

ORDINANCE NO. _____

**AN ORDINANCE OF THE YOLO COUNTY BOARD OF SUPERVISORS
AMENDING THE YOLO COUNTY FIREWORKS ORDINANCE (TITLE 4,
CHAPTER 2 OF THE YOLO COUNTY CODE OF ORDINANCES)**

The Board of Supervisors of the County of Yolo hereby ordains as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend Yolo County's Fireworks Ordinance, as codified in Title 4, Chapter 2 of the Yolo County Code of Ordinances. The Board of Supervisors last amended the Fireworks Ordinance in 2001. In the intervening 24 years, State regulations regarding fireworks have changed and climate change has increased the risks associated with fires that can be started by fireworks. The goal of these amendments is to update the Fireworks Ordinance to the current regulatory standards and fire risks.

**SECTION 2. AMENDMENTS TO TITLE 4, CHAPTER 2 OF THE COUNTY
CODE**

Title 4 Chapter 2 is hereby amended as reflected in Attachment 1 to this Ordinance.

SECTION 3. CEQA FINDING

The Board of Supervisors hereby finds that it can be seen with certainty that there is no possibility that the amendments to the Fireworks Ordinance will have a significant effect on the environment because the Ordinance will maintain current levels of development and regulations. It is therefore exempt from any California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 4. SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty days after adoption. Prior to expiration of fifteen days after its passage of this Ordinance, it shall be published by title and summary only in the Davis Enterprise or other newspaper of general circulation together with the names of members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo and, at a further public hearing, said Board adopted this Ordinance on the ___th day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vixie Sandy, Chair
Yolo County Board of Supervisors

ATTEST: Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

By _____
Deputy (Seal)

APPROVED AS TO FORM:
Philip J. Pogledich, County Counsel

By 
Eric May, Senior Deputy

ATTACHMENT 1

**AMENDMENTS TO TITLE 4, CHAPTER 2
OF THE YOLO COUNTY CODE OF ORDINANCES**

Chapter 2 FIREWORKS

Article 1. Definitions

Sec. 4-2.101.

The terms used in this Chapter shall have the meanings set forth in this Article unless the context clearly indicates otherwise. Words used in this Chapter in the present tense include the future as well as the present. ~~Words used in the masculine gender include the feminine and neuter.~~ The singular number includes the plural and the plural includes the singular. (§ 1, Ord. 250, as amended by § 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.102.

“Dangerous fireworks” shall have the same meaning as set forth in California Health and Safety Code section 12505, as that section may be amended from time to time, and shall not include “safe and sane fireworks.” (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.1043.

“Fireworks” shall have the same meaning as set forth in California Health and Safety Code section 12511, as that section may be amended from time to time. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.104.

“Host” shall mean an owner of any private residential or nonresidential real property in the unincorporated area of the County; or any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; or any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property.

Sec. 4-2.105.

“Liable” in this section shall mean liability for a wrongful act regardless of a person’s intent, knowledge, negligence, or lack thereof in committing the wrongful act.

Sec. 4-2.106.

“Permit” means any nontransferable authorization granted by the local fire protection district pursuant to this Chapter to allow the holder of the Permit to sell safe and sane fireworks subject to the provisions of this Chapter. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.1087.

“Permittee” means an organization who is issued a permit pursuant to Article 4 of this Chapter. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.11008.

“Person” means any person, copartnership, organization, firm, corporation, association, or any combination thereof, or any special district with boundaries within Yolo County, and shall include any of their employees and authorized representatives. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.11209.

“Public display of fireworks” means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.114110.

“Safe and sane fireworks” shall have the same meaning as set forth in California Health and Safety Code section 12529, as that section may be amended from time to time. (§ 3, Ord. 1261, eff. May 17, 2001)

**Article 2.
General Prohibitions**

Sec. 4-2.201.

