



## *LAKE SHASTINA COMMUNITY SERVICES DISTRICT*

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### ORDINANCE 1-04



**Ordinance 1-04 hereby cancels and supercedes Ordinance 3-92 in its entirety.**

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT ENACTING RULES AND REGULATIONS FOR FIREWORKS WITHIN THE DISTRICT.

The Board of Directors of the Lake Shastina Community Services District finds that the District is authorized by the California Public Resources Code Section 4117 to adopt ordinances, rules or regulations to provide fire prevention restrictions or regulations that are necessary to meet local conditions of weather, vegetation or other fire hazard conditions. Such ordinances, rules or regulations may be more restrictive than State statutes in order to meet local fire hazard conditions. The Board of Directors also finds that it is further authorized by the California Health and Safety Code Section 12541.1 to adopt an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within that special district. The Board of Directors further finds that the District Board is authorized by the California Health and Safety Code Section 13869, after publication of notice and hearing, to adopt and enforce reasonable ordinances for the prevention and suppression of fires and conflagrations and for the protection and preservation of life and property against the hazards of fire and conflagrations.

The Board of Directors finds that a more restrictive "Fireworks" ordinance is needed than that provided for by State statutes due to the large amounts of old decadent brush, the generation of extreme wind conditions due to certain climatic conditions, the presence of non-rated shake shingle roofs on a large percentage of the residences, the minimum requirement of only a five-foot setback from the side property lines for all improvements (disabling the ability for the owner to readily obtain a "Defensible Space" of a minimum of thirty feet from a hostile fire) and the limitations of the Fire Department resources.

IT IS NOW, THEREFORE, ORDAINED AS FOLLOWS:

#### ARTICLE 1. GENERAL

##### Section 1.0 Purpose, Scope and Short Title

This ordinance is enacted under the California Public Resources Code Section 4117 and the California Health and Safety Code Sections 12451.1 and 13869 for the purpose of providing a more restrictive fireworks ordinance within the District than that which is provided for by State statutes due to certain conditions found within the District.

This ordinance may be cited as the District's "Fireworks Ordinance".

## Section 1.1 Definitions

Whenever any words or phrases used in this ordinance are not defined herein, but are defined in the Public Resources Code or Health and Safety Code of the State of California, such definitions are incorporated herein and are deemed to apply. For the purpose of this ordinance, unless otherwise apparent from context, certain words and phrases used in this ordinance are defined in this section as follows:

A. "District" shall mean the Lake Shastina Community Services District, a governmental agency. "City" or "County" shall mean a governmental agency including a District even though not clearly called out.

B. "Fireworks" shall mean and is defined in the California Health and Safety Code Section 12511 as: "Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment.

The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, Roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

C. "Officers" shall mean any state and local fire and law enforcement officials authorized by law, the duly elected or appointed officers of the Lake Shastina Fire Department, and the officers of the California Department of Forestry and Fire Protection.

D. "Suppression Costs" shall mean the cost incurred by any public agency while suppressing an unwanted fire.

E. "Public" shall mean any owner within the District for public or private purposes.

F. "Permit" shall mean a written document authorizing the permitted use.

## ARTICLE 2. FIREWORKS RESTRICTIONS AND REGULATIONS

### Section 2.0 Fireworks Prohibited Generally

It shall be unlawful for any person, firm, or corporation to store, use or discharge fireworks from any lot, or right-of-way to any lot or common area, in Tracts 1, 2, 3, 4, 5-1, 5-2, 5-3, 5-4, 6, 7-1, 7-2, 7-3, 8-1, 8-2, 9-1, 9-2, 1096, 1097 and Emerald Crescent Estates, located within the boundaries of the District.

## ARTICLE 3. FIREWORKS PERMITTED

### Section 3.0 Fireworks Permitted

A. Whereas it shall be unlawful for any person, firm or corporation to store, use or discharge fireworks from any other property within the District unless having obtained a permit as identified

under Health and Safety Code Sections 12640 through 12654 (excluding Section 12641), all of which are attached to be a part of this ordinance.

B. The Chief of the Fire Department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the municipality, fair associations, amusement park, and other organizations. Every such display shall be handled by a competent operator approved by the Chiefs of the Police and Fire Departments of the municipality, and shall be of such a character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department, after proper inspection, shall not be hazardous to property or endanger any person. Permit attached to be part of this ordinance.

