

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



**ITEM: 3.39  
(ID # 15174)**

**MEETING DATE:  
Tuesday, May 11, 2021**

**FROM :** EXECUTIVE OFFICE:

**SUBJECT:** EXECUTIVE OFFICE: Adopt Ordinance No. 858.2, Prohibiting Illegal Fireworks, All Districts. [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Ordinance No. 858.2, an Ordinance of the County of Riverside prohibiting illegal fireworks.
2. Approve the Fireworks Safety and Enforcement Action Plan as outlined on Attachment B.

**ACTION:Policy**

Juan C. Perez, Chief Operating Officer

5/6/2021

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and that Ordinance 858.2 is adopted with waiver of the reading.

**Ayes:** Jeffries, Spiegel, Washington, Perez, and Hewitt  
**Nays:** None  
**Absent:** None  
**Date:** May 11, 2021  
**xc:** EO, COB

Kecia R. Harper  
Clerk of the Board

By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	20/21

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On April 27, 2021, the Board of Supervisors approved agenda item 3.4, the introduction of the amendment to Ordinance No. 858 prohibiting illegal fireworks. At the April 27, 2021 meeting, the Board requested that the Executive Office presented an action plan at the next meeting. The attached action plan is a collaborative effort on curtailing illegal fireworks through enforcement and education during the Independence weekend of July 2nd to July 4th, 2021.

Today's action on this agenda item adopting Ordinance No. 858.2 will finalize the Board's approval of the changes made to the ordinance. Once the ordinance is adopted, it becomes effective thirty days later.

**Impact on Residents and Businesses**

In 2020, the Sheriff and Fire Departments responded to multiple complaints regarding persons setting off fireworks in the weeks leading up to and following the Fourth of July holiday. The massive display of illegal fireworks lasted for days and were responsible for multiple fires and overwhelmed the county's 911 system causing delays in critical responses to calls for help and stretching fire resources beyond their limits. The amendment to the ordinance will increase the penalties and fines for violators, which is expected to lead to decreased use of illegal fireworks, thereby making our communities safer.

**ATTACHMENT:**

- A. Ordinance No. 858.2
- B. Action Plan for Fireworks Safety and Enforcement Campaign

*Cherilyn Williams*  
Cherilyn Williams

5/6/2021

*Gregory E. Priamos*  
Gregory E. Priamos, Director County Counsel

5/4/2021

ORDINANCE NO. 858.2

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 858

PROHIBITING FIREWORKS

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

Section 1. A new subsection c. is added to Section 2. of Ordinance No. 858 to read as follows:

“c. ENFORCEMENT OFFICER shall mean the SHERIFF, the Transportation and Land Management Agency Director, Building Official, Code Enforcement Official, County Counsel, District Attorney, or FIRE CHIEF and their designees.

Section 2. Existing subsections c., d., e., f., g., h., i., j., and k. of Section 2 of Ordinance No. 858 are relettered d., e., f., g., h., i., j., k., and l., respectively.

Section 3. Section 3. of Ordinance No. 858 is amended to read as follows:

“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 as set forth below in Section 5 entitled “EXCEPTIONS”.

b. No property owner or person in control of property shall allow a person to possess, keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport FIREWORKS, DANGEROUS FIREWORKS, or SAFE AND SANE FIREWORKS on the property owned by such property owner, or on property under the person’s control.

c. 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.

FORM APPROVED COUNTY COUNSEL  
BY  DATE  
KELLY A. MORAN

1 d. PYROTECHNIC SPECIAL EFFECTS MATERIAL. A permit is required to  
2 manufacture, compound, store or use PYROTECHNIC SPECIAL EFFECTS  
3 MATERIAL. Permit application shall be made to the Fire Chief and the Sheriff. A  
4 permit shall be granted only to a State Fire Marshal licensed PYROTECHNIC  
5 OPERATOR.”

6 Section 4. Section 5 of Ordinance No. 858 is amended to read as follows:

7 “SECTION 5. EXCEPTION.

