

**ORDINANCE NO. 858  
(AS AMENDED THROUGH 858.1)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
PROHIBITING FIREWORKS**

The Board of Supervisors of the County of Riverside Ordains as follows:

**SECTION 1. URGENCY FINDINGS AND STATEMENT OF PURPOSE AND INTENT**

Pursuant to the requirements of California Government Code section 25123, subdivision (d), the Board of Supervisors has determined that the provisions contained herein are necessary for the immediate preservation of the public peace, health, or safety within the unincorporated areas of Riverside County. Said determination is based on the following factual circumstances:

While Riverside County has long prohibited the personal use and sale of fireworks in unincorporated areas, there continue to be violations of this policy. It has now become evident that the sale, purchase, use, storage and disposal of fireworks have reached critical proportions in Riverside County, thereby, endangering the public safety of its citizens such that stronger penalties are imperative. The personal use and sale of illegal fireworks in the unincorporated areas of the County are an immediate public peace, health and safety concern. In the past six years, the number of fireworks calls for service responded to by the Sheriff's Department has doubled while the number of pounds of fireworks confiscated has nearly tripled. In 2004, the Sheriff's Department responded to 2118 calls for service involving fireworks and confiscated approximately 1223 pounds of fireworks. In 2005, the Sheriff's Department responded to 2007 fireworks calls for service and confiscated approximately 1352 pounds of fireworks. These numbers only reflect those calls for service that generated a file number. Many times on holidays with numerous fireworks related calls, such as the Fourth of July, the fireworks calls for service will be made via a general radio broadcast and are not included in the above statistics.

On the Fourth of July 2005 the Riverside Sheriff's Department Hazardous Device Team increased enforcement in an unincorporated, residential neighborhood where the use of illegal fireworks was known to occur. They confiscated over 450 pounds of illegal

fireworks before law enforcement left the area due to officer safety issues.

Illegal fireworks are a serious concern in the County for several reasons. First, fireworks are sold to children. According to the U.S. Fire Administration, children under the age of 15 suffered 45% of all injuries from fireworks in 2003. Second, fireworks are often stored without safety precautions in residential neighborhoods. In March 2006, in Los Angeles County, a cache of illegally stored fireworks destroyed a Lakewood home when they erupted in a massive explosion that knocked the house off its foundation and damaged several other houses and cars nearby. Third, fireworks can be disassembled for the explosive powder they contain to make bombs and other explosive devices. Fourth and finally, fireworks often come from Mexico where safety regulations for making fireworks are not as stringent as those for fireworks manufactured in the United States.

It is well evident that illegal fireworks lead to hazardous situations, injuries, personal property loss, and fires, which jeopardize the safety of the public and increase the cost of law enforcement and fire protection. Moreover, in light of Riverside County's geographical location, the County is subject to extreme fire hazards and long and volatile fire seasons, making the illegal fireworks activities even more dangerous to all citizens of the County not just the ones possessing and using the fireworks. The number of fires caused by fireworks in Riverside County has steadily increased in recent years. In 2003, 63 fires were caused by fireworks. The number rose to 70 fires in 2004 and 79 fires in 2005.

Even with enforcement and prosecution, the personal sale and use of fireworks in the unincorporated areas of the County is extremely difficult for local authorities to deter since the current penalties and fines for these illegal activities are minimal. There is a very lucrative "black market" for fireworks, often making the sale and manufacturing of illegal fireworks profitable despite the current penalties allowed for under the Riverside County Ordinances. The seizure of illegal fireworks is further complicated as public safety agencies are not currently funded to cover the full cost of the transport, storage, and disposal of illegal fireworks after they are confiscated.

Immediate action is needed to increase the penalties for the use, sale, transportation,

and manufacturing of fireworks in the unincorporated areas of Riverside County to deter the continued illegal activities and preserve the public peace, health, safety and welfare. The provisions of this Ordinance shall apply to all of the unincorporated areas of the County of Riverside.

## SECTION 2. DEFINITIONS

Whenever, in this Ordinance, or in any resolution or standard adopted by the Board of Supervisors pursuant to this Ordinance, the following terms are used, they shall have the meaning ascribed to them in this Section 2, unless it is apparent from the context thereof that some other meaning is intended.

a. "AGRICULTURAL AND WILDLIFE FIREWORKS" means fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.

b. "DANGEROUS FIREWORKS" has the same meaning ascribed to it under Section 12505 of the California Health and Safety Code and includes all of the following:

(a) Any fireworks which contain any of the following:

(1) Arsenic sulfide, arsenates, or arsenites.

(2) Boron.

(3) Chlorates, except:

(A) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.

(B) In caps and party poppers.

(C) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.

(4) Gallates or Gallic acid.

(5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).

(6) Mercury salts.

(7) Phosphorus (red or white except that red phosphorus is permissible in caps and party poppers).

(8) Picrates or picric acid.

(9) Thiocyanates.

(10) Titanium, except in particle size greater than 100-mesh.

(11) Zirconium.

(b) Firecrackers.

(c) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.

(d) Roman candles, including all devices which discharge balls of fire into the air.

(e) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(f) Sparklers more than 10 inches in length or one-fourth of one inch in diameter.

(g) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.

(h) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(i) Torpedoes of all kinds which explode on impact.

(j) Fireworks kits.

