



El Segundo Police Department

Training Section

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TRAINING BULLETIN

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FIREWORKS – FIRECRACKERS – EXPLOSIVES - DESTRUCTIVE DEVICES

El Segundo Municipal Code (ESMC) 13-9-1:

Pursuant to California Government Code sections 50022.1 to 50022.8, the City of El Segundo adopts and incorporates by reference the California Fire Code (CFC), 2019 Edition.

California Fire Code (CFC) Section 5601.1.3 prohibits the storage, use and handling of all fireworks, except for special displays by licensed technicians operating under a permit from the Fire Department. Therefore, any person in possession of fireworks may be cited per the appropriate Health and Safety Code (HSC) for violating the CFC and have their fireworks confiscated. The ESMC also prohibits "Safe and Sane" fireworks.

According to CFC Section 5601.7 (Seizure), all fireworks including "State approved" shall be illegal in the City of El Segundo. The fire code official and police officers shall have the authority to seize, take and remove fireworks and/or safe and sane fireworks stored, sold, offered for sale, used or handled in violation of the Health and Safety Code.

California Health and Safety Code (HSC):

DANGEROUS FIREWORKS include, but are not limited to, firecrackers, skyrocket, rockets, roman candles, chasers, and all fireworks designed and intended by the manufacturer to create the element of surprise upon the user. Toy rocket engines, agricultural and wildlife fireworks, emergency signaling devices and others are exempted, but require a permit. Dangerous fireworks are further defined in HSC Section 12505.

The following HSC sections address violations pertaining to dangerous fireworks:

- HSC Section 12676 - Prohibits the sale of Dangerous Fireworks except to permitted persons.

- HSC Section 12677 - Prohibits possession of Dangerous Fireworks without a permit.
- HSC section 12680 - Prohibits discharge of dangerous fireworks at a person or group of persons where there is a likelihood of injury or intent to create chaos, fear or panic.
- HSC section 12700 - Defines violations (possession, discharge, etc.) involving dangerous fireworks and classifies them as **misdemeanors**.

FIRECRACKERS: The term "firecracker" means a device consisting of an explosive pyrotechnic in an amount not to exceed 50 milligrams (one half gram or .772 grains) in weight in a fused container whose primary function is to produce an audible effect. All firecrackers are classified as "***DANGEROUS FIREWORKS***". Devices similar in construction to a "firecracker" which exceed the specified weight shall be considered as ***EXPLOSIVES*** in accordance with HSC Section 12000 and California Code of Regulations (CCR) Title 19, Section 980(f)(1).

EXPLOSIVES: Per HSC 12000, ***EXPLOSIVES*** are any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion, and which is capable of a relatively instantaneous or rapid combustion, or any substance, the primary purpose of which, when combined with others, is to form a substance capable of a relatively instantaneous or rapid release of gas and heat. "Explosives" include, but are not limited to, any of the following: Dynamite, nitroglycerin, picric acid, lead azide, black powder, smokeless powder, propellant explosives, detonating primers, blasting caps or commercial boosters.

Not included is any ***DESTRUCTIVE DEVICE*** as defined in Section 12301 of the California Penal Code (CPC), nor does it include small arms primers or munition for shotguns, rifles and pistols.

Unlawful possession or use of an explosive is a Felony under HSC 12305, PC 12303.2 or PC 12303.3.

DESTRUCTIVE DEVICE: Per PC 12301, a ***DESTRUCTIVE DEVICE*** is any projectile containing any explosive or incendiary material or any other chemical substance... any bomb, grenade, explosive missile... any breakable container which contains a flammable liquid with a flashpoint of 150 degrees or less and has a wick or similar device capable of being ignited ... any sealed device containing dry ice (CO₂) or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

Unlawful possession or use of a destructive device is a Felony under PC 12303.2.