

- **Chapter X.XX – FIREWORKS AND SOCIAL HOST ORDINANCE TO ELIMINATE THE USE OF FIREWORKS IN UNINCORPORATED ALAMEDA COUNTY**

Sections:

- **X.X.XXX - Title.**

This Chapter shall be known and may be cited as the “Fireworks and Social Host Ordinance.”

- **X.X.XXX - Legislative purpose.**

The purposes of this chapter are:

- A. To protect the public health, safety and general welfare;
- B. To promote the elimination of all fireworks in unincorporated Alameda County and to impose a civil fine on the responsible party and/or property owner, who is responsible for hosting, or allowing others to gather on their property, which is being used in the unlawful use, possession, sale, or purchase of fireworks;
- C. To facilitate the enforcement of laws prohibiting the use of fireworks on properties or vessels that the responsible party and/or property owner owns, rents, possesses, or controls;

- **X.X.XXX- Legislative findings.**

The Board of Supervisors finds as follows:

- A. The County of Alameda, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws which promote the public health, safety and general welfare of its residents;
- B. The occurrence of the use of fireworks on private properties, where fireworks are being used and possessed is a threat to the public health, safety, or quiet enjoyment of residential property and the general welfare;
- C. The County of Alameda has made numerous and substantial efforts to enforce the laws of the use, possession, and sale of fireworks; yet, despite these efforts, the illegal use of fireworks in the county during celebratory events such as New Year’s Eve, Fourth of July, or local professional sporting teams claiming championship titles remains a serious problem in the county, contributing significantly to the incidents of vegetation fires, residential and/or commercial fires, and personal injuries leading to burns, loss of limbs, and/or death;
- D. The use and possession of fireworks often occurs on properties of responsible parties and/or property owners who know or should reasonably know the illegal use, possession, and/or sale of fireworks is being allowed. Responsible parties and/or property owners responsible for the occurrence of the use and possession of fireworks on private property, which they have possession or control, have failed to ensure fireworks are not being used or possessed by others at these gatherings;
- E. Responsible parties and/or property owners have failed to prevent the occurrence or reoccurrence of gatherings, where others were invited and allowed to use and possess fireworks on private property, which seriously disrupts neighboring residents' quiet enjoyment and safety of their property;

F. Control of gatherings on private property, where the use, possession, and sale of fireworks is taking place, is determined to be a threat to the peace, health, safety, or general welfare of the public;

G. Responsible parties and/or property owners held responsible for allowing gatherings, where the use and possession of fireworks is taking place, will be more likely to properly supervise or to stop such conduct at gatherings held on property in their possession or under their control;

H. In the past and present, law enforcement, fire and other emergency response services personnel have responded and are required to respond, sometimes on multiple occasions, to the use and possession of fireworks at private residences, and responses to such gatherings result in a disproportionate expenditure of public safety resources of Alameda County, which are underwritten by general county taxes paid to the county by its taxpayers and residents, and also result in a delay of responses by the Alameda County Sheriff's Office and various fire services to regular and emergency calls to the rest of the county;

I. Problems associated with the use and possession of fireworks at gatherings would be greatly deterred and alleviated if the Alameda County Sheriff's Office and/or other public service designees have the additional legal authority to issue a civil fine and/or a civil citation for the cost of public safety response;

J. The intent of this chapter is to protect the public health, safety, quiet enjoyment of residential property, and general welfare, rather than to punish. Responsible parties and/or property owners who actively or passively aid, abet, or allow the use and possession of fireworks shall be held strictly liable for the nuisances created by such gatherings, the civil fine(s) for such violations, and the costs associated with responding to such gatherings;

K. Sections 12505 and 12529 of the State of California Health and Safety Code states fireworks are classified by the State Fire Marshall as "dangerous fireworks" and as "safe and sane fireworks." Furthermore, Section 12677 of the state of California Health and Safety Code makes it unlawful for any person to possess dangerous fireworks without holding a valid permit.

L. According to local, state and federal surveys, the improper use of fireworks is the cause of several severe injuries and fires throughout the country;

M. This County of Alameda Board of Supervisors therefore determines that this chapter is a reasonable and necessary means to protect and promote the health, safety, and general welfare of the residents of the County of Alameda.

- **X.X.XXX - Definitions.**

For the purpose of this chapter, the following definitions shall apply:

"Fireworks" has the meaning set forth in Health Safety Code Section 12511.

A. The term "fireworks" includes the following:

(1) "Dangerous fireworks," as defined in Health and Safety Code Section 12505.

(2) "Safe and sane fireworks," as defined in Health and Safety Code Section 12529.

(3) "Safe and sane fireworks" can only be purchased and used in the cities that permit them by local ordinance, therefore any use and possession of "safe and sane fireworks" in the unincorporated areas within the County of Alameda is prohibited.

B. The term "fireworks" excludes the following:

(1) "Exempt fireworks," as defined in Health and Safety Code section 12508.

(2) "Party poppers" and "snap caps," as each is defined in California Code of Regulations, Title 19, section 980.

C. "Responsible party" means any of the following:

(1) A person that legally owns, rents, leases, or otherwise occupies and has possession of, or is in immediate control of, a residence, private property, or a vessel.

(2) A person that organizes, supervises, sponsors, conducts, allows, controls, or controls access to, the possession, manufacture, sale, offer for sale, use, or discharge of fireworks at a residence, private property, or a vessel.

(3) An individual responsible for the gathering who allows the use of fireworks, need not be present at such gatherings resulting in the response giving rise to the imposition of civil money penalties or response costs;

(4) If the responsible party for the event is a juvenile, then the juvenile and the parents or guardians of that juvenile will be jointly and severally liable for the civil fine and/or for the costs incurred for enforcement and public education pursuant to the penalties set forth in this ordinance.

D. "Property owner" means any person, firm, corporation, partnership, trust, association, or other legal entity having legal title to, or lawful possession of, real property, including but not limited to a lessee, tenant, occupant, or other person having lawful control of that property.

E. "Legal occupants" means any person(s) who lawfully resides in or uses a property with the permission of the property owner or under a recognized legal right.

F. "Report and Observe" is an enforcement action utilized by Enforcement Officers in which only observations and video/photographic evidence is gathered for investigative purposes for violations of this ordinance, and no contact is made with the responsible parties and/or property owners.

G. "Strictly liable" means liability for a wrongful act irrespective of such person's intent, knowledge, negligence, or lack thereof in committing the wrongful act.

H. "Enforcement Officers" means sworn law enforcement officers as defined by Peace Officers Standards and Training (POST) and the California Association of Code Enforcement Officers (CACEO), to include but not limited to Deputy Sheriffs, Police Officers, Fire and Arson Investigators, Fire Marshalls, Code Enforcement Officers, and the Alameda County Planning Director or designee.

I. "Board of Zoning Adjustments" is defined and established in Administrative Code, Chapter 2.40.

- **X.XX.XXX – General prohibition against the manufacture, possession, sale or use of all fireworks to include "dangerous fireworks" and "safe and sane fireworks" at a residence, private property, or a vessel.**

A. No person shall possess, manufacture, sell, offer to sell, use, or discharge, any "dangerous fireworks" and/or "safe and sane fireworks" in unincorporated Alameda County.

