



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R26-0336  
JUN 8 2026

**REPORT RE:**

**EXISTING FIREWORKS LAWS AND POSSIBLE ORDINANCE AMENDMENTS  
REGULATING THE USE OF FIREWORKS IN THE CITY OF LOS ANGELES**

The Honorable Public Safety Committee  
of the Los Angeles City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

**Council File No. 25-0065**

Honorable Members:

The City Council requested this Office's legal guidance regarding strengthening fireworks-related ordinances in the City of Los Angeles (City) and ways to increase enforcement. All fireworks, including safe and sane ones, are illegal in the City. Despite campaigns to inform the public of the dangers of illegal fireworks, the possession and use of illegal fireworks in the City remains a significant issue.

There are numerous challenges that affect enforcement of fireworks laws in the City, including the difficulty to track who launched the fireworks and the location of the launch. Currently, the Los Angeles Municipal Code (LAMC) addresses individuals who use, give, possess, sell, or discharge fireworks in the City. This report examines pathways to strengthen the City's fireworks-related ordinances regarding the possession and use of illegal fireworks, including holding social hosts liable for allowing the illegal use of fireworks at their private property and increasing fines to help deter first time and repeat offenders.

## **A. OVERVIEW OF CALIFORNIA'S STATE FIREWORKS LAW**

California's State Fireworks Law regulates fireworks in the State of California, defines what constitutes fireworks, and governs their possession, sale, and use, with specified penalties for violations.<sup>1</sup> The law tasks the State Fire Marshal, which is within the Department of Forestry and Fire Protection, as the only fireworks classification authority in California. Fireworks are classified through laboratory analysis, field examinations, and test firing of items. As part of the program, the State Fire Marshal requires the licensing of all pyrotechnic operators, fireworks manufacturers, importer-exporters, wholesalers, retailers, and public display companies. Pyrotechnic operators who discharge fireworks at public displays or launch high powered and experimental rockets, must also pass a written examination and provide proof of experience.<sup>2</sup>

State law makes it unlawful for any person to sell, offer for sale, use, discharge, possess, store, or transport any type of fireworks within California unless the State Fire Marshal has classified and registered such fireworks.<sup>3</sup> The law does permit the retail sale of "safe and sane fireworks" between noon on June 28 and noon on July 6 of every calendar year.<sup>4</sup> "Safe and sane fireworks" means any fireworks that have been approved by the United States Consumer Product Safety Commission and that have been carefully examined and tested by the State Fire Marshal and determined by the State Fire Marshal to meet and be in compliance with the general and specific standards for design, construction, performance, and labeling for safe and sane fireworks, as set forth in Chapter 6 of Division 1 of Title 19 of the California Code of Regulations.<sup>5</sup> Generally speaking, safe and sane fireworks cannot explode or shoot into the air, cannot contain arsenic sulfide, chlorates, magnesium, and other similar chemicals, and cannot be larger than ten inches in length or a quarter-inch in diameter. Fireworks not designated safe and sane are considered to be illegal in California even if they are legal to be sold in other states.<sup>6</sup>

Violations of California's Fireworks Law are punishable as a "wobbler," which means that violations can be charged as either a felony or a misdemeanor, depending on the nature of the violation. The corresponding fines for such violations were increased in 2023 when California Governor Gavin Newsom approved Assembly Bill (AB) 1403. Under AB 1403, California Health and Safety Code Section 12700(B) was amended to increase fines against persons in possession of unaltered dangerous fireworks in violation of the State Fireworks Law with fines ranging from \$1,000 to more than \$100,000, depending on the gross weight of unaltered dangerous fireworks.

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<sup>1</sup> Cal. Health and Safety Code Section 12500

<sup>2</sup> Assem. Bill 1403, 2023-2024 Reg. Sess., ch. 368, 2023 Cal. Stat.

<sup>3</sup> Cal. Health and Safety Code Section 12671

<sup>4</sup> Cal. Health and Safety Code § 12599

<sup>5</sup> California Health and Safety Code Section 12529

<sup>6</sup> Assem. Bill 1403, 2023-2024 Reg. Sess., ch. 368, 2023 Cal. Stat.

Previously, these fines were considerably less and ranged between \$500 to more than \$50,000.

