File No. 120672

Committee Item No. 2
Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight **Date** July 30, 2012

Board of Supervisors Meeting **Date** September 4, 2012

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Completed by: Rana Calonsag **Date** July 23, 2012
Completed by: Alisa Miller **Date** August 7, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Police Code – Allowing Dogs to be Fastened to Lamp Post, Hydrant or Tree; Repealing Outdated Code Provisions]

Ordinance amending the San Francisco Police Code by: 1) repealing Sections 875, 876, 924 through 929, 973, 1500 and 1501; and 2) amending Section 585 to exempt dogs on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Police Code is hereby amended by repealing Sections 875, 876, 924 through 929, 973, 1500 and 1501, to read as follows:

~~*SEC. 875. REQUIRING MOVERS TO NOTIFY LANDLORDS.*~~

~~*It shall be unlawful for any person who is operating or in charge of any moving van, furniture car, transfer wagon, express wagon, delivery wagon, or any other vehicle engaged in moving for hire, to remove any furniture, household goods, trunks, baggage or other personal effects from any furnished apartment house where there is on the premises a landlord, landlady, manager, or other person in charge of such apartment house without first notifying such landlord, landlady, manager or other person in charge of such apartment house that such furniture, household goods, trunks, baggage or any personal effects are about to be removed from such premises.*~~

~~*SEC. 876. PENALTY.*~~

~~*Any person violating any of the provisions of Section 875 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not exceeding $100, or by imprisonment in the County Jail for not more than 30 days.*~~

~~*SEC. 924. FIXING RATES, TO BE CHARGED FOR TRANSPORTATION OF PERSONAL BAGGAGE.*~~

~~*No person, firm or corporation shall demand, collect, charge or receive a higher rate for transportation of personal baggage than is herein specified:*~~

~~*To and from The Embarcadero, or railroad depot at Third and Townsend Streets, to or from any point within the following described districts of San Francisco:*~~

~~*ZONE 1.*~~

~~*Starting at Fillmore Street and the Bay, thence southerly along Fillmore Street and Church Street to Army Street; thence easterly to Potrero Avenue; thence northerly to Division Street; thence easterly to Channel Street; thence to the Bay.*~~

~~*RATES*~~

~~*Trunks* ..... *$1.00 each*~~

~~*Small pieces with trunks* ..... *.25 "*~~

~~*All single suitcases or other small pieces* ..... *.50 "*~~

~~*Each additional trunk* ..... *.75 "*~~

~~*ZONE 2.*~~

~~*District bounded on the east by Fillmore and Church Streets; on the west by First Avenue and Burnett Avenue; on the south by Thirtieth Street, and on the north by the Presidio and Bay.*~~

~~*RATES*~~

~~*Trunks* ..... *$1.00 each*~~

~~*Small pieces with trunks* ..... *.25 "*~~

~~*All single suitcases or other small pieces* .50 "~~

~~*Each additional trunk* 1.00 "~~

~~*ZONE 3.*~~

~~*Between First and Fifteenth Avenues, the Presidio and Santiago Street. Also district bounded on the north by Channel and Division Street; on the west by Potrero Avenue; on the south by Army Street and the east by the Bay. Also district bounded on the north by Army Street; on the west by Mission and Chenery Streets; on the south by Silver Avenue, and on the east by San Bruno Avenue.*~~

~~*RATES*~~

~~*Trunks* $1.25 each~~

~~*Small pieces with trunks* .25 "~~

~~*All single suitcases or other small pieces* .50 "~~

~~*Each additional trunk* 1.00 "~~

~~*ZONE 4.*~~

~~*District between Fifteenth and Thirtieth Avenues from the Presidio and Ocean to Santiago Street. Also district bounded by Army Street on the north; San Bruno Avenue on the west; Oakdale Avenue on the south. Also district bounded by Thirtieth Street on the north; Chenery Street on the east; Bosworth Street on the south and Congo Street on the west.*~~

~~*RATES*~~

~~*Trunks* $1.50 each~~

~~*Small pieces with trunks* .25 "~~

~~*All single suitcases or other small pieces* .50 "~~

~~*Each additional trunk* 1.00 "~~

~~*ZONE 5.*~~

~~*District bounded by Thirtieth Avenue and Fortieth Avenue, the Ocean and Lincoln Park on the north and Santiago Street on the south. Also district bounded by Clipper Street on the north; Burnett Avenue on the east; Bosworth Street. San Jose and Ocean Avenues on the south and Phelan Avenue, and Hamburg Street on the west.*~~

~~*RATES*~~

~~*Trunks* ..... *$1.75 each*~~

~~*Small pieces with trunks* ..... *.25 "*~~

~~*All single suitcases or other small pieces* ..... *.50 "*~~

~~*Each additional trunk* ..... *1.00 "*~~

~~*ZONE 6.*~~

~~*From Fortieth Avenue to the Ocean to Santiago Street. From the Ocean easterly to Hamburg Street (including St. Francis Wood, Forest Hill, Almshouse Tract and Westwood Park not otherwise provided for) Ocean Avenue, Madrid Street, Silver Avenue, San Bruno Avenue to Oakdale Avenue to the Bay; thence to the City and County line.*~~