- (a) It shall be unlawful for any person to manufacture, possess, sell, use, or discharge any dangerous fireworks within the unincorporated area of the County.
- (b) It shall be unlawful to use or discharge any firework, including safe and sane fireworks, in High or Very High Fire Hazard Severity Zones designated by the State Fire Marshall.
- (c) ~~In addition, e~~ Except as permitted by this Chapter, it shall be unlawful for any person to sell any safe and sane fireworks within the unincorporated area of the County.
- (d) Any host shall be liable for any unlawful possession, ignition, explosion, discharge, use, or display of any fireworks in violation of this chapter on their property or at their gathering. No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for a violation of this Chapter occurring in the common area of the property unless the person personally commits the violation or hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering at which the violation occurs.

(§ 3, Ord. 1261, eff. May 17, 2001)

Article 3.
Exception for Public Displays

Sec. 4-2.301.

Public displays of fireworks may be given with the written permission of the fire chief of the fire protection district in which the public display is to occur. It shall be unlawful for any public display to be given unless given under the supervision and direction of a State of California licensed pyrotechnic operator. (§ 3, Ord. 1261, eff. May 17, 2001)

Article 4.
Permits Required for the Sale of Safe and Sane Fireworks

Sec. 4-2.401.

~~It shall be unlawful for a~~Any person desiring to sell safe and sane fireworks within the unincorporated area of Yolo County ~~without having~~ must first have applied for and received a permit from the fire chief of the fire protection district in which the sale is to occur. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.402.

The permit requirement set forth in Section 4-2.401 and the criteria set forth in Section 4-2.403~~4~~ of this Chapter shall not apply to a fire protection district that desires to sell safe and sane fireworks within the boundaries of its district to raise funds for that fire protection district so long as the fire protection district fully complies with all other requirements of this Chapter for the sale of safe and sane fireworks. Except as may be otherwise indicated in a particular provision, all other provisions of this Chapter shall apply to a fire protection district that desires to sell safe and sane fireworks on its own financial behalf. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.403~~4~~.

No permit to sell safe and sane fireworks shall be issued to any person except to a non-profit corporation or non-profit unincorporated association that meets all of the following criteria:

- a. The principal purpose of the organization is youth service or youth welfare or the organization is a non-profit association, charity, corporation, or fraternal association organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes and sponsors organizations which have as their principal purpose youth service or youth welfare.
- b. The principal and permanent meeting place of the organization or the sponsoring organization is within the fire protection district in which the sales are to occur.
- c. The organization has been organized and established in Yolo County for a continuous period of at least one year immediately preceding the application for a permit.

d. No organization shall submit more than one application annually for one permit to sell safe and sane fireworks within the unincorporated area of Yolo County-.

e. The organization has a bona fide membership of at least fifteen members.

f. A minimum of 90% of the profits from the sale of safe and sane fireworks must be directly appropriated for youth services or youth welfare programs. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.4056.

Applications for permits to sell safe and sane fireworks within the boundaries of a particular fire protection district shall be submitted in writing to the fire chief of that fire protection district. ~~For permits to be issued in calendar year 2001, applications shall be received and filed no later than May 18, 2001. For each year thereafter that this Chapter remains in effect, applications~~ Applications must be received by April 1 ~~each of that year.~~ Each application shall specify the proposed location of the fireworks stand as well as the name, address, and telephone number of one or more responsible adults who will be in charge of and responsible for the fireworks stand during the period that safe and sane fireworks will be sold, displayed, or stored at such location. Each application shall include written permission from the owner of record of the property upon which the proposed stand will be located. ~~Each application shall be in triplicate.~~ The fire chief of the fire protection district receiving the application shall retain the original of the application. A copy of the approved application, one copy shall be promptly transmitted by the receiving fire chief and shall transmit a copy to the Yolo County Building Official, and one copy shall be transmitted to the Yolo County Sheriff. Each application shall be accompanied by the payment of a non-refundable application fees established by the Board of Supervisors. ~~of \$40 to cover the cost of processing the application. Of the application fee, \$10 shall be transmitted by the receiving fire chief to the County Building Official to help defray the cost to the County of retaining a copy of the application for public review and taking such other actions as the County Building Official may deem appropriate to insure full compliance with the provisions of this Chapter.~~ A fire district that is selling safe and sane fireworks on its own financial behalf is not required to pay any portion of the application fee. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.4068.

