

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.1
(ID # 13059)

MEETING DATE:
Tuesday, July 14, 2020

FROM : SUPERVISOR KEVIN JEFFRIES AND SUPERVISOR KAREN SPIEGEL :

SUBJECT: SUPERVISOR KEVIN JEFFRIES and SUPERVISOR KAREN SPIEGEL: Reducing
Use of Illegal Fireworks in Unincorporated Riverside County

RECOMMENDED MOTION:

Direct the Executive Office to Return with Recommendations on Strategies to Reduce
Illegal Fireworks in Riverside County

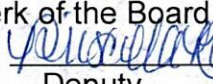
ACTION:Policy


Supervisor Kevin Jeffries, Supervisor 1st. District 7/9/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried
by unanimous vote, IT WAS ORDERED that the above matter is approved as
recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: July 14, 2020
xc: BOS-Dist. 1, BOS-Dist. 2, EO

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

BACKGROUND:

Despite long-standing bans on all sorts of fireworks within unincorporated areas of Riverside County, illegal usage of fireworks seems to increase annually. This year's massive displays of illegal fireworks lasted for days and were responsible for multiple fires and our 911 system apparently being overwhelmed by urgent phone calls, delaying critical responses to calls for help, and stretching fire resources beyond their limits.

Current Riverside County Ordinance 858 (<http://www.rivcocob.org/ords/800/858.htm>) prohibits the use of fireworks in Riverside County, and establishes fines for their use, but the current rules clearly have been ineffective, with the law being seen as simultaneously too weak to be of value and also over-reaching in its breadth. It is important for the safety of our communities and residents that we explore options (including larger fines, enhanced patrols and confiscations) to further discourage the use of illegal and dangerous fireworks.

This item would ask the Executive Office to work with the County Fire Chief and County Fire Marshall to identify options for increased enforcement of illegal and dangerous fireworks, including potentially increased penalties and fines, as well as identify areas or locations where the sale and use of California legal "Safe and Sane" fireworks (no aeriels or explosives) might be appropriate (currently allowed in almost 300 jurisdictions statewide, including four cities in Riverside County), and what amendments might be necessary to county ordinances to permit them.

Impact to Residents and Businesses: An evaluation of various strategies to decrease the use of illegal fireworks in Riverside County could make our communities safer.

ORDINANCE NO. 858
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

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.

- 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

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 not less than five hundred dollars (\$500) nor 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 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.

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)