

SCC NO. _____

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
AMENDING CHAPTER 4.54 RELATING TO FIREWORKS**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Section 4.54.410 of Chapter 4.54, Title 4, of the Sacramento
County Code is amended to read as follows:

4.54.410 Enforcement.

The division of authority for enforcement of this Article shall be as follows:

a. The chief of any fire protection district or his designated representatives shall have authority to enforce this Article and issue citations for violations in their respective districts.

b. The County fire warden shall have authority to enforce this Article in any area lying without any fire protection district.

c. The County fire warden shall have authority to enforce this Article in any fire protection district upon request of the chief of the fire protection district or the governing body thereof.

d. The Sheriff is authorized to administer and enforce the Social Host Liability provisions contained in Section 4.54.425 of this Chapter.

e. Sacramento County Regional Park Rangers are authorized to administer and enforce this Article as it relates to the American River Parkway.

SECTION 2. Section 4.54.425 of Chapter 4.54, Title 4, of the Sacramento
County Code is added to read as follows:

4.54.425 Hosts Liability.

a. Except as may be permitted by state law or as provided in subsection f.2, it is unlawful for any individual to permit, allow, aid, or abet any discharge of illegal fireworks (including a public display), if such a person either knows or reasonably should know that an individual is discharging illegal fireworks on his or her residential or other private property.

b. A person who permits, allows, aids, or abets any discharge of illegal fireworks on a property under their possession or control shall be deemed to have actual or constructive knowledge that illegal fireworks have been discharged if the person has not taken all reasonable steps to prevent to discharge of illegal fireworks, as discussed in subsection f. 2.

c. Any person who permits the discharge of illegal fireworks from their premises shall be rebuttably presumed to have actual or constructive knowledge that

individuals have discharged illegal fireworks if such person is present at the premises at any time that the discharge of illegal fireworks is to have occurred.

d. Upon identification of an unpermitted discharge of illegal fireworks, code and/or law enforcement may also issue a written notice to all other identifiable responsible persons not present at the unpermitted discharge of illegal fireworks that a violation of the fireworks ordinance has occurred and that further violations may result in citations and/or assessment of response costs.

e. It is the duty of any person who permits, allows, aids, or abets any discharge of illegal fireworks at his or her place of residence or other private property or any other premises under his or her control to take all reasonable steps to prevent the discharge of illegal fireworks at the premises.

f. The provisions 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 host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity 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.

g. No host shall aid or abet another person's violation of a provision of this chapter in a public right-of-way adjacent to the host's private property. A host 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 host specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation.

SECTION 3. Section 4.54.430 of Chapter 4.54, Title 4, of the Sacramento

County Code is amended to read as follows:

4.54.430 Violation; Penalty.

a. A violation of this chapter is unlawful, and is hereby declared a misdemeanor and a public nuisance.

b. In addition to any other remedy allowed by law, any person who violates a provision of this chapter may be subject to criminal sanctions, civil actions, and a nuisance enforcement action pursuant to Title 16, Chapter 16.18 of this code and as indicated in this section.

c. A violation of this chapter is subject to an administrative penalty as follows:

1. \$1,000 for the first violation;

2. \$2,500 for the second violation within one year of the first violation;

3. \$5,000 for each additional violation within one year of the first violation;

and

4. \$10,000 for each violation which occurs within the American River Parkway.

d. In the event of any conflict between the penalties set forth in this chapter and any penalties set forth in State law, the maximum penalties allowable under State law shall govern.

SECTION 4. Section 4.54.460 of Chapter 4.54, Title 4, of the Sacramento

County Code is added to read as follows:

4.54.460 Response Cost.

a. In addition to any fines or penalties which may otherwise be levied by the County pursuant to this chapter, the County shall be entitled to recover from any person found to be in violation of any provision of this chapter, the County's full response costs.

b. For purposes of this chapter, the term "response costs" shall mean those reasonable and necessary costs directly incurred by the County for a response to complaint of discharging illegal fireworks prohibited under this section and shall include the cost of providing sheriff, code enforcement, fire, and/or other emergency response services at the scene to include, but not limited to:

1. Salaries and benefits of code and/or law enforcement and/or fire and/or emergency personnel for the full amount of time spent responding to, remaining at, or otherwise dealing with such illegal fireworks, and the administrative costs attributable to such responses;

2. The cost of any medical treatment to or for any code and/or law enforcement and/or fire and/or emergency personnel injured while responding to, remaining at, or leaving the scene; and

3. The cost of repaying for any County equipment or property damaged and the cost of the use of any such equipment used in responding to, remaining at or leaving the scene.

SECTION 5. Section 4.54.470 of Chapter 4.54, Title 4, of the Sacramento

County Code is added to read as follows:

4.54.470 Failure to Pay Response Cost and/or Administrative Penalties.

a. The failure of any person to timely pay either the response costs or the assessed administrative penalties constitutes a debt to the County and may result in the matter being referred to the Sacramento County Department of Revenue Recovery, which may file a claim with the small claims court or, in the alternative, utilize any means within its power to collect the amount owed. The County may pursue any other legal remedy to collect the administrative fines.

b. Any person who fails to pay to the County any response costs or administrative penalty imposed pursuant to this chapter on or before the date such costs or penalty are due shall also be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any required fees, penalties, interest and late charges.

c. Notwithstanding all of the procedures set forth in this section, the Sheriff shall have the ability and discretion to enforce violations of this chapter, to impose necessary conditions, to forgive portions of a debt or penalty owed to the County under this chapter, and to coordinate collection and enforcement efforts with the Department of Revenue Recovery.

SECTION 6. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____ 2022, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,
(PER POLITICAL REFORM ACT (§ 18702.5.))

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

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