

Chapter 6.40 FIREWORKS*

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* Prior ordinance history: Ords. 1455, 3349, 4225, 4380 and 4425.

Cross-reference: For public displays of fireworks and open flame devices, see Chapter 6.41

6.40.010 DEFINITIONS.

The following words and phrases, as used in this chapter, are defined as follows:

"Dangerous fireworks" shall mean "dangerous fireworks", as defined in Section 12505 and 12561 of the State Fireworks Law and the relevant sections of Chapter 6 of Division 1 of Title 19 of the California Code of Regulations) or any successor provision thereto.

"Designated sales period" is the period in each calendar year during which safe and sane fireworks may be sold from a fireworks stand that is, between the hours of noon and 10:00 p.m. on the 28th of June, and between 10:00 a.m. and 10:00 p.m. on June 29th through the 3rd of July and between the hours of 10:00 a.m. and 9:00 p.m. on the 4th of July of the same calendar year, or at such other time(s) and/or during such other period(s) as may be set forth by resolution of the City Council from time to time.

"Discharge" shall mean the act of lighting, exploding, igniting, setting-off, discharging, projecting, firing or using fireworks.

"Fireworks" shall mean "fireworks", as defined in Section 12511 of the State Fireworks Law or any successor provision thereto.

"Fireworks stand" shall mean any building, booth, counter or other structure of a temporary nature used in the sale, offering for sale or display for sale of safe and sane fireworks, which shall be subject to the most current edition of NFPA 1124 Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles.

"Host" shall mean a person who either i) is in control of private property, including, but not limited to, an owner, tenant, landlord, or property manager of the property; or ii) organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.

"Licensed wholesale business" shall mean a person or entity holding an unrevoked wholesale business license and all other necessary state and local permits and licenses for the wholesale sale of fireworks that purchases fireworks from a manufacturer, importer or exporter for resale.

"Permit" shall mean a permit issued by the Fire Chief authorizing either the sale of safe and sane fireworks or a public display of fireworks.

"Permittee" is a person that has applied for and received a permit to sell safe and sane fireworks or a permit for a public display of fireworks.

"Person" shall mean an individual, partnership, corporation, joint venture or other entity of any nature.

"Public display of fireworks" shall mean a "public display of fireworks", as defined in Section 12524 of the State Fireworks

Law or any successor provision thereto.

"Red flag warning" means a climatic condition based upon wind and humidity criteria which may result in the rapid spread of wildfires and is issued by the National Weather Service for all or selected portions of a fire weather zone or zones.

"Safe and sane fireworks" shall mean those fireworks that are defined and classified as "safe and sane fireworks" (also known as "state-approved fireworks") in Sections 12529 and 12562 of the State Fireworks Law and the relevant sections of Chapter 6, Title 19 of the California Code of Regulations, or any successor provision thereto.

"State Fireworks Law" shall mean Sections 12500 et seq. of the Health and Safety Code of the State of California and its implementing regulations, as set forth in Chapter 6, Title 19 of the California Code of Regulations.

"Wildland-Urban Interface Fire Area" shall mean all of the area within the City of Anaheim located east of the Costa Mesa Freeway (State Route 55) and south of the Riverside Freeway (State Route 91). (Ord. 4779 (part); November 18, 1986: Ord. 6323 § 1; May 5, 2015: Ord. 6367 § 1; April 12, 2016: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.015 ADMINISTRATION.

The City Manager may adopt reasonable policies and procedures to implement this chapter in manner consistent with any applicable rules and regulations set forth by resolution of the City Council. (Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.020 POSSESSION, SALE OR DISCHARGE OF FIREWORKS—GENERALLY.

A. It is unlawful for any person to possess, store, sell, offer or make available for sale, or discharge any and all fireworks, including safe and sane fireworks, within the City limits, unless specifically allowed in this chapter.

B. The sale, possession and discharge of "safe and sane fireworks" for private display shall be permitted within the City in accordance with this chapter and with such other rules and regulations as the City Council may by resolution deem necessary and advisable from time to time to effectuate the purposes of the regulations and limitations set forth in this chapter.

C. No person shall manufacture, possess, sell, offer for sale, store, display, dispose of, give away, stock, or discharge any dangerous fireworks within the City of Anaheim without a permit issued by the Fire Chief. (Ord. 4779 (part); November 18, 1986: Ord. 6323 § 2; May 5, 2015: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.030 SAFE AND SANE FIREWORKS—DISCHARGE.

A. Discharge of Safe and Sane Fireworks.

1. It shall be lawful to discharge safe and sane fireworks within the City at the locations, during the time period(s), and in accordance with the limitations and regulations specified in this section.

2. No person under the age of 16 years shall discharge any safe and sane fireworks at any time, unless such person does so under the direct supervision of a person over 18 years of age and during the hours and on the days permitted by this chapter.

