

**BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA**

ORDINANCE NO. 529B

**AN ORDINANCE AMENDING CHAPTER 9.36 OF TITLE 9
OF THE MADERA COUNTY CODE PERTAINING TO FIREWORKS**

The Board of Supervisors of the County of Madera, State of California, ordains as follows:

SECTION 1. Chapter 9.36 of Title 9 of the Madera County Code is hereby amended in its entirety to read as follows:

“Chapter 9.36 – FIREWORKS

9.36.010 – Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. “Dangerous fireworks” shall mean any fireworks specified as such in the State Fireworks Law, Sections 12500 et seq. of the Health and Safety Code of the State, and such other fireworks as may be determined to be dangerous by the State Fire Marshal.
- B. “Safe and sane fireworks” shall mean any fireworks defined as “safe and sane fireworks” under Health and Safety Code section 12529.
- C. “Eligible organization” shall mean an organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this chapter (and which continues to do so thereafter):
 - 1. The organization must be a duly organized not-for-profit charitable, religious, civic, patriotic, or community service organization;
 - 2. The organization must be headquartered within and clearly affiliated or identified with the County of Madera;
 - 3. The organization must be one which provides direct and regular community services and benefits to the citizens of the County; and
 - 4. The organization must hold its regularly scheduled meetings within the County.

"Eligible organization" shall also mean an organization which has met criteria set out in subdivisions (1), (2) and (3) of this subsection, for a continuous period of not less than five (5) full years preceding submittal of an application for the permit required by this chapter (and which continues to do so thereafter) and which demonstrates at the time of each application that criteria set out in subdivision (4) of this subsection is not met only because adequate and appropriate facilities for the organization's regular meetings are not available for such purposes within County limits.

- D. "Stand" shall mean any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued.
- E. "Responsible person" shall mean a person who causes a violation of this chapter to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee, or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the County's latest equalized property taxes assessment rolls, and a lessee of a residential parcel, has notice of any violation existing on said property. For purposes of this chapter, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of any provision of this chapter may be issued a citation in accordance with the provisions of this chapter. Every parent, guardian, or other person having the legal care, custody, or control of any person under the age of eighteen (18) years, who knows or reasonably should know that a minor is in violation of this chapter, may be issued a citation in accordance with the provisions of this chapter, in addition to any citation that may be issued to the offending minor.

9.36.020 – Sales of fireworks: Permits required.

- A. It shall be unlawful for any person to sell or offer for sale any dangerous fireworks in the County.
- B. It shall be unlawful for any person to sell or offer for sale any safe and sane fireworks in the County without first obtaining a permit therefor.

9.36.030 – Permits: Applications and fees.

Permits to sell safe and sane fireworks shall be issued by the Fire Chief upon applications therefor only to eligible organizations and only after such organizations have met all the applicable requirements set forth in this section.

- A. Any eligible organization desiring to sell safe and sane fireworks in the County shall make an application therefor on or after January 1st each year at the Fire Department.
- B. Such applications shall be signed by a bona fide officer of the eligible organization, wherein the officer, on behalf of the organization and its agents, shall agree to abide by State laws and administrative regulations and all the stipulations of this Code and the permit if permission to operate a fireworks stand shall be granted to the organization.
- C. Completed applications shall be returned to the Fire Department no later than 5:00 p.m. on the first regular business day in May of each year. Any eligible organization making an application for such permit to sell safe and sane fireworks which organization fails to return the completed application prior to 5:00 p.m. on the first regular business day in May shall not be issued a permit to sell safe and sane fireworks.
- D. All eligible organizations shall obtain and submit to the Fire Department as part of the completed application the following completed forms supplied by the Fire Department:
 - 1. The property owner's release form signed by the property owner authorizing permission to erect a fireworks stand on their property;
 - 2. The fireworks storage form indicating where the fireworks will be stored when not in the approved stand;
 - 3. The State Fire Marshal's permit to sell safe and sane fireworks;
 - 4. A copy of the temporary seller's permit issued by the State Board of Equalization;
 - 5. The certificate of insurance required by Section 9.36.070 of this chapter; and
 - 6. A statement of organization eligibility.
- E. When all the application requirements have been completed and the fireworks stand location has been approved, the Fire Department shall authorize the erection of a fireworks stand. Each qualified organization shall pay to the Director of Finance a permit fee amount as listed in the Master Administrative Fee Schedule amended from time to time by Board resolution. Each permit shall be for only one stand per eligible organization and shall be forwarded to the Fire Department for delivery as set forth in subsection (F) of this section.

