ORDINANCE NO.\_\_\_\_\_\_\_\_\_\_\_

AN URGENCY ORDINANCE OF THE COUNTY OF SISKIYOU

ADDING CHAPTER 3.1 TO TITLE 3 OF THE SISKIYOU COUNTY CODE

RELATING TO FIREWORKS

The Board of Supervisors of the County of Siskiyou does ordain as follows:

SECTION 1. Findings and Declarations.

The Board of Supervisors makes the following findings in support of the enactment of this urgency ordinance:

1. The use and discharge of fireworks within the County presents a serious hazard to the health, welfare, and safety of individuals and property within the county, principle because of the resulting fire danger. This hazard is most pronounced during the July Fourth seasonal celebration.
2. As of May 26, 2022, the U.S. Drought Monitor published by the National Integrated Drought Information System classified 100% percent of Siskiyou County as experiencing a degree of drought varying from moderate to extreme.

1. On March 28, 2022, Governor Newsom issued Executive Order N-7-22 with directives for state and local agencies to take a number of actions in response to ongoing drought conditions. While recent rains, particularly in April of this year provided hope that the County might find relief from the drought, it now appears that the drought conditions remain unabated.
2. It is expected that higher average temperatures and more frequent and intense droughts, combined with mismanagement by state and federal agencies of public lands, which have resulted in the overgrowth of flammable vegetation in our forests and grasslands, that extreme fire danger will remain a severe problem for the foreseeable future.
3. In 2020, a historic four million two hundred fifty-seven thousand eight hundred sixty-three acres of California burned, one of the largest fire seasons in modern history.
4. 2021 was another record-breaking fire season throughout California. In Siskiyou County alone we had declarations of emergency for the Lava Fire, the Antelope and River Complex fires, as well as evacuation orders for the McCash fire, which were just some of the more serious fires among numerous others that posed grave risk to lives, livelihoods, and property in 2021.
5. According to the National Fire Protection Association, an estimated nineteen thousand five hundred fires started by fireworks were reported to fire departments nationwide in 2018. These fires caused five civilian deaths, forty-six civilian injuries, and one hundred five million dollars in direct property damages. Twenty-eight percent of the fires started by fireworks in the 2014-2018 period were reported on the Fourth of July. During that same time period, brush, grass, or forest fires accounted for fifty-nine percent of fireworks-started fires.
6. Local fire hazard conditions require that the use and discharge of fireworks be immediately prohibited within Siskiyou County. In order to effectively prohibit the use and discharge of fireworks, it is also necessary to prohibit the sale of fireworks; if fireworks are readily available within the county, any prohibition on use will be largely ineffective without a sizable and cost-prohibitive policing effort.
7. Pursuant to the requirements of Govt. Code § 25123(d), the Board of Supervisors has determined that the provisions contained in this chapter are necessary for the immediate preservation of the public peace, health, and safety within the unincorporated areas of Siskiyou County. Such determination is based on the following factual circumstances stated herein.

SECTION 2. Declaration of Urgency.

1. Based on the findings set forth above, the Board of Supervisors finds and declares that there is a current and immediate threat to the public health, safety and welfare arising from the absence of regulations in the County regulating the sale, possession, storage, and use of fireworks in the County.
2. Based on the findings above, the Board of Supervisors determines that this ordinance is urgently needed for the immediate preservation of the public peace, health, safety, and welfare pursuant to the Government Code section 25121 and 25131.

SECTION 3. Chapter 3.1 to Title 3 of the Siskiyou County Code pertaining to firework restrictions is hereby added to the Siskiyou County Code.

**Chapter 3.1 – FIREWORKS PROHIBITED**

**3-3.1.01 - Authority.**

The Siskiyou County Board of Supervisors enacts this chapter pursuant to authority granted by Article XI, Section 7 of the California Constitution and Sections 25123(d) and 25131 of the California Government Code.

**3-3.1.02 - Purpose and intent.**

The purpose and intent of this chapter is to protect the public by reducing the likelihood of wildfires and other accidental fires caused by fireworks.

**3-3.1.03 - Definitions.**

Unless otherwise indicated, the terms and phrases used in this chapter shall have the same meaning as those terms defined under the State Fireworks Law, Health and Safety Code § 12500 et seq.

**3-3.1.04 - Fireworks prohibited.**

Except as otherwise provided in this chapter, no person shall sell, offer for sale, use, discharge, display, possess, or store fireworks (Health and Safety Code §12511) within the unincorporated area of Siskiyou County. This prohibition applies to both dangerous fireworks (Health and Safety Code §12505) and safe and sane fireworks (Health and Safety Code §12529).

**3-3.1.05 - Exceptions.**

1. The provisions of this chapter shall not apply to any person or entity engaged in the preparation for or performance of a public fireworks display authorized in writing by the State Fire Marshall and conducted in full compliance with any conditions or restrictions placed upon such authorization.
2. Exempt from the prohibition of Section 3-3.1.04 are emergency signaling devices as defined in Health and Safety Code § 12506, when used for emergency signaling purposes.
3. Exempt from the prohibition of Section 3-3.1.04 are the following types of fireworks if written approval is first secured from the responsible fire jurisdiction:
   * 1. Agricultural and wildlife fireworks as defined by Health and Safety Code §12503;
     2. Emergency signaling devices when used for non-emergency purposes as defined in Health and Safety Code §12506;
     3. Exempt fireworks as defined by Health and Safety Code §12508;
     4. Model rocket motors as defined by Health and Safety Code §12520;
     5. Any fireworks or pyrotechnic device exempted under Health and Safety Code §12540.

**3-3.1.06 – Enforcement and penalty**

Any violation of this chapter is hereby declared to be an infraction subject to enforcement pursuant to the provisions of Siskiyou County Code Section 1-5.05(a)(2) and (b). Any peace officer or code enforcement officer may enforce this chapter.

SECTION 4. Authority/Effective Date.

This is an urgency ordinance within the meaning of Section 25131 of the Government Code and an ordinance for the immediate preservation of the public peace, health and safety within the meaning of Section 25123(d) of the Government Code, which shall be passed immediately upon introduction, and shall take effect immediately upon a four-fifths vote.

SECTION 5. Publication.

This ordinance, within 15 days of adoption, shall be published once in a newspaper of general circulation, printed and published in the County of Siskiyou as required by law.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or other applications of the ordinance, and the provisions of this ordinance are declared to be severable.

SECTION 7. CEQA.

The Board hereby finds that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment from the adoption of these regulations prohibiting sale, possession, storage, and use of fireworks. 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. In addition, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption, 14 CCR § 15308, (regulatory activity to assure protection of the environment) and Class 7 Categorical Exemption, 14 CCR § 15307, (regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resources).

PASSED AND ADOPTED this 14th day of June, 2022, at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Brandon A. Criss, Chairman

Board of Supervisors

ATTEST:

LAURA BYNUM, CLERK,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_