Applications shall be accompanied by proof of a written assurance that, if the permit is issued to the applicant, the applicant shall, at the time of receipt of the permit, deliver to the issuing fire chief, insurance policies showing public liability insurance with limits of at least \$500,000, property damage insurance with limits of at least \$100,000, and products liability insurance with limits of at least \$500,000 liability insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 aggregate coverage, or in such other amounts as required by the fire chief. Each of the policies of insurance shall contain a rider that designates the County of Yolo and the issuing fire protection district as additional insureds thereunder. Each of the policies of insurance shall also contain a rider that establishes that

the policy will not be cancelled without at least 15 days advance written notice to the issuing fire chief and the County Building Official. None of the policies shall contain a provision allowing a deductible amount. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.40710.

No more than three permits may be issued in any one year by a fire chief of a fire protection district. However, if a particular fire protection district sells safe and sane fireworks to raise funds for that district, then only two permits per year may be issued by the fire chief of that district. Only one permit may be issued annually to an organization. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.40812.

Applicants for permits to sell safe and sane fireworks shall be notified within 10 days of the deadline for submission of applications of the approval or disapproval of the applications for each permit. All organizations whose permits have been approved shall have 10 days to pick up their permit. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.40914.

Each issuing fire chief, or a designee, shall participate in a safe and sane stand operator safety seminar for those organizations receiving permits pursuant to this Chapter. The failure of a fire chief, or a designee, to participate in such a safety seminar shall result in that fire chief's fire protection district no longer being permitted to issue permits to sell safe and sane fireworks pursuant to this Chapter. The continued validity of any permit issued pursuant to this Chapter shall be subject to the requirement that at least one of the responsible adults whose name, address, and telephone number was included in the application for the permit attends a safe and sane fireworks stand operator safety seminar conducted by the fire protection district and the licensed fireworks wholesaler that is supplying the safe and sane fireworks to the permittee. The failure of an organization to have a responsible adult attend such a safety seminar shall result in the immediate revocation of its permit to sell safe and sane fireworks. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.4106.

A fire chief shall issue a permit to sell safe and sane fireworks within the boundaries of ~~his~~ the fire protection district unless:

- a. The fire chief finds, in writing, that the applicant has failed to provide sufficient plans, information, or other data necessary to permit a determination respecting compliance with the requirements of this Chapter;
- b. The fire chief finds, in writing, that the applicant is not in compliance with any of the requirements of this Chapter;
- c. The fire chief finds, in writing, that the applicant is barred from obtaining a permit pursuant to the provisions of Section 4-2.501 of this Chapter; or

d. The fire chief determines that the number of qualified applicants exceeds the number of permissible permits allowed under Section 4-2.40710 of this Chapter. In such an instance, the ~~board of commissioners governing body~~ of the district may establish a selection process that assures that permittees will be selected on a fair, equitable, and impartial basis. If no such process is established by the ~~board of commissioners governing body~~, then permittees will be selected by lot. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.4118.

One copy of each permit issued shall be submitted ~~transmitted by the issuing fire chief by the applicant~~ to the County Building Official and ~~one copy shall be transmitted to the County Sheriff, with the required fees. The fee for issuance of a permit shall be \$60.00. Of this fee, \$15 shall be transmitted by the issuing fire chief to the County Building Official to help defray the cost to the County of retaining a copy of the permit for public review and for taking such other actions as the County Building Official may deem appropriate to insure full compliance with the provisions of this Chapter.~~ A fire district that is selling safe and sane fireworks on its own financial behalf is not required to pay \$45 of the issuance fee but is required to remit \$15 to the County Building Official. Prior to receipt of a permit, the permittee must provide the issuing fire chief with a copy of the requisite State retail sales permit from the Office of the California State Fire Marshal and copies of the insurance policies and riders required by Section 4-2.4068. A permit issued pursuant to this Chapter shall be nontransferable to any other organization. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.4120.

Any organization, including a fire protection district, that sells safe and sane fireworks pursuant to this Chapter shall comply with any requirement to obtain a temporary sales tax permit from the local office of the California State Board of Equalization. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.41322.