~~*RATES*~~

~~*Trunks* ..... *$2.00 each*~~

~~*Small pieces with trunks* ..... *.25 "*~~

~~*All single suitcases or other small pieces* ..... *.50 "*~~

~~*Each additional trunk* ..... *1.00 "*~~

~~*Any point on a street that is a division line between any of the above described districts shall be entitled to the lowest rate specified in either one of the districts.*~~

~~*SEC. 925. EXCLUDED TERRITORY – RATES.*~~

~~*The rate for the transportation of personal baggage between points in San Francisco, other than those mentioned in Section 924 of this Article, shall be that agreed upon between the owner of the baggage and the person, firm or corporation transporting the same.*~~

~~*SEC. 926. RECEIVERS TO GIVE CHECK FOR BAGGAGE.*~~

~~*Upon the receipt of any baggage for delivery, the person receiving the same shall give to the owner a check or tag, upon which shall be plainly printed the name of the owner of the vehicle used, with his place of business and telephone number, and, if not an incorporated transfer company, the number of his license. The person receiving said baggage shall write upon said check or tag a short description of the baggage and its destination.*~~

~~*SEC. 927. DELIVERY WITHIN REASONABLE TIME.*~~

~~*All baggage received shall be delivered to its destination within a reasonable time of its receipt.*~~

~~*SEC. 928. PRINCIPALS RESPONSIBLE.*~~

~~*Every person, firm or corporation is responsible for all acts and representations of any person using the name and acting as agent for such person, firm or corporation.*~~

~~*SEC. 929. PERSONAL BAGGAGE DEFINED.*~~

~~*Personal baggage within the meaning of Sections 924 to 929, inclusive, of this Article, shall include all trunks, suitcases and valises, telescope baskets, hampers, rolls of blankets or clothing, provided that any bundle or package weighing 35 pounds or more, or three or more feet long, shall be classed as trunks, and all other bundles or packages as valises.*~~

~~*SEC. 973. PROHIBITING SOLICITATION OF PURCHASES OF FOOD AND DRINK; DECLARING PENALTIES.*~~

~~*(a) It shall be unlawful in any place of business where food or drink is sold to be consumed upon the premises, for any person who loafs or loiters about such place, or who is employed therein, to solicit or beg any patron, customer or visitor in such establishment to purchase any food or drink for*~~

~~*the one so soliciting or begging or for any other person frequenting or loafing or loitering about such establishment; and no person shall enter upon such place of business, or remain therein, for the purpose of so soliciting or begging any patron, customer or visitor to purchase any food or drink for the one so entering or remaining or for any other person.*~~

~~*(b) It shall be unlawful for any person who owns, manages or otherwise exercises control over any such place of business as described in Subdivision (a) of this Section to permit or allow any person to solicit or beg any patron, customer or visitor therein to purchase any food or drink for the one so soliciting or begging or for any other person frequenting or loafing or loitering about such establishment. In addition to the penalties prescribed in Subdivision (d) of this Section, any person owning, managing or otherwise controlling such place of business who permits or allows any violation of this Section shall be deemed guilty of maintaining a nuisance.*~~

~~*(c) For the purposes of this Section, the word "drink" is hereby defined to mean any nonalcoholic beverage, or any alcoholic beverage which contains less than one-half of one percent of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.*~~

~~*(d) The violation of any provision of this Section shall constitute a misdemeanor, punishable by fine not exceeding $500, or by imprisonment in the County Jail for a period not exceeding 90 days, or by both such fine and imprisonment.*~~

~~*SEC. 1500. AIR TRAVEL TICKET BUSINESS, BOND.*~~

~~*It shall be unlawful for any person to conduct, operate or engage in the business of selling to the public, or taking orders for, air travel passenger tickets or reservations for air passenger space to be honored for travel on airplanes neither owned nor operated by such person, unless he shall have on file with the Chief of Police of the City and County of San Francisco an approved surety bond executed by him as principal and a corporation duly authorized and licensed to do a general surety business in*~~

~~*the State of California as surety. Said bond shall be in the amount of $10,000, and shall inure to the benefit of all persons who shall suffer loss covered by said bond. The bond shall be conditioned that the said principal shall indemnify any person for loss suffered by dishonesty, misrepresentation, fraud or breach of contract on the part of the principal acting in the scope or course of said business, or by any official, agent or employee of said principal acting in the course and scope of his employment or agency.*~~

~~*Such bond shall not be required from duly authorized salaried employees of an approved bonded employer.*~~

~~*SEC. 1501. PENALTY.*~~

~~*Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment in the County Jail for a period of not longer than six months, or by both such fine and imprisonment.*~~

Section 2. The San Francisco Police Code is hereby amended by amending section 585, to read as follows:

SEC. 585. HITCHING ANIMALS TO OR INJURING LAMPPOSTS, HYDRANTS, ETC., PROHIBITED.