- F. Permits will be effective only when delivered by the Fire Department after the final inspection of the stand shows compliance with all the requirements of this chapter.
- G. If an organization does not timely renew its permit, did not sell the previous year, or its permit is revoked, this will be construed as a vacancy. A vacancy will also exist when the population figures increase to the point of allowing another fireworks stand.
- H. In addition to qualifying eligible organizations, as defined in section 9.36.010, those for-profit organizations or entities that were granted permits in 2024 will be given a "grandfather provision" and will be eligible to obtain future permits as long as they meet the application requirements set forth in this section. The "grandfather provision" status of these for-profit entities will remain in effect if there is no lapse in continuous years of their application for, and receipt of, a fireworks sales permit. If a lapse of continuous years of receipt of a fireworks sales permit occurs, the "grandfather provision" for that for-profit entity will be deemed waived, and the entity must thereafter meet the requirements of an "eligible organization," as defined in this chapter, to be eligible for future permits.

9.36.040 – Safe and sane fireworks – Denial or revocation of permit – Appeal.

- A. The decision of the County Fire Chief to deny, decline to issue, or revoke a permit shall be the final administrative decision of the County, and shall not be subject to an administrative appeal process.
- B. Any permittee whose permit has been revoked, pursuant to subsection A of this section, shall be barred from receiving a permit under this chapter for up to five years from the date of revocation.

9.36.050 – Regulations.

It shall be unlawful for any eligible organization to which a permit has been issued:

- A. To operate in violation of State of California Title 19, Chapter 6, regulating the storage, transportation, sale and use of fireworks;
- B. To obtain or use more than one permit for one stand per year;
- C. To fail to clear all flammable or burnable materials within thirty feet (30') from any fireworks stand and to maintain such condition during the period prescribed for the sale of fireworks;
- D. To allow smoking within twenty-five feet (25') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not

less than two inches (2") in height on a white background on all sides of any such stand;

- E. To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the Fire Department;
- F. To sell fireworks earlier than 12:00 p.m. on June 28th or later than 12:00 p.m. on July 5th;
- G. To fail to dismantle and remove any stand or structure of any nature where fireworks are sold or offered for sale within three (3) days after the close of sales.

9.36.060 – Number of fireworks stands allowed.

There shall be allowed one fireworks stand for every four thousand (4,000) population in the County. The County population shall be based on annual population figures provided by the State Department of Finance.

9.36.070 – Fireworks stands: Zoning restrictions.

Fireworks stands in the unincorporated area of the County will be allowed only on property which is not currently zoned for any residential use. Public safety, ingress, egress, and adequate parking will be additional factors considered by the Fire Department before approving any site for fireworks sales.

9.36.080 – Certificates of insurance.

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the County. The certificate shall name the County, and its officers, agents, and employees, as additional insureds in the amount of no less than One Million Dollars and Zero Cents (\$1,000,000.00) combined bodily injury and property damage for each occurrence. The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the Fire Department no later than 5:00 p.m. on the first regular business day in May of the subject year or at such other time as the Chief of the Fire Department may allow.

9.36.090 – State fireworks law.

The provisions of this chapter shall be construed so as not to conflict with the State Fireworks Law.

9.36.100 – Revocation of permits.

Any violation of this chapter or other County laws, or the terms and conditions of the permit, or State laws or administrative regulations, or safety rules of the Fire

Department, shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this chapter.

9.36.110 – Possession or use of illegal fireworks.

It is unlawful for any person to possess or use illegal or dangerous fireworks in the County, as defined in this chapter and by the State Fireworks Law, sections 12500 et seq. of the Health and Safety Code of the State, and such other fireworks as may be determined to be dangerous by the State Fire Marshal.

9.36.120 – Safe and sane fireworks – Limitation on places and hours of discharge.