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

12 b. Nothing in this Ordinance shall be construed to prohibit the sale and use  
13 of SAFE and SANE FIREWORKS on the Fourth of July at an authorized County  
14 site designated by the FIRE CHIEF for such SAFE and SANE FIREWORK sale  
15 and/or use. Permit for the sale of SAFE and SANE FIREWORKS is required and  
16 shall be issued only to a licensed organization as recognized by the State of  
17 California. The number of permits available and the hours of sale shall be as  
18 designated by the FIRE CHIEF or designee. Applications for permits will be subject  
19 to review and approval by the FIRE CHIEF or designee, including, but not limited  
20 to, the applicant’s strict compliance to applicable law, policies, posted regulations  
21 and requirements and additional permits for such use at an authorized site. Approval  
22 or denial of any permits shall be within the sole discretion of the FIRE CHIEF or  
23 designee. A denial of any permit required herein may be appealed to the Riverside  
24 County Board of Supervisors. Any use of SAFE AND SANE FIREWORKS at any  
25 County authorized site that do not comply with all posted regulations, policies, and  
26 requirements and permits for such use at such site shall be violations of this  
27 Ordinance and subject to the penalties set forth in Section 7.

28 c. Nothing in this Ordinance shall be construed to prohibit the use of

1 AGRICULTURAL and WILDLIFE FIREWORKS or for use in a PUBLIC  
2 DISPLAY of FIREWORKS pursuant to a permit obtained under provision of Section  
3 12640-12654 of the Health and Safety Code, Riverside County Fire Code (Riverside  
4 County Ordinance No. 787) and this Ordinance.

5 Section 5. Section 6 of Ordinance No. 858 is amended to read as follows:

6 “SECTION 6. SEIZURE AND DISPOSAL.

7 a. It shall be the duty of the ENFORCEMENT OFFICER and his  
8 authorized representatives to enforce the provisions of this Ordinance.

9 b. The ENFORCEMENT OFFICER and his authorized representatives  
10 shall have the authority to seize, take, and remove any FIREWORKS,  
11 DANGEROUS FIREWORKS, and SAFE AND SANE FIREWORKS. The  
12 ENFORCEMENT OFFICER and his authorized representative may charge any  
13 person whose fireworks are seized pursuant to this section a reasonable amount  
14 which is sufficient to cover the cost of transporting, storing, handling, and disposing  
15 of the seized fireworks.

16 c. The additional remedies and procedures for recovery of costs related  
17 to enforcement of violations provided for in Ordinance No. 725 are incorporated  
18 herein by reference.”

19 Section 6. Section 7 of Ordinance No. 858 is amended to read as follows:

20 “SECTION 7. PENALTIES.

21 a. Misdemeanor Penalty. Any person who violates any provision of  
22 this Ordinance is guilty of a misdemeanor, and upon conviction shall be punished  
23 by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the  
24 county jail for not exceeding one year, or by both. Upon any second or subsequent  
25 conviction of the offense, the person shall be punished by the penalties of a fine of  
26 one thousand dollars (\$1,000) and by imprisonment in the county jail for one year.

27 b. Property Owner Liability. Any property owner or person in control  
28 of property who allows a person, including a minor, to possess, keep, store, use,

1 shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or  
2 transport FIREWORKS, DANGEROUS FIREWORKS, or SAFE AND SANE  
3 FIREWORKS on the property owned by such property owner, or on property under  
4 the person's control shall be in violation of this Ordinance, regardless of the  
5 property owner's intent, knowledge or negligence, such violation being a strict  
6 liability offense.

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

11 d. Administrative Civil Penalty. In addition to any other penalties  
12 provided by law, whenever the ENFORCEMENT OFFICER determines that a  
13 violation of this Ordinance has occurred, the ENFORCEMENT OFFICER shall have  
14 the authority to issue an administrative citation with an administrative civil penalty  
15 to any person responsible for the violation, including to any property owner as set  
16 forth in subsectionb. above. Any administrative civil penalty shall be one thousand  
17 dollars (\$1000) for the first offense, two thousand dollars (\$2000) for the second  
18 offense within thirty-six (36) months, and five thousand dollars (\$5000) for each  
19 subsequent offense within thirty-six (36) months. The administrative citation shall  
20 contain the following information: (1) date, location and approximate time the  
21 violation was observed; (2) the amount of the administrative civil penalty imposed  
22 for the violation; (3) instructions for the payment of the administrative civil penalty,  
23 and the time period by which it shall be paid and the consequences of failure to pay  
24 the administrative civil penalty within this time; (4) instructions on how to appeal  
25 the administrative citation; and (5) the signature of the ENFORCEMENT OFFICER.  
26 The failure of the administrative citation to set forth all required contents shall not  
27 affect the validity of the administrative citation or any proceedings to enforce said  
28 Citation. The administrative civil penalty may be imposed via the administrative

