

ORDINANCE NO. 1720

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AMENDING CHAPTER 8.20 OF TITLE 8 OF THE WOODLAND MUNICIPAL CODE
RELATING TO FIREWORKS**

WHEREAS, the City of Woodland, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City Council desires to amend Chapter 8.20 of the Woodland Municipal Code relating to Fireworks; and

WHEREAS, the City last updated it’s fireworks ordinance in November 2021; and

WHEREAS, the November 2021 updates were intended to curb the use of illegal fireworks within the City, including through the use of reporting, enforcement, and fines; and

WHEREAS, there has been no noticeable decrease in the use of illegal fireworks; and

WHEREAS, the City continues to receive complaints from City residents and businesses about the use of illegal fireworks throughout the year; and

WHEREAS, the current fine structure has not curbed the use of illegal fireworks in the City, in part due to the fine being applied on a “per occurrence” basis instead of on a “per device” basis; and

WHEREAS, the amended fine structure will improve the City’s ability to address illegal firework use by allowing for increased fines when necessary and appropriate; and

WHEREAS, the amendments to the Woodland Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance.

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

Section 2. Amendments to Chapter 8.20 of Title 8 of the Woodland Municipal Code is hereby is hereby amended as follow:

Section 8.20.046 is replaced in its entirety as follows:

§ 8.20.046 "**Safe and sane**" fireworks—**Exception.**

It shall not be unlawful to possess, sell, use, display or discharge within the City those fireworks as are defined and classified as "**Safe and sane**" fireworks in Health and Safety Code Section 12500 et seq., during the period beginning at 12:00 noon on the 28th day of June and ending at 11:00pm on the 5th+2:00 noon on the 6th day of July each year. Usage of fireworks may only be used between the hours of 7:00am and 11:00pm between the 28th of June and July 5th. Usage of fireworks outside of the permitted timeframe will constitute a violation of the ordinance and is subject to fines established within section 8.20.052 (Host Ordinance).

It shall be unlawful to discharge any Safe and sane fireworks on the dates and during the times permitted in this section when a Red Flag Warning has been issued by the National Weather Service.

Section 8.20.50 is replaced in its entirety as follows:

§ 8.20.050 Regulations specific to the sale of "safe and sane" fireworks.

- A. Sale of "Safe and Sane" Fireworks. The sale of "Safe and Sane" fireworks are subject to the provisions of Sections 12500 to 12726 of the Health and Safety Code of the State of California; Title 19 California Code of Regulations, Chapter 6; and the provisions under this section of the Woodland Municipal Code.
1. "Safe and Sane" fireworks, as defined in Section 12529 of the Health and Safety Code, may be sold within the City during the period beginning at 12:00 noon on the 28th day of June and ending at 11:00pm the 4th ~~12:00 noon on the 6th~~ day of July each year.
 2. Each and every package or carton and every individual item of unpackaged "Safe and sane" fireworks that is offered for sale at retail, shall bear the State Fire Marshal's Seal of Registration and the license or registration number of the registrant.
- B. License to Sell Fireworks. License to sell fireworks required: no person shall sell fireworks within the City either at wholesale or retail without first obtaining a license from the State Fire Marshal.
- C. Permit to Sell Fireworks. Permit to sell fireworks required:
1. No person shall sell fireworks within the City either at wholesale or retail without securing a permit from the Woodland Fire Department Community Risk Reduction Division~~Bureau of Fire Prevention~~.
 2. Each applicant for a permit shall file a written application with the Community Risk Reduction Division~~Bureau of Fire Prevention~~ showing the following information:
 - a. Name, address and telephone of applicants;
 - b. Facts establishing the applicant's status as a qualified organization under the provisions of this chapter;
 - c. Names and addresses of the officers of the applicant;
 - d. Location where the applicant proposes to sell fireworks.
 3. Each applicant shall also meet the following requirements:
 - a. Applications shall be made no later than the first Tuesday in April of each year;
 - b. Applicants shall comply with all the requirements specified in the permit application.
 4. The permit shall be posted in a conspicuous place in the temporary stand, and shall be available if requested.
- D. Permit Fee. The fee for each permit issued under the provisions of this chapter shall be in accordance with the current City of Woodland fee resolution.
- E. Liability Insurance Required. Each applicant for a permit to sell fireworks pursuant to this chapter shall have filed with the Bureau of Fire Prevention prior to the issuance of any permit a policy of public and product liability insurance with coverage of at least \$500,000.00 or \$1,000,000.00 and a policy of property damage insurance with coverage of at least \$50,000.00 or a certificate showing such amounts

of insurance and naming the City of Woodland as an additional insured for the period the permit is in effect.

F. Eligible Applicant.

1. No permit shall be issued under the terms of this section except to a nonprofit corporation or nonprofit unincorporated association physically located within the City limits whose principal purpose is youth service or youth welfare and which is currently providing at least some of the same for youth of the City of Woodland; including as illustrative of such an organization, but not limited thereto, the Girl Scouts, Boy Scouts, Babe Ruth League, Little League and the YMCA. Permit applicants renewing from the previous year and who were not physically located within the City limits will be exempt from the requirement of this subject.
2. A minimum of 90% of profits must be directly appropriated for youth activities. First-time permit applicants must submit a proposed financial statement and repeat permit applicants must provide accounting documentation from the previous year's expenditures. Failure to comply will result in denial of the permit application.