B. Individuals who are found possessing, manufacturing, selling, offering to sell, using, or discharging any “dangerous fireworks” and/or “safe and sane fireworks” shall be subject to verbal warnings, placed under arrest, and/or issued a criminal citation pursuant to any applicable laws or Constitutions of the United States or the State of California.

- **X.XX.XXX – General violations against the responsible party.**

A. Except as permitted by Article 1, Section 4, of the California Constitution, it is unlawful for any responsible party and/or property owner to permit, allow, or promote the discharge of any “dangerous fireworks” or “safe and sane fireworks” if the responsible party and/or property owner either knows or reasonably should know that an individual is discharging fireworks on his or her residential or private property, or the discharge of fireworks is directly associated to the responsible party and/or property owner’s property.

B. A responsible party and/or property owner who permits, allows, or promotes the discharge of “dangerous fireworks” or “safe and sane fireworks” at their residence, private residence, private property, county property, vessel, property under their possession, or the discharge of fireworks is directly associated to the responsible party and/or property owner’s property, makes the responsible party and/or property owner strictly liable for any violation of this ordinance and shall make the responsible party and/or property owner rebuttably presumed to have actual or constructive knowledge of the fireworks activity, if either they are a host who did not take action in satisfaction of subsection (E)(2) below or they were present at the premises at any time when the discharge of fireworks occurred.

C. No responsible party and/or property owner shall aid or abet another person's violation of a provision of this chapter. A responsible party and/or property owner aids and abets another person's violation of a provision of this chapter if he or she knows of the other person's unlawful purpose and the responsible party and/or property owner specifically intends to and does, in fact, facilitate, promote, or instigate the other person's commission of that violation.

D. Upon a violation of this section, law enforcement or their designees may issue a written administrative citation to all identifiable responsible parties and/or property owners that a violation of the fireworks ordinance has occurred and that further violations will result in additional citations and fines.

E. The provisions of this section shall not apply to:

(1) The possession, manufacture, storage, display, sale, use, or discharge of fireworks as permitted under federal or state law;

(2) A responsible party and/or property owner who initiates contact with law enforcement to assist in removing any person from their property in order to comply with this chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this chapter.

- **X.XX.XXX – Application of ordinance and state law.**

A. The provisions of this ordinance shall apply generally to all property, whether owner occupied or rental, throughout unincorporated Alameda County wherein a fireworks violation is found to exist. A criminal conviction is not required for establishing the occurrence of a firework violation pursuant to this ordinance.

- B. Severability Provision: If any subsection, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the section. The Board of Supervisors hereby declares that it would have passed this section and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the section would be subsequently declared invalid or unconstitutional.
- C. Nothing in this ordinance shall limit any of the penalties provided in the California Health and Safety Code or the California Penal Code in regards to the offering for sale, exposing for sale, sale at retail, possession, use or discharge of any fireworks or destructive devices.

- **X.XX.XXX – General Responsibilities.**

A. RESPONSIBILITY OF LANDLORD / PROPERTY OWNER.

A landlord/property owner, under tort law principles, has a duty to act to prevent nuisances or illegal activity once they are aware of, or have notice of, the activity occurring on their property. Therefore, every landlord/property owner of real property within the county is required to manage their property in a manner so as not to violate the provisions of this chapter. Furthermore, landlords/property owners will remain liable for violations thereof regardless of any contract or agreement with the lessee or any third party regarding the property.

B. RESPONSIBILITY OF EVERY TENANT.

Every tenant, occupant, lessee or holder of any possessory interest in the real property is required to behave on the property, and supervise any guests on the property, in a manner so as not to violate the provisions of this ordinance.

C. AUTHORITY.

The Alameda County Sheriff's Office shall administer the provisions of this ordinance. The Alameda County Sheriff's Office shall have the authority to designate employees or other members of public service agencies as Enforcement Officers in conformance with this ordinance to assist with enforcement responsibilities, including, but not limited to, the issuance of criminal and civil citations, effecting arrests, and issuing notice of hearing. Hearing or appeals of the Alameda County Sheriff's Office orders shall be heard by the Board of Zoning Adjustments.

While administering the provisions of this ordinance, the Alameda County Sheriff's Office or their designees as Enforcement Officers shall have the authority and discretion to issue verbal warnings, written citations for civil violations, issue notices and orders, and/or place individuals under arrest pursuant to any applicable laws or Constitutions of the United States or the State of California.

Relevant circumstances to issue a violation of this ordinance, shall include admissible evidence, but is not limited to, any of the following:

1. Law enforcement reports documenting persons being observed by the Alameda County Sheriff's Office or their designees while in the possession of any fireworks or discharging any fireworks, or fireworks being discharged at a specific property under the control of the responsible party and/or property owner.
2. Photographic or video evidence taken by the Alameda County Sheriff's Office or their designees of persons in possession of any fireworks or discharging any fireworks at a specific property under the control of the responsible party and/or property owner.
3. Secondary evidence can also include photographic evidence, video evidence, and statements submitted to the Alameda County Sheriff's Office or their designees by residents.

D. SEIZURE OF FIREWORKS.

The Alameda County Sheriff's Office or their designees as Enforcement Officers may seize, take, remove, or cause to be removed, at the expense of the responsible party and/or property owner, all fireworks manufactured, offered for sale, exposed for sale, stored, or possessed in violation of this ordinance if the violation creates an imminent threat to public health or safety.

- **X.XX.XXX – Declaration of violation by Enforcement Officer and administrative process.**

Any person found by the Enforcement Officers to be in violation of any Section of this Chapter or the legal requirements therein shall be declared in violation of the fireworks ordinance by the Enforcement Officer.

A. CITATION AND NOTIFICATION OF VIOLATION.

1. Whenever the Enforcement Officer declares a fireworks ordinance violation pursuant to a specific Section of this chapter, which is a serious threat to public health or safety and warrants expedited action, an Enforcement Officer shall issue an administrative citation and a Notice of Violation letter within thirty (30) calendar days of the violation to the responsible party and/or property owner. See Attachment A and Attachment B.
2. (a) If an Enforcement Officer is on scene, efforts may be made to identify the responsible party and/or property owner. If the responsible party is identified, the Enforcement Officer shall determine if the responsible party is the property owner or a renter/lessee. If the responsible party is a renter/lessee, efforts should be made to identify the property owner.
(b) In situations where the identified responsible party is a renter/lessee and the property owner has been identified, an administrative citation shall be issued naming both the responsible party and the property owner.
3. If an Enforcement Officer is unable to identify the responsible party or is enforcing this ordinance through "report and observe" techniques, the administrative citation shall be issued to the legal property owner and/or legal occupants. The property owner will be identified through the Alameda County Assessor's Office property records. The citation may be posted on the property or mailed to the residence by prepaid certified mail. If the property owner's legal mailing address is different from the violating address, a copy of the citation and Notice of Violation letter will be sent to that address as well by prepaid certified mail.

