



Agenda _____ May 12, 2026

April 28, 2026

Honorable Board of Supervisors
County Administration Building
1221 Oak Street, Suite 536
Oakland, CA 94612

SUBJECT: APPROVE AN ORDINANCE ADOPTING CHAPTER 9.46 TO THE ALAMEDA COUNTY ORDINANCE CODE TO PROHIBIT THE USE OF FIREWORKS IN UNINCORPORATED ALAMEDA COUNTY

Dear Board Members:

RECOMMENDATIONS:

Adopt an Ordinance adding Chapter 9.46 to the Alameda County Ordinance Code to Prohibit the Use of Fireworks in Unincorporated Alameda County.

BACKGROUND:

In 2023, the Fairview Municipal Advisory Council (MAC) raised concerns regarding the increasing use of fireworks in unincorporated Alameda County. The Alameda County Sheriff's Office (ACSO) committed to evaluating potential policy solutions, including the development of a Fireworks Social Host Ordinance.

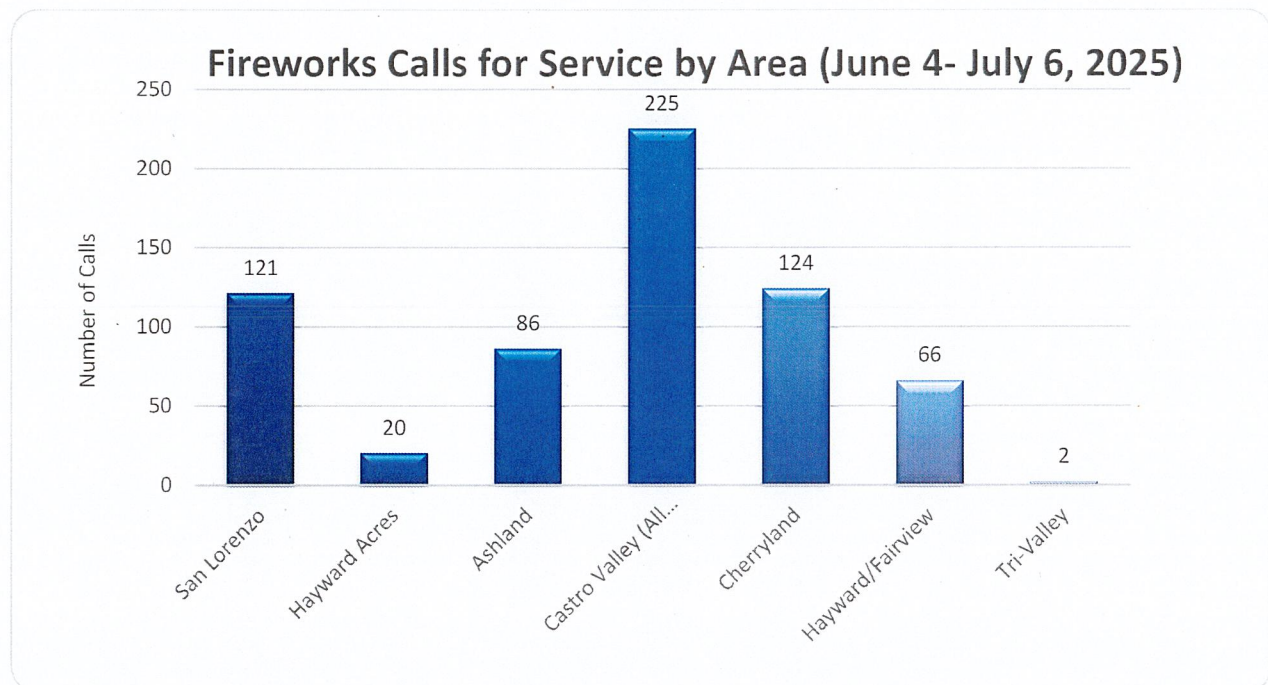
Fireworks activity continues to be a persistent public safety and quality of life issue. Between June 4, 2025, and July 6, 2025, ACSO responded to 644 fireworks-related calls for service, with the highest concentration of activity occurring in Castro Valley, Ashland, Cherryland, and San Lorenzo. California Health and Safety Code (HSC) §12000-12761 prohibits the use of dangerous and "safe and sane" fireworks unless by permit or allowed by local ordinance.

