

EXHIBIT B

ORDINANCE NO. 12

AN ORDINANCE RELATING TO THE SALE AND DISCHARGE OF FIREWORKS
BOARD OF DIRECTORS, HALF MOON BAY FIRE PROTECTION DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN ORDINANCE REGULATING AND PROHIBITING
THE SALE AND DISCHARGE OF FIREWORKS

WHEREAS, pursuant to California Health and Safety Code Section 13869, the Board of Directors, of the Half Moon Bay Fire Protection District is authorized and empowered to adopt fire prevention and fire suppression ordinances; and

WHEREAS, this Board does hereby find and determine that it is necessary to adopt an ordinance to regulate and prohibit the sale and discharge of fireworks, even so-called "safe and sane" fireworks, in order to prevent and lessen the risk of dangerous fires and conflagrations,

NOW, THEREFORE, IT IS HEREBY ORDAINED as follows:

Section 1. Title. This Ordinance shall be known as "the fireworks ordinance".

Section 2. Fireworks Defined. "Fireworks" is a combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, Daygo bombs, sparklers or other devices of like construction and any device containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "firework" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy

pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

Section 3. Permits for Manufacturing, Sale and Discharge.

(a) The manufacturer of fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

(b) Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks, provided that the Chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Chief after proper investigation, not to be hazardous to property or endanger any person.

(c) Applications shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

Section 4. Bond for Fireworks Display Required. The permittee shall furnish a bond or a certificate of insurance in an amount deemed adequate by the Chief for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

Section 5. Unfired Fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

Section 6. Exception. Nothing in this article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

Section 7. Enforcement.

(a) Seizure of Fireworks. The Chief 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 ordinance.

(b) Violation of Ordinance as Misdemeanor. Every person who violates any of the provisions of this Ordinance, or who fails or refuses to correct or eliminate a violation after written order of the district board, the Chief or his duly authorized representative, is guilty of a misdemeanor, pursuant to California Health and Safety Code § 13873.

(c) Citations for Violations. The Chief of the Fire District, or his duly authorized agent, are authorized to issue citations for violations of this ordinance, in the same manner as a county, city or city and county is authorized to so provide by Chapter 5b (commencing with Section 853.1), Title 3, Part 2 of the Penal Code. To the extent permitted under applicable law, the District Board hereby authorizes the Sheriff of the County of San Mateo to enforce this Ordinance in the unincorporated areas within the boundaries of the Fire District, and further authorizes such enforcement by the chiefs of police of the

several cities, all or part of which are within the boundaries of the Fire District, with respect to such incorporated areas, by issuance of citation or any other lawful process.

Section 8. ~~Implied Repeal~~ Adoption of this Ordinance shall be considered a repeal, by implication, of any prior existing, conflicting ordinances or resolutions of this Fire District.

Section 9. ~~Effective Date~~ This Ordinance shall be effective 31 days after its adoption by resolution of the Board regularly passed.

Adopted this 11th of March, 1986, by the Board of Directors of the Half Moon Bay Fire Protection District through Resolution No. 157

AYES:

Donald P. Gangemi

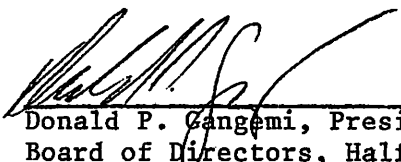
Francis J. Navin

George Hauptert

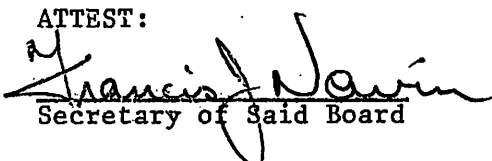
William M. Friedman

NOES: None

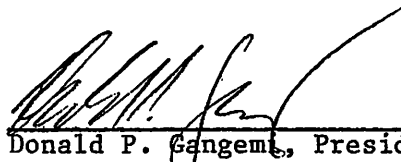
ABSENT: Robert D. Tucker


Donald P. Gangemi, President
Board of Directors, Half Moon
Bay Fire Protection District

ATTEST:


Secretary of Said Board

I, Donald P. Gangemi, President of Said Board of the Half Moon Bay Fire Protection District, hereby certify that the foregoing is a full, true, and correct copy of the original ordinance adopted on the 11th day of March 1986.


Donald P. Gangemi, President
Board of Directors, Half Moon
Bay Fire Protection District

DPG:sw

JAS:dm