(k) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

c. "EXEMPT FIREWORKS" has the same meaning ascribed to it under Section 12508 of the California Health and Safety Code and shall mean any special item containing pyrotechnic compositions which the State Fire Marshall, with the advice of the State Fire

Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

d. “FIRE CHIEF” or “CHIEF” shall mean the Fire Chief of the County of Riverside or his authorized representatives.

e. “FIREWORKS” has the same meaning ascribed to it under Section 12511 of the California Health and Safety Code and shall mean 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, model rockets, rockets, Daygo bombs, sparklers, chasers, fountains, smoke sparks, aerial bombs and fireworks kits.

f. “FIREWORKS KITS” has the same meaning ascribed to it under Section 12512 of the California Health and Safety Code and means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of “FIREWORKS.”

g. “PUBLIC DISPLAY OF FIREWORKS” means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of DANGEROUS FIREWORKS.

h. “PYROTECHNIC OPERATOR” means any licensed pyrotechnic operator, who by examination, experience, and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.

i. “PYROTECHNIC SPECIAL EFFECTS MATERIAL” means a low explosive material, other than detonating cord, commonly used in motion picture, television, theatrical or group entertainment production for which a permit from the Chief is required for use or storage.

j. "SAFE AND SANE FIREWORKS" has the same meaning ascribed to it under Section 12529 of the California Health and Safety Code and shall mean any fireworks which do not come within the definition of "DANGEROUS FIREWORKS" or "EXEMPT FIREWORKS."

k. "SHERIFF" shall mean the Sheriff of the County of Riverside or his authorized representatives.

### SECTION 3. PROHIBITION

a. GENERAL. No person shall have in his possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport any FIREWORKS, DANGEROUS FIREWORKS, or SAFE AND SANE FIREWORKS, except for use as AGRICULTURAL AND WILDLIFE FIREWORKS or for use in a PUBLIC DISPLAY OF FIREWORKS pursuant to a permit obtained under the provisions of Sections 12640-12654 of the California Health and Safety Code, Article 78 of the Riverside County Fire Code (Riverside County Ordinance No. 787.2) and this Ordinance.

b. MANUFACTURING PROHIBITED. The manufacturing of FIREWORKS, DANGEROUS FIREWORKS, or SAFE AND SANE FIREWORKS is prohibited except under special permits as required by local and state regulations by the Fire Chief and the Sheriff.

c. PYROTECHNIC SPECIAL EFFECTS MATERIAL. A permit is required to manufacture, compound, store or use PYROTECHNIC SPECIAL EFFECTS MATERIAL. Permit application shall be made to the Fire Chief and the Sheriff. A permit shall be granted only to a State Fire Marshall licensed PYROTECHNIC OPERATOR.

### SECTION 4. DISPLAYS

a. GENERAL. Permits are required to conduct a PUBLIC DISPLAY OF FIREWORKS. Permit application shall be made to the FIRE CHIEF and the SHERIFF not less than 14 days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of buildings, highways and other lines of communication; the lines behind which the audience will be restrained; and the location of nearby trees, telegraph or telephone lines and other overhead obstructions. At the time of permit

application, the FIRE CHIEF shall be consulted regarding the requirements for standby fire apparatus.

b. UNDER SUPERVISION OF PYROTECHNIC OPERATOR. Public display of fireworks operations shall be under the direct supervision of a PYROTECHNIC OPERATOR. The PYROTECHNIC OPERATOR shall be responsible for all aspects of a display related to pyrotechnics.

c. BOND REQUIRED. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the FIRE CHIEF and the SHERIFF for the payment of damages which could be caused either to a person or persons or to property by reason of the permitted display and arising from acts of the permittee, agents, employees or subcontractors.

#### SECTION 5. EXCEPTION

Nothing in this Ordinance shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

#### SECTION 6. SEIZURE AND DISPOSAL

a. It shall be the duty of the FIRE CHIEF and his authorized representatives and the SHERIFF and his authorized representatives to enforce the provisions of this Ordinance.

b. The FIRE CHIEF and his authorized representatives and the SHERIFF and his authorized representatives shall have the authority to seize, take, and remove any FIREWORKS, DANGEROUS FIREWORKS, and SAFE AND SANE FIREWORKS. The FIRE CHIEF and his authorized representative and the SHERIFF and his authorized representative may charge any person 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.

c. The additional remedies and procedures for violations of this Ordinance and for recovery of costs related to enforcement provided for in Riverside County Ordinance No. 725 are incorporated herein by reference.

#### SECTION 7. PENALTIES

a. Any person who violates any provision of this part is guilty of a misdemeanor, and upon conviction shall be punished by a fine no less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment. Notwithstanding the above, a first offense may be charged and prosecuted as an infraction of not more than one hundred dollars (\$100.00).

b. Upon any second or subsequent conviction of the offense, the person shall be punished by the penalties of a fine of one thousand dollars (\$1,000) and by imprisonment in the county jail for one year.

c. A person is guilty of a separate offense for each and every day or portion thereof during which he or it commits, continues, or permits a violation of this part.

d. Nothing in this Ordinance shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, and/or transportation of DANGEROUS FIREWORKS.

e. The penalties herein are in addition to any other remedies provided by law and the payment of any penalty herein shall not relieve a person of the obligation to correct the violation.

#### SECTION 8. SEVERABILITY

If any portion, provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the Ordinance.



SECTION 9. EFFECTIVE

This Ordinance is hereby declared to be an urgency ordinance and shall take effect immediately after its adoption.

**Adopted:** 858 Item 9.1 of 06/06/2006 (Eff: Immediately)  
**Amended:** 858.1 Item 3.1 of 05/20/2008 (Eff: 05/20/2008)