3. It shall be unlawful for any person having the care, custody or control of a person under the age of 16 years to permit such person to discharge any safe and sane fireworks unless such minor does so under the direct supervision of a person over 18 years of age and during the hours and on the days permitted by this chapter.

B. Limitation on Places, Days and Hours of Discharge.

1. It shall be unlawful to discharge any safe and sane fireworks except on the 4th of July between the hours of 10:00 a.m. and 10:00 p.m. and/or during such other days and hours as may be established by resolution of the City Council.

2. It shall be unlawful for any person to discharge any safe and sane fireworks, or permit the discharge of safe and sane fireworks, upon or over or onto the property of another without his/her consent, or to discharge any safe and sane fireworks within ten (10) feet of any residence, dwelling, or other structure.

3. It shall be unlawful for any person to discharge any safe and sane fireworks, or permit the discharge thereof within the following areas of the City:

(a) Any public property, including, but not limited to, public streets, highways, alleys, sidewalks, parks or other publicly-owned property, buildings or facilities, except in designated areas determined by order of the City Manager or his/her designee;

(b) Any property within a Commercial Zone of the City (defined in Chapter 18.08 of this code), except for any nonconforming residential use within a Commercial Zone that is used for residential purposes as of the effective date of the ordinance codified in this section;

(c) Any property within an Industrial Zone of the City (defined in Chapter 18.10 of this code), except for any nonconforming residential use within an Industrial Zone used for residential purposes as of the effective date of the

ordinance codified in this section;

- (d) Any property in the Wildland-Urban Interface Fire Area;
- (e) Any premises where gasoline or other flammable liquids are stored or dispensed; and
- (f) In "high fire hazard areas," as designated by the Fire Chief.

4. Nothing in this section shall preclude the use or discharge of safe and sane fireworks, consistent with this chapter, on appropriate privately owned areas within a Single-Family or Multiple-Family Residential Zone (defined in Chapters 18.04 and 18.06 of this code).

5. Nothing in this section shall preclude the use, discharge or presentation of any public fireworks display authorized under and pursuant to Section 6.40.040 of this code.

6. It shall be unlawful to discharge any safe and sane fireworks on the dates and during the times permitted in this section when a Red Flag Warning has been issued by the National Weather Service. In the event of a Red Flag Warning on July 4, the Fire Chief may, with the concurrence of the City Manager and to the extent allowed by State law, permit the discharge of safe and sane fireworks on another date and during such time(s) as he or she may determine appropriate and, to that end, shall disseminate notice to members of the general public in whatever manner he determines appropriate. (Ord. 6323 § 3; May 5, 2015: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.035 SAFE AND SANE FIREWORKS—SALE.

A. The retail sale of safe and sane fireworks on property within the City that is authorized for the sale of safe and sane fireworks shall be lawful so long as said sale is conducted (i) during a designated sales period, and (ii) in accordance with the limitations and regulations set forth in this section.

B. It shall be unlawful to sell safe and sane fireworks within the City without a permit issued by the Fire Chief. Sales of safe and sane fireworks shall be conducted in conformance with all terms and conditions of the permit as may be reasonably imposed by the Fire Chief. The Fire Chief may issue up to sixteen (16) permits per year for the sale of safe and sane fireworks based on a lottery system established by resolution of the City Council. No permittee shall be authorized to sell safe and sane fireworks at more than one location during a designated sales period.

C. A permittee shall, if required by law, have a retail sales license issued by the State Fire Marshal, a temporary sales tax permit issued by the State Board of Equalization, and a City business license and shall demonstrate compliance with those permit requirements to the Fire Chief upon request.

D. A permittee shall provide evidence of valid insurance policies in the form and amount and with coverage types required by the City's Risk Manager, which policies shall name the City, its officers, officials, agents and employees as additional insureds.

E. A permittee shall submit and obtain the Fire Chief's or his or her designee's approval of a plan indicating the location and hours of operation of a fireworks stand, the number of staff on duty, and such other information as may be required by the Fire Chief or by the State Fireworks Law.

F. No person shall knowingly sell fireworks to any person under 18 years old. No person under 18 years old shall sell or participate in the sale of safe and sane fireworks.

G. No person shall be paid any consideration for selling or otherwise participating in the sale of safe and sane fireworks. This shall not apply to licensed security personnel during sale or non-sale hours or to a party authorizing the location of a fireworks stand on its property.

H. Safe and sane fireworks must remain at the location listed on the permit unless written approval to relocate them is obtained from the Fire Chief or his or her designee. Unsold safe and sane fireworks may be transported outside of the City in compliance with Department of Transportation regulations for transporting fireworks after 9:00 p.m. on July 4th.

