



# CITY *of* ESCONDIDO

AD-HOC FIREWORKS SUBCOMMITTEE

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April 23, 2026 at 3:00 p.m.  
Mitchell Room, 201 North Broadway, Escondido, CA 92025

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## WELCOME TO YOUR SUBCOMMITTEE MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Subcommittee.

### MAYOR

Dane White

### COUNCILMEMBER

Consuelo Martinez (District 1)

### CITY MANAGER

Sean McGlynn

### CITY ATTORNEY

Michael McGuinness

### CITY CLERK

Zack Beck

## HOW TO WATCH

The City of Escondido provides the following way to watch a Subcommittee meeting:

### In Person



201 N. Broadway, Escondido, CA 92025

## **MEETING AGENDA**

1. Roll Call
2. Fireworks Ordinance
3. Adjournment

### **HOW TO PARTICIPATE**

The City of Escondido provides one way to communicate with the Subcommittee during a meeting:

#### **In Person**



Fill out Speaker Slip and Submit to City Clerk

#### **ASSISTANCE PROVIDED**

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at (760) 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.



ORDINANCE NO. 2026-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ESCONDIDO, CALIFORNIA, AMENDING ESCONDIDO  
MUNICIPAL CODE CHAPTER 17, ARTICLE 4, DIVISION 2 TO  
REGULATE FIREWORKS

WHEREAS, Part 2 of Division 11 of the California Health and Safety Code, titled the State Fireworks Law, regulates fireworks; and

WHEREAS, the Office of the Attorney General for the State of California delivered an opinion on December 20, 2011, reconfirming that cities may regulate the sale, use, discharge, possession, storage, and transportation of fireworks within city limits; and

WHEREAS, Division 2 of Article 4 of Chapter 17 of the Escondido Municipal Code (hereafter referred to as the Fireworks Ordinance) regulates fireworks within the City of Escondido (City); and

WHEREAS, despite the current regulations, the use of illegal fireworks within the City has increased, placing a significant demand on public safety resources and emergency service agencies; and

WHEREAS, illegal fireworks activity poses significant public health, safety, and fire risks; and contributes to noise disturbances, air pollution, and litter; and causes disproportionate adverse impacts on military veterans, pets, and other vulnerable populations; and

WHEREAS, the Fireworks Ordinance has not been amended since 1998; and

WHEREAS, community groups and residents, such as Escondido Fire Safe Council and Escondido Fights Illegal Fireworks, advocate for amendments to the Firework Ordinance; and

WHEREAS, controlling illegal fireworks and preventing the spread of fire is of utmost importance to the City Council of Escondido; and

WHEREAS, the proposed amendments to the Fireworks Ordinance address the use of illegal fireworks, provide further support to law enforcement agencies, detail the disposal of illegal fireworks, impose liability on property owners who allow the use of illegal fireworks, and impose response costs on violators; and

WHEREAS, due to the nature of the health and safety risks, this Ordinance shall be effective immediately after adoption; and

WHEREAS, all penalties and fines for violations of the Fireworks Ordinance shall be effective immediately after adoption.

NOW, THEREFORE, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That the recitals set forth above are true and correct and are incorporated as though fully set forth herein.

SECTION 2: That proper notices of a public hearing have been given and public hearings held before the City Council on this issue.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at said hearings, including without limitation:

a. Written information;

b. Oral testimony from City staff, interested parties, and the public; and

c. The City Council staff report, dated April \_\_, 2026, which, along with its attachments are incorporated herein by this reference as though fully set forth herein; and

d. Additional information submitted during the public hearing.

SECTION 4. Upon consideration of the submitted evidence, Escondido Municipal Code Chapter 17, Article 4, Division 2, Fireworks, is hereby repealed and replaced as set forth in Exhibit A to this Ordinance and incorporated herein by reference as though fully set forth herein.

