

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

ORDINANCE NO. 4522

ADOPT AN ORDINANCE AMENDING CHAPTER 1 OF DIVISION 1 OF TITLE 4 OF THE
ORDINANCE CODE OF SAN JOAQUIN COUNTY REGARDING THE 2016 CALIFORNIA FIRE
CODE, CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9

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

Section 1. Sections 4-1003 and 4-1008 of Chapter 1 of Division 1 of Title 4 of the
Ordinance Code of San Joaquin County, are hereby amended to read as follows:

SECTION 4-1003. APPLICATION FOR PERMIT.

Sections 105.1.2 and 105.7 of Chapter 1 of the California Fire Code, 2016 Edition, are
hereby amended to read as follows:

Section 105 .1.2. I. Operational Permits required by this Code shall be obtained from the County
Fire Warden in such form, detail and procedures as the County Fire Warden may prescribe.
Permit fees shall be paid prior to the issuance of such operational permits. Fees shall be set by a
board resolution of the Board of Supervisors of the County of San Joaquin. Issued permits shall
be kept on the premises designated therein at all times and shall be readily available for
inspection by the County Fire Warden. Such permits shall be issued on an annual basis unless
otherwise noted. If a rural fire protection district has established a Bureau of Fire Prevention, it
may issue permits and collect fees subject to this Code if it complies with County procedures set
forth pursuant to this section.

Section 105.1.2 .2. Operational Permits for Public Display Fireworks shall include all items and
information identified below as required by California Code of Regulations, Title 19, Division 1,
Article 4, Section 982 and shall be attached to the issued operational permit.

(1) The name of the organization sponsoring the display, together with the names and license
numbers of persons actually (in charge of the display.

(2) The date and time of day the display is to be held.

(3) The exact location planned for the display.

(4) The size and number of all fireworks to be discharged including the number of set pieces,
shells, and other items. Shells shall be designated by diameter specifying single, multiple break
or salute.

(5) The manner and place of storage of all fireworks prior to, during, and after the display.

(6) Diagram of the grounds on which the display is to be held showing the point at which the
fireworks are to be discharged, the location of all buildings, roads, and other means of

transportation, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.

(7) Proof that satisfactory workers' compensation insurance is carried for all employees in compliance with Labor Code Section 3700.

(8) If the permit is for a public display or special effects, documentary proof of conformance with sections 12610 and 12611, Health and Safety Code.

(9) A State Fire Marshal's license for the public display of fireworks, under Health and Safety Code Sections 12575, 12576, or 12577. No permit for a public display of any type shall be granted unless a public display license general, special, or limited has been first obtained from the State Fire Marshal.

(10) The name and license number of the wholesaler who supplied all items used in the display.

Section 105.3.1 of Chapter 1. Expiration. Every construction permit issued by the Fire Warden under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Work shall be considered abandoned if an inspection has not been recorded and approved within 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he/she may commence work under that permit when he/she is unable to commence work within the time required by this section for good and satisfactory reasons. The Fire Warden may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented actions from being taken. A Notice of Code Violation may be recorded when a Fire construction permit is expired.

Section 105.7 Construction Permits required by this Code shall be obtained from the County Fire Warden in such form, detail and procedures as the County Fire Warden may prescribe. Fire plan check and inspection permit fees shall be paid prior to the issuance of a building permit. The fire plan check and inspection fees for construction permits associated with building permits and this Code shall be set by a board resolution of the Board of Supervisors of the County of San Joaquin. The Fire Warden shall certify plans of all occupancies requiring a permit from this Code.

SECTION 4-1008. EXPLOSIVES AND FIREWORKS.

Section 5601.1 of Chapter 56, of the California Fire Code, 2016 Edition is hereby amended by adding the following:

(a) **Fireworks defined:** "Fireworks" means 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 fireworks classified by the Health and Safety Code as "dangerous fireworks" and "safe and sane fireworks" and shall include firecrackers, torpedoes, skyrockets, roman candles, bombs, sparklers, chasers, snakes, or other fireworks containing any explosive or flammable substance. This definition does not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps.

(b) **Fireworks prohibited:** It is unlawful for any person to sell, offer for sale, transport, or cause to be transported, give away, posses, use or discharge any fireworks as defined in this Code in the un-incorporated portions of San Joaquin County.

Exception: This Code shall not prohibit public fireworks displays providing a permit is obtained from the 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. Public displays shall be performed in accordance with Section 5608 of the California Fire Code 2016 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.

(c) **Seizure and destruction of fireworks:** The Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives in the un-incorporated 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)~~(d) **Violations:**

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 sited for and convicted of violations of this Chapter, provided, however, that an Owner who is not in possession of his/her property, and who has instead permitted another Person(s) to occupy the property, shall not be convicted of a violation unless the Owner had notice that persons in possession of the property were in possession of, sold, ignited, exploded, discharged, projected, or otherwise fired or used, or the Owner otherwise negligently allowed a violation of this Chapter to occur on his/her property.

2. 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) for a first violation; (2) a fine not exceeding two

hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation within one year.

3. Violations of this Chapter shall be prosecuted by the District Attorney.

4. The provisions of this Chapter shall be enforced by the Fire Warden or designated representatives including the San Joaquin County Sheriff and Fire Chiefs or their designated representatives in the un-incorporated 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 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.

~~(f)~~**(e) Application of state law:** Nothing in this Chapter shall limit any of the penalties provided in the California 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.

~~(g)~~**(f) 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.

~~(h)~~**(g) Public Display of Fireworks.**

Public Display of Fireworks defined: "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.

Salute Fireworks defined: Fireworks designed to produce an explosive sound as their primary effect.

Aerial Salute Fireworks defined: A salute that functions as an aerial shell.

Ground Salute Fireworks defined: A salute that functions from a stationary or secured position.

Fireworks Prohibited. 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.

Section 2. This ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in The Record, a newspaper of general circulation which is published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the
County of San Joaquin, State of California, on this 8th of January, 2019 to wit:

AYES: Miller, Patti, Winn, Elliott, Villapudua

NOES: None

ABSENT: None

ABSTAIN: None

Miguel A. Villapudua

MIGUEL A. VILLAPUDUA, CHAIR
Board of Supervisors
County of San Joaquin
State of California

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin
State of California

BY: **Mimi Duzenski**