

ORDINANCE NO. 534

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE AMENDING CHAPTER 8.28 OF THE BLUE LAKE MUNICIPAL CODE REGARDING THE DISCHARGE OF WEAPONS AND FIREWORKS

The City Council of the City of Blue Lake, Humboldt County, California, does hereby ordain as follows:

Section 1. FINDINGS. The City Council of the City of Blue Lake hereby makes the following findings:

1. The use of fireworks is currently prohibited inside the City limits in conjunction with the discharge of any firearm, BB gun, pellet gun, sling shot, air gun, toy cannon, firecracker, or any other explosive as set forth in section 8.28.010 of the Blue Lake Municipal Code.
2. Dangerous fireworks pose a serious risk to the public's safety, given the potential for personal bodily injury and property damage and loss, and the unknown material composition of these fireworks and lack of safeguards.
3. The use or possession of dangerous or illegal fireworks has been witnessed within the City limits, and the City recognizes the need to adopt further restrictions specifically on fireworks and impose penalties for the possession, sale, use or discharge of fireworks.
4. It is the intent of the City Council to reasonably regulate the possession, sale, use or discharge of dangerous fireworks within the City to protect the public health, safety, and general welfare of residents.

Section 2. AMENDMENTS. Chapter 8.28 of the Blue Lake Municipal Code is hereby amended as shown by the following new text indicated in underscore and bold:

8.28.010 Unlawful Discharge

- A. Except as expressly permitted below in sub-section B, C, and D, every person who discharges any firearm, BB gun, pellet gun, sling shot, air gun, bow and arrow, toy cannon, firecracker, or any other explosive (including fireworks and other pyrotechnics) within the corporate limits of the City of Blue Lake, is guilty of a misdemeanor.
- B. Nothing in this section shall apply to the shooting or discharging of any gun, pistol, or other firearm by any police officer(s) or any other law enforcement agent in the discharge of his or her official duties nor to the discharge or shooting of firearms or blanks in any licensed shooting

gallery, target or other gun or rifle range, athletic event, or any theatrical performance or exhibition.

C. Nothing in this section shall be deemed or construed to prohibit the furnishing, discharging, or possession of a BB gun, pellet gun, sling shot, air gun, or bow and arrow for the purposes of, and while actually engaged in, bona fide organized and supervised youth activity under the care and supervision of a competent adult.

D. Nothing in this section shall apply to the possession and discharge of legally obtained "Safe and Sane Fireworks" (as that term is defined in California Health and Safety Code section 12529) by an adult during the period of 12:00 noon on June 28 through 12:00 noon on July 6 of the same calendar year for the purpose of celebrating the Fourth of July holiday, subject to the following restrictions:

(i) It shall be unlawful for any person to discharge, project or otherwise fire or use any Safe and Sane Fireworks upon or over or onto the property of another without his or her consent or within twenty feet of any residence, dwelling or other structure used as a place of habitation;

(ii) It shall be unlawful to discharge, project or otherwise fire or use any Safe and Sane Fireworks on any City property, unless such property has been officially designated by the Fire Chief as a fireworks discharge area;

(iii) It shall be unlawful to discharge, project or otherwise fire or use any Safe and Sane Fireworks by a person under the influence of alcohol or other controlled substance;

(iv) It shall be unlawful to discharge, project or otherwise fire or use any Safe and Sane Fireworks between 10:00 PM and 12:00 PM; and

(v) It shall be unlawful to discharge, project or otherwise fire or use any Safe and Sane Fireworks in violation of Part 2 of Division 11 of the California Health and Safety Code.

8.28.020 Violation and Penalty

In the discretion of the enforcement officer, any person who violates any provision of this Chapter shall be guilty of either (i) a misdemeanor and punishable by a fine not exceeding \$100.00 or imprisonment not exceeding 20 days or (ii) an administrative fine as may be set by the Council by resolution from time to time.

Section 3. CEQA.

The adoption of this Ordinance is not a "project" under the California Environmental Quality Act because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4). This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's CEQA

Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that granting law enforcement the authority to issue administrative citations and infractions in addition to misdemeanor charges for the illegal possession or use of fireworks within city limits will result in a permanent alteration of property or the construction of any new or expanded structures, or have any other direct or indirect physical changes in the environment, and therefore will not have any potential to significantly affect the environment.

Section 4. SEVERABILITY.

If any section, subsection, clause or phase or portion of this code is for any reason declared to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance. The Mayor and City Council hereby declare that it would have passed the ordinance codified in this chapter; and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.


SECTION 5. EFFECTIVE DATE. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records and the proceedings of the City Council at which time the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of May, 2019.


AYES: Jones, Ricca, Daugherty, Curran, Hogan

NOES: None

ABSENT: None



Adelene Jones, Mayor
City of Blue Lake

ATTEST:


April Sousa, CMC
City Clerk, City of Blue Lake

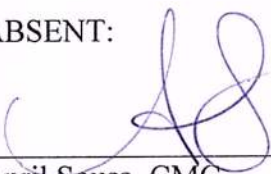
CLERK'S CERTIFICATE

THIS IS TO CERTIFY that Ordinance No. 534 of the City Council of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held on April 23, 2019. This Ordinance, again read at the regular meeting of the Blue Lake City Council, held on May 28, 2019 and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: Jones, Ricca, Daugherty, Curran, Hogan

NOES:

ABSENT:

A handwritten signature in blue ink, appearing to be 'AS', is written over a horizontal line.

April Sousa, CMC
City Clerk, City of Blue Lake