

## 04-22 - Fireworks

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# Los Angeles County Sheriff's Department

## NEWSLETTER

Field Operations Support Services, (323) 890-5411



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### FIREWORKS

The American tradition of parades, cookouts, and fireworks help us celebrate the summer season, especially our nation's birthday on the Fourth of July. However, fireworks can turn a joyful celebration into a painful memory when children or adults are injured. Although legal consumer fireworks can be relatively safe, all fireworks are hazardous and can cause injury.

Fireworks are classified as hazardous substances under the Federal Hazardous Substances Act. Illegal explosive type devices (M-80's, quarter sticks) and professional display fireworks should never be handled by consumers due to serious injury and/or death that could occur.

Radio code "415FW" and clearance code "812" will be used for the tracking and clearing of calls for service involving fireworks related incidents. Statistical code 812 cannot be used to draw an URN number but may be used for clearance purposes or as a secondary code on an incident report.

The unincorporated county areas and **many** incorporated cities prohibit all forms of fireworks including "Safe and Sane" fireworks (fireworks that do not explode, dart or travel). Check the ordinances of your city before confiscating and/or taking any enforcement action. The Los Angeles County Fire Department website gives a listing of the cities which do and do not authorize the use of

"Safe and Sane" fireworks.

### DEFINITIONS

- 12529 H&S - "Safe and Sane" - Any fireworks which do not come within the definition of "dangerous fireworks." These must have a label from the California State Fire Marshal. As a rule, they do not

explode, dart, or travel.



- 12505 H&S - "Dangerous Fireworks" - Lists materials, substances, and devices which constitute illegal fireworks. Any fireworks examined and tested by the State Fire Marshal (not labeled as "Safe and Sane") and determined 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.

**The California State Fire Marshal (CSFM) Label**

**Type of Fireworks (ensure it states "Safe and Sane")**

**CSFM Registration - The number can be used to identify what vendor sells this particular firework e.g. I/E-0517 is Big Bear/Phantom Fireworks.**

**ENFORCEMENT CODES**

- 12305 H&S - Unlawful possession of explosives (Felony).
- 12671 H&S - Sell, offer for sale, use, possess, store or transport any type of firework without the State Fire Marshal seal (Misdemeanor).
- 12677 H&S - Possession of dangerous fireworks without a permit (Misdemeanor).
- 12680(a) H&S - Discharging dangerous fireworks with likelihood of causing injury or with the intent of creating chaos, fear or panic (Misdemeanor).
- 12689(a) H&S - Sell, give, or deliver any dangerous fireworks to any person under 18 years of age (Misdemeanor).
- 12689(b) H&S - Unlawful for a retailer to sell, give or deliver any "Safe and Sane" fireworks to a person who is under 16 years of age (Misdemeanor).
- Title 32, Section 5601.1.3 Los Angeles County Fire Code (LACFC), amended in 2013 states, the possession, manufacture, storage, sale, handling and/or use of fireworks are prohibited in the unincorporated areas of Los Angeles County (Misdemeanor/Felony). This section is to be used when citing for possession of "Safe and Sane" fireworks in unincorporated county areas.

Type	Unincorporated Area	Contract City
Safe and Sane  (Do not explode, dart or travel)	Illegal  Title 32 5601.1.3 LACFC	Only legal where permitted - Check city ordinances

Dangerous (e.g., Bottle Rockets, Firecrackers)	Illegal 12677 H&S	Illegal 12677 H&S
Explosives (e.g., M-80's, quarter stick)	Illegal 12305 H&S	Illegal 12305 H&S

## **CONFISCATION**

The decision to arrest and/or confiscate illegal fireworks should be based on the circumstances surrounding the incident. Refer to MPP 4-09/020.00, Fireworks - Illegal Manufacture, Sale, Discharge, or Possession. If fireworks are confiscated, but no prosecution is sought, follow MPP 5-09/460.00, Alcoholic Beverages/Illegal Fireworks - Found/Seized - No Prosecution Sought.

## **STORAGE**

Confiscated fireworks should only be stored temporarily at the station. Call your local Los Angeles County Fire Department Station Captain to arrange for the transfer of confiscated items of 50 pounds or less. Each station should receive a fireworks package from the Los Angeles County Fire Department prior to July 4th which contains firework seizure forms, a list of applicable laws, and the descriptions of various illegal fireworks. Contact your local fire station if you do not receive a package. Place any confiscated fireworks in an appropriate container, i.e., cardboard box, in the outside evidence locker pending transfer to the Fire Department.

## **ILLEGAL PYROTECHNIC EXPLOSIVE TYPE DEVICES**

Possession of illegal fireworks (e.g. firecrackers, bottle rockets) less than 25 lbs. is a misdemeanor (12700 (b)(1) H&S). Possession of not less than 25 lbs. or more than 100 lbs. is a misdemeanor (12700(b)(2) H&S). Possession not less than 100 lbs. or more than 5000 lbs. is a felony (12700 (b)(3) H&S).

Possession of explosive type of devices (e.g., M-80's, quarter-sticks) is a felony (12305 H&S). Illegal explosive type devices should be left in place. Immediate notification to Arson Explosives Detail is required.

Arrests made for dangerous fireworks will be handled by station level detectives. If you intend to prosecute suspect(s), please inventory and photograph evidence because the seized fireworks will be destroyed, and will not be available for court.

**Note:** If the M-80 devices are in bags containing sawdust or other loose material, **do not handle**. Friction within the bag may cause the entire bag to detonate. Leave in place and call Arson Explosives Detail immediately.

Any calls for service where fireworks resulted in injury, notification to Arson Explosives Detail is required.

**DO NOT PLACE FIREWORKS OR EXPLOSIVES IN WATER.**

Any questions concerning illegal fireworks or explosive devices may be directed to the Special Enforcement Bureau, Arson Explosives Detail at (323) 881-7500.

If you have any questions, please call or email Field Operations Support Services at (323) 890-5411 or [foss@lasd.org](mailto:foss@lasd.org).

**REFERENCES**

California Department of Forestry and Fire Protection – Online CAL FIRE.

Los Angeles County Fire Department California Health and Safety Code – Online FIREWORKS-LEGAL REFERENCES.

Original Date: June 30, 2004

Revision Dates: June 18, 2008, June 27, 2013, April 6, 2017, June 17, 2020

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