

SANTA CRUZ SENTINEL
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Candlelight Controversy Flares Again

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The Christmas Eve candlelight controversy between the Aptos Fire Department and the Christ Lutheran Church flared up again Tuesday night, but officials of both sides managed to bring it under control in the end.

Friction mounted as fire district directors reviewed the issuance of a citation against the church for lighting candles without a permit during its Christmas Eve service.

Representatives of the church, on hand to challenge a code requirement requiring smoke detection and alarm hookup at the church earlier in the meeting, were quick to defend their position.

The Rev. Niels Carlsen told the board he felt he followed the spirit although not the letter of the code by holding a safe ceremony despite not having a permit. The church was cited for the action, although District Attorney Phil Harry declined prosecution.

The Rev. Carlsen and Samuel Vaught, an attorney and member of the congregation, attacked the fire code from a constitutional standpoint.

"Gentlemen, there's such a

thing as the First Amendment to the Constitution prohibiting government interference with the exercise of religion and providing for an injunction for violation," said Vaught.

"I can assure you that if this board continues to interfere with religious worship in this community, you'll be facing a suit for an injunction," he continued.

Board member Stu Davis countered: "People also have the right to life, liberty and the pursuit of happiness."

The two sides argued those viewpoints for more than an hour, but in the end both the board and the church agreed neither wanted a court fight on the subject and expressed a desire to work things out together.

The board finally decided to meet with representatives of churches wishing to conduct candlelight services to see if safe alternatives to an outright ban can be reached.

The debate over candlelight services rekindled the conflict earlier in the meeting over installation of smoke detectors at the church near Freedom Boulevard and Highway 1.

The fire department's code section, adopted with com-

munity approval in 1974, calls for installation of detectors and a hookup to the county communications center to achieve early detection of fire in commercial buildings.

Vaught brought the church's appeal to the board, explaining, "The requirement is unnecessary as to our church, at least because of its isolated location. It doesn't constitute a hazard to anyone."

"Except the church?" asked fire director Walter Jordan.

"If the purpose of the hookup to county communications is to protect property, it is not served by applying it (the code) to Christ Lutheran. The only difference is that fire apparatus would arrive earlier instead of later," Vaught challenged.

"Your supposition that the isolated location of the church doesn't represent a threat, I don't buy that," said Jordan.

"Without detectors a fire (at the church) could be fully involved and that could be a danger to the firemen. The reason for the alarm is we hope to get there at the earliest possible moment when the fire is minor."

"We need a quick, immediate response to fires be-

cause we have fewer people to put them out so we have to depend on other factors such as alarms," said board chairman Dick Duchscher.

Undaunted by the testimony, Vaught shot back, "You're applying the law rigidly without taking into consideration individual situations and that's not right."

At the urging of Davis, fellow board members agreed to put the matter over to their Feb. 14 meeting for a decision.

In other business, the board

heard a presentation by Duane Smith of the Local Agency Formation Commission (LAFC) regarding possible annexation of Day Valley and Redwood Drive extension areas to the district. The board directed Chinn to make a study of the areas and report back.

Chinn also explained an agreement between the district, county and Dominican Hospital paving the way for the start of Aptos paramedic service which is scheduled to begin Feb. 1.

REFERENCE

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