#### ARTICLE 4. VIOLATIONS – GENERAL

##### Section 4.0 Violations Specified

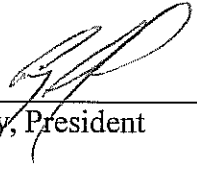
A. Any person, firm, or corporation who violates the provisions of this ordinance shall be guilty of an infraction and fined \$100.00.

It is hereby certified that the foregoing Ordinance No. 1-04 was duly introduced on the 21<sup>st</sup> day of April, 2004 and adopted at a regular meeting of the Lake Shastina Community Services District on the 19<sup>th</sup> day of May, 2004.

##### ROLL CALL VOTE:

AYES: Directors Dean, Dilley, Negro and Roths  
NOES: None  
ABSENT: Director Brezinsky  
ABSTAIN: None

Lake Shastina Community Services District by:

  
\_\_\_\_\_  
Craig Dilley, President

ATTEST

  
\_\_\_\_\_  
L. JAMES LEA, District Secretary

## HEALTH AND SAFETY CODE

### SECTION 12640-12654

12640. In any case where this chapter requires that a permit be obtained from the State Fire Marshal, or in any case where the public agency having local jurisdiction requires pursuant to this chapter that a permit be obtained, any licensee shall possess a valid permit before performing any of the following:

(a) Manufacturing, importing, exporting, storing, possessing, or selling dangerous fireworks at wholesale.

(b) Manufacturing, importing, exporting, storing, selling at wholesale and retail safe and sane fireworks and transporting safe and sane fireworks, except that a transportation permit shall not be required for safe and sane fireworks possessed by retail licensees.

(c) Manufacturing, importing, exporting, possessing, storing, transporting, using, selling at wholesale and retail, those fireworks classified by the State Fire Marshal as agricultural and wildlife fireworks.

(d) Manufacturing, importing, exporting, possessing, storing, selling at wholesale and retail, model rocket engines.

(e) Discharging dangerous fireworks at any place, including a public display.

(f) Using special effects.

~~12641. A permit, as provided in this part, shall not be required of any person to transport, purchase at retail, or use safe and sane fireworks, or to purchase at retail, use, or transport registered emergency signaling devices.~~

12642. The effective period of the permit shall be defined in the permit and in no case shall the period of the permit exceed the valid period of the license. This section shall not prohibit the revocation of the permit by the issuing authority for just cause where a fire nuisance exists or where personal injury may occur.

12643. Any licensee desiring to do any act specified in Section 12640 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other issuing authority which may be designated by the governing body of the city or county. In the event there is no such officer or person appointed within the area, application shall be made to the State Fire Marshal or his deputy. Applications for permits shall be made in writing at least 10 days prior to the proposed act.

12644. The issuing authority shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts specified on the application for the permit. When a license is not

required for specific acts, the issuing authority may prescribe such reasonable conditions to qualify the applicant to receive a permit and provide for the public safety.

12645. The officer to whom the application for a permit is made shall undertake an investigation and submit a report of his findings and his recommendation concerning the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. The applicant for a permit to conduct a public display shall file a certificate evidencing the possession of a valid public display license with the officer making the investigation.

12646. The governing body may grant or deny the permit, subject to such reasonable conditions, if any, as it shall prescribe.

12647. The governing body may delegate the power to grant or deny the permit to the issuing authority to whom the application is made. In such case, the governing body shall also provide for a hearing by the governing body by which an applicant may appeal a denial of the permit. The governing body may, after such a hearing, reverse, modify, or sustain the denial.

12648. The officer to whom the application for a permit for a public display of fireworks is made shall make an investigation to determine whether such a display as proposed will be of such character or so located that it may be hazardous to property or dangerous to any person. He shall, in the exercise of reasonable discretion, recommend granting or denying the permit, subject to such conditions as he may prescribe.

12649. The applicant for a permit for any public display of fireworks shall, at the time of application, submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this state.

12650. When a permit for the public display of fireworks is granted, the sale, possession, transportation, and use of fireworks for the public display is lawful for that purpose only. The permit to hold a public display shall authorize the transportation of public display fireworks between the approved routes, as specified in Section 12651, and the public display site.

