

SCC NO. 1734

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE AMENDING
CHAPTER 4.54, RELATING TO REGULATIONS AND PROHIBITIONS**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Chapter 4.54, Title 4, of the Sacramento County Code is amended
to read as follows:

Chapter 4.54 REGULATIONS AND PROHIBITIONS

4.54.300 General Prohibition Against Possession, Sale or Use of Fireworks.

Except as otherwise provided in this Article, no person shall possess, sell, use, display or explode any rocket, firecracker, roman candle, squib, torpedo, torpedo cane, fire balloon, wire core sparkler, wooden core sparkler, black cartridge or other combustible device or explosive substance or any kind of fireworks, by whatsoever name known, within the unincorporated area of the County. These items, as well as any safe and sane fireworks possessed, sold, used, or displayed outside of the authorized time period identified in Chapter 4.53.320 of this Article, are prohibited.

4.54.305 Definitions.

As used in this Article the following words shall be ascribed the following meanings:

- a. "Fireworks" has the same meaning as in California Health and Safety Code section 12511.
- b. "Host" means a person who either:
 1. Is in charge of private property, including, but not limited to, an owner, tenant, landlord, or property manager of the property; or
 2. Organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.
- c. "Safe and sane fireworks" has the same meaning as in California Health and Safety Code section 12529.
- d. "Dangerous fireworks" has the same meaning as California Health and Safety Code section 12505.
- e. The term "Director" means the Director of Finance or the Director's designee.

4.54.310 Exception—Certain Public Displays.

Public displays of fireworks may be given with a written permit issued by the fire chief, or the fire chief's designee, of the fire district within which the display is to be given so long as such display takes place under the supervision and direction of a State of California licensed operator.

4.54.320 Exception—Safe and Sane Fireworks.

a. It shall not be unlawful to possess, use, display or discharge within the unincorporated area of the County those fireworks as are defined and classified as safe and sane fireworks in Part 2 (commencing with Section 12500) of Division 11 of the California Health and Safety Code during that time period beginning at 12:00 noon on June 28 and ending at 10:00 p.m. on July 4 of the same year. However, during this time period, use, display or discharge of safe and sane fireworks is prohibited from the hours of 10:00 p.m. through 9:00 a.m.

b. It shall not be unlawful to sell safe and sane fireworks within the unincorporated area during the time period beginning at 12:00 noon on June 28 and ending at 9:00 p.m. on July 4 of the same year.

4.54.330 License to Sell Fireworks Required.

It shall be unlawful for any person to sell safe and sane fireworks within the unincorporated area of the County without a valid County business license authorizing such sales.

4.54.340 Wholesale Storage of Fireworks.

The wholesale storage of fireworks shall be unlawful in the unincorporated area of the County without valid permits for such storage from the fire district in whose jurisdiction the storage site is located and the County's building inspection division. Any such storage is limited to the period from June 1st through July 14th of each year.

4.54.350 License Restricted.

a. No County business license authorizing the sale of safe and sane fireworks shall be issued to any person, firm, corporation, organization or group other than organizations which are exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701i or 23701w of the Revenue and Taxation Code provided that the organization satisfies the following criteria:

1. It has its principal and permanent meeting place in the County of Sacramento;

2. It has been organized and established in the County of Sacramento for a continuous period of at least one year immediately preceding the application for a permit; and

3. It has a bona fide membership of at least twenty (20) members.

b. No organization shall submit more than two applications for licenses to sell fireworks within the unincorporated area of the County. Submittal of more than two such applications shall be grounds for denial of all applications.

c. County business licenses authorizing the sale of safe and sane fireworks shall not be transferable to another organization.

d. Transfer of temporary stands from the location for which the license was initially issued may be made provided that the application is made to the Director of Finance or designee on or before the first day of June, provided further that any such location change has been approved in writing by the fire district having jurisdiction, the

County's Chief Building Inspector, and otherwise complies with all provisions of this Article regulating the location of temporary fireworks stands.