SECTION 5. ENVIRONMENTAL REVIEW. The proposed amendments to, Escondido Municipal Code Chapter 17, Article 4, Division 2, Fireworks, are not a project within the meaning of Section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because there is no potential for the proposed amendments to result in a physical change in the environment, either directly or indirectly, or a reasonably foreseeable indirect physical change in the environment. In the even the proposed amendments are found to be a project within the meaning of Section 15378 of the CEQA Guidelines, the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional, for any reason, by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7. With the exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

SECTION 8. SAVINGS CLAUSE. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred, or any right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 9. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

**Division 2    Fireworks**

- § 17-75        Purpose.**
- § 17-76        Scope.**
- § 17-77        Definitions.**
- § 17-78        Prohibition of Fireworks.**
- § 17-79        Exceptions.**
- § 17-80        Firing salutes.**
- § 17-81        Precautions when displays permitted.**
- § 17-82        Enforcement.**
- § 17-83        Violations.**
- § 17-84        Social Hosts.**
- § 17-85        Response costs.**
- § 17-86        Seizure and disposal.**
- § 17-87        Penalty.**
- § 17-88        Appeals.**

**Cross reference—Ch. 16 generally, Licenses and business regulations; Ch. 33, Article 73 generally, Temporary Uses, Outdoor Display, and Sale of Retail Merchandise; § 33-663, Uses and Structures; § 33-854, General conditions.**



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## Division 2 Fireworks

### § 17-75 Purpose.

The purpose of this Chapter is to implement regulations, pursuant to the City's police power, on the operation and use of fireworks; to promote the public health and safety; and to prevent the fire risks, noise disturbances, air pollution, litter, and adverse impacts on military veterans, pets, and other vulnerable populations.

### § 17-76 Scope.

Pursuant to the State Fireworks Law, this ordinance is intended to streamline enforcement and administrative fine procedures related to the possession of 25 pounds or less of fireworks. The possession of 25 pounds or more of fireworks shall be governed by Part 2 of Division 11 of the Health and Safety Code.

### § 17-77 Definitions.

The following definitions apply to this Chapter; words and phrases whenever used in this Chapter shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- (a) **“Dangerous fireworks”** has the same meaning as California Health and Safety Code section 12505, as it may be amended from time to time.
- (b) **“Disposal fee”** means the direct and reasonable costs incurred by the City—or by a private person, corporation, or other government agency operating at the request, direction, or on behalf of the City—in transporting, seizing, and disposing of fireworks, as set by state law.
- (c) **“Exempt fireworks”** has the same meaning as California Health and Safety Code section 12508, as it may be amended from time to time.
- (d) **“Fireworks”** has the same meaning as California Health and Safety Code section 12511, as it may be amended from time to time. The term “fireworks” includes “dangerous fireworks” and “safe and sane fireworks,” but excludes “exempt fireworks,” “party poppers,” “snap caps,” and the lawful use of flares by law enforcement personnel or motorists.
- (e) **“Public display of fireworks”** has the same meaning as California Health and Safety Code section 12524, as it may be amended from time to time.
- (f) **“Response costs”** means the direct and reasonable costs incurred by the City—



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or by a private person or corporation operating at the request or direction of the City—in the course of emergency response to the incident, including the costs of providing police, fire department, or other City services at the scene of the incident. These costs further include all of the salaries and wages of City personnel responding to the incident, and all salaries and wages of City personnel engaged in the investigation, supervision, and preparation of reports.

- (g) **“Safe and sane fireworks”** has the same meaning as California Health and Safety Code section 12529, as it may be amended from time to time.
- (h) **“Unmanned Aircraft System”** has the same meaning as Government Code section 853.5, as it may be amended from time to time. For the purposes of this Chapter, the term “drone” shall have the same meaning as Unmanned Aircraft System.
- (i) **“Social host”** means a person or persons with a right of possession of the residence or other private property at which illegal fireworks are possessed, kept, stored, used, shot, discharged, set off, ignited, exploded, manufactured, sold, offered to sell, transported, or given away, including but not limited to:
  - (1) any owner of the residence or other private property—meaning the record owner of the title to property as of the time of the possession, storage, sale, use, ignition, or discharge, wherever that person or entity resides at that time;
  - (2) a tenant or lessee of the residence or other private property at the time when the illegal fireworks are possessed, stored, sold, used, ignited, or discharged;
  - (3) the person(s) in charge of the residence or other private property at the time when illegal fireworks are possessed, stored, sold, used, ignited, or discharged;
  - (4) the person(s) who organizes, supervises, officiates, conducts, or controls the gathering or any other persons(s) accepting responsibility for such gatherings where illegal fireworks are possessed.
- (j) **“State Fireworks Law”** means California Health and Safety Code sections 12500, et seq.