Every year, ACSO creates a fireworks suppression plan to address the increased calls for service between Memorial Day at the end of May and the Fourth of July. Due to staffing levels and the volume of calls, this is often done on an overtime basis and calls must be prioritized based on the severity of calls for service at any given time.

Prior to developing a proposed ordinance, the ACSO presented to the four unincorporated Municipal Advisory Councils (MACs) and to the Sheriff's Advisory meeting to seek input on a potential ordinance and confirm the community's desire for such an approach. The draft ordinance was developed in consultation with a subcommittee created by the Fairview MAC, County Counsel, and based on input received during the initial outreach process.

From February to March 2026, ACSO presented the draft fireworks and social host ordinance to all four MACs with the Eden MAC, Sunol CAC, and Fairview MAC recommending adoption. On a 3-2 vote, the Castro Valley MAC rejected a motion to recommend the Board of Supervisors adopt the ordinance with an amendment to limit liability to the legal occupant, with their chief concern centered around holding property owners liable for the lessee's actions.

Community feedback received during outreach identified key considerations, including concerns regarding landlord liability, anonymous reporting, and public notification. These considerations informed development, implementation planning, and outreach efforts.



Graph 1- Illustrates fireworks-related calls for service were concentrated in several unincorporated communities, with a total of 644 calls during the reporting period.

The Alameda County Sheriff's Office presented to the Board's Unincorporated Services Committee on March 25 and April 22. During the Unincorporated Services Committee meetings, additional questions were raised about: 1) the cultural or religious use of fireworks, 2) whether non-payment of citations could lead to eviction, 3) whether the Board of Zoning Adjustments (BZA) should receive testimony under oath, and 4) whether the 24-hour grace period would allow for repeated violations.

With respect to the question regarding cultural or religious use of fireworks, the discharge of "dangerous fireworks" and "safe and sane fireworks" is prohibited under California law except as expressly authorized by state or local permit. While Article I, Section 4 of the California Constitution protects the free exercise of religion, such protections do not exempt individuals from compliance with generally applicable public safety laws. The California Health and Safety Code requires that any person possessing dangerous fireworks obtain a valid permit issued in accordance with applicable law.

Regarding potential eviction implications, the proposed fireworks and social host ordinance establishes an administrative citation process. Standard residential lease agreements commonly include provisions specifying that violations of state law or local ordinances constitute a breach of the lease. Accordingly, violations of state and local laws may result in enforcement action by the County of Alameda, which may also have consequences under private lease agreements.

With respect to the third question regarding whether the Board of Zoning Adjustments (BZA) may take testimony under oath, further review of Title 17 of the Alameda County Municipal Code determined that the BZA does not have the jurisdiction or authority to serve as the appeals hearing body for the proposed Fireworks Ordinance. As a result, the ordinance has been revised to establish an appeals process that relies on a Neutral Hearing Officer, contracted or appointed by the County of Alameda. The Neutral Hearing Officer will hear and consider all relevant evidence, objections, and protests, and will receive testimony under oath related to the alleged violations, consistent with standardized procedures for administrative hearings.

Under the 24-hour grace period provision, an individual may not be cited more than once within a 24-hour period for violations of this ordinance. However, in cases of repeated violations occurring at the same address, enforcement actions may escalate. Individuals observed actively discharging fireworks may be subject to criminal enforcement. Additionally, separate individuals identified as responsible parties at the same location may be cited as social hosts in accordance with applicable County ordinances.

DISCUSSION/SUMMARY:

The proposed ordinance establishes a comprehensive regulatory and enforcement framework to deter illegal fireworks use, improve accountability, and enhance public safety in unincorporated Alameda County. The ordinance includes a total prohibition on all fireworks, including both “dangerous fireworks” and “safe and sane fireworks,” to eliminate ambiguity and strengthen enforcement capabilities.

The ordinance further establishes Social Host liability, whereby a responsible party and/or property owner may be held accountable if they knowingly, or reasonably should know, that fireworks activity is occurring on property under their control. Property owners and responsible parties may also be held liable if they aid or abet such violations.

Enforcement authority is granted to ACSO and designated personnel, including the ability to issue verbal warnings, administrative citations, notices of violation, criminal citations, and make arrests as appropriate. Enforcement actions may be supported by officer observations, law enforcement reports, and photographic or video evidence.

The ordinance establishes a graduated administrative fine structure as follows:

- First violation: \$500
- Second violation: \$750
- Third and subsequent violations: \$1,000

Administrative citations must be paid within 21 calendar days and may be appealed through a

neutral contracted or appointed Hearing Officer, with the administrative decision of a Hearing Officer appealable to the Alameda County Superior Court as set forth in California Government Code Section 53069.4.

