

ORDINANCE NO 2006-01

AN ORDINANCE OF THE EAST DAVIS COUNTY FIRE PROTECTION DISTRICT  
PROHIBITING THE SALE, USE, AND DISCHARGE OF FIREWORKS, INCLUDING SAFE  
AND SANE FIREWORKS

The Board of the East Davis County Fire Protection District ("District") hereby ordains as follows:

1. Purpose and Findings. Under section 12541.1 of the California Health and Safety Code, absent contrary regulation by the County of Yolo ("County"), the District may adopt an ordinance that prohibits or otherwise regulates the "sale, use, or discharge of fireworks" within its jurisdictional area. The District has determined that fireworks present a significant hazard to the environment and safety of its citizens and has determined that it is in the District's best interest to prohibit the sale, use, and discharge of fireworks, including "safe and sane" fireworks. Accordingly, the purpose of this Ordinance is to establish a prohibition on the sale, use, and discharge of fireworks within the District. The County has not adopted any ordinances or other regulations that would conflict with this ban.

2. Definitions. As used herein, the words and phrases "fireworks" and "safe and sane fireworks" shall have the meanings ascribed to them in Sections 12500 *et seq.* of the California Health and Safety Code.

3. Prohibitions. The sale, use, and discharge of fireworks, including but not limited to safe and sane fireworks, is prohibited within the District. It is unlawful for any person to sell, offer for sale, purchase, discharge, or otherwise use fireworks within the District except as provided in this Ordinance.

4. Exceptions.

(a) Nothing in this Ordinance shall be construed as prohibiting the sale, use, or discharge of any of the following: torpedoes, flares, or fuses by railroads or other transportation agencies for signal purposes of illumination; blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; fireworks by permittees having a permit as hereinafter provided; or agricultural and wildlife fireworks as defined in section 12503 of the Health and Safety Code. . Further, this Ordinance does not apply to those subjects identified in subsections (a) through (d) of section 12540 of the California Health and Safety Code;

(b) Public displays of fireworks may be conducted by permit granted pursuant to Title 19 of the California Code of Regulations.

5. Violations. Any violation of this Ordinance shall be an infraction and shall be processed pursuant to subdivision (d) of Section 17 of the California Penal Code. The amount of the fine for each violation of this Ordinance shall be \$100.00 for the first violation in a calendar year, \$200.00 for the second violation in a calendar year, and \$500.00 for each additional

violation in a calendar year. The Yolo County Sheriff is authorized to issue citations for the violation of this Ordinance.

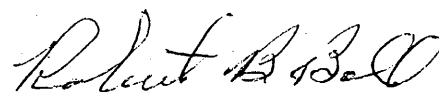
6. CEQA Determination. The Board determines that this Ordinance establishes procedures for issuing permits and is not a project, and, therefore, is not subject to the California Environmental Quality Act ("CEQA"). The Board further finds that the adoption of this Ordinance is exempt from CEQA under the provisions of California CEQA Guidelines, section 15061(b)(3) in that there is no possibility that the provisions enacted by this Ordinance will effect a substantial adverse change in the environment.

7. Severability. If any section, subsection, sentence, clause or phrase 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 Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

8. Publication and Effective Date. This Ordinance shall take effect 31 days after its adoption. Prior to the expiration of fifteen (15) days following its adoption, it shall be published once in The Davis Enterprise, a newspaper of general circulation that is printed and published in the County of Yolo, with the names of the members of the District Board voting for and against the Ordinance.

INTRODUCED ON April 20, 2006, and PASSED AND ADOPTED by the Board of the East Davis County Fire Protection District this eighteenth day of May 2006, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:



Robert Ball, Chair  
East Davis County Fire Protection District

ATTEST:  
Roxie Weaver, Clerk  
East Davis County Fire Protection District

