

Violations pertaining to Fireworks obtained from the Pasadena Municipal Code (PMC), Penal Code, and the Health & Safety Code

- ***PMC Firework Violations 14.30.020:***

Simple possession, use sale of safe and sane fireworks –

****Pasadena Municipal Code allows for an Administrative Citation, pursuant to Ordinance (P.M.C. § 1.26.030.)**

Section 1.26.010 allows for the city prosecutor, in its discretion, to determine whether something will be prosecuted criminally. If a violation is not criminally prosecuted, the city prosecutor may proceed with an administrative proceeding. P.M.C. section 1.26.060 provides for an administrative citation fine schedule.

The section 14.30.050 explains that the fireworks violations can be infractions or misdemeanors. Section 1.24.020 allows the citations to be pursued via a civil administrative action.

- ***Penal Code Violations:***

16460. (a) As used in Sections 16510, 16520, and 16780, and in Chapter 1 (commencing with Section 18710) of Division 5 of Title 2, "destructive device" includes any of the following weapons: (5) Any breakable container that contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination. (6) Any sealed device containing dry ice (CO₂) or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

18710. (a) Except as provided by this chapter, any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, is guilty of a public offense. (b) A person, firm, or corporation who is convicted of an offense under subdivision (a) shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison, or by a fine not to exceed ten thousand dollars (\$10,000), or by both this fine and imprisonment.

18715. (a) Every person who recklessly or maliciously has in possession any destructive device or any explosive in any of the following places is guilty of a felony: (1) On a public street or highway. (2) In or near any theater, hall, school, college, church, hotel, or other public building. (3) In or near any private habitation. (4) In, on, or near any aircraft, railway passenger train, car, cable road, cable car, or vessel engaged in carrying passengers for hire. (5) In, on, or near any other public place ordinarily passed by human beings. (b) An offense under subdivision (a) is

punishable by imprisonment pursuant to subdivision (h) of Section 1170 for a period of two, four, or six years.

18720. Every person who possesses any substance, material, or any combination of substances or materials, with the intent to make any destructive device or any explosive without first obtaining a valid permit to make that destructive device or explosive, is guilty of a felony, and is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

18740. Every person who possesses, explodes, ignites, or attempts to explode or ignite any destructive device or any explosive with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property, is guilty of a felony, and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for a period of three, five, or seven years.

18750. Every person who willfully and maliciously explodes or ignites any destructive device or any explosive that causes bodily injury to any person is guilty of a felony and shall be punished by imprisonment in the state prison for a period of five, seven, or nine years.

- ***H&S Firework Violations***

12677: Possession of dangerous fireworks

12680: Discharge of dangerous fireworks in a crowd with likelihood of injury

12689a: Sale or delivery of dangerous fireworks to person under 18

12681: Sale of safe and sane fireworks at other than fixed business (ice cream trucks, produce trucks, etc).