

MARIPOSA COUNTY ORDINANCE NO. 918

**AN ORDINANCE PROHIBITING THE SALE, POSSESSION,
AND USE OF "SAFE AND SANE" FIREWORKS**

WHEREAS, the State Fire Marshal's Office is the agency authorized to issue permits and certificates of approval for pyrotechnics within Mariposa County and oversees their use, and

WHEREAS, the State Fire Marshal's Office does not prohibit the sale of "Safe and Sane" fireworks, and

WHEREAS, the Board of Supervisors and the Fire Warden (Fire Chief) are empowered to protect the life and safety of the citizens of Mariposa County, and

WHEREAS, the Board of Supervisors has determined that it is not in the public interest, health, or safety to allow the sale, possession, or use of fireworks in Mariposa County;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: A new Chapter 8.20 shall be added to Title 8 of the Mariposa County Code and shall be entitled "Safe and Sane Fireworks". Chapter 8.20 shall read in its entirety as follows:

8.20.010 Prohibition of Fireworks

It shall be unlawful for any person to sell, offer for sale, have in his possession, fire set off, discharge or use any State Marshal approved (safe and sane fireworks), dangerous fireworks, or illegal fireworks, except public displays as permitted by the State Fire Marshal's Office.

8.20.020 Definitions

For purposes of this chapter, the following definitions shall apply:

Safe and Sane Fireworks: 'Safe and sane fireworks' means any fireworks which do not come within the definition of 'dangerous fireworks' or 'exempt fireworks'.

Dangerous Fireworks: 'Dangerous fireworks' includes all of the following:

- A) Any fireworks which contain any of the following:
 - 1) Arsenic sulfide, arsenates, or arsenites.
 - 2) Boron.
 - 3) Chlorates, except:
 - (a) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
 - (b) In caps and party poppers.
 - (c) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
 - 4) Gallates or Gallic acid.

- 5) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
 - 6) Mercury salts.
 - 7) Phosphorus (red or white except that red phosphorus permissible in caps and party poppers).
 - 8) Picrates or picric acid.
 - 9) Thiocyanates.
 - 10) Titanium, except in particle size greater than 100 mesh.
 - 11) Zirconium.
- (B) Firecrackers.
- (C) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
- (D) Roman candles, including, all devices which discharge balls of fire into the air.
- (E) Chasers, including all devices which dart or travel about the surface of the ground during discharge.
- (F) Sparklers more than 10 inches in length or one-fourth of one in diameter.
- (G) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, autofoolers, cigarette loads, exploding golf balls, and trick matches.
- (H) Fireworks known as devil-on-the-walk, or any other fireworks which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.
- (I) Torpedoes of all kinds which explode on impact.
- (J) Fireworks kits.
- (K) Such other fireworks examined and tested by the State Fire Marshal and determined by the State Board of Fire Services to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

Exempt fireworks: 'Exempt fireworks' means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by permit granted by the authority having jurisdiction.

Illegal fireworks: Any firecracker or salute of any size, kind, nature, or name, bomb, chaser, skyrocket, Roman candle, triangle wheel, pinwheel, mine, balloon operated by means of flame, or any fireworks or other device commonly used for display of celebration purposes which contains any phosphorus in any form or which contains any dynamite, or any form of nitroglycerine, or any explosive substance so confined as to cause detonation upon being discharged, or any product which is of similar nature to any article or product hereinabove enumerated, or any article or product of a flammable nature or capable of causing conflagration and which is commonly used for display or celebration purposes; provided, however, that nothing in this section shall prohibit, selling, offering for sale, possession, firing, setting off, discharging or use of any paper cap used in toy cap pistols.

8.20.030 Public display of fireworks

Nothing in the Code shall prohibit any discharge or display of fireworks at any public gathering; provided, that a permit to do so has first been obtained from the county fire chief or the board. No such permit shall be granted for any such public display unless for a location where the falling of any lighted fireworks or objects would not endanger buildings, structures, vehicles, forest, brush, or grasscovered land, or unless the discharge of fireworks is under the direct supervision of a capable experienced person, or provision is made of fire extinguishment appliances satisfactory to the county fire chief or the board.

8.20.040 Violation--Penalty

Violation of any provisions of this chapter shall constitute a misdemeanor and shall be punishable under Chapter 1.20, the general penalty provisions, of this Code."

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code § 25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 6th day of May, 1997 by the following vote:

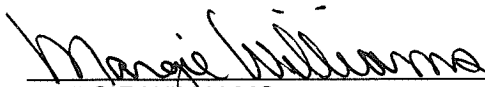
- AYES: Reilly, Stewart, Parker, Pickard
- NOES: None
- ABSENT: Balmain
- ABSTAINED: None



 ROBERT C. STEWART, Chairman
 Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



 MARGIE WILLIAMS
 Clerk of the Board



 JEFFREY G. GREEN
 County Counsel