- A. Except as permitted in Chapter 5.16 (Outdoor Events), it is unlawful to discharge any safe and sane fireworks except during the hours of 5 p.m. to 11:00 p.m. on the days on which said safe and sane fireworks may be sold as specified in this chapter;
- B. It is unlawful for any person to ignite, discharge, project, or otherwise fire or use, any safe and sane fireworks, or permit the ignition, discharge or projection thereof, upon or over or onto the property of another, without his or her consent, or to ignite, discharge, project, or otherwise fire or make use of any safe and sane fireworks within ten (10) feet of any residence, dwelling, or other structure used as a place of habitation by human beings;
- C. No fireworks shall be discharged, ignited, or in any way intentionally or negligently be allowed to enter areas designated as "high fire hazard areas," by the County Fire Chief, the Fire Marshal, or their designees, in unincorporated areas of the County;
- D. It is unlawful for any person to sell, offer for sale, give away, have in his or her possession, fire, set off, discharge, or use, or cause or permit to be sold any safe and sane fireworks, as defined under this chapter and Health and Safety Code Section 12529, within the unincorporated area of the County known as the "State Responsibility Area" ("SRA") designated by the California Department of Forestry and Fire Protection ("CAL FIRE") in the foothills and mountains of the County within which CAL FIRE has fire suppression responsibility. Maps designating the SRA shall be posted and made available to the public in all County fire stations; and
- E. Responsible persons shall be liable for any violations of this chapter occurring on: (i) the person's property; (ii) any sidewalk, street, or other public right of way immediately adjacent to the person's property; or (iii) any other public or private property to which the responsible person has demonstrated apparent ownership, control, or right of use.

9.36.130 – Safe and sane fireworks – Supervision of minors.

It is unlawful for any person having the care, custody, or control of a minor (under eighteen (18) years old) to permit such minor to discharge, explode, fire, or set off any dangerous fireworks, at any time; or to permit such minor to discharge or set off any safe and sane fireworks unless such minor does so under the direct supervision of a person over eighteen (18) years of age who is aware of and requiring safe and responsible procedures and only during the hours and on the days permitted by this chapter.

9.36.140 – Violation – Penalty.

Any responsible person (as defined in section 9.36.010(E)) violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof may be subject to punishment in accordance with Chapter 1.12, and all other applicable laws. In addition to, or in lieu of, any other available remedies, violations of this chapter shall be subject to administrative citations in accordance with Chapter 8.01. All responsible persons shall be personally liable for an administrative fine of one thousand dollars (\$1,000.00) per occurrence. Each separate day or any portion thereof during which a violation occurs or continues constitutes a separate occurrence, and each such occurrence shall be separately punishable as provided in this section. Additionally, each separate use or discharge of a firework in violation of this chapter, whether occurring on a single day or over multiple days, shall constitute a separate occurrence, separately punishable as provided in this section.

1. **Escalating Penalties:** Section 1.12.080(B) of this Code notwithstanding, fines for violation of this chapter will increase with each subsequent violation by the same responsible person(s) within a 12-month period as follows:
 - First offense: \$1,000.
 - Second offense: \$5,000.
 - Third and subsequent offenses: \$10,000.
2. **Response Costs:** Responsible person(s) shall be liable for **response costs** incurred by law enforcement, fire, or emergency services related to the illegal discharge of fireworks on their property. These costs may include but are not limited to salaries, benefits, administrative costs, and the repair of any damaged public property.
3. **Collection of Response Costs:** The amount of penalties and response costs shall constitute a debt owed to the County and may be collected using any legally available means, including but not limited to a lien on the property pursuant to sections 7.20.120 and 7.20.130 of this Code, and/or a civil action."

SECTION 2. Severability. If any article, 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 article, section, sub-

section, sentence, clause, and phrase hereof, irrespective of the fact that one or more articles, sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its adoption.

SECTION 4. The Clerk of the Board is hereby directed to cause a summary of this Ordinance to be published by one insertion in a newspaper of general circulation in the County at least five (5) days prior to adoption and again fifteen (15) days after its adoption. If a summary of the ordinance is published, then the Clerk of the Board shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the Clerk of the Board at least five (5) days prior to the Board of Supervisors meeting at which the ordinance is adopted, and again after the meeting at which the ordinance is adopted. The summary shall be approved by the County Counsel.

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The foregoing Ordinance was adopted this 8TH day of APRIL, 2025, by the following vote.



Supervisor Wamhoff voted:

Supervisor Rogers voted:

Supervisor Poythress voted:

Supervisor Gonzalez voted:

Supervisor Macaulay voted:

yes
yes
yes
yes
yes

A handwritten signature in blue ink, likely belonging to the Chair of the Board of Supervisors.
Chair, Board of Supervisors

ATTEST:

A handwritten signature in blue ink, likely belonging to Karen Saurier.
Clerk, Board of Supervisors

Approved as to Legal form:
COUNTY COUNSEL

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By: Driskill
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