12651. Any person holding a valid license for the manufacture, wholesale, or import and export of dangerous fireworks or pyrotechnic devices may transport any class of fireworks or pyrotechnic devices

authorized by such license. Persons holding a special effects pyrotechnic operators license may transport special effects fireworks, but the transportation of fireworks by all other pyrotechnic operator licensees shall not be permitted. The authority granted to the licensee to transport fireworks is limited to traveling upon the approved routes for the transportation of explosives designated as provided in Section 31616 of the Vehicle Code. The licensee shall also comply with Section 27903 of the Vehicle Code and equip and maintain any vehicle used to transport fireworks as required by Section 31610 of the Vehicle Code. It is the intent of the Legislature by this section to require the maximum use of the approved routes in the delivery of fireworks to the point of destination.

12652. When traveling between the approved routes, as specified in Section 12651, and the point of destination the licensee shall possess a transportation permit from the local fire authority having jurisdiction over the boundaries in which the off-route travel occurs. A transportation permit is not required for public display fireworks as provided in Section 12650.

12653. The application for a transportation permit shall be submitted to the State Fire Marshal for the transportation of any quantity of fireworks where such transportation is outside the boundaries of the issuing authority having jurisdiction at the point of origin or such shipment originates within this state and is transported out of this state. The application for a transportation permit as required by this section shall be approved by the issuing authority having jurisdiction at the place where the shipment originates before the State Fire Marshal shall issue such transportation permit. No further permits shall be required by issuing authorities other than the authority at the point of origin where the State Fire Marshal has issued a permit pursuant to this section.

12654. A transportation permit shall not be required by this part for public carriers or private carriers who each hold a valid license or permit issued pursuant to the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code or Division 11 (commencing with Section 12000) of the Health and Safety Code.

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## LAKE SHASTINA COMMUNITY SERVICES DISTRICT

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### ORDINANCE 1-04

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**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT ENACTING RULES AND REGULATIONS FOR FIREWORKS WITHIN THE DISTRICT.**

A copy of the full body of the Ordinance is available, without charge, from the office of the Lake Shastina Community Services District, 16320 Everhart Drive, Weed, CA 96094.

#### **Introduced:**

<b>First Reading</b>	<b>By Title and Contents</b>
<b>Second Reading</b>	<b>By Title and Contents</b>

- 1). First Reading and Public Hearing – April 21, 2004**
- 2). Second Reading, Public Hearing and Adoption by Board – May 19, 2004**
- 3). Effective date of Ordinance – June 18, 2004**

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**ORDINANCE 1-04  
SUMMARY**

Ordinance 1-04 hereby cancels and supercedes Ordinance 3-92 in its entirety.

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- 2). Second Reading, Public Hearing and Adoption by Board – May 19, 2004
- 3). Effective date of Ordinance – June 18, 2004



**Item 10. NEW BUSINESS:**

- A. Approval of Personnel Policy update re: Sick Leave – **Received and Filed:** Pres. Dilley directed staff to check if law mandates that sick leave is paid at 100 percent upon dismissal. Item to be on May agenda for approval.

**B. Ordinance 1-04: Fireworks Display Permit – Received and Filed:**

1. First Reading
2. Public Hearing
3. Approval of First Reading

GM Lea gave the First Reading, by title page of Ordinance 1-04, Fireworks Rules and Regulations, which cancels and supercedes Ordinance 3-92 in its entirety. A copy of the proposed Ordinance 1-04 will be available at the Administration Office. The Board then opened the meeting for a Public Hearing. Comments were received from Valarie Gibson and Tom Wetter. The Board then closed the Public Hearing and approved the First Reading of Ordinance 1-04.

**Motion by Dir. Dean second by Dir. Brezinsky to approve First Reading of Ordinance 1-04.**

**Ayes:** Directors Brezinsky, Dean, Dilley, Negro and Roths

**Noes:** None

**Absent:** None

- C. Approval of CSDA Special Governance Program – **Received and Filed:** Dir. Negro volunteered to attend the CSDA Special Governance Program.

**Motion by Dir. Brezinsky second by Dir. Dean to approve Dir. Negro attend CSDA's District Governance Program; program, per diem and lodging to be paid by District.**

**Ayes:** Directors Brezinsky, Dean, Dilley, and Roths

**Noes:** None

**Absent:** None

**Abstain:** Director Negro

- D. Appoint Committee – Special Tax Assessment Increase: Fire and Police – **Received and Filed:** Board discussed item during Item 8.3.b.