1 process set forth in Section 8 of this Ordinance, as provided in Government Code  
2 section 53069.4, or may be imposed by the court if the violation requires court  
3 enforcement without an administrative process.

4 e. Acts, omissions, or conditions in violation of this Ordinance that  
5 continue, exist, or occur on more than one day constitute separate violations on each  
6 day. Violations continuing, existing, or occurring on the service date, the effective  
7 date, and each day between the service date and the effective date are separate  
8 violations. A person is guilty of a separate offense for each and every day or portion  
9 thereof during which he or it commits, continues, or permits a violation of this  
10 Ordinance.”

11 Section 7. A new Section 8 is added to Ordinance No. 858 to read as follows:

12 “SECTION 8. APPEAL OF ADMINISTRATIVE CIVIL PENALTIES.

13 a. Notice of Appeal. The recipient of an administrative citation may appeal its  
14 validity by filing a written notice of appeal with the County Department that issued  
15 the administrative citation. The written notice of appeal must be filed within twenty  
16 (20) calendar days of service of the administrative citation. The notice of appeal shall  
17 be accompanied by either an advance deposit of the administrative civil penalty  
18 imposed in the administrative citation or a request for advance deposit hardship  
19 waiver as set forth below. Failure to properly file a written notice of appeal within  
20 this time period shall constitute a waiver of the right to appeal the administrative  
21 citation. The notice of appeal shall be submitted on a form provided by the County  
22 Department that issued the administrative citation and shall contain the following  
23 information: (1) a brief statement setting forth the appellant’s interest in the  
24 proceedings; (2) a brief statement of the material facts which the appellant claims  
25 support a contention that no violation exists and that no administrative civil penalty  
26 should be imposed or that an administrative civil penalty of a different amount is  
27 warranted; (3) an address at which the appellant agrees that notice of any additional  
28 proceeding or an order relating to the imposition of the administrative civil penalty

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may be received by mail; and (4) the notice of appeal must be signed by the appellant under penalty of perjury.

b. Advance Deposit Hardship Waiver. Any person filing a notice of appeal to contest an administrative citation and who is financially unable to make the advance deposit of the administrative civil penalty as required, may submit a request for advance deposit hardship waiver with the notice of appeal. The request for advance deposit hardship waiver shall be filed with the County Department that issued the administrative citation on a form provided by the same County Department. The request shall be documented by a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the ENFORCEMENT OFFICER that the person's actual financial inability to deposit the full amount of the administrative civil penalty in advance of the hearing. The requirement of depositing the full amount of the administrative civil penalty shall be stayed for ten (10) calendar days pending a determination by the ENFORCEMENT OFFICER of the approval or denial of the request for advance deposit hardship waiver. The ENFORCEMENT OFFICER shall issue a written determination stating the approval or listing the reasons for the denial of the request for advance deposit hardship waiver. The written determination shall be mailed to the appellant at the address provided in the request. If the ENFORCEMENT OFFICER denies a request for advance deposit hardship waiver, the appellant shall remit the deposit to the County within fifteen (15) calendar days of the date of mailing notice of the denial. The written determination of the ENFORCEMENT OFFICER shall be final.

c. Hearing on Appeal of Administrative Citation. Upon receipt of a timely filed notice of appeal of an administrative citation with an administrative civil penalty, an appeal hearing to consider the issuance of the administrative civil penalty shall be held before the County Hearing Officer, appointed by the Board of Supervisors pursuant to Ordinance No. 643 and Government Code section 27720. At the time fixed in the notice of hearing, the County Hearing Officer shall receive evidence



1 from the ENFORCEMENT OFFICER and the appellant regarding the violation of  
2 prohibitions contained in Section 3 of this Ordinance, as well as any facts the  
3 appellant claims support a contention that no violation exists and that no  
4 administrative civil penalty should be imposed or that an administrative civil penalty  
5 of a different amount is warranted. In conducting the hearing, the County Hearing  
6 Officer shall not be limited by the technical rules of evidence. Failure of the appellant  
7 to appear shall not affect the validity of the proceedings or order issued thereon.