4.54.360 Application.

a. All applications for a County business license to sell fireworks shall be in writing to the Department of Finance on forms supplied by the County. Applications shall be received and filed with the Department of Finance on or before the second Tuesday in April of each year. Applications shall specify the proposed location of the fireworks stand, the name, address and telephone number of one or more responsible adults who will be in charge of and responsible for the fireworks stand during the period fireworks are sold, displayed or stored, such other information as may be required by the Department of Finance in an amount set annually by the Director of Finance, not to exceed the costs incurred to review and act on applications for fireworks booths.

b. An original signed application shall be submitted each year to the Department of Finance, who will retain the application. Copies shall be transmitted electronically to the fire district in whose jurisdiction the proposed fireworks stand will be located, and to the County Building Inspection Division.

c. Applicants for a license shall be notified by the Department of Finance of the tentative approval or denial of the application for a County business license by the first Monday in May of each calendar year. Within two weeks of the notification of the tentative approval of the County business license, the applicant shall furnish to the Department of Finance evidence of insurance providing comprehensive general liability coverage written on an occurrence basis, including but not limited to premises/operations, personal injury, contractual liability, independent contractors, and products/completed operations, with a \$1 million combined single limits for bodily injury and property damage. The insurance policy shall designate the County, its officers, agents, employees and volunteers as additional insureds as to products, premises/operations of the named insured. The insurance policy shall further be endorsed to provide that any insurance and/or self insurance maintained by the County of Sacramento shall apply in excess of, and not contribute with, insurance provided by the applicant. The County Risk Manager shall be the certificate holder. In the event of non-renewal or cancellation of the insurance policy, thirty (30) days advance notice shall be provided to the Director of Finance or designee. The insurance policy shall be limited to the specific location for which the County business license is issued. The Director of Finance or designee shall issue the license to the applicant upon the presentation of required proof of insurance.

d. Applicants shall submit proof of active non-profit status to the Department of Finance no later than May 30 of each year.

e. A copy of the County business license shall be transmitted to the fire district in whose jurisdiction the proposed fireworks stand will be located.

f. The continued validity of any County business license issued pursuant to this Article shall be subject to the requirement that at least one of the responsible adults listed in the licensee's application shall attend a fireworks stand operator seminar conducted by the fireworks industry and approved by a Fire Department or fire district within the County. The failure of a licensee to have such a responsible individual attend such safety seminar shall subject the County business license to revocation.

4.54.370 Denial of License.

a. The Director of Finance or designee shall issue the County business license to sell fireworks unless the Director finds, in writing, that any of the following apply:

1. The applicant has failed to provide sufficient or adequate plans, information or other data necessary to permit a determination respecting compliance with the requirements of this Article;

2. The applicant is not in compliance with any of the requirements of this Article;

3. The applicant falls within the provisions of subdivision (c) of Section 4.54.420 of this Article; or

4. Either the fire district in whose jurisdiction the proposed stand will be located or the County Building Inspection Division fails to approve the application.

b. Any denial of a license pursuant to this section may be appealed pursuant to the procedures set forth in subdivision (b) of Section 4.54.420 of this Article.

4.54.380 Operation of Stand.

a. No person shall sell fireworks to any person under the age of eighteen.

b. Sale of fireworks shall begin no earlier than 12:00 noon on June 28th and shall not continue after 9:00 p.m. on July 4th of the same year. Sale of fireworks shall be permitted only from 9:00 a.m. to 10:00 p.m. daily.

c. No person other than the licensee organization shall operate the stand for which the license is issued or share or otherwise participate in the profits of the operation of such stand.

d. No person other than the individuals who are members of the licensee organization or the spouses, parents or adult children of such members shall sell or otherwise participate in the sale of fireworks at such stand.

e. No person under the age of eighteen shall sell or participate in the sale of fireworks.

f. At the time of purchase, each customer shall be given a County-approved information sheet on the safe use and disposal of fireworks.

g. No person shall be paid any consideration by the licensee or any wholesale distributor of safe and sane fireworks for selling or otherwise participating in the sale of fireworks at such stand, provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on its property.

h. Fireworks stands shall be removed from the temporary locations by noon on July 14th, and all accompanying litter shall be cleared from such locations by that date and time.

4.54.390 Temporary Fireworks Stand.

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited. Temporary stands shall be subject to the following provisions:

a. No fireworks stand shall be located within twenty-five feet of any other building or within one hundred feet of any gasoline pump or distribution point.

b. Fireworks stands need not comply with the provisions of the Building Code of the County; provided, however, that all stands shall be erected under the supervision of the Chief Building Inspector, who shall require that stands be constructed in a manner which will reasonably ensure the safety of attendants and patrons; and provided further that any electrical installations shall comply with all applicable codes.

c. No stand shall have a floor area in excess of seven hundred and fifty square feet.

d. Each stand shall have at least two exits. Each stand in excess of forty feet in length shall have at least three exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty feet. Exit doors shall be not less than twenty-four inches wide and six feet and two inches in height and shall swing in the direction of exit travel.

e. Each stand shall be equipped with a minimum of two (2), two and one-half gallon "water-type" (minimum rating 2A) fire extinguishers in good working order and easily accessible for use in case of fire.

f. Fireworks stands shall be located on property zoned AC, BP, GC, LC, M-1, M-2, MP, SC, TC, or in any other zoning classification if the County's Chief Building Inspector certifies in writing to the Director of Finance or designee that the operation of a fireworks location in such other zoning classification will not endanger the health and safety of the community or create a fire hazard to surrounding properties.