**Motion by Dir. Negro second by Dir. Dean to appoint Dir. Brezinsky, Dir. Dean, FC Montreuil, PC Alves, GM Lea and OM Wishart as the Fire and Police Special Tax Assessment Increase Committee.**

**Ayes:** Directors Brezinsky, Dean, Dilley, Negro and Roths

**Noes:** None

**Absent:** None

- E. Appoint two Directors to assist with finalizing Personnel Policy – **Received and Filed:** Pres. Dilley asked Ron Allen, who was present in the audience, if he would be available to assist with finalizing Personnel Policy since he worked on it when he was a CSD Director; Ron agreed to assist if needed. Dir. Roths agreed to assist.

**Motion by Dir. Negro second by Dir. Brezinsky to appoint Dir. Roths to assist OM Wishart with finalizing Personnel Policy, with assistance from Ron Allen if needed.**

**Ayes:** Directors Brezinsky, Dean, Dilley, Negro and Roths

**Noes:** None

**Absent:** None

- \* F. Status of Budget Workshop 2004/2005 – **Received and Filed:** Pres. Dilley asked Ron Allen, who was present in the audience, if he would be available to assist with 2004/2005 Budget; Ron agreed to assist if needed.

**Item 9. OLD BUSINESS:**

- A. Status of Medical Clinic: Pres. Dilley reported that construction is on schedule. A meeting with Mercy Medical is scheduled for Thursday, May 20, 2004, regarding details of ground lease.
- B. Status of Emerald Crescent Estates (ECE) – **Received and Filed**: Pres. Dilley reported that the ECE project was denied by the County Board of Supervisors on May 4, 2004. GM Lea reported that the Board would receive a copy of Dale LaForest & Associates' report in the June meeting packet.
- C. Status of Shasta View Golf Village (SVG) – **Received and Filed**: Pres. Dilley reported that a check in the amount of \$41,668.20 was received at the close of escrow for the SVG development (\$958.28 for water assessments and the balance for LSPOA assessments). GM Lea reported the District will receive additional money from the sale as soon as the funds are released by the County.
- D. Approval of preliminary budget 2004/2005 – **Received and Filed**: Board directed FC Montreuil and staff to re-evaluate the Fire Dept. budget and report to Board at the June meeting, along with the Police Dept. budget.
1. Administration
  2. Fire
  3. Sewer
  4. Water

**Motion by Dir. Roths second by Dir. Dean to approve Administration, Sewer and Water preliminary budget 2004/2005.**

**Ayes: Directors Dean, Dilley, Negro and Roths**

**Noes: None**

**Absent: Director Brezinsky**

**E. Ordinance 1-04: Fireworks Rules and Regulations (Fireworks Display Permit) – Received and Filed:**

1. Second Reading
2. Public Hearing
3. Approval of Second Reading and Adoption

Pres. Dilley gave the Second Reading, by title page, of Ordinance 1-04, Fireworks Rules and Regulations (Fireworks Display Permit). The Ordinance will be effective June 18, 2004.

A copy of the Ordinance presented for Second Reading will be available at the Administration Office.

Pres. Dilley opened a Public Hearing. A comment was received from Chuck Smith. The Board approved the Second Reading and Adoption of Ordinance 1-04.

**Motion by Dir. Roths second by Dir. Dean to approve Second Reading and Adoption of Ordinance 1-04, Fireworks Rules and Regulations (Fireworks Display Permit).**

**Ayes: Directors Dean, Dilley, Negro and Roths**

**Noes: None**

**Absent: Director Brezinsky**

**F. Status of Special Tax Assessment Increase**

**1. Fire – Received and Filed**

- a. Approval of Resolution 3-04 for Siskiyou County Clerk to place Fire Special Tax Increase before voters:

Pres. Dilley reported that Directors Brezinsky and Dean, FC Montreuil and staff met as a Committee regarding placing a Fire special tax increase before voters in order for the Fire Dept. to cover new equipment costs and the hiring of personnel. The Committee is recommending annual Fire increases of \$80.00 for improved parcels (from \$40.00 to \$120.00) and \$50.00 for unimproved parcels (from \$25.00 to \$75.00). Board agreed to amend Resolution by changing the wording within the fourth Whereas by removing "for: Hiring up to two (2) full-time fire personnel; cover partial payment of new quick response fire truck purchased in May 2004: and", and changing "building" to "buildings" wherever noted. Board directed staff to check with the Siskiyou County Clerk regarding required wording for ballot, to see if the proposed wording could be simplified. OM Wishart read Resolution 3-04, as amended by Board, in its entirety. Pres. Dilley stated that he had concerns regarding the amount of the proposed increase; that he had previously recommended the Committee request an increase no more than double the present amounts.

