

# San José Fire Department

The San José Fire Department's core mission is to serve the community by protecting life, property and the environment through prevention and response.



## Amendment to Title 10 (Social Host Ordinance) and to 2020-2021 Schedule of Fees and Charges for Illegal Fireworks

May 11, 2021

Item 4.2

Presented by:

Hector R. Estrada, Deputy Fire Chief/Fire Marshal, Fire Department

# Recommendations for Approval



- ✓ Define Social Host
- ✓ Define Public vs. Private Property
- ✓ Define and Impose Liability
- ✓ Establish and Provide Billing Mechanism
- ✓ Outline Administrative Appeal Process
- ✓ Amend 2020-2021 Schedule of Fees & Charges

# Municipal Code & Fees and Charges Schedule



## **City of San Jose Municipal Code (Chapter 10.17 of Title 10)**

Continues the ban on sale, use, possession, discharge, and storage of fireworks and extends responsibility for violation to social host and property owners who host gatherings where illegal fireworks are used or discharged.

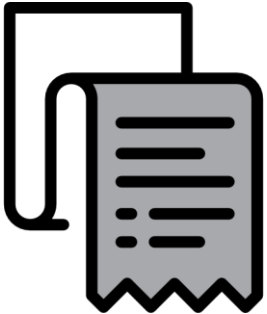
## **2020-2021 Fees and Charges**

Providing an administrative procedure for the City to bill for actual costs associated with response to an incident related to or caused by illegal fireworks use.



## Schedule of Fees & Charges

Will keep the Schedule up-to-date and authorize reimbursement for emergency response services



- ✓ Scope of Charges – Actual Cost of Services
- ✓ Response Charges Procedure – Billed by the Fire Chief and/or Chief of Police
- ✓ Appeals Process – To dispute the response charge or amount of the charge



## ☐ Social Host Ordinance

- ☐ Before – Fines levied against the person using fireworks or owner if they had knowledge
- ☐ After – Extends liability to social hosts for fireworks violations that occur at their gatherings, regardless of whether they knew of the fireworks violation
- ☐ Responsible – The social host includes: hosts, property owners, tenants, and those with immediate use or control of the property

## ☐ Intent

- ☐ Deter – Anyone hosting gatherings with fireworks
- ☐ Encourage – Host to prevent guests from using fireworks
- ☐ Response Charges– Represent actual cost of emergency response service **only**
- ☐ Tools – Provides an additional means for enforcement



# Questions?

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

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