



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 3
File #: 18-861

Board Meeting Date: 9/25/2018

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Supervisor Don Horsley
Supervisor Warren Slocum

Subject: Ordinance Adding Chapter 3.61 to the San Mateo County Ordinance Code to Prohibit Use, Possession or Sale of Flamethrowers

RECOMMENDATION:

Adoption of an ordinance adding Chapter 3.61 to Title 3 of the San Mateo County Ordinance Code to Prohibit Use, Possession, Sale, or Offer for Sale of Flamethrowers, previously introduced on September 4, 2018, and waive the reading of the ordinance in its entirety.

BACKGROUND:

On August 4, 2018, a national disaster was declared in Northern California due to massive wildfires. As of mid-August 2018, a total of 5,511 fires had burned an area of 1,044,771 acres according to the California Department of Forestry and Fire Protection and the National Interagency Fire Center. The Mendocino Complex Fire has become the largest complex fire in state history with the Ranch Fire the single largest modern wildfire. A combination of an increase in dead tree fuel and atmospheric conditions caused by climate change, such as higher temperatures and less rainfall, have increased the severity and risk of these massive fires, according to many climate experts.

Despite the continued risk of massive fires, some companies have recently been selling flamethrowers or flamethrower-like devices, some promoting their use as adult toys or entertainment. Because the devices propel or emit a flame or stream of flammable liquid, they pose an unacceptable risk of fire.

DISCUSSION:

The proposed ordinance would prohibit, within the unincorporated areas of the County, possession, use, sale or offer for sale of any flamethrower. A flamethrower is defined as "any nonstationary and transportable device designed or intended to emit, or capable of emitting or propelling, fire or a burning stream of combustible or flammable liquid a distance of twenty two (22) inches or greater". This definition will not capture most welding devices, fireplace torches or devices used in agriculture,

which generally emit shorter flames.

Enforcement of the ordinance would be by the Sheriff or designee, or any County code enforcement officer. A violation of the ordinance is designated an infraction and a public nuisance subject to any applicable civil, administrative or criminal remedies or penalties including but not limited to a citation or an abatement action for seizure and destruction of the flamethrower.

The ordinance provides exceptions which allow use by fire districts and other local agencies for fire prevention or suppression, and storage on private property by a person holding a permit issued by the state pursuant to the Health and Safety Code.

FISCAL IMPACT:

None