

ORDINANCE NO. CS-512

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, AMENDING TITLE 8 OF THE CARLSBAD MUNICIPAL CODE BY
ADDING CHAPTER 8.15 ADMINISTRATIVE PENALTIES FOR FIREWORKS
VIOLATIONS

WHEREAS, fireworks pose a serious risk of fire or injury, threatening the safety and the use and enjoyment of surrounding properties and the public health, safety, and welfare; and

WHEREAS, nationwide reporting of fireworks related injuries has increased from approximately 9,000 in 2023 to over 14,000 in 2024; and

WHEREAS, according to the United States Consumer Products Safety Commission, in 2024 an estimated 14,700 people were treated in emergency rooms for fireworks related injuries and there were 11 reported fireworks-related deaths; and

WHEREAS, over the past two years, the Carlsbad Police Department has received approximately 130 reports of fireworks related disturbances, with over 40 percent of those calls directly associated with private residences; and

WHEREAS, the risks posed by fireworks are increased by persistent or repeated failures to comply with the provisions of this ordinance; and

WHEREAS, this ordinance will impose strict civil liability upon social hosts, as defined in this ordinance, for all violations of this chapter occurring on residential real property or private property; and

WHEREAS, each contiguous use, display, and/or possession is a separate violation and is subject to a separate administrative penalty.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, ordains as follows that:

1. That the above recitations are true and correct.
2. The proposed action to add Carlsbad Municipal Code Chapter 8.15 Administrative Penalties for Fireworks Violations is exempt from environmental review under California Environmental Quality Act Guidelines, or CEQA, Sections 15061(b)(3) and 15378(b)(5), as it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment.
3. Carlsbad Municipal Code Title 8 is amended by the addition of Chapter 8.15 Administrative Penalties for Fireworks Violations to read as follows:

Chapter 8.15 ADMINISTRATIVE PENALTIES FOR FIREWORKS VIOLATIONS

8.15.010	Purpose.
8.15.202	Definitions.
8.15.030	Enforcement and seizure of fireworks.
8.15.040	Administrative penalties.
8.15.050	Violations.
8.15.070	Appeals.
8.15.080	Rules of construction.
8.15.090	Severability.

8.15.010 Purpose.

Fireworks pose a serious risk of fire or injury, threatening the safety and the use and enjoyment of surrounding properties and the public health, safety, and welfare. This risk is increased by persistent or repeated failures to comply with the provisions of this chapter. Therefore, this chapter imposes strict civil liability upon social hosts, as defined in this chapter, for all violations of this chapter. Each contiguous use, display, and/or possession is a separate violation and is subject to a separate administrative fine.

8.15.020 Definitions.

The following definitions apply in interpreting and enforcing this chapter, along with the definitions in Chapter 1.10 of this code, unless modified in this chapter:

“Dangerous fireworks” has the same meaning as in California Health and Safety Code Section 12505.

“Fireworks” has the same meaning as in California Fire Code Section 202.

“Fireworks 1.4 G” means “Safe and Sane” or consumer grade fireworks as defined in California Fire Code Section 202.

“Fireworks 1.3 G” means professional grade fireworks as defined in California Fire Code Section 202.

“Fire Chief” means the Fire Chief or authorized designee.

“Police Chief” means the Police Chief or authorized designee.

“Property” means any private property including without limitation a home, yard, or field, whether or not occupied as a dwelling and whether owned, leased, rented, or used with or without compensation.

“Pyrotechnics” has the same meaning as in California Fire Code Section 202.

“Social host” means a person or persons with a right of possession of the residence or other private property at which fireworks in violation of this chapter are sold, offered to be sold, possessed, stored, used, ignited, or discharged, including without limitation: (a) any record owner of the property, wherever that person or entity resides at that time, and (b) a tenant or lessee of the property. A social host also includes without limitation: (c) the person(s) in charge of or in control of the residence or other private property at the time fireworks are possessed, stored, sold, used, ignited, or discharged in violation of this chapter and (d) the person(s) who organizes, supervises, officiates, conducts, or controls the gathering or any other person(s) accepting responsibility for such gathering at the residence or other private property where fireworks are possessed, stored, sold, used, ignited, or discharged in violation of this chapter.

