



QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation
Office of Tribal Administration

P.O. Box 1899

Yuma, Arizona 85366-1899

Phone (760) 572-0213

Fax (760) 572-2102

June 8, 2007

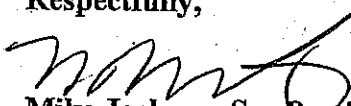
Mr. Ray Loera, Sheriff
328 Applestill Road
P.O. Box 1040
El Centro, California 92244

RE: County Ordinance 1411 (2006), Chapter 8.24 Fireworks

Dear, Mr. Loera

The Quechan Tribal Council has reviewed Imperial County Ordinance 1411 (2006), Chapter 8.24 Fireworks, which bans all fireworks in unincorporated areas of the County, including "safe and sane" fireworks that are permitted under state law. Our attorneys have advised us that Ordinance 1411 cannot be enforced against members of the Quechan Tribe while within the exterior boundaries of the Fort Yuma Indian Reservation. Any attempt by Imperial County to enforce Ordinance 1411 on tribal members within the Fort Yuma Reservation will be met with swift legal action by the Tribe. Please inform your officers and other appropriate County Personnel of the Tribe's position.

Respectfully,


Mike Jackson, Sr., President
Quechan Indian Tribe

Cc: Roberta Burns, CEO Imperial County Board of Supervisors



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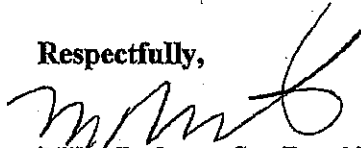
Mr. Johnny Romero, Fire Prevention Officer
1078 Dogwood Road
Heber, California 92249

RE: County Ordinance 1411 (2006), Chapter 8.24 Fireworks

Dear, Mr. Romero

The Quechan Tribal Council has reviewed Imperial County Ordinance 1411 (2006), Chapter 8.24 Fireworks, which bans all fireworks in unincorporated areas of the County, including "safe and sane" fireworks that are permitted under state law. Our attorneys have advised us that Ordinance 1411 cannot be enforced against members of the Quechan Tribe while within the exterior boundaries of the Fort Yuma Indian Reservation. Any attempt by Imperial County to enforce Ordinance 1411 on tribal members within the Fort Yuma Reservation will be met with swift legal action by the Tribe. Please inform your officers and other appropriate County Personnel of the Tribe's position.

Respectfully,


Mike Jackson, Sr., President
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AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE COUNTY
OF IMPERIAL RELATING TO FIREWORKS

ORDINANCE NO. 1411

The Board of Supervisors of the County of Imperial, State of California, ordains as follows:

SECTION 1: Chapter 8.24 of Title 8 of the Codified Ordinances of the County of Imperial is hereby rescinded.

SECTION 2: A new Chapter 8.24 of Title 2 of the Codified Ordinances of the County of Imperial is hereby re-enacted to read as follows:

CHAPTER 8.24

FIREWORKS

- Section 8.24.010. Definitions.
- Section 8.24.020. General Prohibition.
- Section 8.24.030. Exceptions — permit required.
- Section 8.24.040. Seizure of fireworks.
- Section 8.24.050. Supplement to state statutes.
- Section 8.24.060. Violation — Penalty.

Section 8.24.010. Definitions.

For the purpose of this chapter, the word "fireworks" shall have the respective meanings ascribed to it in Sections 12500 et seq. of the Health and Safety Code of the state of California.

Section 8.24.020. General prohibition

A. No person, firm, corporation or other legally-recognized entity shall possess, offer for sale, sell, use or display, within the unincorporated territory of the county of Imperial, fireworks of any kind as defined by California Health and Safety Code section 12500. However, nothing in this chapter shall be construed as prohibiting the following:

1. The use of torpedoes, flares or fuses by railroads or other transportation agencies for signal purposes or illumination.

2. The sale or use of blank cartridges for ceremonial purposes, athletic or sports events or military ceremonies or demonstrations.

3. The transportation of fireworks through the unincorporated territory of the county of Imperial in regular course, and in original packages or containers, from any point outside of the county to any other point outside the county.

4. The manufacture and testing of fireworks in compliance with State and local regulations, including but not limited to, Title 9 of the codified ordinances of the county of Imperial (land use ordinances).

5. The use of agricultural and wildlife fireworks as defined by California Health and Safety Code section 12503.

Section 8.24.030. Exceptions – permit required.

A. Any person, firm, corporation or other legally-recognized entity desiring to use fireworks within the unincorporated territory of the county of Imperial for the purpose of public display or the production of motion pictures, theatricals or operas (when such use and display is a necessary part of such production) shall submit an application for permit to the office of the county of Imperial's Fire Chief not less than ninety (90) days before the date of the proposed use. In the event a permit is granted, possession and use of fireworks shall be lawful for the permitted purpose only. The approval of any application shall be at the sole discretion of the Fire Chief. No permit granted hereunder shall be transferable.

B. The Fire Chief, or his/her designee, shall have power to adopt reasonable rules and regulations for granting of permits for the use of fireworks. Every such use shall be handled by a competent operator approved by the Fire Chief, or his/her designee, and shall be of such character and so located, discharged or fired as in the opinion of the Fire Chief, or his/her designee, shall not be hazardous to persons or property.

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C. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Chief, or his/her designee, for the payment of all damages which may be

caused to a person or persons, entity or entities or to any real or personal property by reason of the permitted use and arising from any acts of the permittee, his agents, employees or subcontractors. By accepting a permit, permittee agrees to indemnify and hold the county of Imperial harmless from any such damages.

D. All fireworks that remain unfired after the permitted use is concluded shall be immediately disposed of in an approved manner for the particular type of fireworks remaining.

Section 8.24.040. Seizure of fireworks.

The Fire Chief, or his/her designee, and the Sheriff, or his/her designee, shall have the authority to seize, take, remove or cause to be removed, at the sole expense of the owner, all stocks of fireworks possessed, offered for sale, sold, used or displayed in violation of this chapter. The Fire Chief, or his/her designee, and the Sheriff, or his/her designee, may charge any person, or in the case of a minor, their parent(s) or legal guardian(s), whose fireworks are seized pursuant to this section, a reasonable amount which is sufficient to cover the cost of transporting, storing, handling and disposing of the seized fireworks.

Section 8.24.050. Supplement to state statutes.

The provisions of this chapter shall supplement and be construed in harmony with the State Fireworks Law (Part 2, Division 11 of the Health and Safety Code of the state of California) and other applicable provisions of the laws of the state of California.

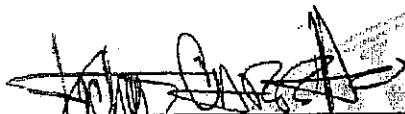
Section 8.24.060. Violation - Penalty.

Any person, firm, corporation or other legally-recognized entity violating any of the provisions of this chapter shall be guilty of an infraction offense and punished by a fine not exceeding five hundred dollars (\$500.00) for a first violation. The second and any additional violations perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor.

SECTION 3: This ordinance shall take effect and shall be in force thirty (30) days after the

date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Holtville Tribune, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Imperial this 3RD day of OCTOBER, 2006.



VICTOR M. CARRILLO, Chairman
Board of Supervisors

ATTEST:



SYLVIA BERMUDEZ, Clerk of the Board
County of Imperial, State of California