AB 1403 also doubled the penalties whenever a person is guilty of selling, giving, or delivering any dangerous fireworks to any person under 18 years of age, from \$5,000 to \$10,000 for a second or subsequent conviction of the offense.

Even though state law allows the sale and use of some types of fireworks, California cities and counties are permitted have their own more restrictive ordinances. These local laws might further regulate or even ban the sale or use of some fireworks, including safe and sane fireworks.<sup>7</sup>

## **B. OVERVIEW OF THE LOS ANGELES MUNICIPAL CODE**

Here in Los Angeles, the LAMC explicitly prohibits all fireworks within City limits. LAMC Section 57.5608.1.2 states as follows:

It shall be unlawful for any person to use, give, possess, sell, or discharge any fireworks in the City of Los Angeles.

Although fireworks are considered illegal for personal possession or use in the City, exceptions have been made to allow for specified fireworks shows (i.e. “displays”) so long as the shows are permitted by the Los Angeles Fire Department (LAFD) and are conducted in conformance with state law.<sup>8</sup>

Every permitted fireworks display shall be under the control and supervision of a pyrotechnic operator licensed by the State Fire Marshal and shall be conducted under conditions as required by the City’s Fire Chief. The fireworks used in public displays shall be located, discharged, and of such character so as not to be hazardous to persons or property,<sup>9</sup> and every applicant seeking a permit to conduct a fireworks display is required to submit evidence of having a license granted by the State Fire Marshal.<sup>10</sup>

In addition to the state law penalties described above, LAMC Section 11.00(m) makes it unlawful for any person to violate the City’s fireworks law. Any person violating this law or failing to comply with any of its mandatory requirements shall be guilty of a misdemeanor, which is punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

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<sup>7</sup> Assem. Bill 1403, 2023-2024 Reg. Sess., ch. 368, 2023 Cal. Stat.

<sup>8</sup> LAMC 57.5608.1.2

<sup>9</sup> LAMC 57.5608.1.2.1

<sup>10</sup> LAMC 57.5608.1.2.2

### **C. PERMITTING PROCESS IN THE CITY**

To receive a permit from LAFD for a fireworks display, event organizers must submit an application no later than ten days prior to the date of the display.<sup>11</sup> The Special Permit (F-315) must be issued by the Fire Prevention Bureau of LAFD. LAFD evaluates the following factors before approving the permit to conduct a fireworks display:

1. Plot plan, which includes details of the show, set up of the location, safety zones, and fall out area;
2. Event detail information sheet;
3. The manner of use and storage of the fireworks;
4. Amount and type of fireworks to be used;
5. California State Fire Marshal pyrotechnician license and certificate;
6. Pyrotechnicians certificate of liability insurance;
7. Venue's certificate of liability insurance;
8. Completed specific action permit; and
9. Completed Fire Safety Officer application.

The permitting process developed by the City is very comprehensive and limits the number of events that qualify for a permit. Before granting a permit to conduct a fireworks display, LAFD not only requires the applicant to use a licensed pyrotechnician but, importantly, also requires a Fire Safety Officer from the City to be present throughout the fireworks show. The licensing process for pyrotechnicians is managed at the State level, by the State Fire Marshal, which requires the licensing of all pyrotechnic operators, fireworks manufacturers, importer-exporters, wholesalers, retailers, and public display companies.<sup>12</sup>

To obtain a pyrotechnics license in California, applicants must apprentice on a professional fireworks display crew for a minimum of two years, participating in at least eight public fireworks displays. They also need to provide five written letters of recommendation from licensed California Pyrotechnic Operators, pass a background check, and successfully complete the State Fire Marshal's written pyrotechnics exam. Lastly, they must apply for a license and submit a live scan fingerprint form.

Event operators bear the burden of the costs to assure that the fireworks displays are safely held. LAFD Fire Safety Officers have the authority to cancel any fireworks display they find to be unsafe, including when weather conditions change. Therefore, safeguards are in place to assure the safety of patrons at events where a fireworks display has been permitted.

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<sup>11</sup> Los Angeles Fire Code Section 105.7.2.3

<sup>12</sup> Assem. Bill 1403, 2023-2024 Reg. Sess., ch. 368, 2023 Cal. Stat.