8 d. County Hearing Officer's Decision. The County Hearing Officer shall issue  
9 a written decision following the appeal hearing, which shall be issued to the appellant  
10 at the appellant's address set forth in the notice of appeal. If the administrative  
11 citation is determined to have been valid at the time of its issuance, the County  
12 Hearing Officer shall affirm the administrative civil penalty amount pursuant to  
13 subsection d. of Section 7 of this ordinance, and order said penalty to be paid within  
14 fifteen (15) calendar days of issuance of the County Hearing Officer's decision. The  
15 County Hearing Officer's decision shall contain instructions for obtaining judicial  
16 review of the decision as set forth below.

17 e. Judicial Review of County Hearing Officer's Decision on Administrative  
18 Civil Penalty. Within twenty (20) calendar days of the date of issuance of the final  
19 decision of the County Hearing Officer, the appellant may contest the County  
20 Hearing Officer's decision by filing an appeal in the Riverside County Superior  
21 Court pursuant to Government Code section 53069.4. The fee for filing the appeal is  
22 specified in Government Code section 70615 (currently \$25.00) and shall be paid to  
23 the Clerk of the Court. The failure to file the written appeal and to pay the filing fee  
24 within this period shall constitute a waiver of the right to an appeal and the County  
25 Hearing Officer's decision shall be deemed final and confirmed. A copy of the notice  
26 of appeal of the County Hearing Officer's Decision filed in the Riverside County  
27 Superior Court shall be served in person or by first class mail upon the County  
28 Department that issued the administrative citation by the appellant. The conduct of

1 the appeal hearing is a subordinate judicial duty and may be performed by traffic trial  
2 commissioners and other subordinate judicial officials at the direction of the  
3 Presiding Judge of the Riverside County Superior Court. The appeal shall be heard  
4 de novo, and the contents of the file of the County Department that issued the  
5 administrative citation shall be received into evidence. A copy of the administrative  
6 citation and the Hearing Officer's Decision shall be admitted into evidence as prima  
7 facie evidence of the facts stated therein. The Court shall request that the County  
8 Department's file be forwarded to the Court, to be received within fifteen (15)  
9 calendar days of the request. The Court shall retain the fee for filing the appeal  
10 regardless of the outcome of the appeal. If the Court finds in favor of the appellant,  
11 the amount of the fee shall be reimbursed to the appellant by the County in  
12 accordance with the judgment of the Court. If the penalty has not been deposited and  
13 the decision of the Court is against the appellant, the County Department that issued  
14 the administrative civil penalty may proceed to collect the penalty using all means  
15 available under the law."

16 Section 8. A new Section 9 is added Ordinance No. 858 to read as follows:

17 "SECTION 9. NON-EXCLUSIVE REMEDIES AND PENALTIES. All remedies  
18 and penalties for violations of the prohibitions in this Ordinance shall be cumulative and not exclusive.  
19 Enforcement by use of any administrative, criminal or civil action, citation or administrative proceeding or  
20 abatement remedy does not preclude the use of additional citations or other remedies as authorized by other  
21 ordinance or law. Enforcement remedies may be employed concurrently or consecutively. Conviction and  
22 punishment of or enforcement against any person hereunder shall not relieve such person from the  
23 responsibility of correcting, removing or abating a violation, nor prevent the enforced correction, removal  
24 or abatement thereof. Each and every day, or any portion thereof, during which any violation of this  
25 ordinance is committed, continued, or permitted by such person, shall be deemed a separate and distinct  
26 offense."

