

ORDINANCE NO. 2021-19

FIREWORKS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 44-2 of the County Ordinance Code to regulate the possession, manufacture, sale, use, and discharge of fireworks in the unincorporated areas of the County.

SECTION II. Chapter 44-2 of the County Ordinance Code is amended to read:

**Chapter 44-2
Fireworks**

44-2.002 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Fireworks” has the meaning set forth in Health and Safety Code section 12511.
 - (1) The term “fireworks” includes the following:
 - (A) “Dangerous fireworks,” as defined in Health and Safety Code section 12505.
 - (B) “Safe and sane fireworks,” as defined in Health and Safety Code section 12529.
 - (2) The term “fireworks” excludes the following:
 - (A) “Exempt fireworks,” as defined in Health and Safety Code section 12508.
 - (B) “Party poppers” and “snap caps,” as each is defined in California Code of Regulations, Title 19, section 980.
- (b) “Responsible party” means any of the following:
 - (1) A person that owns, rents, leases, or otherwise has possession of, or is in immediate control of, a residence or other private property or a vessel.
 - (2) A person that organizes, supervises, sponsors, conducts, allows, controls, or

controls access to, the possession, manufacture, sale, offer for sale, use, or discharge of fireworks at a residence or other private property or on a vessel.

If a residence or other private property is rented or leased for a period of more than 30 consecutive days, the landlord or lessor is not a responsible party unless the landlord or lessor: has possession of, or is in immediate control of, the residence or other private property; or has knowledge of the possession, manufacture, sale, offer for sale, use, or discharge of fireworks at the residence or other private property.

- (c) “Vessel” has the meaning set forth in Harbors and Navigation Code section 651. (Ords. 2021-XX § 2, 72-19 § 1: prior code § 3220; Ord. 684.)

44-2.004 Prohibition. No person shall possess, manufacture, sell, offer to sell, use, or discharge, any fireworks. (Ords. 2021-XX § 2, 72-19 § 1: prior code § 3220; Ord. 684.)

44-2.006 Exceptions. This chapter does not prohibit the proper use of flares by railroad personnel, peace officers, fire officials, or motorists. (Ords. 2021-XX § 2, 72-19 § 1: prior code § 3220; Ord. 684.)

44-2.008 Responsible party liability. A responsible party shall maintain, manage, and supervise the residence or other private property, or vessel, for which they are responsible to prevent violations of this chapter. A responsible party violates this chapter if any person possesses, manufactures, sells, offers to sell, uses, or discharges, any fireworks at the residence or other private property, or on the vessel, for which the responsible party is responsible, regardless of whether the responsible party is present when the violation occurs. (Ords. 2021-XX § 2.)

44-2.010 Enforcement. The County may seek compliance with this chapter by any remedy allowed under this code and any other remedy allowed by law. (Ords. 2021-XX § 2.)

SECTION III. Section 14-8.008 of the County Ordinance Code is amended to read:

14-8.008 Infraction arrest and citation.

- (d) The following officers, or their designated subordinates, shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this Code and other codes as indicated, punishable as infractions:
- (1) Director of health services: Division 413, Division 445, Chapters 414-4, 414-6, 416-14, 418-2, 418-6, 418-12, 418-16, 420-2, 420-6, and 450-6, and Labor Code Section 6404.5.
 - (2) Director of building inspection: Title 7.

- (3) Director of community development: Title 8.
- (4) Director of public works: Divisions 1002, 1010, 1014, 1106, and 1110.
- (5) Sheriff: Chapter 44-2, Division 54, Chapter 54-2, and Divisions 410 and 1110.
- (e) The above-listed officers, or their designated subordinates, may issue citations for infraction violations of the above-listed code provisions.
- (f) The county administrator may by written order issue regulations to provide for administration, procedures, and policy direction for this section. (Ords. 2021-XX § 2, 2016-24 § 5, 2012-05 § 3, 2006-66 § 8, 2004-30 § 2, 2003-01 § 5, 2002-48 § 2, 2001-03 § 1, 98-31 § 1, 98-22 § 2, 96-21 § 2, 95-36 § 1, 90-122 § 2, 86-80 § 2; Penal Code §§ 19.7, 836.5, and 853.6; Labor Code § 6404.5).

SECTION IV. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

ATTEST: MONICA NINO, _____
 Clerk of the Board of Supervisors Board Chair
 and County Administrator

By: _____ [SEAL]
 Deputy

KCK:
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