California State Fire Marshal
Information Bulletin 12-005

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SKY LANTERNS

The Office of the State Fire Marshal is releasing this bulletin under the authority of Health and Safety Code (HSC) Sections 13100.1 and 13105 to identify a potential fire safety problem regarding the use of Sky Lanterns that are being sold at various retail establishments in the State of California.

Sky lanterns, airborne paper lanterns that are a tradition found in some cultures, are typically constructed from oiled rice paper on a bamboo frame. The lanterns contain a small candle or fuel cell composed of a waxy flammable material. When lit, the flame heats the air inside the lantern, thus lowering its density causing the lantern to rise into the air. They are known to travel significant distances from the point of release. There is a serious fire and safety hazard associated with sky lanterns, which include the potential to start an unintended fire on or off the property from which they are released. It has been determined by the State Fire Marshal that this product does not fall within the definition of a firework (HSC §12511) or a pyrotechnic device (HSC §12526). However, several pieces of regulation and statute exist that will assist the fire service in regulating the use of this product.

- ***Code of Regulations Title 19, Section 3.14*** *"No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency." Note: "Fire Hazard" as used in these regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder,. or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.*

- ***Health and Safety Code, Section 13001 - Causing Fire, Misdemeanor*** *Every person is guilty of a misdemeanor who, through careless or negligent action, throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.*

- ***Health and Safety Code, Section 13009 - Suppression Cost Collectible*** *(a) Any person (1) who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property, (2) other than a mortgagee, who, being in actual possession of a structure, fails or refuses to correct, within the time allotted for correction, despite having the right to do so, a fire hazard prohibited by law, for which a public agency properly has issued a notice of violation respecting the hazard, or (3) including a mortgagee, who, having an obligation under other provisions of law to correct a fire hazard prohibited by law, for which a public agency has properly issued a notice of violation respecting the hazard, fails or refuses to correct the hazard within the time allotted for correction, despite having the right to do so, is liable for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services, and those costs shall be a charge against that person. The charge shall constitute a debt of that person, and is collectible by the person, or by the federal, state, county, public, or private agency, incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.*

- ***Public Resources Code, Section 4421*** *A person shall not set fire or cause fire to be set to any forest, brush, or other flammable material which is on any land that is not his own, or under his legal control, without the permission of the owner, lessee, or agent of the owner or lessee of the land.*

- ***Public Resources Code, Section 4435*** *If any fire originates from the operation or use of any engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or any other device which may kindle a fire, the occurrence of the fire is prima facie evidence of negligence in the maintenance, operation, or use of such engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or other device. If such fire escapes from the place where it originated and it can be determined which person's negligence caused such fire, such person is guilty of a misdemeanor.*

Also, there are several sections located in the 2010 California Fire Code Chapter 3 (not adopted by the SFM) that will assist local fire service.

- 302
- 305.5
- 307.1 & 307.7
- 308.1.2, 308.1.6 & 308.1.7

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