

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO. 4672

ADOPT AN ORDINANCE AMENDING CHAPTER 1 SECTION 4-1008 OF DIVISION 1 OF
TITLE 4 OF THE ORDINANCE CODE OF SAN JOAQUIN COUNTY REGARDING THE
REGULATION OF EXPLOSIVES AND FIREWORKS

The Board of Supervisors of the County of San Joaquin ordains as follows:

4-1008 - EXPLOSIVES AND FIREWORKS.

Section 5601.1 of Chapter 56, of the 2022 California Fire Code, is hereby amended by adding the following:

(a) Definitions.

The following words and phrases shall, for the purposes of this Chapter, have the following meanings ascribed to them:

1. "Fireworks" has the same meaning as in California Health and Safety Code Section 12511 and includes any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including, but not limited to, firecrackers, torpedoes, skyrockets, roman candles, bombs, sparklers, chasers, snakes, or other fireworks containing any explosive or flammable substance. Fireworks include "dangerous fireworks" (as defined in Health and Safety Code Sections 12505 and 1256) and "safe and sane fireworks" (as defined in Health & Safety Code Sections 12529 and 12562). These definitions do not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps.
2. "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, as defined in Section 12505 of the Health and Safety Code.
3. "Salute Fireworks" means fireworks designed to produce an explosive sound as their primary effect.
4. "Aerial Salute Fireworks" means a salute firework that functions as an aerial shell.
5. "Ground Salute Fireworks" means a salute firework that functions from a stationary or secured position.

6. “Response costs” means those reasonable and necessary costs directly incurred by the County and/or public safety personnel for a response to a violation of this Chapter, and include the cost of providing law enforcement, firefighting, medical or other emergency services at the scene of the violation, including, but not limited to, the following:
 - (a) Salaries and benefits of public safety personnel for the amount of time spent responding to, remaining at, or otherwise dealing with the violation, and the administrative costs attributable to the response(s); and
 - (b) The cost of any medical treatment to or for any public safety personnel injured responding to, remaining at, or leaving the scene of the violation; and.
 - (c) The cost of repairing any County or public safety equipment or property damage, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of the violation.
 - (d) Any other costs related to enforcement of this Section.
7. “Social Host” means a person who either:
 - (a) Is in charge of private property, including, but not limited to, an owner, tenant, landlord, or property manager; or
 - (b) Organizes, supervises, officiates at, conducts, controls, or is otherwise in charge of the activity on a property.

(b) Fireworks Prohibited.

It is unlawful for any person to possess, use, discharge, display, give away, sell, offer for sale, transport, or cause to be transported, any fireworks as defined in this Code in the unincorporated areas of San Joaquin County.

(c) Exception-Certain Public Displays.

This Code shall not prohibit public fireworks displays providing a permit is obtained from the County Fire Warden as prescribed in Section 4-1003 of this Code. Public displays shall be performed under the direct supervision of a California State Licensed Pyrotechnic Operator.

Salute fireworks shall be prohibited in Public Display of Fireworks, including single-break aerial salute shells, multi-break shells with salutes and shells, and ground salutes.

Public displays shall be performed in accordance with Section 5608 of the California Fire Code 2022 Edition. This Code shall not prohibit the use by railroad or other transportation agencies, for signal or illumination purposes, torpedoes, flares, or fuses; nor the sale of blank cartridges for theatrical or ceremonial purposes, athletic events or military ceremonials or demonstrations.

(d) Seizure and Destruction of Fireworks.

The County Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives in the unincorporated portions of San Joaquin County shall seize, take, remove or cause to be removed and arrange for destruction at the expense of the owner, all stocks of fireworks offered for sale or exposed for sale, stored, possessed or transported or otherwise in violation of this Code.

(e) Violations-Penalties.