## **D. ENFORCEMENT CHALLENGES**

### **1. Easy Access to Fireworks**

Although the City has passed strict local ordinances to combat the possession and use of illegal fireworks and has implemented strategies to enforce our ordinances, the City is still impacted by the importation and widespread use of illegal fireworks. Outside the City limits, fireworks are easy to access and purchase. For example, approximately 290 jurisdictions in California currently allow the purchase and use of state-approved fireworks for the Fourth of July holiday. Typically, non-profit organizations like women's shelters, service clubs (like Rotary), Boy Scout and Girl Scout troops, PTAs, Little Leagues, and other neighborhood associations operate fireworks stands as fundraising opportunities.

And, as noted above, not only is it legal for certain fireworks to be sold in parts of the State, fireworks that may be illegal in California are legal to be sold in other states. California residents can and do travel to neighboring states, like Nevada, that have less stringent fireworks laws and inconspicuously bring fireworks back into the City. Therefore, even with a total ban on the sale of fireworks within City limits, without a much broader regulatory scheme, it will remain difficult to stop the importation of fireworks into the City, especially from other cities that allow the legal purchase of fireworks. The ample availability of fireworks for sale, especially in neighboring cities and states, contributes to the prevalence of illegal fireworks in the City.

### **2. Even Increased Penalties Have Not Proven to Be a Deterrent**

As previously discussed, the State has recently increased the penalties for the illegal possession of fireworks. The purpose of AB 1403 was to address the growing crisis of the illegal importation and sales of dangerous illegal fireworks into California. The increase in penalties is noteworthy and provides for higher amounts than what is available in the LAMC. The increase penalties have been in effect for less than two years and data is not readily available to evaluate if the increases have resulted in fewer illegal fireworks in California. Anecdotally, however, the increased penalties do not appear to have had an impact on the prevalence of illegal fireworks in the City.

Although the monetary penalties increased with the 2023 state law updates, the criminal penalty remained the same and there was no discussion to amend State laws to make the use of illegal fireworks a straight felony.

### **3. Difficulty of Enforcement**

Increased enforcement of local ordinances could result in a reduction of illegal fireworks possession and use within City limits. Since the City has a strict ban on the sale and use of fireworks in the City, enforcement of existing ordinances already

provides a mechanism to limit the illegal possession and use of fireworks in the City. However, enforcement by the Los Angeles Police Department (LAPD) is made especially difficult with restricted resources and the nature of the conduct. Oftentimes, when illegal fireworks are used, there are no witnesses available by the time the police arrive. The possessor and user of the fireworks can light a firework and immediately leave the scene. If a witness does not come forward identifying the user, it is very unlikely the individual at fault will ever be apprehended by LAPD. Both LAPD and LAFD have campaigns each year to inform the public about the dangers of fireworks and the laws prohibiting their use in the City; however, each year, illegal fireworks use remains a citywide issue. In a fact sheet submitted in conjunction with this report, LAPD outlines the scope of fireworks-related calls for service, enforcement strategies, and recommendations.

## **E. POSSIBLE AMENDMENTS TO THE LOS ANGELES MUNICIPAL CODE**

To combat the possession and use of illegal fireworks in the City, the City Council requested this Office to report back on increased penalties for the possession or use of illegal fireworks; graduated fines or harsher consequences for repeat offenders; and civil fines against property owners where illegal fireworks are found to be used, sold, or stored. The information provided below both highlights and provides additional context to the LAPD recommendations set forth in the Board of Police Commissioners report provided to the City Council dated February 3, 2026 (Council File No. 25-0839).

### **1. Increased or Graduated Penalties**

Many local governments in California have adopted provisions in their municipal codes allowing for graduated penalties for repeat offenses involving fireworks related ordinances. For example, the City of Citrus Heights permits the issuance of an administrative citation or a notice of violation to all responsible person(s) present at an unpermitted discharge of fireworks. Those administrative fines are:

- a. \$750 for the first administrative citation issued to the responsible person.
- b. \$1,000 for the second and/or each subsequent administrative citation issued to the responsible person.

Sacramento County places a time limit on its graduated administrative fines. For example, the fines start at \$1,000 for the first violation, increase to \$2,500 for the second violation within one year of the first violation, and increase further to \$5,000 for each additional violation within one year of the first violation.