Each stand selling safe and sane fireworks shall be operated in full compliance with each of the following:

- a. No person shall sell fireworks to any person under the age of 18 years.
- b. The sale of safe and sane fireworks shall begin no earlier than 12:00 noon on June 28th and shall not continue after ~~9:00 p.m.~~ 12:00 noon on July 5th of the same year. Sales shall not be permitted past 9:00 p.m. on any day. Beginning From June 29th until July 5th, sales shall be permitted beginning at 9:00 a.m. daily.
- c. No person other than the individuals who are members of the permittee organization, or an organization sponsored by the permittee organization, or the spouses, parents, or adult children of such members shall sell or otherwise participate in the sale of safe and sane fireworks at such stand.
- d. No person under the age of 18 years shall sell or participate in the sale of safe and sane fireworks at such stand or be present inside the stand.

e. No person shall be paid any consideration by the permittee organization or any wholesaler/distributor of safe and sane fireworks for selling or otherwise participating in the sale of safe and sane fireworks at such stand, provided, however, that compensation may be paid for licensed security personnel during sale or non-sale hours and to the party authorizing the location of the stand on its property.

f. Each stand must have an adult in attendance and in charge thereof while the stand is being used for the sale, dispensing, or storage of fireworks.

g. All unsold stock of fireworks in the hands of the permittee organization after ~~9:00 p.m.~~ 12:00 noon on July 5 shall be returned to the wholesaler/distributor and removed from the unincorporated area of the County within ten days. On the closing of the stand, the stand and all litter shall be removed from the premises and the premises left in a clean, safe condition.

h. No fuel-powered generator or similar equipment shall be allowed within 50 feet of a safe and sane fireworks stand.

i. Each organization must post at a prominent location inside the stand each of the following: the permit issued by the fire chief authorizing the sale of safe and sane fireworks, its temporary sales tax permit from the California State Board of Equalization (if required), its State Fire Marshal Retail Sales Permit, and proof of the required insurance.

j. Each organization must take all reasonable steps necessary to ~~insure~~ ensure each of the following: that no person smokes within 25 feet of the stand; and that no person lights, causes to be lighted, or permits to be lighted any fireworks or combustible material within 50 feet of any stand. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.4214.

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and retail sales from any other building, structure, or place are hereby prohibited. Temporary stands shall be subject to the following provisions:

a. No fireworks stand shall be located within 25 feet of any other building or within 100 feet of any gasoline pump or distribution point or flammable storage.

b. Fireworks stands need not comply with the provisions of the Building Code of the Yolo County provided, however, that all stands shall be erected under the supervision of the issuing fire chief who shall require that the fireworks stands be constructed in a manner which will reasonably insure the safety of attendants and patrons; and further that any electrical installation shall comply with all applicable codes.

c. No stand shall have a floor area in excess of 750 square feet.

d. Each stand shall have at least two exits. Each stand in excess of 40 feet in length shall have at least 3 exits spaced approximately equidistant apart; provided, however, that in no case shall the distance between the exits exceed 20 feet. Exit doors shall be not less than 24 inches wide and six feet in height and shall swing in the direction of exit travel.

- e. Each stand shall have two, 2½ gallon “water type” (minimum rating 2A) or soda and acid fire extinguishers in good working order and easily accessible for use in case of fire.
- f. All weeds and combustible materials shall be cleared from the location of the stand to a distance of at least 25 feet surrounding the stand. All trash resulting from the operation of the stand must be removed on a daily basis.
- g. “NO SMOKING” signs shall be prominently displayed at no less than two locations on the outside of the stand and at no less than two locations on inside of the stand. (§ 3, Ord. 1261, eff. May 17, 2001)

Article 5. Enforcement

Sec. 4-2.501.

