



Measure K

City of Cloverdale

Measure Question

Simple Majority Needed to Pass

City of Cloverdale Fireworks Prohibition. Shall an ordinance be adopted that prohibits the sale and use of all fireworks, including “safe and sane” fireworks, within the City, with an exception for permitted public fireworks displays?

What Your Vote Means

YES	NO
A “yes” vote on Measure K means that the ordinance would be enacted and the City’s existing regulations would be amended to prohibit the sale or use of “safe and sane” fireworks in the City.	A “no” vote on Measure K, means that the ordinance would not be enacted and the sale and use of “safe and sane” fireworks would continue to be allowed in the City.

For and Against Measure K

FOR	AGAINST
No argument was submitted in favor of Measure K	Richard Wedge Chair, Cloverdale Lions Club Todd Lands Mayor of Cloverdale John Buergler Chair, Veterans of Foreign Wars, Post #9268



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Arguments and rebuttals are the opinions of the authors. They are printed exactly as submitted, including errors.

City Attorney's Impartial Analysis of Measure K	Argument Against Measure K
<p>The California State Fire Marshal is responsible for regulating the use and sale of all fireworks in the state. Under California law, it is illegal for any person, except for a pyrotechnic professional licensed by the State Fire Marshal, to use most fireworks. "Safe and Sane Fireworks" are a specific type of fireworks that the State Fire Marshal has determined may safely be used by ordinary individuals who are not pyrotechnic professionals.</p> <p>Safe and Sane Fireworks are legal under state law. However, a city has the authority to ban the sale and use of Safe and Sane Fireworks within the city's boundaries. The sale of and use of Safe and Sane Fireworks is currently allowed in Cloverdale, subject to certain regulations. Specifically, Safe and Sane Fireworks may currently be sold in Cloverdale from July 1-4. Only nonprofit organizations located in Cloverdale that provide direct and regular community services and benefits to the residents of the City may apply for a permit to sell Safe and Sane Fireworks. The City may issue permits to a maximum of three organizations. Cloverdale Municipal Code section 15.14.695 contains other regulations governing where and how Safe and Sane Fireworks can be sold.</p> <p>Under current law, Safe and Sane Fireworks may only be used between 11:00 a.m. and midnight on July 4th. The use of Safe and Sane Fireworks is generally limited to private property and is prohibited in City parks. The use of all fireworks, other than Safe and Sane Fireworks, is currently prohibited in Cloverdale, except for supervised public firework shows conducted by licensed pyrotechnic professionals.</p> <p>Measure K, if approved by the voters, will completely prohibit the sale and use of Safe and Sane Fireworks in Cloverdale. The use of all other types of fireworks will remain illegal, except that supervised public fireworks shows conducted by licensed pyrotechnic professionals will continue to be allowed with a permit from the City.</p> <p>The City Council of the City of Cloverdale placed Measure K on the November 8, 2022 ballot. Measure K will not become effective unless the Measure is approved by at least a majority of those voting on the Measure.</p> <p>The above statement is an impartial analysis of Measure K. If you desire a copy of the Measure, please call the City Clerk's office at (707)894-2521, and a copy will be mailed at no cost to you.</p> <p>DATED: June 16, 2022</p> <p style="text-align: right;">JOSE M. SANCHEZ City Attorney, City of Cloverdale</p>	<p>Measure K is the Wrong answer for Cloverdale!</p> <p>Cloverdale is the quintessential American community with small-town traditions. We believe the 4th of July is the time to celebrate the precious freedoms we all enjoy as Americans. It's a day for reflection on the price that many have paid to gain or protect our freedoms.</p> <p>It's a time for parades, barbeques, public fireworks displays and backyard family celebrations with state-approved, safe and sane fireworks.</p> <p>Measure K will only ban the fireworks that have been approved by the State Fire Marshal for safe, legal use in California which are sold each year by the Cloverdale Lions Club and the Cloverdale Veterans of Foreign Wars (VFW).</p> <p>Measure K will not stop the use of dangerous, illegal fireworks –like M-80s, firecrackers and aerial shells.</p> <p>Communities which have banned state-approved fireworks have seen as much as a 300% increase in the use of illegal fireworks. Measure _ puts Cloverdale at risk.</p> <p>Measure K also eliminates funding for the 4th of July public fireworks display and all the financial support for the community programs funded by the Lions Club's and VFW's state-approved fireworks sales.</p> <p>All fireworks use is already prohibited 364 days of the year. Measure K would ban the safe and responsible use of state-approved fireworks on the one day their use is allowed---the 4th of July!</p> <p>The Cloverdale Fire Protection District has consistently maintained that, despite the drought-prone conditions in its district, over the last 20 years, state-approved fireworks have not been a problem.</p> <p>The choice is pretty clear-cut. You either want more illegal fireworks or you want to preserve our decades long safe, family 4th of July celebrations.</p> <p>Please support our community's 4th of July traditions. Vote No on Measure K.</p> <p>s/ Richard Wedge Chair, Cloverdale Lions Club</p> <p>s/ Todd Lands Mayor of Cloverdale</p> <p>s/ John Buerger Chair, Veterans of Foreign Wars, Post #9268</p> <p style="text-align: center;">No argument was submitted in favor of Measure K</p>