I. A permittee shall cause its employees, agents and representatives to comply with all of the requirements of the State Fireworks Law in connection with the sale of safe and sane fireworks.

J. At least one or more representatives of a permittee shall attend a "safe and sane fireworks" stand operator safety seminar supervised by a representative of the Fire Chief and conducted by each licensed wholesale business that is supplying safe and sane fireworks to the permittee.

K. A permittee and its respective employees, agents and representatives shall comply with the following standards as to the sale of safe and sane fireworks:

1. All retail sales of safe and sane fireworks shall be permitted only from within a fireworks stand; retail sales of safe and sane fireworks from any other building or structure are hereby prohibited. Fireworks stands shall comply with and are subject to the State Fireworks Law, the California Fire Code, and the most current edition of the NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles.

2. The Fire Chief may establish and amend from time to time such additional rules and regulations for the operation of fireworks stands determined appropriate and necessary for the public safety or as may be required under the State Fireworks Act, the California Fire Code, and/or the most current edition of the NFPA 1124 Code for the Manufacture,

Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles. A copy of any such rules and regulations shall be posted in a prominent place in each fireworks stand.

L. Violation of this section 6.40.035 and/or failure to comply with the terms of the permit issued to a permittee or the rules and regulations for the operation of fireworks stands established by the Fire Chief shall be grounds for the immediate revocation of any permit granted under this chapter. (Ord. 6323 § 4, May 5, 2015; Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.036 HOST LIABILITY.

A. No host shall permit any person to possess, sell or discharge fireworks on the host's private property except as allowed in this chapter. Hosts are subject to all the provisions and penalties set forth in this chapter, unless subsection A.2 applies.

1. Whenever a host is present at the private property while another person violates a provision of this chapter, there shall be a rebuttable presumption that the host knew or should have known of the violation.

2. The provisions of this Section shall not apply to 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, provided the request for assistance is made before any other person contacts law enforcement or fire officials to report or complain about the violation of this chapter.

B. 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 specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation. (Ord. 6608 § 1 (part); May 13, 2025)

6.40.040 PERMIT FOR PUBLIC DISPLAYS.

Notwithstanding any other provisions of this Code, the Fire Chief of the City of Anaheim may grant permits for public displays of fireworks if the Fire Chief determines that all requirements of the law are or will be complied with by the applicant and that granting any such permit will not be detrimental to the public peace, health or safety; otherwise said application shall be denied. Applications for such permits shall be filed with the Fire Chief not less than ten days before the proposed public display and shall be accompanied by a detailed statement of the items of the proposed display. If the permit is granted, no items shall be displayed except as are contained in the statement and the Fire Chief may in granting the permit eliminate from the statement such items as he deems hazardous or impose conditions upon such permit as the Fire Chief shall deem reasonably necessary to protect the public peace, health and safety; and it shall be unlawful for the grantee of the permit to exhibit or display the eliminated items or to conduct such display in violation of any conditions so imposed. The public display shall be under the supervision of the Fire Chief and such persons as he shall designate and authorize. The City Council shall, by resolution, pursuant to the Fire Chief's recommendation, establish a fee to be charged for the permit. A separate permit will be required for each display. The display shall be at the place and time designated in the permit. Such permit shall include the right to possess and transport said fireworks for the purpose of conducting such public display. (Ord. 4779 (part); November 18, 1986: Ord. 5239 § 1; June 25, 1991: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.050 TIMES PERMITTED.

It is unlawful for any holder of a public display permit to discharge any fireworks in the City of Anaheim from the hours of 10:00 p.m. to 8:00 a.m. unless permitted by the Fire Chief as an exception to this time limit. (Ord. 4779 (part); November 18, 1986: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.060 TIMES PERMITTED — APPEAL FROM DENIAL OF PERMIT.

If the Fire Chief denies a request to discharge fireworks outside the times specified in Section 6.40.050, the person making the request may appeal such action by filing a written notice of appeal with the City Council. Such written notice shall be filed with the City Clerk within ten days of the date of the action of the Fire Chief and shall set forth the reasons for appeal from the action of the Fire Chief. Upon receipt of a notice of appeal, a hearing shall be set before the City Council not less than ten days or more than thirty days from the date of the filing of the appeal. Upon such hearing the Council may deny the application or grant the application upon such conditions as the Council shall deem proper. (Ord. 4779 (part); November 18, 1986: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.070 WHOLESALE BUSINESSES.

Notwithstanding any other provisions of this Code, Licensed Wholesale Businesses may possess, sell, offer for sale, store or display safe and sane fireworks solely for the purpose of the wholesale sale of said fireworks through established trade channels. (Ord. 4779 (part); November 18, 1986: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.080 ENFORCEMENT OF CHAPTER.

