

ORDINANCE NO. 26-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OCEANSIDE,  
CALIFORNIA, ADDING ARTICLE V TO  
CHAPTER 17 OF THE CITY CODE RELATING  
TO ILLEGAL FIREWORKS ABATEMENT**

The City Council of the City of Oceanside (“City Council”) finds as follows:

WHEREAS, the possession, sale, and use of illegal fireworks pose significant threats to public safety, including increased risk of structure fires, wildland fires, and serious bodily injury, and that such conduct constitutes a public nuisance endangering public health and safety within the meaning of Government Code section 36900(d); and

WHEREAS, the City Council finds that traditional enforcement methods are insufficient to deter violations that occur rapidly and often without direct officer observation; and

WHEREAS, modern technology, including unmanned aircraft systems (UAS or “drones”), can safely and lawfully document fireworks violations observable from public airspace, enhancing enforcement without infringing on constitutional privacy rights; and

WHEREAS, the City Council finds it necessary to establish clear administrative procedures, cost-recovery authority, and community outreach measures to promote compliance, transparency, and safety; and

WHEREAS, this ordinance is adopted pursuant to the City’s police powers under Article XI, Section 7 of the California Constitution and Government Code Sections 38771, 36900(d), and 53069.4, authorizing local administrative enforcement and cost-recovery programs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE  
DOES HEREBY ADD ARTICLE V TO CHAPTER 17 OF THE OCEANSIDE CITY  
CODE AS FOLLOWS:**

1 **SECTION 1: Chapter 17, Article V – Illegal Fireworks Abatement**

2 **Sec. 17.44. Purpose and Intent.**

3       The purpose of this article is to enhance public safety by deterring the possession, sale,  
4 and use of illegal fireworks; to establish administrative penalties and cost recovery for  
5 violations; to authorize the use of drones for lawful observation; and to provide for coordinated  
6 public outreach and enforcement between the Police and Fire Departments. Administrative  
7 penalties imposed under this article are adopted pursuant to Government Code section 53069.4  
8 and Government Code section 36900(d). They are intended as a local enforcement mechanism  
9 independent of penalties imposed under the Health and Safety Code. The conduct prohibited in  
10 this article shall constitute a public nuisance subject to abatement under the procedures set forth  
11 herein. The remedies provided in this Article are cumulative and in addition to any other  
12 administrative, civil, or criminal remedies available under this Code or applicable law.

13 **Sec. 17.45. Definitions.**

- 14       (a) “Dangerous fireworks” shall have the meaning provided in California Health and  
15       Safety Code § 12505.
- 16       (b) “Host” means any person who owns, rents, leases, or otherwise controls real property  
17       and knowingly permits or allows illegal fireworks activity on that property.
- 18       (c) “Drone” or “Unmanned Aircraft System (UAS)” means any aircraft operated without  
19       the possibility of direct human intervention from within or on the aircraft.
- 20       (d) “Response costs” means the costs of police, fire, code-enforcement, or medical  
21       response associated with investigation or suppression of illegal fireworks, including  
22       personnel, equipment, administrative time, and repair of City property.

23  
24 **Sec. 17.46. Prohibited Conduct.**

- 25       (a) It shall be unlawful for any person to ignite, discharge, or possess illegal or  
26       dangerous fireworks within the City.
- 27       (b) It shall be unlawful for any host to knowingly allow, permit, or promote the use of  
28       illegal fireworks on property under their control.

1 (c) A rebuttable presumption of host knowledge shall arise when illegal fireworks are  
2 ignited on or immediately adjacent to the host's property.

3  
4 (d) Each separate ignition, use, or possession constitutes a distinct violation. For  
5 enforcement purposes, the City may treat multiple related acts occurring during a  
6 single event or episode as one violation, and a violation may include any illegal  
7 fireworks activity observed during a single incident or event, as determined by the  
8 enforcing department, rather than each individual ignition. No property shall be cited  
9 more than once within any twenty-four (24) hour period for violations arising from  
10 the same incident.

11 Sec. 17.47. Aerial and Electronic Observation as Evidence.

12 (a) The City may utilize drones, fixed cameras, or other electronic means to detect,  
13 document, and record fireworks violations observable from public airspace or  
14 vantage points where no reasonable expectation of privacy exists.

15  
16 (b) Video or photographic evidence collected by City personnel or contractors under this  
17 section may serve as competent evidence in any administrative proceeding or civil  
18 enforcement action.

19 (c) All UAS operations shall comply with applicable FAA regulations and City policy.  
20 Footage unrelated to a fireworks violation shall be deleted within 30 days unless  
21 retained for evidentiary or training purposes.

22  
23 (d) Drones shall not be used to intentionally observe the interior or curtilage of any  
24 dwelling without a warrant or exigent circumstances.

25 Sec. 17.48. Administrative Penalties.

26 Violations of this article shall be subject to administrative penalties as follows:

27 (a)(1) \$1,000 for the first violation;

28 (a)(2) \$2,500 for the second violation within one year;

(a)(3) \$5,000 for each additional violation within one year.

1 (b) No property shall be subject to administrative penalties exceeding a cumulative  
2 total of ten thousand dollars (\$10,000) within any calendar year. This limitation  
3 applies only to penalties under this section and does not restrict the recovery of  
4 response costs or other enforcement remedies.

5 (c) During the first twelve (12) months following the effective date of this article,  
6 administrative penalties imposed under subsection (a) shall be reduced by fifty  
7 percent (50%).

8 Sec. 17.49. Response Cost Recovery.

9 (a) Any host or responsible person shall be jointly and severally liable to the City for  
10 response costs incurred.

11 (b) The City shall issue written notice identifying the incident date, location, agencies  
12 involved, and itemized costs.

13 (c) Payment shall be due within 30 days of notice unless appealed.

14 (d) Unpaid costs may be collected through civil action, lien, or other lawful means,  
15 including through the lien and tax-roll collection procedures set forth in Sections  
16 17.13 and 17.25.2 of this Code.

17 Sec. 17.50. Administrative Process and Appeals.

18 (a) Citations issued under this article shall follow the administrative procedures  
19 established in Chapter 1.14 of the Oceanside Municipal Code.

20 (b) A person cited may appeal the citation or cost-recovery notice within ten (10) days of  
21 issuance.

22 (c) Failure to timely appeal constitutes a waiver of further review.

23 Sec. 17.51. Public Education and Outreach.

24 (a) The Oceanside Police and Fire Departments shall jointly conduct an annual public-  
25 outreach campaign beginning at least thirty (30) calendar days prior to July 4 each year.  
26  
27  
28

1 (b) Outreach shall include social-media announcements, press releases, flyers, and  
2 community-education materials emphasizing fire risk, penalties, and drone  
3 enforcement.

4 (c) At the request of the City Manager or City Council, the departments shall submit a  
5 report summarizing outreach, enforcement, and recommendations.  
6

7 **Sec. 17.52. Enforcement Authority.**

8 The Oceanside Police Department, Fire Department, and Code Enforcement Division are  
9 jointly authorized to enforce this article and issue administrative citations. Nothing in this  
10 article limits the authority of the City or its officers to pursue criminal, civil, or other remedies  
11 authorized by law for fireworks violations. In addition, the nuisance abatement procedures  
12 established in Articles I through IV of this Chapter 17 remain available as additional or  
13 alternative enforcement tools at the City's discretion.

14 **SECTION 2.** The City Clerk of the City of Oceanside is hereby directed to publish this  
15 ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15)  
16 days after its passage in a newspaper of general circulation published in the City of Oceanside.

17 **SECTION 3.** This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day from and  
18 after its final passage.

19 **SECTION 4. Severability.**

20 If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be  
21 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
22 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
23 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
24 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,  
25 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

26 **SECTION 5.** With the exception of the provisions protected by the savings clause, all ordinances  
27 (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed  
28 or modified to the extent necessary to affect the provisions of this Ordinance.

1 SECTION 6. Savings Clause.

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

7 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
8 California, held on the \_\_\_ day of \_\_\_\_\_, 2026 and, thereafter,

9 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
10 Oceanside, California, held on the \_\_\_ of \_\_\_\_\_, by the following vote:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15  
16 \_\_\_\_\_  
17 MAYOR OF THE CITY OF OCEANSIDE

18  
19 ATTEST:

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21 \_\_\_\_\_  
22 CITY CLERK

23  
24 APPROVED AS TO FORM:

25  
26 \_\_\_\_\_  
27 ASSISTANT CITY ATTORNEY  
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