

ORDINANCE NO. 18-12

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF AUBURN AMENDING
SECTIONS 100.31, 100.34, 100.37, 100.38
AND 100.39 OF THE AUBURN MUNICIPAL
CODE REGARDING FIREWORKS

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

Section One: Code Amendment. Subsection (B) of Section 100.31 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby repealed.

Section Two. Code Amendment. Section 100.34 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby amended as follows:

§ 100.34 PERMITS; GRANTING OR DENIAL.

The Fire Chief shall have the power, in his or her discretion, to grant or deny the application, subject to such reasonable conditions, if any, as the Fire Chief shall prescribe.

Section Three: Code Amendment. Section 100.37 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby amended as follows:

§ 100.37 PERMITS; LICENSE FEES.

The sale or display of fireworks is declared to be a business upon which there is hereby fixed, for revenue purposes, a license fee of \$250, the amount of which may be amended from time to time by

resolution of the City Council, for that portion of any calendar year in which the licensee is granted a permit for that purpose.

Section Four: Code Amendment. Section 100.38 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby amended as follows:

§ 100.38 PERMITS; LIMITATIONS.

In granting or denying any application for a permit pursuant to the provisions of this subchapter, the Fire Chief may limit the number of permits granted to any number which is found to be a suitable number of permits which will give the maximum effective control by the public safety departments of the city, taking into consideration the inherently dangerous nature of fireworks and the resultant serious dangers to persons and property likely or possibly resulting from insufficient control and supervision of their sale and use.

Section Five: Code Amendment. Section 100.39 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby repealed and replaced in its entirety as follows:

§ 100.39 SALES AND USES PROHIBITED.

(A) Except as otherwise authorized by the Fireworks Laws of the state and sections 100.30 through 100.38 of this chapter, all sales of fireworks and all use or discharge of fireworks within the city is hereby prohibited.

Section Six: California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter


held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section Seven: Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance 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 the rules adopted hereby. The City Council of the City of Auburn 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 remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Auburn Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section Eight: Inconsistent Provisions. Any provision of the Auburn Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.


Section Nine: Publication and Effective Date. This ordinance shall take effect 30 days after final adoption. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

DATED: September 10, 2018



Bridget Powers, Mayor

ATTEST:




Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 10th day of September, 2018 by the following vote on roll call:

Ayes: Spokely, Berlant, Kirby, Powers

Noes:

Absent: Maki



Amy Lind, City Clerk