

File No. 260543

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: July 9, 2026

Board of Supervisors Meeting:

Date: _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☒ | ☐ | Ordinance |
| ☒ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget and Legislative Analyst Report |
| ☐ | ☐ | Youth Commission Report |
| ☒ | ☐ | Introduction Form |
| ☐ | ☐ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | Grant Budget |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract / DRAFT Mills Act Agreement |
| ☐ | ☐ | Form 126 – Ethics Commission |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☐ | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|--------------------------|----------------------------|
| ☒ | ☐ | <u>FYI Referral 052726</u> |
| ☐ | ☐ | _____ |
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Prepared by: Monique Crayton

Date: July 2, 2026

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[Police Code - Penalties for Prohibited Discharge of Fireworks]

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

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. General Findings.

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

(b) California Health and Safety Code Section 12700 provides misdemeanor penalties 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.

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.

17
18 Section 2. Article 17 of the Police Code is hereby amended by revising Section 1290,
19 to read as follows:
20
21
22

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 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.

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

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
JEN HUBER
Deputy City Attorney

LEGISLATIVE DIGEST

[Police Code - Penalties for Prohibited Discharge of Fireworks]

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

Existing Law

Section 1290 of the Police Code prohibits the private discharge of fireworks of any kind within the City but prescribes no penalty for violations or enforcement mechanism.

Amendments to Current Law

This ordinance would provide penalties for the prohibited discharge of fireworks, including that a first offense is punishable as an infraction with a fine not less than \$125 or more than \$250, and a second and any subsequent offenses within five years of a prior offense are punishable as misdemeanors with a fine not less than \$250 or more than \$750, or imprisonment in the County Jail of not more than six months, or by both such fine and imprisonment. In addition, this ordinance adopts the definition of fireworks from the California Health and Safety Code Section 12511, as may be amended from time to time.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Derrick Lew, Police Chief, Police Department
Dean Crispen, Fire Chief, Fire Department

FROM: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood
Services Committee, Board of Supervisors

DATE: May 27, 2026

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following ordinance request, introduced on May 19, 2026:

File No. 260543

Police Code - Penalties for Prohibited Discharge of Fireworks

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If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

CC:
Office of Chair Dorsey
Office of Supervisor Wong
Steven Lopez, Police Department
Sgt Stacy Youngblood, Police Department
Carl Nicita, Police Department
Giannina Miranda, Police Department
Theresa Ludwig, Fire Department

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2026 MAY 19 PM02:08

[Handwritten signature]

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor _____ inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. _____ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. _____
- ☐ 9. Reactivate File No. _____
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Wong, Sherrill, Melgar

Subject:

Police Code - Penalties for Prohibited Discharge of Fireworks

Long Title or text listed:

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

Signature of Sponsoring Supervisor:

[Handwritten signature]