

County of San Mateo
Board of Supervisors

Amendment to County's Fireworks Ordinance

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COUNTY OF SAN MATEO



Overview of Amended Ordinance

- Imposes spectator liability
- Clarifies parent/guardian's liability regarding minor's violation of ordinance
- Makes violators responsible for County response costs with first violation
- Provides for increased penalties where violation is close to certain businesses/facilities
- Provides for increased penalties for related alcohol consumption / underage drinking
- Clarifies judicial review procedure

Spectator Liability

- Spectator is defined as:
 - any person present within 200 feet of an unpermitted fireworks discharge, who is there to observe the fireworks discharge.
- Penalty- administrative citation of \$ 500.00 (for a repeated violation within 12 months, \$ 1,000.00 per further violation)

Parent/Guardian of Minor Violating Ordinance

- Existing ordinance provides that parents/guardians of minors violating ordinance are strictly liable for violation.
- Amendment clarifies that parents/guardians need not be present at the time of minors' violations to be held strictly liable.

County Response Costs at First Violation

- County response costs – costs of providing public safety response (law enforcement, firefighters, other emergency services) to violation – public safety personnel’s salaries, medical treatment for injured personnel, cost to repair damaged public safety equipment
- Makes violators liable for County response costs at time of first violation (rather than for second/further violations within 12 month period)

Increased Penalties

- Violations within 500 feet of daycares/schools, long-term care facilities, or humane society/pet rescue shelters
- Violations where alcohol consumption is observed when violator is being cited
- Violations where there is underage drinking on premises

→ \$ 2,000.00 fine

Procedure for Seeking Judicial Review

- Violator may appeal administrative citation and request a hearing
- Following hearing, hearing officer's written decision is final unless violator timely seeks judicial review from San Mateo County Superior Court

Questions?

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