

ORDINANCE NO. 97

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CANYON LAKE ADDING CHAPTER 11.03
PROHIBITING PERSONAL FIREWORKS WITHIN THE CITY**

The City Council of the City of Canyon Lake does ordain as follows:

SECTION 1. STATEMENT OF PURPOSE AND INTENT.

The City Council finds as follows:

(A) That, based upon information from RSO, 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;

(B) That the personal use and sale of legal fireworks in the unincorporated areas of the County are an immediate public peace, health, and safety concern;

(C) That, in the past six (6) 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;

(D) That, 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 four hundred fifty (450) pounds of illegal fireworks before law enforcement left the area due to officer safety issues;

(E) That, according to the U.S. Fire Administration, children under the age of fifteen (15) suffered forty-five percent (45%) of all injuries from fireworks in 2003;

(F) That fireworks are often stored without safety precautions in residential neighborhoods;

(G) That fireworks can be disassembled for the explosive powder they contain to make bombs and other explosive devices;

(H) That fireworks often come from countries where safety regulations for making fireworks are not as stringent as those for fireworks manufactured in the United States;

(I) That the County, including the City, is subject to fire hazards and long and volatile fire seasons, and fireworks cause fires;

(J) That the current City Ordinance was adopted by reference from the County and law enforcement has advised that stiffer penalties are required as a deterrent;

(K) That the City wishes to adopt an ordinance similar to the County's revised ordinance;

(L) That immediate action is needed to increase the penalties for the use, sale, transportation, and manufacturing of fireworks in the City to deter illegal activities and preserve the public peace, health, safety, and welfare; and

SECTION 2. Chapter 11.03 is added to the Canyon Lake Municipal Code to read as follows:

Section 11.03.010 Definitions. Whenever in this Chapter, or in any resolution or standard adopted by the City Council pursuant to this Chapter, the following terms are used, they shall have the meaning ascribed to them in this Section, unless it is apparent from the context thereof that some other meaning is intended.

(a) "Wildlife Fireworks" means fireworks designed and intended by the manufacturer to be used to prevent 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 § 12505 of the California Health and Safety Code and includes:

1. Any fireworks which contain:

a) arsenic sulfide, arsenates, or arsenites;

b) boron;

c) chlorates, except:

i. in colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included; or

ii. in caps and party poppers; or

iii. in those small items (such as ground spinners) wherein the total powder content does not exceed four (4) grams of which not greater than fifteen percent (15%) (or six hundred (600) milligrams) is potassium, sodium, or barium chlorate.

- (d) gallates or Gallic acid;
 - (e) magnesium (magnesium-aluminum alloys, called magnalium, are permitted);
 - (f) mercury salts;
 - (g) phosphorus (red or white, except that red phosphorus is permissible in caps and party poppers);
 - (h) picrates or picric acid;
 - (i) thiocyanates;
 - (j) titanium, except in particle size greater than 100-mesh;
 - (k) zirconium.
2. Firecrackers.
 3. Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
 4. Roman candles, including all devices which discharge balls of fire into the air.
 5. Chasers, including all devices which dart or travel about the surface of the ground during discharge.
 6. Sparklers more than ten (10) inches in length or one-fourth of one inch in diameter.
 7. 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.
 8. 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.
 9. Torpedoes of all kinds which explode on impact.
 10. Fireworks kits.

11. 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 § 12508 of the California Health and Safety Code and shall mean any special item containing pyrotechnic compositions which the State Fire Marshal, 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 for the City or his authorized representative(s).
 - (e) “Fireworks” has the same meaning ascribed to it under § 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 § 12512 of the California Health and Safety Code and means any assembly of metals 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 § 12529 of the California Health and Safety Code and shall mean any fireworks which do not come within the definition of "Dangerous Fireworks" for "Exempt Fireworks."
- (k) "Police Chief" shall mean the Police Chief of the City or his authorized representatives.

Section 11.03.020 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 Wildlife Fireworks or for use in a Public Display of Fireworks pursuant to a permit obtained under the provisions of §§ 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 Police Chief.
- (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 Police Chief. A permit shall be granted only to a State Fire Marshall licensed Pyrotechnic Operator.

Section 11.03.030. Displays.

- (a) General. Permits are required to conduct a Public Display of Fireworks. Permit application shall be made to the Fire Chief and the Police Chief not less than fourteen (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 the 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 Police Chief 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 11.03.040. Exception.

Nothing in this Chapter 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 11.03.050. Seizure and Disposal.

- (a) It shall be the duty of the Fire Chief and his authorized representative(s) and the Police Chief and his authorized representatives to enforce the provisions of this Chapter.
- (b) The Fire Chief and his authorized representative(s) and the Police Chief and his authorized representative(s) 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(s) and the Police Chief and his authorized representative(s) 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.

Section 11.03.060. 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 not less than Five Hundred Dollars (\$500) or more than One Thousand Dollars (\$1,000), or by imprisonment in the County jail for not exceeding one year, or by both such fine and imprisonment.
- (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 she 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.

SECTION 3. 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 pre-emptive 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 4. EFFECTIVE.

This Ordinance shall be effective 30 days from the date of its adoption.

Section 5. REPEAL OF OTHER ORDINANCES.

This Ordinance repeals any and all other Ordinances regarding the same subject (including any adopted by reference).

Mary Craton, Mayor

Attest:

Kathy Bennett, City Clerk
State of California)

County of Riverside) ss
City of Canyon Lake)

I, Kathy Bennett, City Clerk of the City of Canyon Lake, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of the Ordinance No. 97 adopted by the City Council of the City of Canyon Lake, California, at a regular meeting thereof, held on the 4th of April, 2007, by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Kathy Bennett, City Clerk

Dated: