



Agenda Item

Orange City Council

Item #: 11.1.

4/28/2026

File #: 26-0021

TO: Honorable Mayor and Members of the City Council

THRU: Jarad Hildenbrand, City Manager

FROM: Russel Bunim, Community Development Director

1. SUBJECT

Introduction and First Reading of Ordinance No. 02-26 amending Chapter 8.13 of the Orange Municipal Code to impose strict liability on social hosts for allowing, facilitating, or failing to prevent the use or discharge of illegal fireworks, and establishing enforcement penalties and administrative fines

2. SUMMARY

The proposed Ordinance would establish strict liability for social hosts who allow, facilitate, or fail to prevent the use or discharge of illegal fireworks on public or private property. The Ordinance would also establish a progressive administrative citation schedule for each and every violation. In conjunction with the Ordinance, consideration for law enforcement and code enforcement personnel to utilize drone technology to support enforcement of this Ordinance and enhance ongoing efforts to deter and address other illegal fireworks activity within the City is needed.

3. RECOMMENDED ACTION

Introduce and conduct First Reading of Ordinance No. 02-26. An Ordinance of the City Council of the City of Orange amending Chapter 8.13 to the Orange Municipal Code to impose strict liability on social hosts for allowing, facilitating, or failing to prevent the use or discharge of illegal fireworks and establishing enforcement penalties and administrative fines.

4. FISCAL IMPACT

The fiscal impact of enforcing the proposed Ordinance, if approved, will include personnel, administrative, outreach, equipment, and overtime costs associated with identifying, investigating, documenting, and enforcing violations, as well as reviewing evidence, issuing administrative citations, processing billing, and collecting fines. Additional costs may include public education and marketing efforts to inform residents of the new regulations and penalties. These costs are anticipated to be partially or fully offset by revenues generated from administrative fines imposed for violations of this proposed Ordinance.

5. STRATEGIC PLAN GOALS

Goal 1: Maintain Strong Emergency and Safety Services

6. DISCUSSION AND BACKGROUND

Summary of Need for Enhanced Enforcement Against Illegal Fireworks

Illegal fireworks remain a persistent problem throughout California, including in the City of Orange and surrounding jurisdictions. Despite extensive prevention and enforcement efforts such as public education campaigns, digital message boards along major corridors, high visibility patrols, unmarked enforcement units, and increased fines as permitted by state law, illegal fireworks continue to be discharged at significant levels. These activities pose serious risks to public health and safety, including injuries, property damage, and wildfire ignition, particularly in hillside and high-fire severity areas. Additional regulatory tools are needed to strengthen deterrence, improve accountability, and better protect the community.

Background on Safe and Sane Fireworks

On May 14, 2024, the City Council adopted Resolution No. 11545 placing Measure AA on the November 5, 2024, General Municipal Election ballot. Voters approved Measure AA, thereby adopting Ordinance No. 10-24, which authorizes the limited sale, possession, and use of State-approved “safe and sane” fireworks.

July 4, 2025, marked the first Independence Day on which individuals were legally permitted to ignite, discharge, project, or otherwise use State-approved safe and sane fireworks within the City. This use was allowed only between 12:00 p.m. and 10:00 p.m., and only within the designated area established under Orange Municipal Code Section 8.13.130(A), subject to all other applicable restrictions and limitations.

Despite this limited use authorization, the illegal discharge of commercial-grade fireworks, including aerial mortars, skyrocketers, Roman candles, firecrackers, and other dangerous fireworks remain widespread.

Current Enforcement Challenges

Orange Municipal Code Section 8.13.040 prohibits the possession, sale, use, or discharge of all fireworks, including dangerous fireworks and altered safe and sane fireworks. Violations are misdemeanors punishable by fines up to \$1,000 and/or up to six months in jail.

However, enforcement is often limited because:

- Police Officers must generally witness the possession or discharge of illegal fireworks to initiate criminal action.
- Illegal fireworks are frequently launched from residential backyards or within groups of spectators, making it difficult to identify the responsible individual.
- Current regulations do not impose liability on property owners or social hosts for illegal fireworks activity occurring on property under their control or on immediately adjacent public areas such as sidewalks or streets.

Illegal fireworks are frequently discharged during parties, gatherings, and informal displays. The proximity of multiple individuals to explosive and dangerous devices significantly increases the risk of serious bodily injury or death and elevates the overall threat to public health and safety.

As a result, enforcement focuses on identifying individual offenders rather than addressing the broader environment that enables violations.

Social Host Liability Ordinances in Orange County

Several Orange County cities, including Stanton, La Habra, Brea, Anaheim, Fullerton, and Buena Park, have adopted Social Host Liability Ordinances to close this enforcement gap. These ordinances impose strict liability on property owners, tenants, or other responsible persons when illegal fireworks are possessed, sold, used, or discharged on property they control or on immediately adjacent public areas. A property owner who rents their property to tenants or other occupants would have an affirmative duty to prevent the illegal use and discharge of dangerous fireworks on the premises and would be subject to strict liability for failing to do so.

This social host liability approach:

- Shifts accountability to individuals who possess or control the premises.
- Promotes responsible oversight of gatherings or private settings where fireworks may be used or discharged.
- Strengthens deterrence and improves the enforceability of illegal fireworks regulations.

The City of Orange proposes adopting a similar ordinance.

Progressive Administrative Fines

Under California Government Code Section 53069.4 and California Health and Safety Code Section 12557, cities are authorized to impose administrative fines for illegal fireworks violations.

Using this authority, the City proposes adopting a schedule of progressive administrative fines for any social host, property owner, block party or special event permit holder, or other responsible person who illegally possesses, sells, uses, or discharges illegal fireworks. The following fine schedule would apply to each and every violation occurring within a thirty-six-month period:

- First violation: \$3,000
- Second violation: \$5,000
- Third and subsequent violations: \$7,000

In addition, the City proposes adopting a separate schedule of progressive administrative fines for any person found in violation of Sections 8.13.040, 8.13.050, 8.13.070, and/or 8.13.130 of the Orange Municipal Code related to the illegal possession, sale, use, or discharge of any fireworks. The following fine schedule would apply to each and every violation occurring within a thirty-six-month period:

- First violation: \$2,000
- Second violation: \$4,000
- Third and subsequent violations: \$6,000

The combined implementation of a Social Host Liability Ordinance, and progressive administrative fines will strengthen the City's enforcement framework, enhance deterrence, and improve accountability, thereby reducing the harmful impacts associated with illegal and dangerous fireworks activity in the City of Orange.

Proposed Ordinance and Enforcement Strategies

If adopted, the proposed Social Host Ordinance would include the following key provisions:

- Prohibit a host from permitting or failing to prevent the sale, possession, use, or discharge of illegal fireworks on their property or on an immediately adjacent public area through strict liability.
- Establish an affirmative duty for property owners, landlords, and property managers to prevent tenants from using or discharging illegal fireworks.
- Implement progressive administrative fines for each instance in which a host allows the use or discharge of illegal fireworks.
- Create a mechanism for recovering response costs.

The City's proposed enforcement strategies include:

- Implementation of public education campaigns through:
 - The City website
 - Social media platforms
 - Press releases
 - Direct notification to rental property owners
 - Water billing inserts
- Use of digital message boards along major corridors
- High visibility and unmarked vehicle enforcement

Use of Small Unmanned Aircraft Systems (Drones)

In conjunction with the proposed Ordinance staff proposes deploying drones to strengthen illegal fireworks enforcement. This technology provides aerial observation that improves situational awareness and allows law enforcement and code enforcement personnel to identify the precise location of illegal fireworks activity, particularly in residential backyard settings where ground level visibility is limited. Drones enable enforcement personnel to:

- Identify precise ignition locations in real time.
- Document violations occurring in backyards or obstructed areas.
- Improve officer safety and reduce the need for intrusive ground level investigations involving

fleeing offender and large groups of spectators.

- Capture photographic and/or video evidence to support the imposition of administrative citations which carry escalating fines and provides for cost recovery.

When deployed in full compliance with Federal Aviation Administration (FAA) regulations, State privacy laws, and established departmental policies, this technology provides a focused and proportional enforcement tool to address ongoing public safety concerns. City staff would participate in FAA training to become certified drone pilots and designated safety officers who are authorized for night operations. The Police Department maintains an existing fleet of drones and has several FAA certified pilots available to support this enforcement effort. This technology has been used successfully for many years by the cities of Brea, Fullerton, Riverside, Hemet, Sacramento, El Centro, Elk Grove, and most recently by the City of Stanton.

7. ATTACHMENTS

- Ordinance No. 02-26