8.15.030 Enforcement and seizure of fireworks.

- A. The police department, fire department, and code enforcement division are authorized to enforce the provisions of this chapter. The City Manager may designate others to enforce this chapter. Such persons are "enforcement officers" within the meaning of Chapter 1.10 of this code.
- B. A violation of this chapter may be enforced with any remedy available at law, including without limitation a misdemeanor citation as provided in Section 1.08.010(B) of this code, or an administrative penalty as provided in Section 8.15.040 of this chapter.
- C. The Fire Chief, the Police Chief, and trained code enforcement officers are authorized to use sUAS (small unmanned aircraft system) technology to enforce this chapter.
- D. Any person in violation of this chapter or Section 17.04.410 of this code must abate the violation and immediately surrender all prohibited fireworks to enforcement officers.
- E. The Fire Chief and the Police Chief are authorized to seize and remove prohibited fireworks pursuant to applicable law.
 - 1. No notice or warrant is required to seize or remove prohibited fireworks when immediate action is necessary to preserve or protect public health and safety.
 - 2. In all other circumstances outside of Section 8.15.030(E)(1), the city shall attempt to contact the responsible party, social host, and property owner, as they are defined in this chapter and in Section 1.10.010 of this code, to provide notice prior to the seizure or removal of prohibited fireworks. The Fire Chief and Police Chief may enter private property only after: (1) receiving written consent of the property owner or their authorized agent; (2) the issuance of a judicial warrant; or (3) a determination by the City Attorney's office that an exception to the warrant requirement applies.
 - 3. The fire department and the police department are authorized to adopt policies and procedures to carry out this section.

8.15.040 Administrative penalties.

- A. A violation of this chapter or Section 17.04.410 of this code is subject to the imposition and payment of an administrative penalty in the amount of \$1,000 per violation, with a maximum administrative penalty total of \$10,000 per day. A notice of violation is not required prior to issuing an administrative citation.
- B. The legal guardian(s) of a minor and the minor shall be jointly and severally liable for the minor's administrative penalties and any related costs.
- C. The imposition of administrative penalties related to dangerous fireworks under this chapter are limited to persons who possess, store, sell, use, ignite and/or discharge, or the seizure of 25 pounds or less (gross weight) of such dangerous fireworks. Dangerous fireworks violations exceeding 25 pounds shall be charged as a misdemeanor under this chapter or as required by applicable state law.
- D. Administrative penalties collected are subject to cost reimbursement to the Office of the State Fire Marshal to the extent mandated by state law.
- E. Unless otherwise stated in this chapter, Chapter 1.10 of this code governs the rules and procedures for administrative fines, administrative costs, proceedings, and appeals under this chapter. City costs may also be recovered pursuant to any other applicable section of this code or applicable law.

8.15.050 Violations.

- A. Pursuant to Section 17.04.410 of this code, the storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe & Sane) and fireworks 1.3G are prohibited unless they are being used as part of a public display when permitted and conducted by a licensed pyrotechnics operator.
- B. It is unlawful for any social host to allow, by invitation or consent, any violation of this chapter to occur at the social host's residence or other private property, or at any sidewalk and street adjacent to the property line. Consent may be implied based on surrounding facts and circumstances such as repeated violations. A social host need not be present at the time fireworks prohibited under this chapter are possessed, stored, sold, used, ignited, or discharged for the city to impose penalties. Prior knowledge of the possession, storage, sale, use, ignition, or discharge is not a prerequisite to finding that any specific individual is a social host as defined by this chapter. There is a rebuttable presumption that the record owner of a residential property, as shown on the county's latest equalized property taxes assessment rolls, and a lessee of a residential property has notice of any violation existing on the property.
- C. An administrative citation may be issued to any holder of a special events permit under Chapter 8.17 of this code or any person holding a similar license or approval required by the city to close a street or otherwise reserve or use a piece of city property if prohibited fireworks are used at the event or location or for any other violation of this chapter.

8.15.070 Appeals.

An administrative citation issued for failure to comply with the provisions of this section may be appealed pursuant to the procedures in Chapter 1.10 of this code.

8.15.080 Rules of construction.

This chapter shall be construed liberally in favor of regulation as determined if necessary and appropriate by the City Manager for the public protection and welfare and in order to accomplish its purpose and intent.

8.15.090 Severability.

If any portion of this chapter, or its application to particular persons or circumstances is held to be invalid or unconstitutional by a final decision of a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter to persons or circumstances not similarly situated.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 24th day of March, 2026, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 14th day of April, 2026, by the following vote, to wit:

AYES: Blackburn, Bhat-Patel, Acosta, Burkholder, Shin.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:

CINDIE K. McMAHON, City Attorney

KEITH BLACKBURN, Mayor

SHERRY FREISINGER, City Clerk
(SEAL)