### § 17-78 Prohibition of Fireworks.

- (a) Except as otherwise provided by this Chapter, it shall be unlawful to possess, keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, transport, or give away any fireworks within the City of Escondido.



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## **§ 17-79 Exceptions.**

- (a) The City may permit the public display of fireworks by properly qualified individuals or organized bodies under the direct supervision of experts in the handling of fireworks.
- (b) The storage or sale of fireworks at wholesale is hereby prohibited, unless authorized by a permit from the City. Such permit shall be issued for a period of not exceeding one year.
- (c) Sale of fireworks when allowed by the Fire Chief under special permits when not otherwise prohibited by applicable local or state laws, ordinances, and regulations.
- (d) Use and handling of fireworks for a public display of fireworks in accordance with Title 19 of the California Code of Regulations.
- (e) Activities listed in the State Fireworks Law where all necessary valid state and local permits for the activity or activities have been issued.
- (f) Transportation of fireworks by a person holding a valid state license upon approved routes pursuant to the State Fireworks Law.
- (g) Possession, storage, sale, use, and handling of snap caps, snappers, or party poppers in accordance with Title 19 of the California Code of Regulations.

## **§ 17-80 Firing salutes.**

- (a) No person shall, upon or in any area within the jurisdiction of the City, fire any salute with gunpowder or dynamite or by the means commonly called "anvils" where powder or other explosives are used.
  - (1) The City may permit the use of "blanks" or other forms of salute when all required state and local permits for the activity have been obtained, including for military appreciation events or memorials.
  - (2) For the purposes of this section, "blank" means a cartridge that produces a loud noise, muzzle flash, and/or smoke when fired or discharged, but does not expel a projectile.

## **§ 17-81 Precautions when displays permitted.**

Public displays of fireworks permitted in accordance with section 17-79 shall be of such character and so located, discharged or fired, that, in the opinion of the Fire Chief—or his or her authorized representatives—such displays shall not be hazardous to surrounding property or endanger any person.

## **§ 17-82 Enforcement.**



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- (a) It shall be the duty of the Police Department, Fire Department, and Code Compliance Division to enforce the provisions of this Chapter. The City Manager may designate others to enforce this chapter. Such persons shall be considered "Enforcement Officers" within the meaning of Chapter 1A of this Code.
- (b) The Fire Chief and his or her authorized representatives, the Police Chief and his or her authorized representatives, and the Code Compliance Division shall have the authority to use drones to enforce the provisions of this Chapter.

### **§ 17-83 Violations.**

- (a) Pursuant to Government Code section 53069.4 and Chapter 1A of this Code, an Enforcement Officer, as described in section 17-82, may issue an administrative citation for any violation of this Chapter. Notwithstanding the notice requirements described in section 1A-6 of this Code, prior notice of a violation is not a prerequisite to the issuance of administrative citations.
- (b) A person is subject to the issuance of an administrative citation if such person, or any agent, employee, or independent contractor acting on their behalf, whether by act or omission, causes, permits, or allows any activity prohibited under section 1778 to occur, exist, or continue.
- (c) Every parent, guardian, or other person, having the legal care, custody, or control of any person under the age of 18 years, who knows or reasonably should know that a minor is in violation of this Chapter, is subject to the issuance of an administrative citation in addition to any that may be issued to the offending minor. Every parent, guardian, or other person, shall be held jointly and severally liable for all fines, fees, penalties, disposal fees, pursuant to section 17-86, and response costs, pursuant to section 17-85.
- (d) A person is guilty of a separate offense for each and every violation, as described in section 17-78, if such person causes, permits, or allows to occur, exist, or continue.
- (e) Any person, irrespective of age, found in violation of any provision of this Chapter may be issued an administrative citation in accordance with the provisions of this Chapter.
- (f) Nothing in this Chapter shall be intended to limit any of the penalties provided for under the Health and Safety Code, Penal Code, or other sections of this Code concerning any person or entity who possess, keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, transport, or give away any fireworks.

