

**ORDINANCE NO. 1676**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND  
AMENDING CHAPTER 8.20 OF THE WOODLAND MUNICIPAL CODE REGARDING  
FIREWORKS**

**WHEREAS**, the use of illegal fireworks, generally, poses significant public health, safety, and welfare risks to those that discharge the illegal fireworks as well as members of the public in the surrounding areas; and

**WHEREAS**, those risks are now particularly high given the historically dry conditions in the City of Woodland and the extreme water shortage due to the ongoing drought conditions in the region and statewide, which creates an exceptionally high risk of fires occurring in the City; and

**WHEREAS**, the City Council finds that amending its regulations concerning the use of fireworks is needed for the City for its protection and welfare given the unique fire dangers presented by the drought conditions. Moreover, the usage of illegal fireworks in the region is on the rise and these amendments are necessary for the City's ability to regulate and enforce illegal firework activity; and

**WHEREAS**, the City Council finds and determines that holding property owners, residents, and social hosts individually liable for the use of illegal fireworks is necessary to protect the safety, health, and welfare of the public.

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

**SECTION 1. Purpose.** The purpose of this Ordinance is to amend its regulations in Chapter 8.20 ("Fire Prevention and Emergency Services") of the Woodland Municipal Code regarding fireworks and to impose liability upon property owners, residents, and social hosts for the use of illegal fireworks in order to protect the public's health, life, and safety from the danger of fireworks.

**SECTION 2. Amendment.** Section 8.20.042 is hereby added to the Woodland Municipal Code to read as follows:

**8.20.042 Fireworks prohibited generally.**

Except as otherwise provided in this Chapter, no person shall possess, sell, use, display or explode any rocket, firecracker, roman candle, squib, torpedo, torpedo cane, fire balloon, wire core sparkler, wooden core sparkler, black cartridge or other combustible device or explosive substance, or any kind of fireworks, by whatsoever name known, within the City. The prohibition set forth in this Section includes, without limitation, those fireworks classified as "dangerous fireworks" in the State Fireworks Law, Health and Safety Code Section 12500 et seq.

**SECTION 3. Amendment.** Section 8.20.044 is hereby added to the Woodland Municipal Code to read as follows:

**8.20.044 Public fireworks display—Exception.**

Public displays of fireworks may be given with a written permit issued by the Fire Chief so long as such display takes place under the supervision and direction of a state of California licensed operator.

**SECTION 4. Amendment.** Section 8.20.046 is hereby added to the Woodland Municipal Code to read 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 12:00 noon on the 6th day of July each year.

**SECTION 5. Amendment.** Section 8.20.052 is hereby added to the Woodland Municipal Code to read 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 non-residential 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 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.

**SECTION 6. Scope.** Except as set forth in this Ordinance, all other provisions of the Woodland Municipal Code shall remain in full force and effect.

**SECTION 7. No Mandatory Duty of Care.** This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

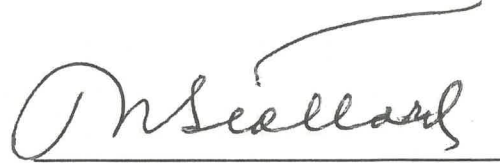
**SECTION 8. Severability.** If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

**SECTION 9. CEQA.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 10. Effective Date.** This Ordinance shall take effect and be in full force 30 days from and after its passage. The City Clerk shall certify to the adoption of this Ordinance. This Ordinance shall be posted or published as required by law.

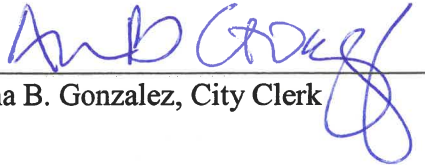
**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Woodland at a regular meeting held on the 16<sup>th</sup> day of November, 2021, by the following vote:

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



Tom Stallard, Mayor

ATTEST:



Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:



Ethan Walsh, City Attorney