

Fireworks Violations California Health and Safety Code

DANGEROUS FIREWORKS:

12677 - Posses dangerous fireworks without a permit

12676 - Sell, transfer, give or otherwise convey title of dangerous fireworks unless receiver has a valid permit

12680 - Place, throw, ignite, or discharge dangerous fireworks at a person or crowd where injury can occur or creating chaos, fear, or panic

12689a - Sell, give or deliver dangerous fireworks to anyone under 18 years of age.

EMERGENCY SIGNALING DEVICE:

12683- Sell, use discharge an unregistered emergency signaling device

12684- Use emergency signal device for other than intended purpose

AGRICULTURAL AND WILDLIFE FIREWORKS:

12678 - Use agricultural or wildlife fireworks without permit ("seal bomb")

FIREWORKS ARE EXCLUDED FROM EXPLOSIVES LAW:

12540 - Items classified as FIREWORKS are generally excluded from explosives law. Exception: Large firecracker items such as; M -80, M -100, M -1000, Silver Salute, Brown Bomber, 1/4 stick, 1/2 stick, full stick, etc, are considered explosives. Not legal anywhere in the U.S.

CALIFORNIA CODE OF REGULATIONS SEC. 980(F)(1):

The term "firecracker" means a device consisting of an explosive pyrotechnic in an amount not to exceed 50 milligrams (.772 grains) in weight in a fused container whose primary function is to produce an audible effect. All firecrackers are classified as "dangerous fireworks". Devices similar in construction to "firecrackers" which exceed .772 grains shall be considered as EXPLOSIVES in accordance with Health & Safety Code 12000, et seq.

POSSESSION OF DANGEROUS FIREWORKS – PENALTIES:

12700 – (a) Except as provided in Section 12702 and subdivision (b), any person who violates any provision of this part, or any regulation issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) or by imprisonment in the county jail for not exceeding 1 year, or by both such fine and imprisonment.

(b) A person who violates any provision of this part or any regulations issued pursuant to this part, by possessing dangerous fireworks shall be subject to the following:

(1) A person who possesses a gross weight, including packaging, of less than 25 pounds of unaltered dangerous fireworks as defined in Section 12505, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1000), or by imprisonment in the county jail for not exceeding one year, or both that fine and imprisonment. Upon a second or subsequent conviction a person shall be punished by a fine of not less than one thousand dollars (\$1000) or by imprisonment in the county jail not exceeding one year or by both that fine and imprisonment. (1)

(2) A person who possesses a gross weight, including packaging, of not less than 25 pounds or more than 100 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in the county jail for not more than one year, or by fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000), or by both that fine and imprisonment

(3) A person who possesses a gross weight, including packaging of not less than 100 pounds or more than 5000 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in the state prison or the county jail for not more than one year or by a fine of not less than five thousand dollars (\$5000) or more than ten thousand dollars (\$10,000), or by both that fine and imprisonment

(4) A person who possesses a gross weight, including packaging, of more than 5,000 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in the state prison or the county jail for not more than one year, or by a fine of not less than ten thousand dollars (\$10,000) or more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

12701. A person is guilty of a separate offense for each day during which he or she commits, continues, or permits a violation of this part, or any order or regulation issued pursuant to this part.

12702a - Any person who violates this part by selling, giving, or delivering any dangerous fireworks to any person under 18 years of age is guilty of a misdemeanor and upon a first conviction shall be punished as prescribed in subdivision (b) of Section 12700.

12702b - Upon a second or subsequent conviction of the offense, the person shall be punished by an additional fine of five thousand dollars (\$5000), or by imprisonment in the county jail for up to one year or by both that fine and imprisonment. The person shall not be granted probation and the execution of the sentence imposed upon the person shall not be suspended by the court.

SALE OF FIREWORKS:

12675 - Failure to record on bill of lading or manifest required fireworks license numbers

12671 - Sell, offer for sale, possess, store, discharge, use, or transport fireworks not registered by the State Fire Marshal

STORAGE:

12673 - Store fireworks without a permit

12674 - Store or possess fireworks which a fireworks license is required after license is revoked

12679. Store, sell, or discharge any type of fireworks in or within 100 feet of a location where gasoline or any other flammable liquids are stored or dispensed

12682. Allowing or permitting a fire nuisance, as defined in Section 12510, to exist on any premises where any fireworks are manufactured, sold, assembled, discharged, packaged, stored, or distributed

SAFE AND SANE FIREWORKS:

12672 - Sell Safe and Sane Fireworks other than from noon on June 28th - noon on July 6th

12681 - Sell or transfer Safe and Sane Fireworks at other than fixed place of business where the retailer has a valid permit

12689b - Sell, give or deliver Safe and Sane Fireworks to anyone under 16 years of age

PERMITS:

12670 - Advertise the sale of fireworks without a license

12685 - Conduct public fireworks display without a permit

12686 - Use special effects fireworks without a pyrotechnic license

12687 - Sell, give, transfer or deliver special effects fireworks without a pyrotechnic license

12688 - Advertise to sell any class of pyrotechnics without a license or permit (Dangerous, Safe and Sane, Agricultural/ Wildlife, Model-rocket engines)

12690 - Perform or act with expired fireworks license or permit

OTHER APPLICABLE LAWS:

12303 H&S - Possession of Explosives without valid permit

12305 H&S - Illegal Possession of Explosives

12301 - 12312 PC - Destructive Device Violations

452 PC - Reckless Burning

EXPLOSIVES- When explosives are modified, placed in a pipe or container, used for destruction of property, or to terrify or injure individuals, the charge falls under Penal Code 12303.3, destructive device. If caught and convicted there is a mandatory jail time - no probation may be granted for conviction.

- (1) Violations for possession/use of less than 25 pounds may be handled as a violation of CA H&S Code § 12700(b) 1 or in accordance with local administrative fine ordinance if adopted