The City Council may want to create an administrative fine structure specific to illegal fireworks violations that could be enforced through the City's ACE program, setting an amount deemed by the City Council to be a sufficient deterrent, so long as the adopted amounts are not excessive in proportion to the offense in violation of the Eighth Amendment's Excessive Fines Clause. U.S. Const., Amdt. 8. Depending on the risk to public safety, including fire risks, and the cost of City services expended in responding to complaint calls, the City could make the findings necessary to build an escalating fine structure that is even higher than Sacramento County's. As noted above, however, enforcement of fireworks laws is especially difficult given staffing resources and the nature of the activity; and the increased state level penalties have yet to show a deterrent effect.

## 2. Expanding Liability to Property Owners and Spectators

There are local governments around the state that have adopted provisions holding "hosts" criminally liable if they permit, allow, aid, or abet any discharge of illegal fireworks at their residential or other private property. The City of Carlsbad, the City of Fresno, the City of Rancho Cordova, Sacramento County, San Bernardino County, the City of San Jose, Santa Clara County, and the City of Santa Paula, among others, have imposed a duty on hosts to prevent the discharge of illegal fireworks at premises under their control. The City of Rancho Cordova, for example, holds hosts strictly liable for any unlawful ignition, explosion, discharge, use, or display of any fireworks on their property or at their gathering. Exemptions are made for those individuals who initiate contact with law enforcement or fire officials to assist in removing any person from their property or terminating the activity, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation. The violation is charged as a misdemeanor punishable by a fine not exceeding \$1,000, or imprisonment in the county jail for not more than six months, or both.

Similarly, the City of Atascadero, the City of San Jose, the City of San Mateo, and the City of Redwood City, among others, have imposed fines on spectators who are knowingly present at the location of the discharge of illegal fireworks. There are, of course, practical challenges to enforcing a prohibition on spectating, including identifying individuals within crowds, low lighting, and the transient nature of firework activity, but some jurisdictions report these ordinances do have a deterrent effect. In addition to enforcement challenges, there is also a risk that residents who are merely present in neighborhoods with high incidents of firework activity can be mistakenly identified as spectators. To account for this, under the City of San Mateo's ordinance, for example, law enforcement must demonstrate that an unpermitted fireworks activity took place, that the spectator was within 200 feet, that they knowingly observed the activity, and that they can be clearly identified. Violations of the San Mateo ordinance are punishable by a \$500 fine.

Here in Los Angeles, the City Council could add fireworks spectating to the list of activities punishable by ACE citation, with increasing fines for multiple offenses. The City Council may also want to amend the ACE provisions to make ACE citations and fines issued to property owners assessable on property tax rolls so that the amounts are billed and collected with the owner's property taxes.

### 3. Imposing Response Costs on Offenders

Similar to the imposition of host liability, some local governments have adopted ordinances imposing, upon conviction, the reasonable and necessary costs directly incurred by public safety or other personnel for a response to the illegal use of fireworks. The costs imposed by the City of San Jose's ordinance, for example, include, but are limited to, salaries and benefits of public safety or other personnel for the amount of time spent responding to, remaining at or otherwise dealing with a violation; the cost of any medical treatment to or for any public safety personnel injured responding to the scene of the violation; the cost of repairing or replacing any public safety equipment or property damage; and the cost of use of any such equipment, in responding to a violation.

## **F. CONCLUSION**

The illegal use of fireworks can result in devastating consequences, including fire-related property damage and severe injuries. Existing law in the City prohibits all fireworks, even those deemed safe and sane by the State Fire Marshal, except at events permitted by LAFD. To reduce illegal fireworks activity and fireworks-related incidents, the City can expand enforcement of existing laws while emphasizing increased penalties imposed by the Health and Safety Code which, following the passage of AB 1403, provides robust penalties and fines for violations of the State Fireworks Law. Further, the City Council can strengthen the City's existing laws by adding provisions that impose graduated administrative fines for repeat offenders and create liability, not only for those who use illegal fireworks, but for those who allow illegal fireworks to be used at their private property. Imposing additional or new fines along with imposing the cost of response, in conjunction with increased enforcement by LAPD, can be strategies used to address issues related to the unlawful use and possession of illegal fireworks in the City.

If you have any questions regarding this matter, please contact Deputy City Attorney Lara Bairamian at (213) 978-2283.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By

  
MICHAEL J. DUNDAS  
Chief Assistant City Attorney

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Enclosures: LAPD Fireworks Safety and Enforcement Fact Sheet