4. The responsible party, property owner and/or legal occupants shall pay the violation only by check or money order made payable to the Alameda County Sheriff's Office within twenty-one (21) calendar days of the date the citation was issued. The payments shall be sent to 15001 Foothill Boulevard, San Leandro, CA 94578.

B. ADMINISTRATIVE HEARING FOR APPEALS FROM RESPONSIBLE PARTIES.

If the responsible party, property owner and/or legal occupants wish to appeal the administrative citation, the responsible party, property owner and/or legal occupants must file an appeal within ten (10) calendar days from the date the administrative citation was issued by completing a Request for Administrative Hearing form (see Attachment C) and returning it to the Alameda County Sheriff's Office. The applicable Board of Zoning Adjustments shall then conduct an administrative hearing within forty-five (45) calendar days from the date the appeal was filed to ascertain whether a violation has occurred and, if so, the sanctions to be imposed, which may include civil penalties.

C. NOTICE OF HEARING

Notice of said Administrative Hearing shall be served upon the responsible party, property owner and/or legal occupants no less than seven (7) calendar days before the time set for hearing. The Notice of Administrative Hearing shall be served in person, or by prepaid certified mail return receipt requested to the responsible party's, property owner's and/or legal occupant's last known address. Service shall be deemed to be complete at the time notice is personally served or deposited in the mail. Failure of any person to receive notice shall not affect the validity of any proceedings hereunder. See Attachment D.

D. ADMINISTRATIVE HEARING BY BOARD OF ZONING ADJUSTMENTS.

At the time stated in the notice, the Board of Zoning Adjustments shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath relative to such alleged violation(s). The hearing may be continued from time to time. The Board of Zoning Adjustments shall determine whether the responsible party/property owner conforms to the General Responsibilities set forth in Subsections A,B, or C of Section X.XX.XXX and to any other legal requirements incorporated therein and may find the responsible party/property owner and/or legal occupants in compliance or require such changes or impose such reasonable conditions of approval as are in the judgment of the Board of Zoning Adjustments necessary to ensure conformity to such requirements. The Board of Zoning Adjustments' decision of any appeal may be sustained or determined to be unfounded. If supported by the evidence, the Board of Zoning Adjustments may determine that civil penalties should be imposed and/or that the activities occurring at the residence constitute a public nuisance. The findings and decision of the Board of Zoning Adjustments shall be based upon information, testimony and other evidence submitted by the Enforcement Officer and the responsible party/property owner and/or legal occupants, community members, and other interested parties.

E. APPEAL PROCEDURE-HEARING BY BOARD OF SUPERVISORS.

The responsible party/property owner and/or legal occupant may appeal the Board of Zoning Adjustments' findings and orders to the County of Alameda by filing an appeal with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of service of the Board of Zoning Adjustments' decision. The appeal shall contain:

- (1) The names and addresses of all appellants;
- (2) A statement of appellant's legal interest in the property;
- (3) A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof;
- (4) The date and signatures of all appellants; and
- (5) The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the appeal, the Board of Supervisors shall set a date to hear the appeal, in which the date shall be not less than seven (7) calendar days nor more than forty-five (45) calendar days from the date the appeal was filed. The Board of Supervisors shall give each appellant written notice of the time and the place of the hearing at least five (5) calendar days prior to the date of the hearing, either by causing a copy of notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal. Continuances of the hearing from time to time may be granted by the Board of Supervisors on request of the appellant for good cause shown, or on the Board's own motion.

F. DECISION BY BOARD OF SUPERVISORS.

Upon the conclusion of the hearing, the Board of Supervisors shall determine whether the responsible party/property owner and/or legal occupant were in violation of this chapter. If the Board so finds, the Board shall adopt a resolution setting forth its findings and ordering compliance and/or civil penalties in the manner and means specifically set forth in its resolution. The resolution shall set forth the time within which compliance shall be completed.

G. LIMITATION OF FILING JUDICIAL ACTION.

Any person aggrieved by an administrative decision of a Hearing Officer on the Administrative Citation may obtain review of the administrative decision by filing a petition for review with the Alameda County Superior Court in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4.

H. CIVIL PENALTIES.

The Enforcement Officers, Board of Zoning Adjustments, and/or Board of Supervisors may impose penalties as follows:

(1) For responsible parties/and or property owners who host and allows others, or aids and abets, to permit, or promote the discharge of any unauthorized use of "dangerous fireworks" and/or "safe and sane fireworks" on residential property, private property, vessels, county property, or the discharge of fireworks is directly associated to the responsible party and/or property owner's property pursuant to the provisions listed in Section X.XX.XXX;

- (a) First violation of this ordinance, shall result in a penalty of seven-hundred fifty dollars (\$750.00);
- (b) A second violation shall result in a penalty of one thousand five hundred dollars (\$1,500.00);
- (c) A third or subsequent violation shall result in a penalty of two-thousand five hundred dollars (\$2,500.00).

(2) There will be no grace period for repeated violations by the same responsible parties and/or property owners. Any subsequent violation, regardless of the amount of time between violations, will assess the fine to the next-level fee (not to exceed \$2,500.00).

(3) If payment is not received by the date listed on the citation, a notification letter (see Attachment E) will be sent via certified mail to the legal property owner advising they will be accountable for paying the unpaid fine(s) and will have the right to appeal within ten (10) calendar days of the date listed on the notification letter. If the legal property owner fails to pay the fine(s) and does not request an appeal, the unpaid fine(s) will be sent to the Alameda County Central Collections Agency. Any further penalties may be assessed toward the legal property owner pursuant to Section 6.65.210.

The fee imposed under this chapter shall constitute a debt to the county, and any person owing such fee shall be liable in an action brought in the name of the county for its recovery. Should any person fail to pay the fees assessed pursuant to the provisions of this chapter, the county may institute legal action in any court of competent jurisdiction to collect any fees and charges. Such fees and charges may be due, payable and collected in the same manner as any other debt owed to the county. Where the county is a prevailing party in such legal action, it reserves the right on a case by case basis, to seek to recover costs, including reasonable attorney fees as set forth in Government Code Section 25845, subsection (c).

(4) In determining the penalty, the Board of Zoning Adjustments may consider among the other following factors:

Aggravating factors may include, but are not limited to:

- * Responsible party / property owner and/or legal occupant's involvement;
- * The amount of "dangerous fireworks" or "safe and sane fireworks seized;"
- * Lack of cooperation by responsible party / property owner and/or legal occupant in the investigation;
- * Continuing course or pattern of conduct;

Mitigating factors may include, but are not limited to:

- * Positive action by the responsible party / property owner and/or legal occupant to correct problem;
- * Cooperation by responsible party / property owner and/or legal occupant in the investigation.

(5) All funds collected under this section shall be retained by the County of Alameda in a separate account and used exclusively to fund the enforcement and public education of this ordinance and related requirements.



Consider and Review the Addition of a Fireworks and Social Host Ordinance to the County of Alameda Municipal Code Banning All Fireworks in the Unincorporated Area and Including a Fine Structure. Action on the Item will provide Recommendation to the Board of Supervisors.





WHY AN ORDINANCE?



On June 14, 2023, the Alameda County Sheriff's Office acknowledged concerns of the Fairview MAC regarding the use of fireworks, stating a team would conduct research to see what could be done to create a Fireworks Social Host Ordinance.