A. This chapter shall be enforced in accordance with the procedures set forth in Chapter 1.20 of this code, relating to the issuance of citations, imposition of administrative fines, right to appeal, and the right to an administrative hearing.

B. The Fire Chief or any designated representative of the Fire Department is authorized and may enforce the provisions of this chapter. In addition to any other persons authorized by law, the Fire Chief or any representative of the Fire Department or Police Department of the City of Anaheim, or other City official authorized to enforce the Anaheim Municipal Code may seize, take, remove or cause to be removed all stock of fireworks offered or exposed for sale, manufactured, sold, possessed, stored, handled, discharged or used in violation of this chapter, and shall have the duty of enforcing the provisions of this chapter. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law. In connection with such enforcement, authorized personnel may enter, free of charge, at any reasonable time, any place of business, or to approach any person apparently conducting or employed in the operation of a business or the manufacture, sale, possession, storage, handling, discharge or use of prohibited fireworks, to verify compliance with the provisions of this chapter and with the Uniform Fire Code and any other Anaheim Municipal Code provisions related to fireworks enforcement. Such persons are hereby authorized to issue citations to persons violating any of the provisions of this chapter to appear in the Court of the North Orange County Judicial District at a time fixed in the citation and such citation shall be deemed to be a complaint charging violations of this chapter. (Ord. 4779 (part); November 18, 1986: Ord. 6323 § 5; May 5, 2015: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.090 (Repealed by 6323, 5/5/15)

6.40.100 ADMINISTRATIVE FINES AND PENALTIES.

A. Purpose and Scope

This section authorizes the imposition of administrative fines on any person who violates any provision of this chapter in order to encourage and obtain compliance with the provisions of this chapter for the benefit and protection of the entire community. This section governs the imposition, enforcement, collection and administrative review of all administrative fines, related to: (1) the possession, use, storage, sale and/or display of those fireworks classified as "dangerous fireworks" in California Health and Safety Code Section 12500 et seq., with the exception of a pyrotechnic licensee when operating pursuant to that license; and (2) the sale of safe and sane fireworks; and (3) the use of safe and sane fireworks on or at dates, times and/or locations other than those permitted by this chapter. Said administrative fines are imposed under authority of Section 53069.4 of the California Government Code, Section 12557 of the California Health and Safety Code, and the police power of the City.

The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the City authorized under Section 6.40.080 or Chapter 1.20 of this code; and the issuance of a citation to any person constitutes but one remedy of the City to redress violations of this chapter by any person. By adopting this chapter, the City does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this chapter by any person, which this City may otherwise pursue.

The imposition of fines related to "dangerous fireworks" under this chapter shall be limited to persons who possess, sell, use and/or display, or the seizure of, 25 pounds or less (gross weight) of such dangerous fireworks.

Fines collected pursuant to this chapter related to "dangerous fireworks" shall not be subject to Section 12706 of the California Health and Safety Code, which section provides that certain fines collected by a court of the state be deposited with, and disbursed by, the County Treasurer. However, the City shall provide cost reimbursement to the State Fire Marshal pursuant to regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the transportation and disposal of "dangerous fireworks" seized by the City, which costs will be part of any administrative fine imposed. Unless and until said regulations have been adopted by the state of California, the City shall hold in trust \$250 or 25% of any fine collected, whichever is greater, to cover the cost reimbursement to the State Fire Marshal for said cost of transportation and disposal of "dangerous fireworks."

Because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provisions of this chapter and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this chapter imposes strict civil liability upon the owners of real property for all violations of this chapter existing on their real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.

B. Penalties for Violations.

1. Each person who violates any provision of this chapter as it relates to the possession, use, storage, sale and/or display of "dangerous fireworks" shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offenses in One-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty plus Late Charge
First	\$1,000.00	\$250.00	\$1,250.00
Second	\$2,000.00	\$500.00	\$2,500.00
Third	\$3,000.00	\$1,000.00	\$4,000.00

2. Each person who sells or uses safe and sane fireworks on or at dates, times and/or locations other than those permitted by this chapter shall be subject to the imposition and payment of an administrative fine or fines as provided below:

Number of Offenses in One-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty plus Late Charge
First	\$250.00	\$125.00	\$375.00
Second	\$500.00	\$250.00	\$750.00
Third	\$1,000.00	\$500.00	\$1,500.00

3. Payment of an administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of this chapter, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of this chapter. (Ord. 4779 (part); November 18, 1986: Ord. 6323 § 7; May 5, 2015: Ord. 6367 § 2; April 12, 2016: Ord. 6407 § 1 (part); April 25, 2017: Ord. 6608 § 1 (part); May 13, 2025.)

6.40.110 (Repealed by 6323, 5/5/15)