4.54.400 General Requirements for Licensees.

a. Stands shall not be located closer than six hundred feet apart, unless separated by a principal arterial roadway.

b. All weeds and combustible material shall be cleared from the location of the stand to a distance of at least twenty-five feet surrounding the stand.

c. "NO SMOKING" signs shall be prominently displayed on and in the fireworks stand.

d. Each stand must have at least one adult in attendance and in charge thereof when the stand is being used for sale, dispensing or storage of fireworks.

e. All unsold stock of fireworks in the hands of the retailer after 9:00 p.m. on the 4th day of July shall be returned to the distributor or wholesaler and removed from the unincorporated area of the County within ten days. On closing of stands, all litter shall be removed from the premises.

f. No fuel-powered generator or similar equipment shall be allowed within fifty (50) feet of a fireworks stand.

4.54.410 Enforcement.

The chief of any fire protection district or designated representatives, peace officers, and/or Code Enforcement Officers are authorized to administer and enforce this Article and issue citations for violations in their respective jurisdictions.

4.54.420 Revocation of License—Appeal.

a. The Director of Finance, or the Director's designee, may revoke, immediately and without notice or hearing, the license of any licensee who violates the provisions of subsection (e) of Section 4.54.360, subsections (a), (b) or (e) of Section

4.54.380, or subsection (d) of Section 4.54.400. If the revocation occurs between June 22nd and July 4th, the Director shall inform the licensee that the licensee may seek review of the Director's decision by the County Executive, or the County Executive's designee, on the next business day. At the earliest opportunity on the next business day after the revocation, the Director of Finance shall provide the County Executive with written notice that a fireworks business license has been revoked, including the name of the licensee and a brief statement of the grounds for revocation. If requested by the licensee, the County Executive, or the County Executive's designee, shall meet with the licensee and the Director of Finance on that day to review the Director of Finance's decision. The decision of the County Executive or the County Executive's designee shall be final. If the revocation occurs before or after the specified period, the appeal procedures of subsection (b) shall apply.

b. The Director of Finance, or the Director's designee, may revoke the license of any licensee who violates any provision of this Article not specified in subsection (a). Such revocation shall not take effect for five days, during which time the licensee may seek review of the Director's decision by submitting a written request for review to the County Executive. The Director of Finance shall provide the County Executive with written notice that a fireworks license has been revoked, including the name of the licensee and a brief statement of the grounds for revocation. The County Executive, or the County Executive's designee, shall meet with the licensee and the Director of Finance to review the Director's decision. The decision of the County Executive or the County Executive's designee shall be final.

c. Any licensee whose permit has been revoked pursuant to subsections (a) or (b) hereof shall be barred from receiving a license under this Article for five (5) years from the date of revocation.

4.54.425 Hosts Liability.

a. Except as may be permitted by state law or as authorized by this Article, it is unlawful for any individual to permit, allow, aid, or abet any discharge of dangerous fireworks (including a public display) or unauthorized use of safe and sane fireworks, if such a person either knows or reasonably should know that an individual is discharging fireworks on his or her residential or other private property or in an adjacent public right-of-way.

b. A person who permits, allows, aids, or abets any discharge of dangerous fireworks or unauthorized use of safe and sane fireworks on a property under their possession or control shall be deemed to have actual or constructive knowledge that dangerous fireworks or unauthorized safe and sane fireworks have been discharged if the person has not taken all reasonable steps to prevent to discharge of fireworks, as discussed in subsection (f)(2).

c. Any person who permits the discharge of dangerous fireworks or unauthorized safe and sane fireworks from their premises shall be rebuttably presumed to have actual or constructive knowledge that individuals have discharged fireworks if such person is present at the premises at any time that the discharge of dangerous fireworks or unauthorized safe and sane fireworks is to have occurred.

d. Upon identification of an unpermitted discharge of dangerous fireworks or unauthorized safe and sane fireworks, code and/or law enforcement may also issue a

written notice to all other identifiable responsible persons not present at the unpermitted discharge of fireworks that a violation of the fireworks ordinance has occurred and that further violations may result in citations and/or assessment of response costs.