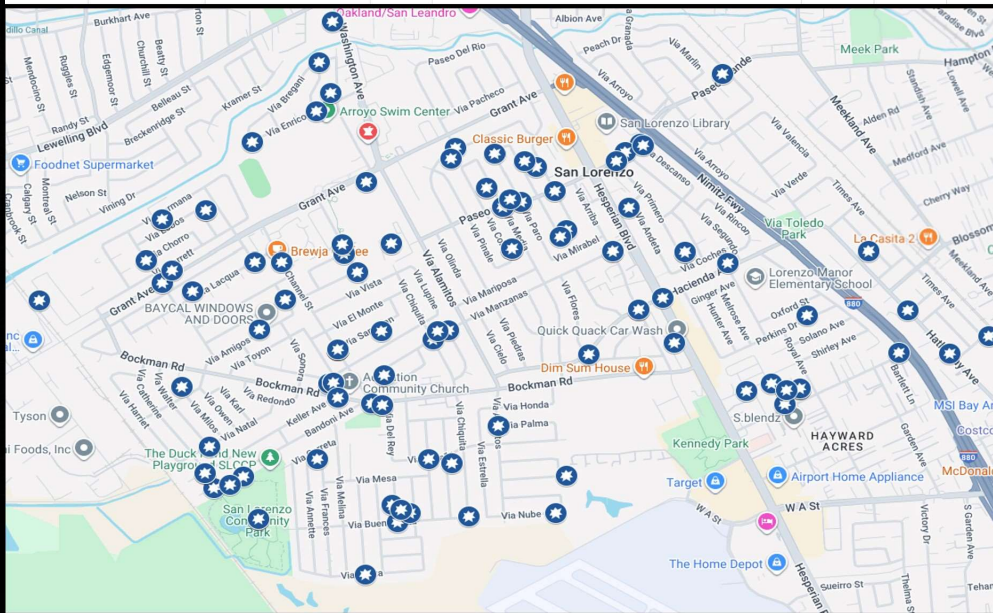


2025 ACSO FIREWORKS STATS

Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

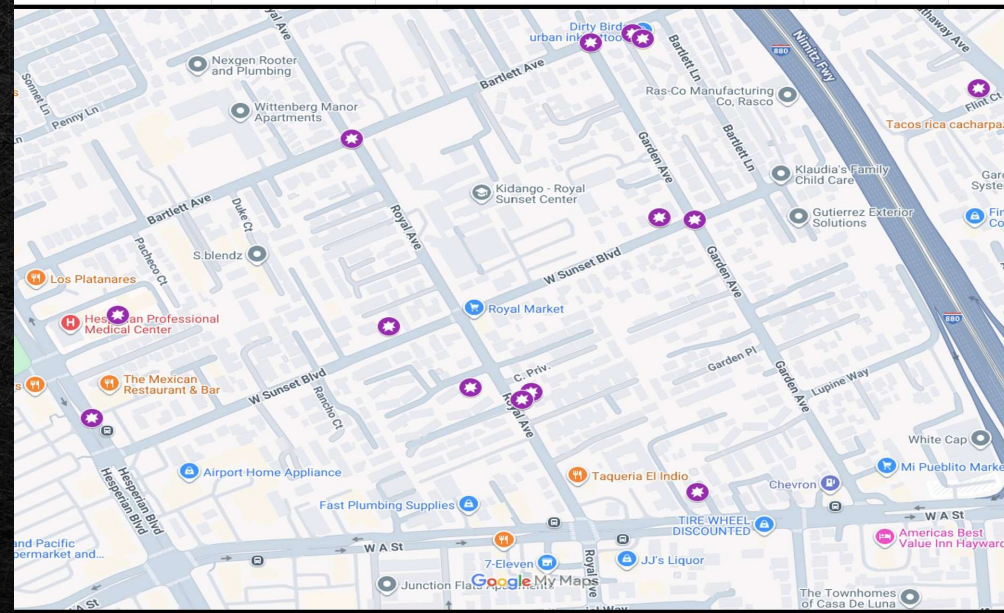
San Lorenzo - Sector 1 - 121 Total Calls



Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

Hayward Acres - Sector 1 - 20 Total Calls



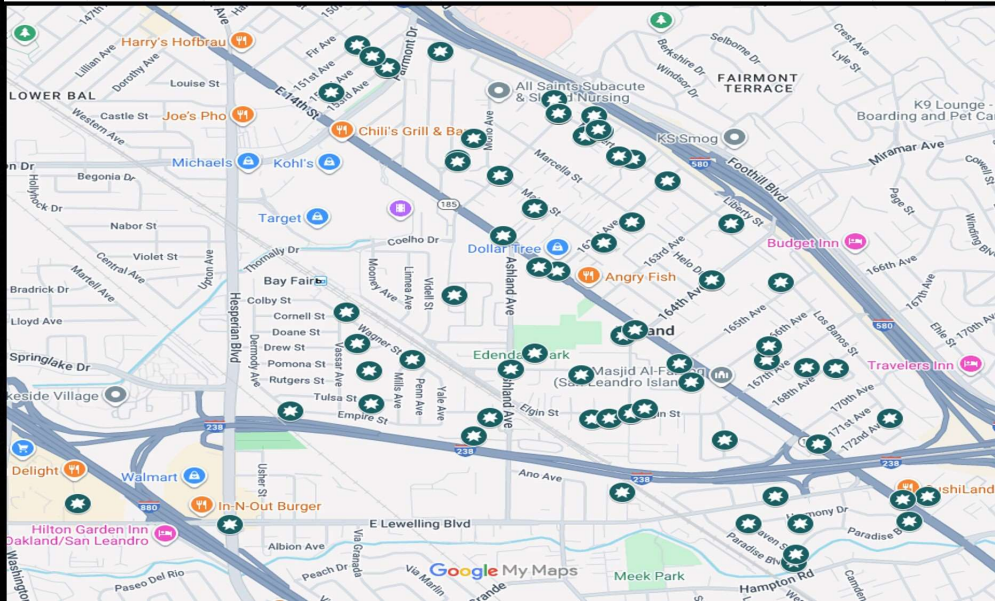


2025 ACSO FIREWORKS STATS

Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

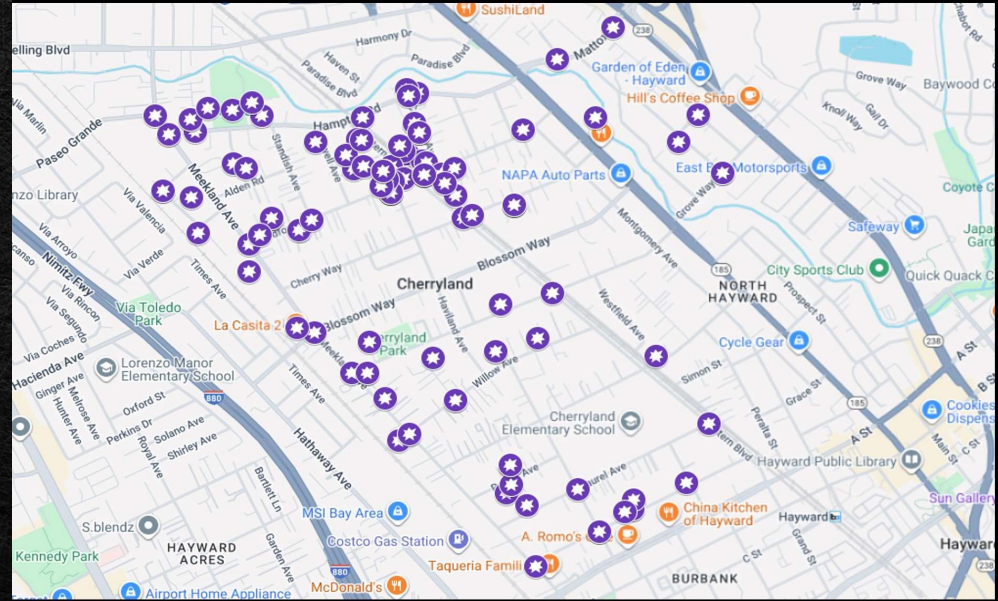
Ashland - Sector 2 - 86 Total Calls



Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

Cherryland - Sector 2 - 124 Total Calls



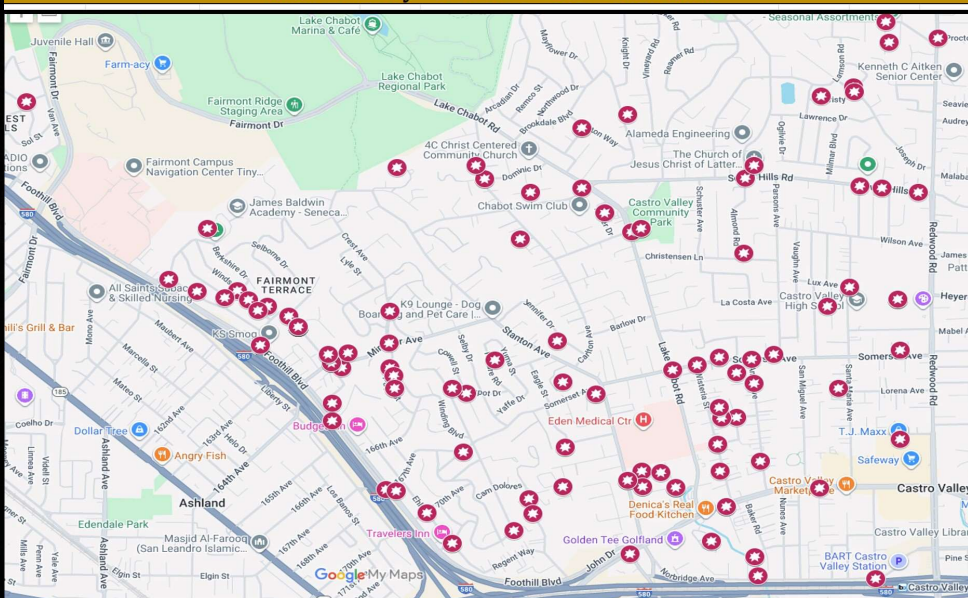


2025 ACSO FIREWORKS STATS

Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

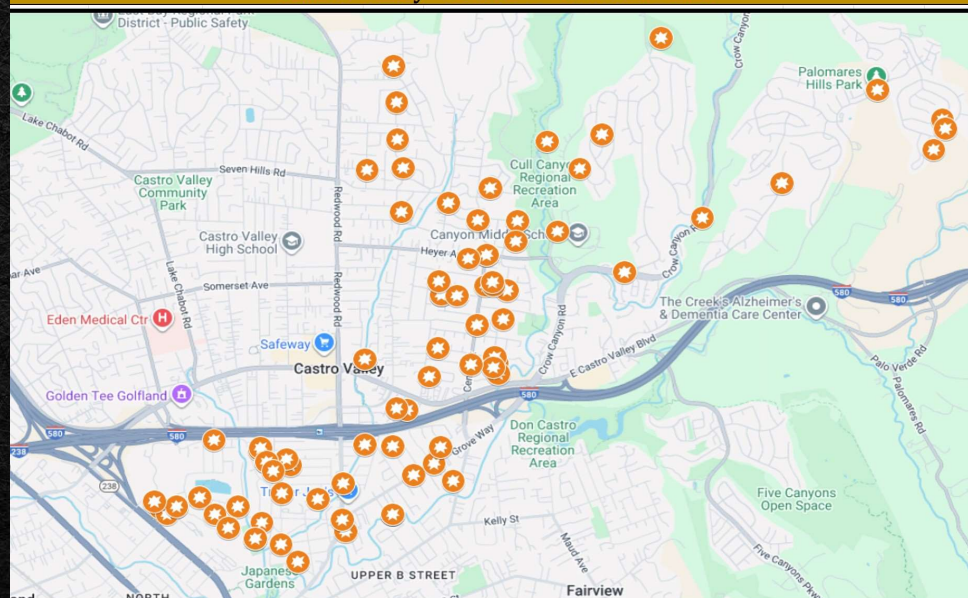
Castro Valley - Sector 3 - 135 Total Calls



Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

Castro Valley - Sector 4 - 84 Total Calls



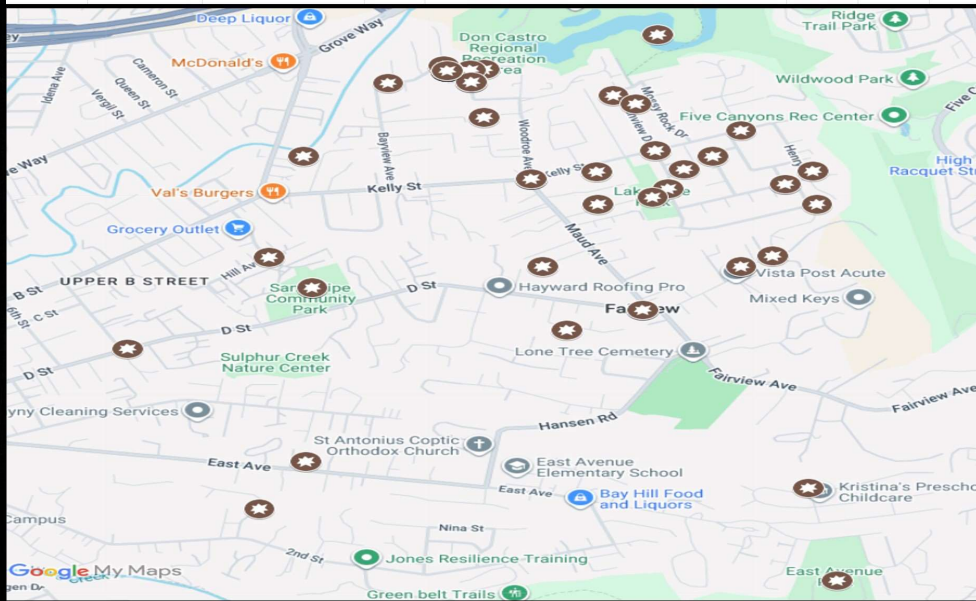


2025 ACSO FIREWORKS STATS

Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

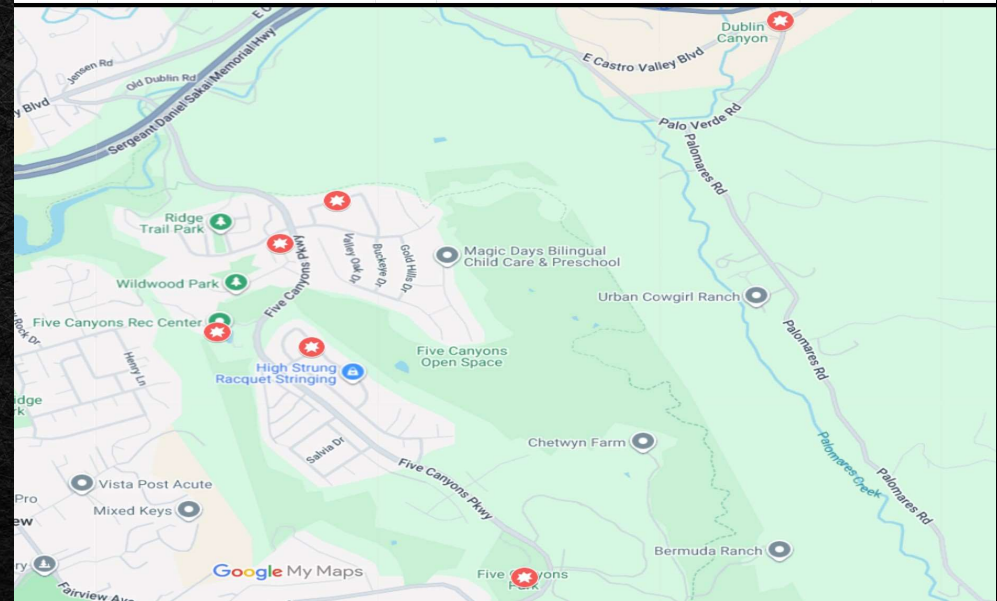
Hayward-Fairview - Sector 4 - 66 Totals Calls



Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

Castro Valley - Sector 5 - 6 Totals Calls



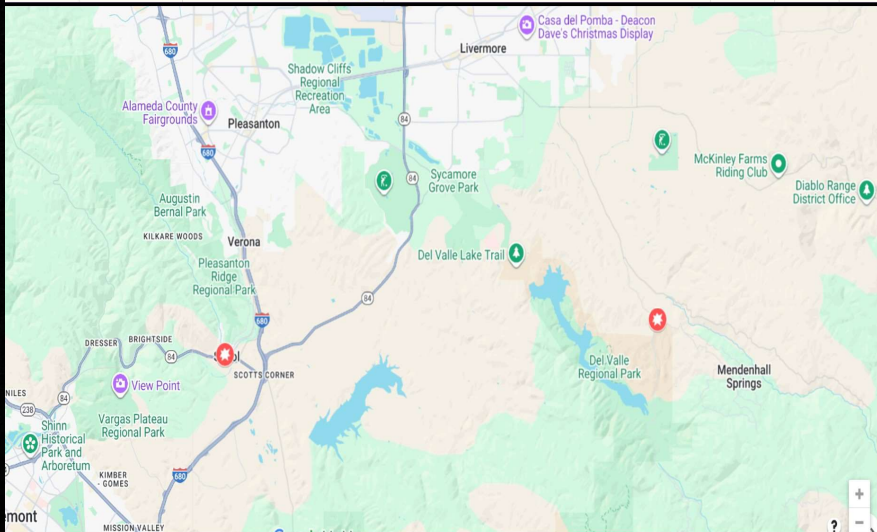


2025 ACSO FIREWORKS STATS

Eden Township Substation

Fireworks Calls for Service June 4, 2025 - July 6, 2025

Tri-Valley - Sector 5 - 2 Totals Calls



Total Number of Firework Service Calls
ETS Units Responded to from June 4, 2025,
to July 6, 2025: **644 Firework Calls**



TITLE OF THE ORDINANCE

- ★ This Chapter shall be cited as the
“Fireworks and Social Host
Ordinance”



AUTHORITY

- ★ The **Alameda County Sheriff's Office (ACSO)** shall administer the provisions of this **ordinance** and shall have the authority to designate employees or other members of public service agencies as Enforcement Officers to assist with enforcement responsibilities. Hearing or appeals of ACSO orders shall be heard by the Board of Zoning Adjustments (BZA).
- ★ **ACSO** or their designees as Enforcement Officers shall have the authority and discretion to issue **verbal warnings, written citations for civil violations, issue notices and orders, and/or place individuals under arrest** pursuant to any applicable laws or Constitutions of the United States or the State of California.

ADMISSIBLE EVIDENCE FOR A VIOLATION



- ★ **Law enforcement reports** documenting persons being observed in the possession of any fireworks or discharging any fireworks, or fireworks being discharged at a specific property under the control of the responsible party and/or property owner.
- ★ **Photographic or video evidence taken by ACSO** or their designees of persons in possession of any fireworks or discharging any fireworks at a specific property under the control of the responsible party and/or property owner.
- ★ Secondary evidence can also include **photographic evidence, video evidence, and statements submitted to ACSO or their designees by residents.**

GENERAL VIOLATIONS FOR FIREWORKS USE



No person shall possess, manufacture, sell, offer to sell, use, or discharge, any “dangerous fireworks” and/or “safe and sane fireworks” in unincorporated Alameda County.



Individuals who are found possessing, manufacturing, selling, offering to sell, using, or discharging any “dangerous fireworks” and/or “safe and sane fireworks” shall be subject to verbal warnings, placed under arrest, and/or issued a criminal citation pursuant to any applicable laws or Constitutions of the United States or the State of California.



INDIVIDUALS USING FIREWORKS





INDIVIDUALS CAUGHT USING FIREWORKS...



Could be given a verbal warning and released (and fireworks confiscated)

COUNTY OF ALAMEDA SHERIFF'S OFFICE COURT COPY
 NOTICE TO APPEAR Traffic MISDEMEANOR Nontraffic No. **SH 788419**

Date of Violation: / / Time: AM PM Day of Week: S M T W T F S Case No. _____
 Name (First, Middle, Last) _____ Owner's Responsibility (Veh. Code, § 40001)

Address _____
 City _____ State _____ ZIP Code _____ Email _____

Driver Lic. No. _____ State _____ Class _____ Age _____ Birth Date / / Juvenile (Pat. No.) _____
 Sex _____ Hair _____ Eyes _____ Height _____ Weight _____ Race _____ Other Description _____
 Veh. Lic. No. or VIN _____ State _____ Reg. Mo. - Yr. _____ COMMERCIAL VEHICLE (Veh. Code, § 10210(b))
 Yr. of Veh. Make _____ Model _____ Body Style _____ Color _____ HAZARDOUS MATERIAL (Veh. Code, § 353)
 Evidence of Financial Responsibility _____
 Registered Owner or Lessee _____ Same as Driver
 Address _____ Same as Driver
 City _____ State _____ ZIP Code _____

