



Contra
Costa
County

To: Board of Supervisors
From: Diane Burgis, District III Supervisor
Date: June 8, 2021

Subject: ADOPT Ordinance No. 2021-19, regulating the possession, manufacture, sale, use, and discharge of fireworks in the unincorporated areas of the County.

RECOMMENDATION(S):

ADOPT Ordinance No. 2021-19, regulating the possession, manufacture, sale, use, and discharge of fireworks in the unincorporated areas of the County.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Chapter 44-2 of the County Ordinance Code prohibits the possession, manufacture, sale, use, and discharge of fireworks in the unincorporated areas of the County. The Sheriff and fire departments in the County receive numerous calls for service each year stemming from illegal fireworks, including calls to address vegetation fires, structure and exterior fires, personal injury or death, and noise or other public nuisances.

The proposed ordinance would amend Chapter 44-2 and authorize the Sheriff to arrest and cite a responsible party, as defined in the ordinance, for violations of Chapter 44-2. The proposed ordinance establishes that a responsible party is required to maintain, manage, and supervise the property or vessel for which they are responsible to prevent violations of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **06/08/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 8, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Wendy Mascitto, Deputy

Contact: Lea Castleberry
925-252-4500

cc:

Chapter 44-2. A responsible party is liable and violates the prohibition on fireworks under Chapter 44-2 if any person possesses, manufactures, sells, offers to sell, uses, or discharges, any fireworks at the property, or on the vessel, for which the responsible party is responsible, regardless of whether the responsible party is present when the violation occurs.

The proposed ordinance defines a responsible party as any of the following:

BACKGROUND: (CONT'D)

1. A person that owns, rents, leases, or otherwise has possession of, or is in immediate control of, a residence or other 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 or other private property or on a vessel.

If a residence or other private property is rented or leased for a period of more than 30 consecutive days, the landlord or lessor is not a responsible party unless the landlord or lessor: has possession of, or is in immediate control of, the residence or other private property; or has knowledge of the possession, manufacture, sale, offer for sale, use, or discharge of fireworks at the residence or other private property.

The owner of a residence that is rented for a period of 30 consecutive days or less (a short-term rental) is a responsible party and is liable for violations of Chapter 44-2 if the short-term renter, or any other person, possesses, manufactures, sells, offers to sell, uses, or discharges, any fireworks at the residence, regardless of whether the owner of the short-term rental is present when the violation occurs.

ATTACHMENTS

Letter of Support - Town of Discovery Bay

Ordinance No. 2021-19 final

Ordinance No. 2021-19