The ordinance also provides that a responsible party or property owner will not be in violation if they proactively contact law enforcement to request assistance in stopping the fireworks activity prior to any complaint being made.

If approved, ACSO will develop policies and procedures to administer and enforce the ordinance this summer, consistent with prior presentations to the Municipal Advisory Councils and the Board-adopted ordinance. ACSO will also conduct public education and outreach to ensure community awareness as part of the implementation plan. Outreach will include public service announcements through new media, billboards in the unincorporated communities, social media, and a direct mailer to property addresses and Assessor's property owners if different than the property address.

It is requested that your Board hold a first and second reading, and introduction of an Ordinance, relating to "Public Peace, Morals and Welfare" of Title 9, adding Chapter 9.46 - Prohibit the Use of Fireworks in Unincorporated Alameda County. The ordinance will become effective thirty (30) days after a second reading and approval by the Board of Supervisors.

FINANCING:

No additional appropriation is required. There will be no increase in net County cost as a result of your approval.

VISION 2036 GOAL:

Approval of this ordinance supports the County's 10X goal of a **Crime Free County** by enhancing public safety and promoting **Safe and Livable Communities**.

Respectfully submitted,

Signed by:
April Luckett-Fahimi
for 7B226C003FF04FA...
Yesenia Sanchez
Sheriff-Coroner

YS:DB:ki:cm

Attachments:

Ordinance Adding Chapter 9.46 to the Alameda County Ordinance Code to Prohibit the Use of Fireworks in Unincorporated Alameda County

cc: Susan Muranishi, County Administrator
Andrea Weddle, Interim County Counsel

ORDINANCE NO. 2026-_____

**AN ORDINANCE ADOPTING CHAPTER 9.46 OF THE ALAMEDA COUNTY
ORDINANCE CODE TO PROHIBIT THE USE OF FIREWORKS IN
UNINCORPORATED ALAMEDA COUNTY**

WHEREAS, the County of Alameda, under the police powers granted it by the California Constitution, has the authority to enact laws which promote the public health, safety, and general welfare of its residents; and

WHEREAS, the use and possession of fireworks on private property is a threat to the public health and safety, the quiet enjoyment of residential property, and the general welfare; and

WHEREAS, fireworks are also inherently dangerous to people, animals, wildlife, and property, and can start fires unintentionally, which contributes to pollution and health problems; and

WHEREAS, these problems associated with the use and possession of fireworks in the unincorporated areas of the County would be alleviated if the Alameda County Sheriff's Office and other peace officers have the additional legal authority to issue an administrative fine and/or seek costs for public safety response;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda hereby ordains as follows:

SECTION I

Chapter 9.46 of the Alameda County Ordinance Code is hereby adopted to read as follows:

9.46.010 - Title.

This Chapter shall be known and may be cited as the "Fireworks Ordinance."

9.46.020 - Legislative purpose.

The purposes of this Chapter are:

- A. To protect the public health, safety, and general welfare;
- B. To prohibit the use of all fireworks in unincorporated Alameda County and to impose an administrative fine on the party responsible 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; and
- C. To facilitate the enforcement of existing laws prohibiting the use of fireworks on properties or vessels that the responsible party or property owner owns, rents, possesses, or controls.

9.46.030- Legislative findings.

The Board of Supervisors finds as follows:

- A. Section 12511 of the California Health and Safety Code defines "fireworks" as "any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. The term

“fireworks” includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrocketes, roman candles, rockets, ... sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and “fireworks kits.” These devices are considered “dangerous fireworks” by the State Fire Marshall, as distinguished from “safe and sane” fireworks. Possession of dangerous fireworks without a valid permit is illegal.

B. 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 unincorporated county during celebratory events such as New Year’s Eve, Fourth of July, or local professional sporting team accomplishments remains a serious problem in the county, contributing significantly to the incidents of vegetation fires, residential and/ commercial fires, and personal injuries leading to burns, loss of limbs, injury to or loss of organs, and death;

C. The use and possession of fireworks often occurs on properties of responsible parties who know or should reasonably know the illegal use, possession, or sale of fireworks is occurring.