It shall be unlawful for any person to hitch or fasten any animal to, or to place any placard or notice upon, or in anywise to injure any lamp post or hydrant, or any growing tree, upon any public street, or, without authority, to extinguish any public light. *This Section shall not prohibit any person from fastening any dog on a leash to any lamp post, hydrant or growing tree.*

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Police Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
KATHARINE HOBIN PORTER
Deputy City Attorney

FILE NO. 120672

LEGISLATIVE DIGEST

[Police Code – Allowing Dogs to be Fastened to Lamp Post, Hydrant or Tree; Repealing Outdated Code Provisions]

Ordinance amending the San Francisco Police Code by: 1) repealing Sections 875, 876, 924 through 929, 973, 1500 and 1501; and 2) amending Section 585 to exempt dogs on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree.

Existing Law

Police Code Sections 875 require any person moving furniture or other household goods from any furnished apartment with an onsite a landlord or manager to notify that landlord or manager before removing the furniture or goods from the premises. Section 876 specifies the penalty for violating Section 875. Police Code Sections 924 through 929 regulate and fix rates for transportation of personal baggage. Section 973 prohibits any person or employee from soliciting or begging a customer in a business where food or drink is sold to purchase any food or drink for that soliciting person or employee. Section 1500 requires any person in the business of selling airline tickets or reservations to file a surety bond with the Chief of Police; Section 1501 specifies the penalty for violating Section 1500. Finally, Section 585 prohibits a person from fastening any animal, placing any placard or notice, or otherwise injuring any lamp post, hydrant, or growing tree.

Amendments to Current Law

The proposed ordinance would repeal Police Code Section 875, 876, 924 through 929, 973, 1500 and 1501, and amend Section 585 to exempt any person fastening any dog on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree.

Background Information

The repealed Police Code provisions are unnecessary. The amendment to Section 585 ensures that the Section is not applied to dog guardians fastening their dog to a lamp post, hydrant or growing tree.

SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

July 17, 2012

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

File No. 120672 [Police Code - Allowing Dogs to be Fastened to Lamp Post, Hydrant, or Tree; Repealing Outdated Code Provisions]

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On July 9, 2012 the Small Business Commission held a hearing on Board of Supervisors File No. 120672 and voted 5-0 to recommend approval of the ordinance.

The Commission supports the abolishment of these outdated codes and commends Supervisor Wiener and his staff for identifying these sections of the Police Code that were no longer relevant.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

Cc: Supervisor Wiener
Jason Elliott, Mayor's Office

BOARD of SUPERVISORS

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

MEMORANDUM

TO: Rebecca Katz, Director, Animal Care and Control
Chief Greg Suhr, Police Department

FROM: Rana Calonsag, Clerk, Government Audit and Oversight Committee
Board of Supervisors

DATE: June 28, 2012

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Wiener on June 12, 2012, which is being forwarded to your department for informational purposes.

File No. 120672

Ordinance amending the San Francisco Police Code by: 1) repealing Sections 875, 876, 924 through 929, 973, 1500, and 1501; and 2) amending Section 585 to exempt dogs on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree.

If you have any reports or comments 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.

Referral: BOS File No. 120672

Rana Calonsag to: Rebecca Katz, Greg Suhr 06/28/2012 11:16 AM

Attached is a referral for BOS File No. 120672 (Police Code - Allowing Dogs to be Fastened to Lamp Post, Hydrant, or Tree; Repealing Outdated Code Provisions), which is being referred to the Animal Care and Control and the Police Department for informational purposes. If you have any reports or comments to be included as part of the file, please forward those to me.

120672 FYI.doc 120672.pdf

Rana Calonsag
Board of Supervisors-Clerk's Office
415-554-7718
rana.calonsag@sfgov.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below. http://www.sfbos.org/index.aspx?page=104

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

☒ 1. For reference to Committee: Government Audit & Oversight

An ordinance, resolution, motion, or charter amendment.

☐ 2. Request for next printed agenda without reference to Committee.

☐ 3. Request for hearing on a subject matter at Committee:

☐ 4. Request for letter beginning "Supervisor _____ inquires"

☐ 5. City Attorney request.

☐ 6. Call File No. _____ from Committee.

☐ 7. Budget Analyst request (attach written motion).

☐ 8. Substitute Legislation File No.

☐ 9. Request for Closed Session (attach written motion).

☐ 10. Board to Sit as A Committee of the Whole.

☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Supervisor Wiener

Subject:

Police Code – Allowing Dogs to be Fastened to Lamp Post, Hydrant or Tree; Repealing Outdated Code Provisions

The text is listed below or attached:

Ordinance amending the San Francisco Police Code by: 1) repealing Sections 875, 876, 924 through 929, 973, 1500 and 1501; and 2) amending Section 585 to exempt dogs on a leash from the prohibition against fastening an animal to a lamp post, hydrant or growing tree.

Signature of Sponsoring Supervisor:

For Clerk's Use Only: