

DIVISION 2. POLICE REGULATIONS AND OFFENSES AGAINST THE PUBLIC

CHAPTER 1. FIREWORKS*

***Note**--Chapter 1, FALSE REPORTS, repealed by Ord. No. 5200 (N.S.), effective 8-10-78; new Chapter 1, FIREWORKS, added by Ord. No. 6803 (N.S.), effective 6-27-84.

Cross reference(s)--Weapons and fireworks in county parks, § 41.117.

SEC. 32.101. PURPOSE.

California Health and Safety Code sections 12500 et seq. regulate fireworks and pyrotechnic devices and authorize local jurisdictions to require permits for the manufacture, possession, sale or discharge of fireworks. This chapter establishes fireworks regulations for the unincorporated area of the County in addition to those regulations contained in the County Fire Code and 19 California Code of Regulations, Chapter 6.

(Added by Ord. No. 9970 (N.S.), effective 3-12-09; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

SEC. 32.102. FIRE WARDEN IS THE ISSUING OFFICER.

The County of San Diego Fire Warden is the Issuing Officer for any permit required by this Chapter. The Fire Warden may delegate the duties of Issuing Officer at her or his discretion. Additionally, as may be appropriate based on circumstances, the Issuing Officer may enter into memoranda of agreement with non-County fire agencies whereby such non-County agency will assume the duties of issuing a permit or permits required by this Chapter.

(Added by Ord. No. 10337 (N.S.), effective 6-19-14)

SEC. 32.103. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Fireworks" has the same meaning as the term "fireworks" in Health and Safety Code section 12511. The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, rockets, daygo bombs, sparklers, snap caps, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs and fireworks kits. "Fireworks" does not include auto flares, paper caps that do not contain in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of these caps.

(b) "Fireworks kit" has the same meaning as the term "fireworks kit" in Health and Safety Code section 12512 and means any assembly of materials or explosive substances, which is

designed and intended by the seller to be assembled by the person receiving the material or explosive substance and when assembled, comes within the definition of "fireworks," above.

(c) "Sell" means to sell, offer to sell, solicit the sale of, take orders for, give away, offer to give away, distribute or deliver.

(Amended by Ord. No. 9366 (N.S.), effective 8-30-01; amended by Ord. No. 9970 (N.S.), effective 3-12-09; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

SEC. 32.104. PERMITS REQUIRED FOR MANUFACTURE, POSSESSION, SALE AND DISCHARGE OF FIREWORKS.

(a) It shall be unlawful for any person to manufacture, possess, sell or distribute fireworks in the unincorporated area of the County without a permit issued by the Issuing Officer.

(b) An application for a permit to manufacture, possess, or sell fireworks shall be submitted on a form provided by the Issuing Officer and accompanied by the fee required in section 21.1901. The permit shall expire one year from the date it is issued and may be renewable.

(c) A person to whom a permit has been issued under this Chapter may apply for a public display permit by submitting an application to the Issuing Officer at least 30 days before the event for which a permit is requested. No person shall be granted a public display permit unless the display will be handled by or under the supervision of a State licensed pyrotechnic operator. A public display permit shall only be valid for a single event.

(Amended by Ord. No. 7836 (N.S.), effective 1-10-91; amended by Ord. No. 9970 (N.S.), effective 3-12-09; amended by Ord. No. 10313 (N.S.), effective 2-6-14; amended by Ord. No. 10337 (N.S.), effective 6-19-14)

SEC. 32.105. LIABILITY INSURANCE FOR FIREWORKS DISPLAY REQUIRED.

No public display permit may be granted unless the applicant provides a certificate of public liability insurance that meets the minimum requirements of the State Fire Marshal under Health and Safety Code section 12610 and California Code of Regulations section 19.993. The certificate shall name the County of San Diego as an additional insured for damages claimed for personal injury or damage to any property, which arise from or are caused by any fireworks display. The County may require additional amounts of insurance as it deems necessary based upon the circumstances.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

SEC. 32.106. DISPOSAL OF UNUSED FIREWORKS.

A person to whom the local fire districts issue a fireworks display permit under this chapter shall immediately and safely dispose of fireworks that remain unused after a public fireworks

display. Fireworks shall be disposed of in compliance with all federal, State and County laws and regulations.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

SEC. 32.107. EXCEPTIONS.

No permit shall be required under this chapter for:

- (a) A railroad or other transportation agency regulated by the United States, the State of California or a local public entity using fireworks for signaling or for illumination.
- (b) The sale or use of blank cartridges for theatrical purposes or for signaling or ceremonial purposes at an athletics event.
- (c) Use by the United States Armed Forces.

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

SEC. 32.108. [RESERVED.]

(Amended by Ord. No. 9970 (N.S.), effective 3-12-09; repealed by Ord. No. 10313 (N.S.), effective 2-6-14)

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