D. Responsible parties have failed to prevent the occurrence or recurrence 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;

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

F. Holding responsible parties responsible for allowing gatherings, where the use and possession of fireworks is taking place, will encourage them to properly supervise or to stop such conduct at gatherings held on property in their possession or under their control;

G. Law enforcement, fire, and other emergency response services personnel have responded and are required to respond to the use and possession of fireworks at private residences, and sometimes multiple times to the same location. These events divert public safety personnel from responding to other emergencies;

H.. Responsible parties 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 administrative fine for such violations, and the expenses associated with responding to such gatherings; and

I. 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 unincorporated County of Alameda.

9.46.040 - 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. “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.

"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, public right-of-way, 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 administrative fines or response expenses;

(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 administrative fines and/or for the expenses incurred for enforcement and public education pursuant to the administrative fines set forth in this Chapter.

“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.

“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.

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

“Peace Officers” means any person holding a position listed in Chapter 4.5 (starting at Penal Code Section 830 through Penal Code Section 832), to include but not limited to Deputy Sheriffs, Police Officers, Fire and Arson Investigators, and Fire Marshals.

“Neutral Hearing Officer” means such person appointed by or contracted with the Board of Supervisors, or its designee, to perform such services pursuant to the authority granted to the Board by Government Code Section 25845, subdivision (i), who may be compensated for their services.

9.46.050 – General prohibition against the manufacture, possession, sale or use of all fireworks.

A. No person shall possess, manufacture, sell, offer to sell, use, or discharge, in unincorporated Alameda County any fireworks as defined in Section 9.46.040(A) of this Chapter but excluding those exempt fireworks as defined in Section 9.46.040(B).

B. Any person found possessing, manufacturing, selling, offering to sell, using, or discharging any such fireworks in unincorporated Alameda County shall be subject to verbal warning, arrest, and/or a criminal citation.

9.46.060 – General violations by the responsible party.

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

B. A responsible party who permits, allows, or promotes the discharge of fireworks at their residence, or on private property, public right-of-way, a vessel, or property under their possession, shall be strictly liable for any violation of this Chapter and the responsible party shall be 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) below or they were present at the premises when the discharge of fireworks occurred.

C. No responsible party shall aid or abet another person's violation of this Chapter. A responsible party aids and abets another person's violation of this Chapter if they know of the other person's unlawful purpose and intends to and does facilitate, promote, or instigate the other person's commission of that violation.

D. Upon a violation of this Chapter, Peace Officers may issue a written administrative fine 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 administrative fines and/or expenses.

E. The provisions of this section shall not apply to a responsible party who initiates contact with Peace Officers 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 Peace Officers or fire officials to complain about the violation of this Chapter at that property.

9.46.070 – General Responsibilities.

A. Responsibility of Landlord and Property Owner

A landlord and 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. Every landlord and property owner of real property within the unincorporated county is required to manage their property in a manner so as not to violate the provisions of this Chapter. Landlords and property owners remain liable for violations regardless of any contract or agreement with a lessee or any third party regarding the property.

B. Responsibility of Tenant.

No tenant, occupant, lessee or holder of any possessory interest in real property shall aid or abet any guests on the property in a manner that violates the provisions of this Chapter.

C. Authority.

(1) The Alameda County Sheriff and his or her designees shall administer the provisions of this Chapter.

(2) While administering the provisions of this Chapter, Peace 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.

- (3) The Alameda County Sheriff's Office may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this chapter.

D. Seizure of Fireworks

Any Peace Officer may seize, take, remove, or cause to be removed, at the expense of the responsible party, all fireworks manufactured, offered for sale, exposed for sale, stored, or possessed in violation of this Chapter if the violation creates an imminent threat to public health or safety.

9.46.080 – Declaration of violation by Peace Officer, administrative process.

A. Citation and Notification of Violation.

1. Whenever the Peace Officer declares a fireworks ordinance violation pursuant to a specific section of this Chapter, which is a serious threat to public health or safety, a Peace Officer may issue an administrative citation and/or a notice of violation letter within thirty (30) calendar days of the violation to the responsible party and/or property owner.
2. The responsible party, property owner and/or legal occupants shall pay the assessed fine within twenty-one (21) calendar days of the date the citation was issued.

B. Administrative Hearing.

An individual receiving a citation under this Chapter may 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 the Alameda County Sheriff's Office. A Neutral Hearing Officer, who may be compensated for their services, 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. The expense for the Administrative Hearing may be assessed to the appellant in addition to any other administrative fines in the event that the citation is upheld.