### **§ 17-84 Social Hosts.**



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- (a) Any property owner or person in control of property who has knowledge of a person violating any provision of this Chapter on the property owned by such person or under such person's control shall be in violation of this section.
- (b) It is unlawful for any Social Host to allow, by invitation or consent, which consent may be implied, given surrounding facts and circumstances such as repeated violations, any violation of this chapter to occur without first obtaining all required permits and licenses. Such violation subjects any and all Social Host(s) to strict liability for penalties imposed for violation(s) of this section.
- (c) A Social Host need not be present at the time illegal fireworks are possessed, stored, sold, used, ignited, or discharged for the City to impose penalties. Prior knowledge of the violation of any provision of this Chapter is not a prerequisite to a finding that any specific individual is a Social Host as defined by this section.
- (d) The Social Host and any person found in violation of this Chapter shall be held jointly and severally liable for all fines, fees, penalties, disposal fees, pursuant to section 17-86, and response costs, pursuant to section 17-85.

### **§ 17-85 Response costs.**

- (a) Any person who has violated this Chapter shall be liable for response costs incurred in responding to the violation to the fullest extent permitted by state law.
- (b) In addition to any administrative penalty or any penalty under any other section of this Code or state law, any Social Host who violates this article is liable for the Response costs relating to the violation. Where there is more than one Social Host, each Social Host is liable jointly and severally for response costs.
- (c) The amount of response costs constitutes a debt owed to the City, which may be collected in any manner legally available to the City.
- (d) Notice of the Response costs shall contain the following itemized information:
  - (1) The name of the Social Host(s) who is liable for the response costs;
  - (2) The address of the private property where the incident occurred;
  - (3) The date and time of the response;
  - (4) The itemized cost of law enforcement, fire, or other emergency response personnel who responded as well as code compliance or other city personnel and the associated legal costs.
- (e) Notice shall be served on each Social Host at the property address by first-class mail or by any means provided for service of a civil complaint.
- (f) Payment for response costs shall be remitted to the City within thirty (30)



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calendar days of the date of the notice.

- (g) If a person who violated this Chapter is a minor, the legal guardian(s) of the minor and the minor shall be jointly and severally liable for the response costs incurred pursuant to this chapter.
- (h) To incur liability for response costs imposed by this Chapter, a person who violates this chapter need not be present at the event that causes the response giving rise to the imposition of response costs.
- (i) Response costs imposed by this Chapter are in addition to any other costs that may be recovered under this Code.

### **§ 17-86 Seizure and disposal.**

- (a) A person who has violated this Chapter may be liable for a disposal fee, as set by state law.
- (b) Pursuant to the State Fireworks Law, the Fire Chief and his or her authorized representatives, the Police Chief and his or her authorized representatives, and the Code Compliance Division shall have the authority to seize, take, remove or cause to be removed, at the expense of the owner or any vendor, any and all such fireworks offered or exposed for sale, stored or held in violation of this Chapter, the State Fireworks Law, or the California Fire Code.
- (c) Authorities seizing fireworks shall follow the procedures to cover costs for the transportation and disposal of fireworks as outlined in the State Fireworks Law.
  - (1) Sixty-five percent of the collected moneys shall be forwarded to the State Controller for deposit in the State Fire Marshal Fireworks Enforcement and Disposal Fund. These monies shall be deposited monthly.
  - (2) Thirty-five percent to the local public safety agency in the county in which the offense was committed to reimburse the local public safety agency for expenses, including, but not limited to, the costs for handling, processing, photographing, and storing seized dangerous fireworks.
- (d) Authorities seizing fireworks shall follow the procedures for the transportation and disposal of fireworks as outlined in the State Fireworks Law.
- (e) Fines collected pursuant to administrative citations shall not be subject to Health and Safety Code section 12706.

### **§ 17-87 Penalty.**



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- (a) Any person violating any of the provisions of this Chapter is guilty of an misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000. Any violation may also be subject to civil penalties and any other legal remedy provided in this Code or state law.
- (b) Each violation described in this Chapter may be charged as a separate count for each and every occurrence.
- (c) In addition to any remedy available at law, and upon a first violation, any person in violation of any provision of this Chapter involving 25 pounds or less of fireworks may be subject to the issuance of an administrative citation not to exceed \$1,000, response cost, pursuant to section 17-85, and a disposal fee as set by state law, pursuant to section 17-86.
- (d) The imposition of the administrative citation, response cost, and disposal fee are considered an expense of abatement and may be collected pursuant to the provisions outlined in Chapter 1A to the fullest extent permitted by state law.
- (e) All violations of this Chapter are declared to be a public nuisance.

### **§ 17-88 Appeals.**

A citation issued for failure to comply with the provisions of this Chapter may be appealed, subject to the procedures established in section 1A-9 of this Code.