G. Number, Term, Transferability and Scope of Authority of Fireworks Permit. The number of available permits will be limited to one per 3,000 population based on the latest Census Bureau survey available to the City of Woodland. ~~Permit applicants renewing from 1989 will be exempt from the one to 3,000 limitations.~~ New permit applications will only be accepted where an opening exists within the established guidelines. If necessary, a lottery system will be used to fill permit vacancies. Only one permit to sell fireworks pursuant to this chapter shall be issued to an eligible applicant. The permit shall be valid only during the period beginning at 12:00 noon on the 28th day of June and ending at 11:00pm on the 4th ~~12:00 noon on the 6th~~ day of July each year and no permit shall be transferable, assignable or renewable. Each permit shall provide authority for sale of "safe and sane" fireworks by applicant at the location or premises designated on the permit.

H. Requirements for Sale of Fireworks. "Safe and sane" fireworks pursuant to this chapter shall be permitted only from within a temporary stand, and sale from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

1. It is unlawful to sell fireworks to anyone under the age of 18 years of age.
2. No stand shall be located within 25 feet of any other building, nor within 100 feet of a location where gasoline or any other flammable liquids are stored or dispensed.
3. No stand shall have a floor area in excess of 750 square feet and shall be constructed in a manner which will be safe for attendants and patrons. Stands in excess of 20 feet in length shall have two exits; any stands larger shall have an exit 20 feet between.
4. Each stand shall have two two-and-one-half-gallon water fire extinguishers, in good working order and accessible for use at all times in case of fire.
5. All weeds and combustible materials shall be cleared from the location of the stand for a distance of at least 30 feet.
6. Legal "NO SMOKING" signs shall be posted on the stands.
7. Each stand shall have at least one adult 18 years of age or older in attendance and in charge thereof when the stand is being used for the sale or dispensing of fireworks. No person under the age of 18 shall

be permitted within any fireworks stand where there is the storage or sale of fireworks.

8. All unsold stock and litter shall be removed from the stand and the City by 12:00 noon on July 6th.
 9. The stand shall be removed from the temporary location and all litter cleaned up by July 12th.
 10. Educational materials may be required to be handed out with the sale of all fireworks. The Community Risk Reduction Division will provide the materials in digital format and they must be printed and distributed at the cost of the permit holder. The Community Risk Reduction Division may require the posting of educational materials at each firework booth. The educational material shall remain posted and unobstructed at all times while the booth is in operation.
- I. Compliance with State Law, Violation of Chapter. It shall be the duty of every holder of a permit issued pursuant to this chapter to comply with all provisions of Sections 12500 to 12726 of the Health and Safety Code of the State and the rules and regulations of the State Fire Marshal and the conditions imposed by this chapter and by any conditions in the permit issued by the City Council. Violation of any such provisions shall constitute sufficient cause for the immediate revocation of said permit and to deny any subsequent application for a future permit.

Section 8.20.052 is replaced in its entirety as follows:

§ 8.20.052 **Host liability.**

- A. The term "host" in this section shall mean any of the following:
 1. An owner of any private residential or nonresidential real property in the City; or
 2. Any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; or
 3. Any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property.
- B. The term "strictly liable" in this section shall mean liability for a wrongful act regardless of a person's intent, knowledge, negligence, or lack thereof in committing the wrongful act.
- C. Any host shall be strictly liable for any unlawful possession, ignition, explosion, discharge, use, or display of any fireworks in violation of this chapter on their property or at their gathering, except that no person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for a violation of this chapter occurring in the common area of the property unless the person hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering at which the violation occurs.
- D. Any person having the care, custody, or control of a minor shall be strictly liable for any unlawful ignition, explosion, discharge, use, or display of fireworks by the minor in violation of this chapter.
- E. Except as provided below in subsection F, no host shall permit or allow another person on private property, or at a gathering on public property, where the host knows or reasonably should know that the person is engaged in a violation of this chapter.
- F. The provisions of this section shall not apply to:
 1. Conduct involving display, use, or discharge of fireworks as permitted under Federal or State law;

2. A host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or gathering in order to comply with this chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this chapter.
- G. Chapter 9.20 and Section 8.20.060 apply to a violation of this section, except that a violation of this section shall be subject to a fine of \$1,000.00. Each device (firework) possessed, ignited, exploded, discharged, used, or displayed constitutes a violation of the ordinance and therefore is subject to a \$1,000.00 fine, for each device. Possession is defined as having direct or indirect custody and/or control of any Dangerous firework prohibited under this chapter.

Section 3. California Environmental Quality Act (CEQA). The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Ordinance is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Section 4. Severability. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 5. Effective Date. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in a newspaper of general circulation at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption

INTRODUCED by the City Council of the City of Woodland at a regular meeting held on the 2nd day of April 2024 and **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Woodland at a regular meeting held on the 7th day of May 2024 by the following vote:

AYES: Members Fernandez, Lansburgh, Stallard, Vega and Mayor Garcia-Cadena
NOES: None
ABSENT: None
ABSTAIN: None

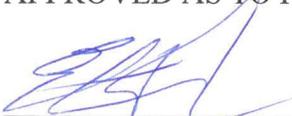

Tania Garcia-Cadena, Mayor

ATTEST:



Ana B. Gonzalez, MMC, City Clerk

APPROVED AS TO FORM:



Ethan Walsh, City Attorney