



City of San José

Update on Fine Amounts for Illegal Fireworks

Presented by:

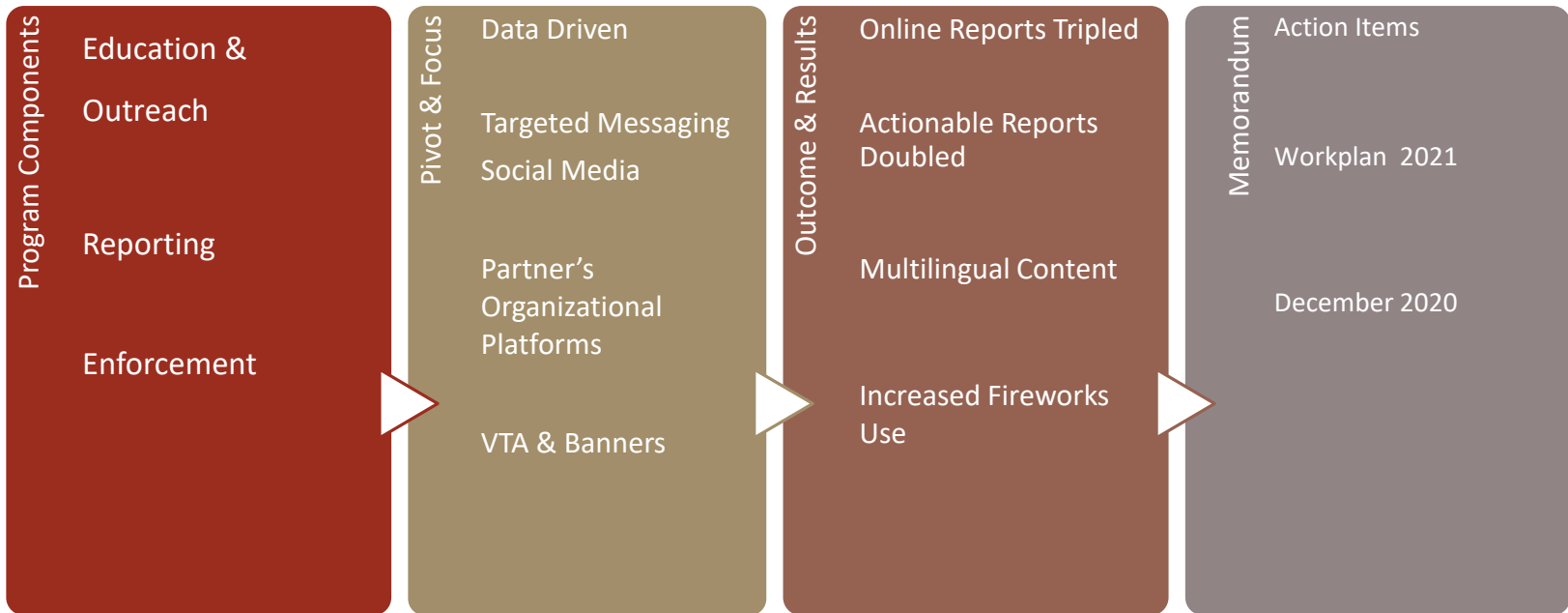
Hector Estrada, Deputy Fire Chief/Fire Marshal
Fire Department, Bureau of Fire Prevention

CITY COUNCIL

DECEMBER 15, 2020



Fireworks Ordinance Workplan Status Recap





Comparison of Fireworks Fines & Penalties

Survey Characteristics

11 Nationally*

14 California

7 Bay Area Cities

21 Population >200,000

Findings

Most had Fines (88%)

1st Violations Ranged from \$10 - \$2,000

1st Violation – Majority (56%) < \$500 Possible

Fixed Fine Amount or Range typical

Increasing Fine for Subsequent Violations

Jail Time Possible (44%)

Summary

Similar to Bay Area Cities

Greater Fine Amounts in California do Exist

Combination of Fine Increase and Progress



Bay Area Cities

Bay Area City	1st Violation	2nd Violation	3rd Violation	Notes
San José	\$500	\$700	\$1,000	-
Fremont	\$500-\$1,000	\$500-\$1,000	\$500-\$1,000	Minimum \$500, Maximum \$1,000. Misdemeanor + Jail up to 1 year
Oakland	\$350-\$1,000	\$350-\$1,000	\$350-\$1,000	-
Redwood City	\$500	\$750	\$1,000	Can also include imprisonment
Santa Clara	\$250-\$1,000	\$250-\$1,000	\$250-\$1,000	\$250 and/or up to \$1,000 and/or Jail for 6 months
San Francisco	N/A	N/A	N/A	Fine/Jail or both not listed in Municipal Code 1290
Hayward	0-\$1,000	N/A	N/A	Up to \$50,000 in fines under California Health and Safety Code 12700
Sunnyvale	N/A	N/A	N/A	All fireworks prohibited



Recommendation

Fine Amount per Violation	Current Administrative Citation Fine	Recommended Administrative Citation Fine
First Violation	\$500	\$1,000
Second Violation (within 18 month period from date of previous violation)	\$700	\$2,000
Third and Subsequent Violations (within 18 month period from date of previous violation)	\$1,000	\$3,000



Questions?

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