



## **Monterey County Fire and Arson Task Force**



## **Monterey County Fire Investigators Association**

**DATE:** June 10, 2010  
**TO:** Central Coast Media Outlets  
**FROM:** Monterey County Fire Investigators Association  
**SUBJECT:** 2010 Fireworks Information

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The following information is provided as it relates to the sale and use of fireworks in Monterey, Santa Cruz, San Benito, and southern Santa Clara Counties:

### **AREAS WHERE STATE OF CALIFORNIA APPROVED “SAFE and SANE” FIREWORKS ARE ALLOWED FOR SALE AND USE:**

Seaside	Marina	Greenfield
Soledad	Gonzales	Salinas
Watsonville	Gilroy	Hollister

### **AREAS THAT HAVE SPECIAL REGULATIONS FOR THE SALE AND USE OF “SAFE and SANE” FIREWORKS:**

San Juan Bautista: “Safe and Sane” fireworks may be sold, but not used in San Juan Bautista.

Capitola: “Safe and Sane” fireworks may not be sold in Capitola, but may be used on private property.

### **AREAS WHERE ALL TYPES OF FIREWORKS ARE PROHIBITED:**

Fireworks of any type are **NOT ALLOWED** in all other areas within Monterey, Santa Cruz, and San Benito Counties. This includes all unincorporated areas, special districts, coastal beaches, state and county parks, federal and state property including military installations. Fireworks of any type are **NOT ALLOWED** on any beach area in Monterey and Santa Cruz Counties.

## **REGULATIONS CONCERNING “SAFE and SANE” FIREWORKS:**

Only fireworks certified as “safe and sane” by the State Fire Marshal’s Office are allowed for sale and use in approved areas. An approved firework will display the State Fire Marshal’s Seal on the item or packaging. All other fireworks are listed as “Dangerous” by the Health and Safety Code and are illegal in the State of California.

By California State law, “safe and sane” fireworks may only be sold from a free standing fireworks booth. The fireworks retailer must have a license from the State Fire Marshal’s Office and a permit for such sales from the local governmental jurisdiction or fire agency where the fireworks are being sold. For those areas that allow the sale of “safe and sane” fireworks, fireworks may only be sold and used from **twelve noon on June 28<sup>th</sup> until twelve noon on July 6<sup>th</sup>**.

State law prohibits the sale of fireworks to persons under sixteen years of age. Some local areas may have more restrictive age limits. Always check with your local fire agency for the current regulations on the sale and use of fireworks in your area.

## **WHEN USING “SAFE AND SANE” FIREWORKS, ALWAYS FOLLOW THESE IMPORTANT SAFETY TIPS:**

1. Always use fireworks under adult supervision.
2. Always follow the directions printed on the firework of packaging.
3. Never use a firework in or around dry grass or areas that are likely to catch fire.
4. After a firework has been used, soak in water before discarding.
5. Never throw a firework in the air or at a person.
6. Never take a firework apart or experiment with a firework.
7. Light only one at a time and stay away when fireworks are lit.
8. Never carry a firework in your pocket.
9. Fireworks are never to be used indoors.
10. Never try to re-light or “fix” a firework.
11. Always keep at a safe distance.
12. Always have a garden hose and a bucket of water on hand when using fireworks.
13. Never light a firework with a flare or use another firework for lighting.

## **REGULATIONS CONCERNING “DANGEROUS” FIREWORKS THAT ARE ILLEGAL IN CALIFORNIA:**

Per the California Health and Safety Code, any person in possession of a classified “Dangerous” firework is in violation of the law and subject to arrest and imprisonment.

As a general rule, a firework classified as “Dangerous” in the Health and Safety Code is any firework that either:

- Explodes
- Rises into the air
- Moves across the ground

“Dangerous” fireworks may also:

- ✓ Discharge flaming balls that can explode
- ✓ Contain poisonous chemicals
- ✓ Cause serious personal injuries
- ✓ Malfunction without warning
- ✓ Travel great distances
- ✓ Cause fires, or property damage

## **DANGEROUS FIREWORKS PENALTIES:**

Under Section 12700 of the California Health and Safety Code, any person that violates any provision of the State Fireworks Law or Regulations, or is in possession of less than 25 pounds gross weight of dangerous fireworks is guilty of a misdemeanor punishable by a fine of not less than \$500.00 nor more than \$1000.00, or by imprisonment in the County Jail for up to one year, or both a fine and imprisonment.

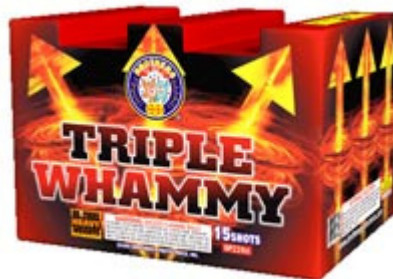
For possession between 25 to 100 pounds, a fine of not less than \$1,000 nor more than \$5,000 shall be imposed or imprisonment in a County Jail for up to one year, or both a fine and imprisonment.

For possession between 100 and 5,000 pounds of dangerous fireworks, fines range between \$5,000 and \$10,000 in addition to possible imprisonment in state prison or a County Jail for up to one year, or both a fine and imprisonment.

For possession of over 5,000 pounds of dangerous fireworks, fines range between \$10,000 and \$50,000 in addition to possible imprisonment in state prison or a County Jail for up to one year, or both a fine and imprisonment.

A person possessing or using certain types of fireworks such as an M-80, M-100, or M-1000, or using fireworks to make explosive devices may be charged with a felony.

# Examples of Dangerous and Illegal Fireworks in California



## **SALES OF FIREWORKS ON THE INTERNET OR CRAIGSLIST:**

Sales of any fireworks over the Internet to California residents is prohibited and a violation of Section 12560 of the California Health and Safety Code.

<http://osfm.fire.ca.gov/informationbulletin/pdf/2009/fwxoncraigslist09.pdf>

## **“PARTY POPPERS” and “SNAP CAPS”**

Novelety items such as “party poppers” and “snap caps” are allowed for sale at any retail outlet in California providing the local jurisdiction does not have an ordinance preventing the sale of such items. Although the packaging is similar to actual fireworks, These items are classified as a “pyrotechnic device” and not regulated as a “safe and sane” or “dangerous” fireworks.

## **AREAS THAT WILL CONDUCT AN AERIAL PUBLIC FIREWORKS DISPLAY ON JULY 4<sup>TH</sup>:**

City of Hollister	Marguerite Maze Middle School
City of Gilroy	Gilroy High School
Scotts Valley	Sky Park
Morgan Hill	Edmundson Community Park

## **FIREWORKS SAFETY ORGANIZATIONS AND WEBSITES:**

National Fire Protection Association	<a href="http://nfpa.org">http://nfpa.org</a>
Consumer Product Safety Commission	<a href="http://cpsc.gov">http://cpsc.gov</a>
California Office of the State Fire Marshal	<a href="http://osfm.fire.ca.gov/fireworks.html">http://osfm.fire.ca.gov/fireworks.html</a>
National Council on Fireworks Safety	<a href="http://fireworksafety.com">http://fireworksafety.com</a>

For additional information on fireworks regulations or fireworks safety, contact your local fire department.

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