1. It shall be unlawful for any person to violate or to permit the violation of any provisions of this chapter. All owners, occupants and other persons at or on the property or premises where Fireworks are possessed, sold, ignited, exploded, discharged, projected, or otherwise fired or used may be cited for and convicted of violations of this chapter.
2. Social Host Liability.
 - a. Any social host shall be strictly liable for any unlawful ignition, use, discharge, or display of any dangerous fireworks or safe and sane fireworks in violation of Section 4-1008(b) at their property or gathering; except that:
 1. No owner of private property shall be liable under this Subsection (e) for a violation of this chapter occurring on the owner's property if the owner can demonstrate that, at the time of such violation:
 - (i) The owner had either rented or leased the property to another or the violation was committed by an individual who was unlawfully present or had trespassed on the owner's property;
 - (ii) The owner was not present; and
 - (iii) The owner had no prior knowledge the violation was going to occur.
 - b. No social host shall be liable under this subsection who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity in order to comply with this chapter, if the request for assistance is made before the arrival of law enforcement or fire officials to the property and before any other person contacts law enforcement or fire officials to complain about the violation of this chapter.
 - c. No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable

under this Subsection (e) for violations of this chapter occurring in the common areas of the property.

- d. Nothing in this Subsection (e) shall limit the liability of any social host for a violation of this chapter by the social host.
 - e. Violations in the Right-of-Way. No social host shall aid or abet another person's violation of a provision of this chapter in a public right-of-way adjacent to the social host's property. A social host aids and abets another person's violation of a provision of this chapter if he or she knows of the other person's unlawful purpose and the social host specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation.
 - f. Ignition, Use, Discharge, or Display by Minors. Any person having the care, custody, or control of a person under 18 years of age shall be strictly liable for any unlawful ignition, use, discharge, or display of dangerous fireworks or safe and sane fireworks in violation of Section 4-1008(b).
- 3. A violation of this Chapter shall constitute a misdemeanor, provided, however, that in the discretion of the District Attorney, may be charged and prosecuted as an infraction. Each conviction of a misdemeanor under this Chapter shall be punishable as set forth in California Health and Safety Code Section 12700, as may be amended from time to time. Every violation determined to be an infraction is (shall be) punishable by (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year; (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year.
 - 4. Violations of this Chapter shall be prosecuted by the District Attorney.

(f) Enforcement.

The provisions of this Chapter shall be enforced by the County Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives in the unincorporated portions of San Joaquin County. All such persons are authorized to enter upon, inspect, and examine any property or premises to determine whether a violation of this Chapter exists or has occurred. If the Owner or Occupant of the property or premises refuses to permit entrance, inspection or examination pursuant to this Chapter, the County Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives may seek an inspection warrant pursuant to California Code of Civil Procedure Section 1822.50, et seq., as may be amended from time to time.

(g) Application of State Law.

Nothing in this Chapter shall limit any of the penalties provided in the Health and Safety Code or the California Penal Code with regard to the offer for sale, exposing for sale, sale at retail, or the use or discharge of any fireworks.

(h) Response costs.

1. A person who has violated this chapter may be liable for response costs incurred in responding to the unpermitted use, discharge or storage of fireworks.
2. If a person who violated this chapter is a minor charge, the responsible guardian(s) of the minor charge and the minor charge shall be jointly and severally liable for the response costs incurred pursuant to this chapter.
3. To incur liability for response costs imposed by this chapter, a person who violates this chapter need not be present at the event that causes the response giving rise to the imposition of response costs.
4. Response costs imposed by this chapter are in addition to any other costs that may be recovered under this Code.
5. Violations of this chapter may be served by first class or certified mail.
6. Payment of violations of this chapter shall be remitted to the Fire Prevention Bureau within 30 calendar days of the date of the notice. Payment of any such costs may be stayed upon the filing of a timely appeal.
7. A person charged under this chapter may, within 10 calendar days of the date of the notice, may appeal in accordance with Section 4-1004.1 of this ordinance. Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies and bars any further review or appeal of the violation.

(i) Concurrent Authorities.

This Chapter is not the exclusive regulation for fireworks within the unincorporated area of the County. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore and hereafter enacted by the County, State, or any other legal entity or agency having jurisdiction. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in State law, the maximum penalties allowable under State law govern.

The Board of Supervisors of the County of San Joaquin ordains as follows:

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 3rdf June 2025 to wit:

AYES: **Gardea, Canepa, Dhaliwal, Ding, Rickman**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Paul Canepa

PAUL CANEPA
Chair, Board of Supervisors
County of San Joaquin
State of California

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California



By: **Rachél DeBord**