Fire Authority permit.~~ Failure to comply with such regulations, conditions, or ordinances is subject to penalty **as provided for by law and this Code**, including, **but not limited to, the revocation of any current permit and** the denial of a future permit to the violator.

5.28.130**110** Indemnity and Liability Insurance

A. Indemnification. As a condition to issuance of a permit under this chapter, each permittee shall execute a liability release and indemnity form approved by the City Attorney providing that such permittee will release, indemnify, hold harmless, and defend the City of Garden Grove, its officers, officials, agents, employees, and volunteers from and against any and all actions, claims, demands, damages, disability, losses, expenses, including reasonable attorney's fees and other defense costs or liabilities of any nature, that may be asserted by any person or entity from any cause whatsoever arising from the

activities of permittee, its subcontractors, employees, volunteers, and/or agents in connection with operation of the stand.

B. As a condition to issuance of a permit under this chapter, prior to the erection of any stand, each permittee shall procure and maintain in full force and effect during the term of the permit a policy of commercial general liability insurance acceptable to the City, which provides coverage against claims for injuries to persons or damages to property which may arise from or in connection with the operations in and about the stand and premises. Such policy shall provide coverage on a per occurrence basis and be in such amount determined by the City Manager or designee to be necessary under the circumstances, which amount shall not be less than \$1,000,000.00 per occurrence, and shall be endorsed to name the City, its officers, officials, agents, employees and volunteers as additional insureds **and that the permittee's insurance is primary and non-contributory as respects the City.** No permit issued hereunder shall be effective until proof of the required insurance is submitted to the City. The City Manager or designee is authorized to promulgate rules or requirements regarding acceptable insurance carriers, provisions, endorsements, and/or forms acceptable to the City.

5.28.140**120** Location of Stands

A. No such stand shall be erected or maintained in such a manner so as to cause an undue hazard to itself or adjoining property or to the persons working within the stand.

B. No stands shall be permitted within 1,000 feet of the following locations: Garden Grove Park, Twin Lakes Park and Village Green Park.

5.28.150 **130** Exits and Locking Devices

Each stand erected shall have not less than two exits. Such exits shall be so placed as to provide immediate egress from either end of the stand. Exit doors shall only be locked in such a manner as to be readily openable from the interior without special knowledge, effort or tools, including keys.

5.28.160**140** Fire Extinguisher

~~There shall be maintained in each premises or stand within which safe and sane fireworks are sold or offered for sale at least one 2 1/2 gallon water-type fire extinguisher in good order and condition and approved by the Fire Chief or his or her authorized representative.~~ **There shall be maintained in each temporary stand within which fireworks are sold or offered for sale an approved Class 2A fire extinguisher. Whenever a temporary stand is being provided with electrical power from a gasoline-powered generator, an additional 10BC, dry chemical, fire extinguisher shall be**

installed. Fire extinguishers shall be placed and maintained in locations that are readily accessible for use, and each person who intends to assist in the operation of a temporary stand will receive instruction on their location and use.

5.28.180150 Overnight Habitation Prohibited

There shall be no overnight sleeping by owners, personnel, or anyone within the stand. Nighttime watch service may be permitted, provided persons shall be no closer than 50 feet from the stand.

5.28.190160 Prohibitions Sale, possession and discharge of fireworks

A. Safe and sane fireworks as defined in Section 5.28.070 of this chapter may be discharged within the City only on July 4th of each year between the hours of ten a.m. and ten p.m.

B. Unless expressly authorized in this code or under state or federal law, no person shall sell, offer for sale, purchase, possess, store, use or discharge fireworks of any kind in the City.

AC. No person engaged in the business of the sale or disposition of fireworks shall sell, furnish, give, or cause to be sold, furnished or given away, any fireworks as defined in Section 5.28.080070, to any person under the age of 18 years.

BD. No person under the age of 18 years shall purchase any fireworks, as defined in Section 5.28.080070.

CE. No person under the age of 18 years shall use or discharge any fireworks within the City except when under the direct supervision and in the presence of an adult.

DF. No person shall use or discharge any fireworks on any commercial, industrial, or publicly owned parcel within the City, except in conjunction with a validly issued Community Event Permit and a permit from the Fire Chief.

