

ORDINANCE NO. 630

AN ORDINANCE RESCINDING SECTION 8.12.080 AND ADDING SECTION 8.12.080 and SECTION 8.12.090 OF CHAPTER 8.12 TO TITLE 8 OF THE MUNICIPAL CODE OF THE CITY OF WOODLAKE, UPDATING RESTRICTIONS ON PUBLIC DISPLAY OF FIREWORKS RESTRICTIONS AND PENALTIES FOR VIOLATIONS.

THE CITY COUNCIL OF THE CITY OF WOODLAKE DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are intended in order to promote the public health, safety, comfort and general welfare of the community by minimizing the potential of public nuisance through the limit the number of animals permitted on a residential property.

Section 2. CODE ENACTMENT. Section 8.12.080 and Section 8.12.090 within Title 8, Chapter 8.12 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

SECTION 8.12.080: Prohibited fireworks.

Nothing in this chapter shall allow for display, possession, use, storage, and sale of those fireworks classified as dangerous fireworks in California Health and Safety Code, Section 1205 et seq. or the possession, use, storage, and sale of Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section. The administrative fines are imposed under authority of Government Code, Section 53069.4; Health and Safety Code, Section 12557; and the police power of the City of Woodlake.

SECTION 8.12.090: Violation - Penalty.

In addition to any other remedy authorized by this chapter or applicable law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks as classified in State Fireworks Law, currently the California Health and Safety Code Section 12505 et seq., shall be subject to an administrative penalty, as set forth in this chapter and authorized by Section 53069.4 of the California Government Code.

The fire code official or his designee shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Section.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Woodlake, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Woodlake hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

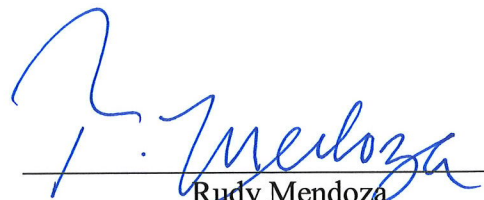
Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Foothill Sun Gazette, a newspaper printed and published in the City of Woodlake, State of California, together with the names of the Council members voting for and against the same.

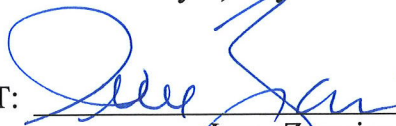
THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Woodlake, State of California, on January 13, 2020 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Mendoza, Ortiz, Martinez & Valero
NOES:
ABSTAIN:
ABSENT: Gonzalez





Rudy Mendoza
Mayor, City of Woodlake

ATTEST: 

Irene Zacarias
City Clerk