

**Chapter 9.28
FIREWORKS**

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9.28.010 Definitions.

- A. “Fireworks” means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment, including fireworks classified by the Health and Safety Code both as “dangerous fireworks” and as “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, party poppers or snap caps. (Ord. 539 § 1, 1995)
- B. “Occupant” means the person or persons leasing , using, residing at or otherwise occupying real property, regardless of whether a lease or contract exists between said person and the Owner.
- C. “Owner” means the owner or owners of real property.
- D. “Person” means any individual or entity of any form, including, but not limited to corporation, limited liability company, partnership, association. (Ord. 833, 2016)

9.28.020. Limitations on Possession, Sale and Discharge of Fireworks

- A. Subject to the provisions of the State Fireworks Law, Sections 12,500 through 12,726 of the Health

and Safety Code of the state, and any regulations promulgated thereunder, safe and sane fireworks, as defined in Section 12529 of the Health and Safety Code of the State of California, may be sold and discharged within the city limits of the City of Ripon during the period beginning at 12 noon on the 28th day of June and ending at 12 midnight on the 4th of July, each year. No fireworks classified as “dangerous fireworks” by Section 12505 of the Health and Safety Code of the State of California, may be sold or discharged within the City of Ripon. (Ord. 539 § 1, 1995)

B. Fireworks permitted by this Chapter shall not be discharged on public, semi-public or private open areas such as parking lots, vacant properties, or open commercial or industrial areas, except in those areas expressly approved by the Fire Chief of the Ripon Consolidated Fire District. Fireworks permitted by this Chapter shall only be discharged on private property and residential public streets or right of ways.

C. It shall be unlawful for any person to ignite, explode, discharge, project, or otherwise fire or use any Fireworks, or to permit the ignition, explosion, projection, firing or usage thereof, upon or over or onto the property of another without his or her consent.

D. It shall be unlawful for any person having the care, custody or control of a minor under the age of eighteen (18) to permit such minor to ignite, explode, discharge, project, or otherwise fire or use any Fireworks, unless such minor does so under the direct supervision of the minor’s parent or guardian, or such other person having care, custody or control of such minor.

(Ord. 833, 2016)

9.28.030. State Law.

The provisions of this Chapter are in addition to applicable state and federal law, including, but not limited to, the State Fireworks Law (California Health and Safety Code Section 12500, et seq.), as may be amended from time to time, the State Fireworks Regulations (Title 19, California Code of Regulations, Chapter 6), as may be amended from time to time, and any and all other state or federal laws or regulations pertaining to the sale or use of Fireworks. (Ord. 833, 2016)

9.28.040. Violations.

A. It shall be unlawful for any Person to violate, or to permit the violation of, any provision 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 cited 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 was in fact present at the property during the time in which the Fireworks were possessed, sold, ignited, exploded, discharged, projected, or otherwise fired or used, or the Owner negligently allowed a violation of this Chapter to occur on his/her property.

B. A violation of this Chapter shall constitute a misdemeanor, provided, however, that in the discretion of the City 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. Conviction of an infraction under this Chapter shall be punishable only by a fine as follows: for the first conviction, the fine shall not to exceed the amount of two hundred fifty dollars (\$250), for the second and any subsequent conviction within a twelve (12) month period, the fine shall not exceed the amount of five hundred dollars (\$500).

C. Violations of this Chapter shall be prosecuted by the City Attorney or through the provisions of Chapter 1.12 of this Code.

(Ord. 833, 2016)

9.28.050 Seizure—Destruction.

Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, which may be summarily abated or restored by the City at the violator's expense and the City may institute a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

9.28.060 Violation.

The provisions of this Chapter shall be enforced by the Ripon Police Department and the Ripon Consolidated Fire District. 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 Ripon Police Department and/or the Ripon Consolidated Fire District 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. (Ord. 833, 2016)