EG. Except to the extent that safe and sane fireworks, as defined in Section 5.28.080070, are authorized pursuant to this chapter, no person shall sell, offer for sale, purchase, possess, store, use, or discharge any fireworks in the City.

FH. Except to the extent that safe and sane fireworks, as defined in Section 5.28.080070, are authorized pursuant to this chapter, no person shall cause or allow the sale, purchase, possession, storage, use, or discharge of any fireworks on property that such person owns or controls.

GI. No person shall allow the use or discharge of any safe and sane fireworks, as defined in Section 5.28.080~~070~~, within 10 feet of any residence, dwelling, or other structure.

HJ. As used in this chapter, the term "fireworks" shall include all fireworks as defined in Sections 12505 and 12511 of the California Health and Safety Code.

K. Following the discharge of any fireworks, after they have sufficiently cooled, shall be placed in the black garbage containers. The period to wait for fireworks to cool should be no sooner than the next morning; unless water is used for cooling.

IL. Nothing in this chapter shall preclude the City of Garden Grove, or other businesses or entities possessing all required permits, from presenting a "public display of fireworks," as that term is defined in California Health and Safety Code Section 12524 or any successor provision thereto.

5.28.200~~170~~ Appeal Provisions

~~_____ A. The Fire Chief, or his or her designee, may revoke any temporary stand permit when it is determined that a permittee has:~~

~~_____ 1. Failed to comply with any provisions of this chapter;~~

~~_____ 2. Violated any condition of its temporary stand permit; or~~

~~_____ 3. Operated or is operating a temporary stand in a manner that causes or threatens to cause a danger to the public health, safety, or welfare.~~

~~_____ B. Upon a determination by the Fire Chief, or his or her designee, that the operation of the temporary stand creates an imminent or substantial danger to the public health, safety, or welfare, the permit may be suspended immediately and the stand closed.~~

~~_____ C. The applicant may appeal any permit condition, denial, or revocation by the Fire Chief to the City Council within a period of 10 days of action, by filing a notice of appeal with the City Clerk.~~

~~_____ D. Notwithstanding the foregoing, any determination to immediately suspend a permit and close a stand shall be deemed final upon issuance, and subject to immediate judicial review. **An applicant may appeal any permit condition, denial, revocation or suspension to the City Manager within ten days from the date of the action, by filing a notice of appeal in writing to the City Clerk. The City Manager or his/her designee will review the**~~

appeal de novo, and may grant or deny the permit, reinstate the permit, and impose reasonable conditions as the City Manager or designee may determine to be appropriate. Prior to making a decision the City Manager or designee may request additional information from the applicant or city staff. The decision of the manager will be final.

5.28.210180 Seizure and Disposal of Fireworks

The Fire—Chief **City Manager**, or his/—or her designee, **or any appropriate law enforcement authority** shall have the authority to seize, take, remove, cause to be removed, and dispose of all fireworks sold, offered for sale, purchased, possessed, used, or held in violation of this chapter or otherwise constituting a fire nuisance. Any seizure, removal, or disposal of fireworks pursuant to this section shall occur in compliance with all applicable statutory, constitutional, and decisional law. In addition to any applicable penalties, fines, or available remedies, the owner and possessor of the fireworks shall be liable to the City for the actual costs of seizure, removal, and disposal of such fireworks.

5.28.190 Suspension and revocation

A. The City Manager or his/her designee, or any appropriate law enforcement authority, may immediately suspend a permit and close a temporary stand, upon determining that the operation of the stand creates an imminent or substantial danger to the public health, safety or welfare.

B. The City Manager or his/her designee may revoke any temporary stand permit when it is determined that the permittee has: (i) failed to comply with any provisions of this chapter; (ii) violated any condition of its temporary stand permit; (iii) operated or is operating a temporary stand in a manner which causes or threatens to cause a danger to the public health, safety or welfare.

C. Any determination to immediately suspend or revoke a permit and close a stand shall be deemed final upon issuance, and subject to immediate judicial review.

SECTION 11: Savings Clause. If any section, subsection, subdivision, sentence, clause, phrase, word, 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, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 12: Certification and Effective Date. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.