C. Notice of Hearing

Notice of the Administrative Hearing shall be served upon the appellants no less than seven (7) calendar days before the hearing. The Notice of Administrative Hearing shall be served in person, or by prepaid certified mail return receipt requested to the responsible parties, 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.

D. Administrative Hearing by a Neutral Hearing Officer

The Neutral Hearing Officer shall hear and consider all relevant evidence, objections or protests, and shall receive testimony under oath or affirmation relative to any alleged violation. The hearing may be continued from time to time. The Neutral Hearing Officer shall determine whether the appellant conforms to the General Responsibilities set forth in Section 9.46.070 and to any other legal requirements incorporated therein and may find the appellant in compliance or in violation. The Neutral Hearing Officer's decision of any appeal may be sustained or determined to be

unfounded. If supported by the preponderance of the evidence, the Neutral Hearing Officer may determine that administrative fines should be imposed and/or that the activities occurring at the residence constitute a public nuisance. The findings and decision of the Neutral Hearing Officer shall be based upon information, testimony and other evidence submitted by the Peace Officer and the appellant, community members, or other interested parties.

E. Appeal to the Alameda County Superior Court

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

The person upon whom an administrative fine is imposed pursuant to Subsections C of Section 9.46.070 and Subsection F of Section 9.46.080 and/or upon whom an expense is imposed pursuant to Section 9.46.080(B) may appeal the decision of the Neutral Hearing Officer. The County may also appeal the decision of the Neutral Hearing Officer. No appeal can lie unless the party filing the appeal has first properly requested and obtained a hearing under Section 9.46.080(B).

The appeal must be filed in writing within twenty (20) days after service of the final decision issued by the Neutral Hearing Officer pursuant to California Government Code Section 53069.4, subdivision (b).

F. Administrative Fine

The Alameda County Sheriff and his or her designees and/or Neutral Hearing Officers may impose administrative fines as follows:

- (1) Any person found in violation of this Chapter shall be subject to the following fines:
 - (a) First violation of this Chapter shall result in an administrative fine of five hundred dollars (\$500.00);
 - (b) A second violation shall result in an administrative fine of seven hundred and fifty dollars (\$750.00);
 - (c) A third or subsequent violation shall result in an administrative fine of one-thousand dollars (\$1,000.00).
- (2) Any subsequent violation will be assessed to the next-level administrative fine (not to exceed \$1,000.00).
- (3) If payment is not received by the date listed on the citation, a notification letter will be sent via certified mail to the legal property owner advising they will be accountable for paying the unpaid administrative 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 administrative fine and does not request an appeal, the unpaid administrative fine will be sent to the Alameda County Central Collections Agency. Any further administrative fines or expenses may be assessed toward the legal property owner pursuant to Section 6.65.210.

The administrative fine and any expenses imposed under this Chapter shall constitute a debt to the county, and any person owing such administrative fine and/or expense shall be liable

in an action brought in the name of the county for its recovery. Should any person fail to pay the administrative fine and/or expense assessed pursuant to the provisions of this Chapter, the county may institute legal action in any court of competent jurisdiction to collect any administrative fine and expenses. Such administrative fines and expenses 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 administrative fine, the Neutral Hearing Officer 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 Chapter shall be retained by the County of Alameda in a separate account and used exclusively to fund the enforcement.

9.46.090– Application of ordinance and state law.

A. The provisions of this Chapter shall apply generally to all property, whether owner occupied or rental, throughout unincorporated Alameda County

B.. Nothing in this Chapter shall limit any of the penalties provided in the California Health and Safety Code or the California Penal Code in regard to offering for sale, exposing for sale, sale at retail, possession, use or discharge of any fireworks or destructive devices.

SECTION III

If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provisions, and to this end, the provisions of this Chapter are declared to be severable, and the Board of Supervisors hereby declares that it would have adopted this chapter and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SECTION IV

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the

names of the members voting for and against the same in a newspaper of general circulation published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the ____ day of _____, 2026, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

President of the Board of Supervisors
County of Alameda, State of California

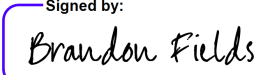
ATTEST:

BRITNEY DAVIS, Clerk
of the Board of Supervisors, County of Alameda

By: _____

APPROVED AS TO FORM:

ANDREA L. WEDDLE, INTERIM COUNTY COUNSEL

By:  _____
Signed by:
Brandon Fields
129428D3B87148C...
Brandon Fields
Deputy County Counsel