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Full Text of Measure K

ORDINANCE NO. ____ - 2022

AN ORDINANCE OF THE CITY OF CLOVERDALE TO DELETE SECTION 15.14.695 AND ADD CHAPTER 9.44 TO THE CLOVERDALE MUNICIPAL CODE TO PROHIBIT THE SALE AND USE OF FIREWORKS, INCLUDING SAFE AND SANE FIREWORKS

WHEREAS, the City of Cloverdale currently allows the sale and use of Safe and Sane Fireworks, as defined and classified in Sections 12529 and 12562 of the Health and Safety Code, around the Fourth of July holiday; and

WHEREAS, the use of fireworks, including Safe and Sane Fireworks, poses a significant public health, safety, and welfare risks to those that discharge the fireworks as well as members of the public in the surrounding areas; and

WHEREAS, the use of fireworks of any kind creates a significant fire danger, which is exacerbated by ongoing drought conditions within the City; and

WHEREAS, the use of illegal and legal fireworks has increased in recent years, which has increased the significant public health, safety, and welfare risks such fireworks cause; and

WHEREAS, the People of the City of Cloverdale desire to prohibit the sale and use of all fireworks, including Safe and Sane Fireworks, within the City of Cloverdale.

NOW, THEREFORE, the People of the City of Cloverdale do ordain as follows:

SECTION 1. Recitals.

The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Municipal Code Amendment.

Section 15.14.695, "Section 5608.3 – Prohibition of Fireworks" of the Cloverdale Municipal Code is deleted in its entirety.

SECTION 2. Municipal Code Amendment.

Chapter 9.44, "Fireworks," is hereby added to the Cloverdale Municipal Code to read as follows:

Chapter 9.44 Fireworks.

Section 9.44.010 Definitions.

The following definitions shall apply to this Chapter:

- A. "Fireworks". Has the meaning set forth in the Health and Safety Code section 12511, as amended from time to time, and includes the following:
 1. "Dangerous Fireworks" means those fireworks defined and classified in Health and Safety Code section 12505, as amended from time to time; and
 2. "Safe and Sane Fireworks" means those fireworks defined and classified in Sections 12529 and 12562 of the Health and Safety Code, as those sections may be amended from time to time.

Section 9.44.020 Fireworks Prohibited.

It is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any Fireworks, including Safe and Sane Fireworks.

Section 9.44.030 Exemptions

This Chapter does not prohibit:

- A. This proper use of flares by railroad personnel, peace officers, fire officials, or motorists.
- B. "Exempt Fireworks" as defined in Health and Safety Code section 12508, as amended from time to time.

Section 9.44.040 Fireworks Displays

Notwithstanding anything herein to the contrary, the City Council may at any time permit the public display of Fireworks by properly qualified and duly licensed and permitted individuals or vendors. After such permit is granted, the sale, possession, use, and distribution of *Fireworks* for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

The City Council shall have the power to adopt reasonable rules and regulations for granting of permits for supervised public displays of Fireworks by a jurisdiction, fair association, amusement park, or other organization. Every such use or display shall be of such character and so located as to not be hazardous to persons or property.

Section 9.44.050 Amendment. No amendment of this Chapter shall allow the sale or use of Safe and Sane Fireworks without a vote of the People.

SECTION 3. CEQA. Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of Cloverdale hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Amendment or Repeal.

Chapter 9.44 of the Cloverdale Municipal Code may be amended by the City Council without a vote of the People, except that no amendment shall allow the sale or use of Safe and Sane Fireworks without a vote of the People.

SECTION 7. Codification.

Upon adoption of this Ordinance pursuant to the voter approval referenced above, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the Cloverdale Municipal Code.



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Full Text of Measure K (Cont.)

SECTION 8. Publication and Effective Date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Sonoma County and circulated in the City of Cloverdale, in accordance with California Government Code section 36933. If this Ordinance is approved by a majority of the voters voting on the issue at the November 8, 2022 election, pursuant to Elections Code section 9217, this Ordinance shall become effective ten (10) days after the Council declares the results of the election.