27 Section 9. Existing Section 8 of Ordinance No. 858 is renumbered Section 10.  
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Section 10. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

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

By: Karen S. Spiegel  
Chairman

ATTEST:

CLERK OF THE BOARD:

**KAREN SPIEGEL**

By: Priscilla Raso  
Deputy

(SEAL)

APPROVED AS TO FORM  
\_\_\_\_\_, 2021

By: [Signature]  
Deputy County Counsel

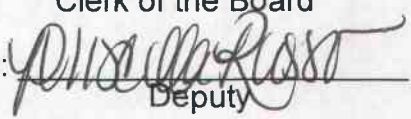
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STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on May 11, 2021, the foregoing ordinance consisting of 10 Sections was adopted by the following vote:

AYES:                       Jeffries, Spiegel, Washington, Perez and Hewitt  
NAYS:                       None  
ABSENT:                    None

DATE:            May 11, 2021

KECIA R. HARPER  
Clerk of the Board  
BY:   
Deputy

SEAL

## County of Riverside

### Action Plan for Fireworks Safety and Enforcement Campaign

Illegal fireworks are reported year-round throughout Riverside County. The majority of these reports are during major holiday periods such as Independence Day, July 4<sup>th</sup> and New Year's Eve, December 31<sup>st</sup>. The listed action plan outlined is a collaborative effort on curtailing illegal fireworks through enforcement and education during the Independence weekend of July 2<sup>nd</sup> to July 4<sup>th</sup>, 2021.

#### Enforcement

- a. The Riverside County Sheriff Department's (RSO) will be the lead agency for deployment and enforcement. Each patrol station within each district will have dedicated Deputy Sheriff's assigned to the unincorporated areas for fireworks related enforcement during peak evening hours. The dedicated units will also be supplemented by standard patrol deputies.
  - i. Deputies will focus their efforts on areas where the most issues are reported and/or observed. This approach is data driven and focuses on areas previously identified as having high fireworks activity.
  - ii. Deputies will cite and release observed violators. Fireworks will be collected and properly disposed of by the Sheriff's Hazardous Device Team.
  - iii. Criminal tips related to fireworks submitted through the Sheriff's Internet page will be followed-up by the respective patrol station and enforcement will be taken when appropriate.
  - iv. Misdemeanor filings of the ordinance will be submitted to the Riverside County District Attorney's Office for prosecution.
  - v. Enforcement efforts and seizures will be published through Press Releases to inform and educate County residents.
  - vi. Deputies will continue to conduct year-round enforcement through routine patrol calls for service.
  - vii. Code Enforcement will distribute Administrative Citation Books to the Sheriff's Department. Deputy Sheriff's will have the ability to issue an administrative citation for a violation of the ordinance throughout the year and submit to Code Enforcement for processing.
- b. The Riverside County Fire Department will increase their Peace Officer staffing during the enforcement period and will integrate with RSO and Code.
  - i. The Fire Department's Law Enforcement Division will be deployed throughout the county and take appropriate enforcement.
  - ii. The primary function for Fire Stations will be to respond to fires quickly.
  - iii. The Fire Department will provide instructions on how residents can surrender illegal fireworks to designated fire stations around the county.
- c. Code Enforcement Officers will be assigned between patrol stations as needed.

- i. Code Enforcement Officers will work a modified (nighttime) shift on Friday, July 2<sup>nd</sup> through Sunday, July 4<sup>th</sup>.
- ii. Code Enforcement will deploy a maximum of 10 Officers, two per District, each in their own branded/decaled vehicle.
- iii. Code Enforcement Officers will attend RSO briefings prior to deployment each night and may be paired with Deputy Sheriff's.
- iv. Once RSO has secured the scene and obtained a valid ID from the person or persons responsible for igniting, purchasing, or possessing illegal fireworks, Code Enforcement Officers will respond to a location when requested to do so over the PSEC Radio and issue an Administrative Citation.
- v. Hours of operation and points of deployment to be determined.

### **Messaging Campaign**

- 2021 Campaign Message: **"You Light It, We'll Write It"**
- Digital messaging boards will be used throughout the county to educate the public on the campaign message.
- Changeable Messaging Signs (CMS) will be placed at strategic locations throughout the unincorporated areas with messaging on ordinance changes and penalties.
- Public Service Announcements (PSA)
  - a. Fire, Code Enforcement, and the Sheriff Department are working collaboratively on a series of PSA's geared towards educating the public on the dangers of illegal fireworks, enforcement, and penalties.
  - b. PSA's will be displayed on all social media platforms and websites.