Correctable Violation (Veh. Code, § 40610)	Code and Section	Description	Booking Required	Misdemeanor or Infraction (Circle)
<input type="checkbox"/> Yes	<input type="checkbox"/> No			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I

Speed Approx. PF-Max Spd. Veh. Lmt. Safe Radar N W E
 Location of Violation(s) _____ City/County of Occurrence _____ W E
 at _____
 Comments (Weather, Road & Traffic Conditions) _____ Accident S

Violations not committed in my presence, declared on information and belief.
 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Date _____ Arresting or Citing Officer _____ Serial No. _____ Off Duty Days _____
 Date _____ Name of Arresting Officer, if different from Citing Officer _____ Serial No. _____ Off Duty Days _____

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
 Signature _____

WHEN: ON OR BEFORE THIS DATE: / / Time _____ AM PM
 WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
 WHERE: Fremont Hall of Justice, 39433 Paseo Padre Pkwy, Fremont • 510-618-7502
 Hayward Hall of Justice, 24405 Amador Street (Traffic), Hayward • 510-690-2701
 Gale Schenone Hall of Justice, 5672 Stoneridge Drive (Traffic), Pleasanton • 925-227-6700
 Wiley W. Manuel Courthouse, 661 Washington Street (Traffic), Oakland • 510-862-7673

To be notified You may arrange with the clerk to appear at a night session of the court. SEE REVERSE
 Notice to Appear form approved by the Judicial Council of California
 Rev. 12/14 (Vehicle Code, §§ 40500(b), 40513(b), 40522, 40502; Penal Code, § 853.9) TR-130

Issued a criminal citation and released



Placed under arrest and taken to jail


GENERAL VIOLATIONS FOR SOCIAL HOSTS




- ★ It will be unlawful for any **responsible party and/or property owner to permit, allow, or promote the discharge of any “dangerous fireworks” or “safe and sane fireworks” if they know or reasonably should know that an individual is discharging fireworks on his or her residential or private property**, or the discharge of fireworks is directly associated to their property.
- ★ A responsible party and/or property owner who permits, allows, or promotes the discharge of “dangerous fireworks” or “safe and sane fireworks” at their residence or property under their possession, **makes them strictly liable for any violation of this ordinance.**



GENERAL VIOLATIONS FOR SOCIAL HOSTS

-  **No responsible party and/or property owner shall aid or abet another person's violation of a provision of this chapter.** A responsible party and/or property owner aids and abets another person's violation of a provision of this chapter if he or she knows of the other person's unlawful purpose and the responsible party and/or property owner specifically intends to and does, in fact, facilitate, promote, or instigate the other person's commission of that violation.

-  ***A host is not in violation, if a responsible party and/or property owner initiates contact with law enforcement to assist in removing any person from their property in order to comply with this chapter,*** and if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this chapter.



INDIVIDUALS WHO ARE SOCIAL HOSTS OF FIREWORKS ACTIVITY...



Are subject to receive a civil/administrative citation



CITATION AND NOTICE OF VIOLATION



COUNTY OF ALAMEDA - SHERIFF'S OFFICE FIREWORKS AND SOCIAL HOST ADMINISTRATIVE CITATION

A) TYPE OF VIOLATION Report Number: _____

Circle One 1st Citation \$750 2nd Citation \$1500 3rd Citation(or more) \$2500

Payment of \$ _____ is due no later than _____ (21 calendar days after issuance) to the Alameda County Sheriff's Office (15001 Foothill Blvd, San Leandro, CA 94578) Checks or money orders ONLY. If payment is sent by U.S. mail, this deadline is extended by 5 calendar days pursuant to Code of Civil Procedure § 1013. **If payment is not received by the date above, the unpaid fine will be sent to the Alameda County Central Collections Agency and will be considered a debt owed to the county. Any further penalties may be assessed toward the legal property owner. Payment of fine does not excuse or discharge the failure to correct violation identified below.**

B) PERSON(S) CITED:

1) Circle One: Property Owner Tenant Business Owner Other _____
Name: _____
Address and Phone#: _____

2) Circle One: Property Owner Tenant Business Owner Other _____
Name: _____
Address and Phone#: _____

C) VIOLATION(S) INFORMATION

Date (Violation Observed): _____ Time (Violation Observed): _____
Location of Violation: _____ (Street Address) _____ (APN)
Violation(s) Observed (Code Section and Description): _____

D) SERVICING CITATION INFORMATION

Enforcing Officer Name: _____ Phone No. _____ Signature _____ Date _____

Citation Served (circle one) In Person By Mail Posted on Property

This citation may be appealed within ten(10) calendar days from date issued in Section D. To request an appeal, a Request for Administrative Hearing form(included) should be completed and returned to the Alameda County Sheriff's Office.

WHITE-ORIGINAL YELLOW-RESIDENT PINK-OFFICER



ALAMEDA COUNTY SHERIFF'S OFFICE

YESENIA SANCHEZ
SHERIFF-CORONER

FIREWORKS AND SOCIAL HOST NOTICE OF VIOLATION

Alameda County Sheriff's Office
Property Crimes Unit
15001 Foothill Boulevard
San Leandro, CA 94578
510-667-3635

Property Owner: _____
Address: _____
City and Zip Code: _____
Report Number: _____

Dear Property Owner,

The Alameda County Sheriff's Office investigated the property describe above on _____, at approximately _____ hours, and determined individuals and/or the host(s) associated to the property were in violation of Alameda County Fireworks and Social Host ordinance(s) _____. Included with this Notice of Violation letter is an administrative citation for the listed violations documented under Report # _____. A copy of the incident report can be obtained by contacting the Alameda County Sheriff's Office Records Unit on-line at alamedasheriff.gov or in-person at 15001 Foothill Boulevard in San Leandro, CA.

Please make your check or money orders payable to the Alameda County Sheriff's Office and indicate the report number on your form of payment. Our address is 15001 Foothill Boulevard, San Leandro, CA 94578. We do not accept cash or credit cards as payment. If the payment is not received by the date listed on the administrative citation, the fine will be considered a debt owed to the County. Any further penalties may be assessed toward the legal property owner.

If you wish to appeal the administrative citation, you must file an appeal with the Board of Zoning Adjustments within ten (10) calendar days from the date the administrative citation was issued by filling out the attached Request for Administrative Hearing form and returning it to the Alameda County Sheriff's Office. The applicable Board of Zoning Adjustments shall then conduct an Administrative Hearing within forty-five (45) calendar days from the date your appeal was filed to ascertain whether the violation(s) occurred.

If the Board of Zoning Adjustments finds the violation(s) occurred and orders the fines to be paid, you may appeal the findings within ten (10) calendar days of the date of service of the Board of Zoning Adjustments' decision to the County of Alameda by filing an appeal with the clerk of the Board of Supervisors. The appeal shall contain a written statement including: (1)

The names and addresses of all appellants; (2) A statement of appellant's legal interest in the property; (3) A statement in ordinary and concise language of the specific order or action protested and the grounds for appeal, together with all material facts in support thereof; (4) The date and signatures of all appellants; and (5) The verification of at least one appellant as to the truth of the matters stated in the appeal.

