

1 [Police Code - Penalties for Prohibited Discharge of Fireworks]

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3 **Ordinance amending the Police Code to provide penalties for the prohibited discharge**  
4 **of fireworks, including that a first offense is punishable as an infraction with a fine not**  
5 **less than \$125 or more than \$250, and a second and any subsequent offenses within**  
6 **five years of a prior offense are punishable as misdemeanors with a fine not less than**  
7 **\$250 or more than \$750, or imprisonment in the County Jail of not more than six**  
8 **months, or by both such fine and imprisonment.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
12 **Board amendment additions** are in Arial font.  
13 **Board amendment deletions** are in ~~Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. General Findings.

18 (a) Section 1290 of the Police Code prohibits the private discharge of fireworks of any  
19 kind within the City but prescribes no penalty for violations or enforcement mechanism for  
20 police officers in the field.

21 (b) California Health and Safety Code Section 12700 provides misdemeanor penalties  
22 for possession of dangerous fireworks, as defined in Health and Safety Code Section 12505.  
But California law does not penalize the use of consumer fireworks classified as "safe and

1 sane,” which do not come within the definition of dangerous fireworks. The San Francisco Fire  
2 Department may issue administrative violations for “safe and sane” fireworks, but this  
3 enforcement tool is not available to police officers, who are typically the first responders to  
4 fireworks-related calls.

5 (c) The 2023–2024 San Francisco Civil Grand Jury, in its report “Uncontrolled Burn:  
6 Dimming the Spark of Illegal Fireworks in San Francisco,” found that illegal fireworks are a  
7 serious year-round problem and identified the need for additional legal tools for public safety  
8 officials. The Grand Jury’s report stated that “it must be made clear to everyone in the Bay  
9 Area and beyond that San Francisco is not a place where one can come to discharge  
10 fireworks in its parks and streets without consequence on any day of the year.” The Grand  
11 Jury further found that many members of the public do not know the potential consequences  
12 of fireworks violations. The Grand Jury recommended that the City track information related to  
13 fireworks violations, including citations issued and fines collected. Such information, however,  
14 cannot be generated or tracked under current local law prohibiting “safe and sane” fireworks  
15 because Section 1290 prescribes no enforcement mechanism or penalty.

16 (d) The discharge of fireworks of any kind poses significant risks in a dense urban  
17 environment like San Francisco. Ground-based fireworks can ignite dry vegetation and  
18 building materials, requiring the Fire Department to pre-deploy fire suppression equipment to  
19 anticipated hotspots each year to contain fires started by fireworks. From 2018 to 2023,  
20 fireworks-caused fires resulted in approximately \$555,900 in real property loss and \$35,200 in  
21 property content loss as reported through the DataSF Fire Incidents dataset.

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1 (e) The discharge of fireworks causes physical injury to San Francisco residents. The  
2 Civil Grand Jury reported that Zuckerberg San Francisco General Hospital treated six patients  
3 for fireworks-related injuries, including burns and blast injuries to hands and eyes, during a  
4 single four-day period around July 4, 2023, with one patient in critical condition and four in  
5 serious condition. The Grand Jury further found that sparklers, among the most common  
6 consumer-grade fireworks, burn at temperatures of approximately 2,000 degrees Fahrenheit  
7 and can cause permanent scars and disfigurement. Beyond physical injury, the Grand Jury  
8 estimated that approximately 100,000 San Francisco households have a pet frightened by  
9 fireworks, and that over 3,500 children under the age of five, approximately 10,000 residents  
10 with autism, approximately 12,500 residents with dementia, approximately 2,500 combat  
11 veterans, and approximately 37,700 adults with Post-Traumatic Stress Disorder are adversely  
12 affected by fireworks in San Francisco.

13 (f) The penalty structure established by this ordinance is consistent with the  
14 recommendations of the Civil Grand Jury and the objectives of recently-enacted California  
15 Assembly Bill 1403, which doubled most fines under California law for possessing and  
16 discharging illegal fireworks effective January 1, 2024.

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18 Section 2. Article 17 of the Police Code is hereby amended by revising Section 1290,  
19 to read as follows:  
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1           **SEC. 1290. DISCHARGE OF FIREWORKS PROHIBITED**

2           (a) **Definition.** "Fireworks" shall have the same meaning as defined in California Health and  
3 Safety Code Section 12511, as may be amended from time to time. The definition currently reads as  
4 follows: "Fireworks" means any device containing chemical elements and chemical compounds  
5 capable of burning independently of the oxygen of the atmosphere and producing audible, visual,  
6 mechanical or thermal effects which are useful as pyrotechnic devices or for entertainment. The term  
7 "Fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks,  
8 torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps,  
9 chasers, fountains, smoke sparks, aerial bombs and fireworks kits.

10           (b) **Prohibition.** No person or persons, firm, company, corporation, or association shall  
11 fire or discharge any ~~fireworks~~ fireworks of any kind or description within the ~~limits of the City and County~~  
12 of San Francisco. Notwithstanding the foregoing, the Fire Department may provide a permit for public  
13 displays of fireworks. ~~Provided, however, that public displays of fireworks may be given with the joint~~  
14 written consent of the Fire Marshal and the Chief of Police.

15           (c) **Penalties.** Any person who violates this Section 1290 shall be guilty of an infraction, and  
16 upon conviction shall be punished by a fine of not less than \$125 or more than \$250. Any person who  
17 violates this Section 1290 as a second or any subsequent offense within five years of a prior offense  
18 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$250  
19 or more than \$750, or by imprisonment in the County Jail for a period of not more than six months, or  
20 by both such fine and imprisonment.

1           Section 3. This ordinance shall become effective on the 31st day after enactment.  
2           Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance  
3           unsigned or does not sign the ordinance within ten days of receiving it, or the Board of  
4           Supervisors overrides the Mayor’s veto of the ordinance.

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6           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7           intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8           numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9           Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10          additions, and Board amendment deletions in accordance with the “Note” that appears under  
11          the official title of the ordinance.

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13          Section 5. Undertaking for the General Welfare. In enacting and implementing this  
14          ordinance, the City is assuming an undertaking only to promote the general welfare. It is not  
15          assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
16          is liable in money damages to any person who claims that such breach proximately caused  
17          injury.

18          APPROVED AS TO FORM:  
19          DAVID CHIU, City Attorney

20          By:    /s/ \_\_\_\_\_  
21                JEN HUBER  
22                Deputy City Attorney

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