**Motion by Dir. Roths second by Dir. Dean to approve Resolution 3-04 for Siskiyou County Clerk to place Fire Special Tax Increase before voters, as amended by Board and with wording on ballot clarified by the Siskiyou County Clerk.**

**Ayes: Directors Dean, Negro and Roths**

**Noes: Director Dilley**

**Absent: Director Brezinsky**


2. Police: No Report

AFFIDAVIT OF POSTING NOTICE  
ORDINANCE 1-04

**First Reading and Public Hearing:** On April 16, 2004, I, Sylvia Charvez, gave copies of April 21, 2004 Public Hearing Agenda (April 21, 2004 LSCSD Regular Meeting Agenda) regarding Ordinance 1-04 to Police Department to post on April 16, 2004 at the following locations within the District (Number 1. was posted by me on April 16, 2004, along with a copy of proposed Ordinance).

**Second Reading, Public Hearing and Adoption:** On May 14, 2004, I, Sylvia Charvez, gave copies of May 19, 2004 Public Hearing Agenda (May 19, 2004 LSCSD Regular Meeting Agenda) regarding Ordinance 1-04 to Police Department to post on May 14, 2004 at the following locations within the District (Number 1. was posted by me on May 14, 2004, along with a copy of proposed Ordinance).

1. Administration Office, 16320 Everhart Drive, Weed CA
2. Police/Fire Station, 16309 Everhart Drive, Weed CA
3. Lake Shastina Community Center – Exterior Bulletin Board  
15244 Driftwood Lane
4. Lake Shastina Bulletin Boards – Elk Trail, Fire Station,  
Unit One/Main Entrance, Rancho Hills Entrance

  
Sylvia Charvez, Administrative Secretary

# Lake Shastina Fire Department

16309 Everhart Drive  
Weed, California 96094

Station (530) 938-3161  
Fax (530) 938-3179

## Lake Shastina Fire Department

### To Responsible Party:

Upon request of the Lake Shastina Fire Chief or his Designee, the following applies for all persons wishing to hold Pyrotechnic Fireworks Displays within the Lake Shastina Community Services District:

1. Responsible party shall have in his/her possession a valid Fireworks permit obtained through the State Fire Marshal's Office.
2. Responsible party shall have a Licensed Pyrotechnician present for the Fireworks Display.
3. Responsible party shall adhere to the provisions set forth in CSD Ordinance 1-04 regarding Fireworks Displays in Lake Shastina.
4. Responsible party shall have notified the Lake Shastina Fire and Police Departments of the time and location of the Fireworks Display.
5. Responsible party shall have requested the presence of the Lake Shastina Fire and Police Departments. Local agency may request another agency to cover in their absence.

I have read and acknowledge the above conditions:

Responsible Party: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

AFFIDAVIT OF PUBLICATION

RECEIVED  
MAY 27 2004

BY: .....

LAKE SHASTINA COMMUNITY

SERVICES DISTRICT

16320 EVERHART DRIVE

WEED CA 96094

IN THE MATTER OF

ORDINANCE 1-04

SUMMARY

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  - 2) Second Reading, Public Hearing and Adoption by Board - May 19, 2004
  - 3) Effective date of Ordinance - June 18, 2004.
- News #6717. Pub. May 25, 2004.

STATE OF CALIFORNIA ) ss:  
County of Siskiyou )

WENDY WINNENHAM

of said County, being duly sworn, deposed and says: THAT she is and at all times herein mentioned was a citizen of the United States of America, over the age of twenty-one years, and that she is not, nor was she at any of the times hereinafter named a party to, nor interested in the above entitled matter; that she is the PRINCIPAL CLERK OF THE PRINTER of THE SISKIYOU DAILY NEWS, a newspaper of general circulation, printed and published in the City of Yreka, County of Siskiyou, State of California, and which newspaper is published for the dissemination of local and telegraphic news and intelligence of a general character, and which newspaper at all times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of Yreka, County of Siskiyou, State of California, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to; and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or any number of same; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following; dates, to-wit:

MAY 25, 2004

Siskiyou Daily News adjudicated May 18, 1953, No. 5190

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.