The fire chief who issues a permit pursuant to this Chapter shall have authority and primary responsibility to enforce the permit restrictions set forth in Article 4 of this Chapter. In the event that a permittee violates any provision of Article 4 of this Chapter, the fire chief who issued the permit shall promptly require immediate corrective action by the permittee so that the permittee comes into full compliance with the provisions of Article 4 of this Chapter. If, in the determination of the fire chief, a violation poses an imminent threat to the safety of persons or property or if there are repeated violations by a permittee, then the fire chief shall immediately revoke the permit and order the stand closed. The stand shall remain closed but the revocation shall not take effect for 5 days, during which time the permittee may seek review of the fire chief’s decision by submitting a written request for review to the board of commissioners of the governing fire protection district. Upon an appeal, the fire chief shall submit a written statement to the ~~board of commissioners~~ governing body of the fire protection district describing the basis for the fire chief’s decision to revoke the permit. Upon appeal, the ~~board of commissioners~~ governing body of the fire protection district shall provide the affected permittee with an opportunity to respond to the basis of the fire chief’s decision to revoke the permit. The decision of the ~~board of commissioners~~ governing body of the fire protection district to uphold the revocation or grant the appeal shall be final. Any permittee whose permit has been revoked pursuant to this Section 4-2.501 shall be barred from receiving a permit pursuant to this Chapter for 5 years from the date of the revocation. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.502

- (a) Pursuant to the County Code Enforcement Ordinance, Title 1, Chapter 5, violations of this Code may be enforced by any County Code Enforcement Officer, the Chief Building Official, the County Health Officer, the Sheriff’s Office, or the fire chief of the fire protection district in which the violation takes place.
- (b) Each dangerous firework possessed, ignited, exploded, discharged, used, or displayed, constitutes a separate violation of this Chapter, and each safe and sane

firework sold in violation of this Chapter constitutes a separate violation of this Chapter. Each violation of this Chapter is subject to a separate fine for each device. Possession includes having direct or indirect custody and/or control of any dangerous firework prohibited under this chapter.

Sec. 4-2.503Z.

(a) Notwithstanding the provisions of Section 1-2.01 of this Code or any other section of this Code, ~~and with the exception of the fourth and subsequent violations of this Chapter within one year as provided in subdivision (c) of this Section,~~ the violation of any of the provisions of this Chapter is an infraction subject to the procedures set forth in ~~Penal Code sections 19.6 and 19.7~~ the County's Code Enforcement Ordinance.

~~—(b) Every violation of any provision of this Chapter constituting an infraction is punishable as follows:~~

~~—i. A fine not exceeding \$100.00 for a first violation;~~

~~—ii. A fine not exceeding \$200.00 for a second violation of this Chapter within one year;~~

~~—iii. A fine not exceeding \$500.00 for a third violation of this Chapter within one year;~~

~~—(c) The fourth and each subsequent violation of this Chapter within one year shall constitute a misdemeanor punishable by a fine not exceeding \$1000.00 or imprisonment in the County Jail for not more than 6 months, or both.~~

(b) Every violation of any provision of this chapter constituting an infraction is punishable by a \$1,000 fine. Such fines may only be appealed through the administrative hearing process of the County's Code Enforcement Ordinance, Sec. 1-5.09.

(§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.504.

~~The fire chief who issues the permit enforcing official may seize, take, remove or cause to be removed, at the expense of the permittee person committing a violation, all stock of fireworks offered or exposed for sale, stored, or held in violation of this Chapter when such violation is determined by the fire chief enforcement official to create an imminent threat to the safety of persons or property. The person committing the violation shall be responsible for all costs associated with the disposal of the seized fireworks.~~ (§ 3, Ord. 1261, eff. May 17, 2001)

**Article 6.
Operative Provisions**

Sec. 4-2.601.

The provisions of Articles 1, 2, 3, and 6 shall be operative on the effective date of this Ordinance. The provisions of Article 4 shall not be operative in a fire protection district

unless and until the ~~board of commissioners~~ governing body of that fire protection district authorizes its fire chief in writing to issue permits pursuant to this Chapter. If no such authorization is given, then it shall be unlawful to sell safe and sane fireworks within the boundaries of that district. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.6023.

Notwithstanding the provisions of Section 4-2.601, the provisions of Articles 3, 4, and 5 shall not apply in any area of the County for which the State of California or the federal government has the legal responsibility for fire prevention and suppression. (§ 3, Ord. 1261, eff. May 17, 2001)

Sec. 4-2.6035.

This Chapter is not the exclusive regulation for fireworks within the unincorporated area of the County. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the County, the State, or any other legal entity or agency having jurisdiction. (§ 3, Ord. 1261, eff. May 17, 2001)