e. It is the duty of any person who permits, allows, aids, or abets any discharge of dangerous fireworks or unauthorized safe and sane fireworks at his or her place of residence, other private property, any other premises under his or her control, or an adjacent public right-of-way to take all reasonable steps to prevent the discharge of dangerous fireworks or unauthorized safe and sane fireworks at the premises.

f. The provisions this section shall not apply to:

1. The possession, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under federal or state law;

2. A host 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 any other person contacts law enforcement or fire officials to complain about the violation of this chapter.

g. No host shall aid or abet another person's violation of a provision of this chapter in a public right-of-way adjacent to the host's private property. A 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 host specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation.

4.54.430 Violation; Penalty.

a. A violation of this chapter is unlawful, and is hereby declared a misdemeanor and a public nuisance.

b. In addition to any other remedy allowed by law, any person who violates a provision of this chapter may be subject to criminal sanctions, civil actions, and a nuisance enforcement action pursuant to Title 16, Chapter 16.18 of this code and as indicated in this section.

c. A violation of this chapter is subject to an administrative penalty as follows:

1. \$1,000 for the first violation;
2. \$2,500 for the second violation within one year of the first violation;
3. \$5,000 for each additional violation within one year of the first violation;

and

4. \$10,000 for each violation which occurs within the American River Parkway, any park, and/or on school properties.

d. 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 shall govern.

4.54.440 Seizure of Fireworks.

The Chief, or the Chief's designee, of the fire district in whose jurisdiction a fireworks stand is located may seize, take, remove or cause to be removed, at the expense of the licensee, all stocks of fireworks offered or exposed for sale, stored or

held in violation of this Article when such violation creates an imminent threat to public health or safety.

4.54.450 Concurrent Authorities.

This Article 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, the State, or any other legal entity or agency having jurisdiction.

4.54.460 Response Cost.

a. In addition to any fines or penalties which may otherwise be levied by the County pursuant to this chapter, the County shall be entitled to recover from any person found to be in violation of any provision of this chapter, the County's full response costs.

b. For purposes of this chapter, the term "response costs" shall mean those reasonable and necessary costs directly incurred by the County for a response to complaint of discharging fireworks prohibited under this section and shall include the cost of providing sheriff, code enforcement, fire, and/or other emergency response services at the scene to include, but not limited to:

1. Salaries and benefits of code and/or law enforcement and/or fire and/or emergency personnel for the full amount of time spent responding to, remaining at, or otherwise dealing with such prohibited fireworks, and the administrative costs attributable to such responses;

2. The cost of any medical treatment to or for any code and/or law enforcement and/or fire and/or emergency personnel injured while responding to, remaining at, or leaving the scene; and

3. The cost of repaying for any County equipment or property damaged and the cost of the use of any such equipment used in responding to, remaining at or leaving the scene.

4.54.470 Failure to Pay Response Cost and/or Administrative Penalties.

a. The failure of any person to timely pay either the response costs or the assessed administrative penalties constitutes a debt to the County and may result in the matter being referred to the Sacramento County Department of Finance, which may file a claim with the small claims court or, in the alternative, utilize any means within its power to collect the amount owed. The County may pursue any other legal remedy to collect the administrative fines.

b. Any person who fails to pay to the County any response costs or administrative penalty imposed pursuant to this chapter on or before the date such costs or penalty are due shall also be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any required fees, penalties, interest and late charges.

c. Notwithstanding all of the procedures set forth in this section, the Sheriff shall have the ability and discretion to enforce violations of this chapter, to impose necessary conditions, to forgive portions of a debt or penalty owed to the County under

this chapter, and to coordinate collection and enforcement efforts with the Department of Finance.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on March 26, 2024, and on April 9, 2024, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Desmond, seconded by Supervisor Hume, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 9th day of April, 2024, by the following vote:

AYES: Supervisors Desmond, Frost, Hume, Serna, Kennedy

NOES: None

ABSENT: None

ABSTAIN: None

RECUSAL: None
(PER POLITICAL REFORM ACT (§ 18702.5.))



Pat O'Rourke

Chair of the Board of Supervisors
of Sacramento County, California

Alorence Evans

ATTEST: _____
Clerk, Board of Supervisors

FILED
BOARD OF SUPERVISORS

APR 09 2024

BY *Alorence Evans*
Clerk of the Board

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In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on *Apr 9, 2024*

By: _____
Deputy Clerk, Board of Supervisors