

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.92, SECTIONS 8.92.015 AND 8.92.090 OF THE STOCKTON MUNICIPAL CODE, RELATING TO FIREWORKS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

**SECTION I. FINDINGS AND INTENT**

The City Council of the City of Stockton finds that there has been an increase in the use and possession of illegal and dangerous fireworks in the City of Stockton.

The City Council finds that an amendment to the Stockton Municipal Code which provides clear enforcement for the illegal use and possession of fireworks will reduce the illegal conduct and, thus, mitigate the negative impact and danger to the City of Stockton and its residents.

**SECTION II. AMENDMENT OF CODE.**

Title 8, Chapter 8.92, section 8.92.015 of the Stockton Municipal Code is amended and shall read, as follows:

**8.92.015 Sale and discharge**

- A. Subject to this chapter, the State Fireworks Law, Sections 12500 through 12726 of the Health and Safety Code of the State, and any regulations promulgated thereunder, only safe and sane fireworks may be sold within the Stockton City limits and only as follows:

June 28: Noon to 8:00 pm

June 29: 9:00 am – 8:00 pm

June 30: 9:00 am – 8:00 pm

July 1: 9:00 am – 8:00 pm

July 2: 9:00 am – 8:00 pm

July 3: 9:00 am – 8:00 pm

July 4: 9:00 am – 9:00 pm

- B. Subject to this chapter, the State Fireworks Law, Sections 12500 through 12726 of the Health and Safety Code of the State, and any regulations promulgated thereunder, no person shall discharge any safe and sane fireworks within the Stockton City limits except as follows:

June 28: Noon to 11:00 pm

June 29: 9:00 am – 11:00 pm

June 30: 9:00 am – 11:00 pm

July 1: 9:00 am – 11:00 pm

July 2: 9:00 am – 11:00 pm

July 3: 9:00 am – 11:00 pm

July 4: 9:00 am – 11:00 pm

- C. No person shall discharge any safe and sane fireworks on public property nor in or on a public street except in those areas approved in writing by the Fire Chief.
- D. No person shall ignite, explode, project or use, nor permit the ignition, explosion, projection or use, of any safe and sane fireworks:
  - 1. Upon or over the property of another person without that person's consent;
  - 2. Within 10 feet of any residential dwelling or other structure used as a place of habitation; or
  - 3. Within 50 feet of any fireworks sales stand.
- E. Except as provided in subsection F of this section, no person under 18 years of age shall purchase, sell, possess, use or discharge safe and sane fireworks.
- F. No person having the care, custody or control of a person under 18 years of age shall allow such person to possess, use or discharge:
  - 1. Any dangerous fireworks; or
  - 2. Any safe and sane fireworks unless such person under the age of 18 years of age or older and otherwise in compliance with the other requirements of this section.
- G. No person shall discharge or possess dangerous fireworks within the Stockton City limits. ~~For purposes of this section, where dangerous fireworks are discharged at or in the street in front of a residential structure, the resident(s) in possession of the residential structure shall be deemed the person who has discharged dangerous fireworks.~~

### SECTION III. AMENDMENT OF CODE.

Title 8, Chapter 8.92, section 8.92.090 of the Stockton Municipal Code is amended and shall read, as follows:

**8.92.090 Administrative penalties – Appeals.**

In addition to any other remedy available at law, any person who possess, uses, stores, and/or displays dangerous fireworks or any person who sells, possesses, uses or discharges safe and sane fireworks on or at dates, times, and/or locations other than those permitted by this chapter, or any permittee who violates any provision of this chapter, is subject to an administrative penalty, in an amount as provided below:

- A. The amount of the administrative penalty shall be ~~\$250.00 dollars for the first violation, \$500 for a second violation within any 12-month period, and \$1000.00 for any subsequent violations within any 12-month period~~ dollars for each violation.
- B. Appeals of administrative penalties shall be made and heard in accordance with Chapter 1.44 of this Code.

**SECTION IV. SEVERABILITY.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

**SECTION V. EFFECTIVE DATE.**

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
BONNIE PAIGE  
City Clerk of the City of Stockton