As soon as practicable after receiving the appeal, the Board of Supervisors shall set a date to hear the appeal, in which the date shall be not less than seven (7) calendar days nor more than forty-five (45) calendar days from the date the appeal was filed. The Board of Supervisors shall give each appellant written notice of the time and the place of the hearing at least five calendar days prior to the date of the hearing. Upon the conclusion of the hearing, the Board of Supervisors shall determine whether the tenant and/or property owner is in violation the Fireworks and Social Host ordinance.

Any person aggrieved by an administrative decision of a Hearing Officer on the Administrative Citation may obtain review of the administrative decision by filing a petition for review with the Alameda County Superior Court in accordance with the timeliness and provisions as set forth in California Government Code Section 53069.4.

If you have any questions, please contact the person listed below.

Dated, this _____, 20__

Kurtis Imperial, Sergeant
Alameda County Sheriff's Office
Property Crimes Unit
510-667-3635



CITATION PROCESS

- ★ When an Enforcement Officer declares a fireworks social host ordinance violation, they shall issue an administrative citation and a Notice of Violation letter **within thirty (30) calendar days** of the violation to the responsible party and/or property owner.
- ★ If an Enforcement Officer is on scene, efforts may be made to identify the responsible party and/or property owner. If the responsible party is identified, the Enforcement Officer shall **determine if the responsible party is the property owner or a renter/lessee**. If the responsible party is a renter/lessee, **efforts should be made to identify the property owner**.
- ★ In situations where the identified responsible party is a renter/lessee and the property owner has been identified, **an administrative citation shall be issued naming both the responsible party and the property owner**.



CITATION PROCESS



If an Enforcement Officer is unable to identify the responsible party or is enforcing this ordinance through “report and observe” techniques, the administrative citation shall be issued to the legal *property owner and/or legal occupants*. The property owner will be identified through Alameda County Assessor’s Office property records. The citation may be posted on the property or mailed to the residence. If the property owner’s legal mailing address is different from the violating address, a copy of the citation and Notice of Violation letter will be sent to that address as well.



The responsible party, property owner and/or legal occupants shall pay the violation only by check or money order made payable to the Alameda County Sheriff’s Office within twenty-one (21) calendar days of the date the citation was issued.



CIVIL PENALTIES

- ★ First violation of this ordinance, shall result in a penalty of seven-hundred fifty dollars (**\$750.00**)
- ★ A second violation shall result in a penalty of one thousand five hundred dollars (**\$1,500.00**)
- ★ A third or subsequent violation shall result in a penalty of two-thousand five hundred dollars (**\$2,500.00**)
- ★ **There will be no grace period for repeated violations** by the same responsible parties and/or property owners. Any subsequent violation, regardless of the amount of time between violations, **will assess the fine to the next-level fee (not exceeding \$2,500.00)**



CIVIL PENALTIES

- ★ If payment is not received by the date listed on the citation, a second notification letter will be sent to the legal property owner advising they will be accountable for paying the unpaid fine(s) and will have the right to appeal within ten (10) calendar days of the date listed on the notification letter, or the unpaid fine(s) will be sent to the Alameda County Central Collections Agency.
- ★ All funds collected under this ordinance shall be retained by the County of Alameda in a separate account and used exclusively to fund the enforcement and public education of this ordinance and related requirements.



APPEALS REQUEST FORM



COUNTY OF ALAMEDA - SHERIFF'S OFFICE
15001 FOOTHILL BOULEVARD
SAN LEANDRO, CA 94578
510-667-7721

REQUEST FOR APPEAL FOR AN ADMINISTRATIVE HEARING

Report Number: _____
Name: _____
Address of Violation: _____
Day Phone: _____ Other Phone: _____
Mailing Address(if different): _____
Violation Code (See Section C of Citation): _____

Please state the reason(s) for the request. The Municipal Code allows the recipient of an Administrative Citation to contest whether a violation(s) exist or whether they are the Responsible Person. If you require more space, please attach additional sheets.

APPELLANT'S STATEMENT

I declare under penalty of perjury that the facts stated are true and correct to the best of my knowledge.

Signature _____ Date _____

- Process for Submitting request for an Appeal Hearing:
- 1) An Individual requesting an appeal hearing must submit this form to the Alameda County Sheriff's Office within ten(10) calendar days from the date issued in Section D of the Citation.
 - 2) An Administrative Hearing will be held within forty-five(45) calendar days from the date this appeal was filed.

OFFICIAL USE ONLY

Received on: _____ Date _____ Within Deadline: _____ Completed Form: _____
Yes or No Yes or No

APPEALS PROCESS/ADMINISTRATIVE HEARING



- ★ If the responsible party, property owner and/or legal occupants wish to appeal the administrative citation, they must file an appeal within ten (10) calendar days from the date the administrative citation was issued by completing a Request for Administrative Hearing Form and returning it to ACSO. The BZA shall then conduct an administrative hearing within forty-five (45) calendar days from the date the appeal was filed to ascertain whether a violation has occurred and, if so, the sanctions to be imposed, which may include civil penalties.






ADMINISTRATIVE HEARING BY BZA

- ★ At the Administrative Hearing, the **BZA shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath relative to such alleged violation(s).** The hearing may be continued from time to time. The BZA's decision of any appeal may be sustained or determined to be unfounded.
- ★ The responsible party/property owner and/or legal occupant **may appeal the BZA's findings to the County of Alameda by filing an appeal with the Clerk of the Board of Supervisors within ten (10) calendar days of the BZA's decision.**



HEARING BY BOARD OF SUPERVISORS

-  The Board of Supervisors (BOS) shall set a date to **hear the appeal, in which the date shall be not less than seven (7) calendar days nor more than forty-five (45) calendar days from the date the appeal was filed.**
-  Upon conclusion of the hearing, **the Board of Supervisors shall determine whether the responsible party/property owner and/or legal occupant were in violation of this chapter.** If so, a resolution shall set forth the time within which compliance shall be completed.
-  **Any person aggrieved by an administrative decision may file a petition for review with the Alameda County Superior Court** in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4.



TENTATIVE TIMELINE FOR ORDINANCE APPROVAL

Tentative Roadshow Schedule:

- 2/10/26: Eden MAC Meeting
- 2/16/26: CV MAC General Purpose Meeting
- 2/18/26: Sunol CAC Meeting
- 3/03/26: Fairview MAC Meeting
- 3/25/26: BOS Unincorporated Services Committee
- April-May 2026: Ordinance Considered by full BOS
- June 2026: Fireworks and Social Host Ordinance in place, pending BOS' approval



WHAT IS REQUESTED?

ACSO is seeking the MAC's comment and input on the proposed draft ordinance. This is an Action item enabling the MAC to:

- Vote to recommend the BOS adopt the proposed draft ordinance
- Vote to recommend the BOS adopt the proposed draft ordinance with amendments
- Vote to recommend the BOS not adopt the proposed draft ordinance

ACSO's next steps include presentations to each Alameda County unincorporated area Municipal Advisory Council and a presentation to the Board of Supervisors.



QUESTIONS, COMMENTS, CONCERNS...

