

1 [General Advertising Signs – Annual Fee and Registration.]

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3 **Ordinance amending the San Francisco Planning Code by adding Sections 604.2 and**  
 4 **358 to require that, except for general advertising signs exempt from the requirements**  
 5 **of Article 6 under Section 603, the owner of a general advertising sign located within**  
 6 **the City must register the sign and pay an annual fee to fund monitoring of compliance**  
 7 **with and enforcement of sign regulations, to direct deposit of the fees into the Planning**  
 8 **Code Enforcement Fund, to require the owner of the sign to submit a current sign**  
 9 **inventory and other information and to file an affidavit under penalty of perjury stating**  
 10 **that they do not knowingly have any illegal general advertising signs in San Francisco,**  
 11 **to authorize reduction of the fee for owners in compliance or who initially register**  
 12 **before the deadline, and to impose an increased fee and substantial penalties for**  
 13 **failure to comply; amending the San Francisco Administrative Code by amending**  
 14 **Section 10.100-166 to authorize deposit of the fees into the Planning Code Enforcement**  
 15 **Fund; adopting findings.**

16 Note: Additions are *single-underline italics Times New Roman*;  
 17 deletions are ~~*strikethrough italics Times New Roman*~~.  
 18 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Findings. (a) In May 2001, this Board of Supervisors established a  
 21 Planning Code Enforcement Fund to receive penalties and fees assessed for violations of  
 22 regulations governing general advertising signs. Proceeds in the fund are to be expended for  
 23 administration and enforcement of the Planning Code’s sign regulations.

24 (b) In April 2002, the San Francisco Civil Grand Jury issued a Report on Outdoor  
 25 Advertising Sign (Billboard) Enforcement. In the Report, the Grand Jury evaluated the

1 effectiveness of enforcement of existing state and local laws governing general advertising  
2 signs in the City and County of San Francisco and made a number of recommendations.

3 (c) The Grand Jury concluded that in the past decade there had been a proliferation  
4 of new billboards, an undetermined percentage of which were installed or altered without  
5 permits. It further found that the City's enforcement against illegally installed signs and illegal  
6 alteration of approved signs had been hampered by budget and staffing shortages.

7 (d) Among its recommendations, the Grand Jury proposed that additional funds  
8 could be generated for inspection and enforcement activities by requiring annual renewal of  
9 general advertising sign permits and an annual fee.

10 (e) In June 2002, the Budget Analyst submitted to the Board of Supervisors his  
11 Management Audit of the San Francisco Planning Department. In the Audit, the Budget  
12 Analyst recommended that the Planning Department pursue cost recovery for code  
13 enforcement activities.

14 (f) In March 2002, the voters approved Proposition G, which prohibits the approval  
15 of new general advertising signs within the City as of March 5, 2002.

16 (g) This Board of Supervisors finds that this ordinance will serve the public  
17 necessity, convenience and welfare in the following ways:

18 (1) Requiring the owner of a general advertising sign to register the sign and pay an  
19 annual fee will provide the resources that the Planning Department needs to vigorously  
20 monitor and enforce the City's sign regulations without burdening the general fund with the  
21 costs of enforcement, as recommended by the Civil Grand Jury and the Board's Budget  
22 Analyst.

23 (2) Ensuring that all existing general advertising signs have been installed legally  
24 and are in full compliance with the Planning Code furthers the intent of Proposition G and also  
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1 benefits the owners of complying general advertising signs, who have been unfairly  
2 disadvantaged by the proliferation of illegal signs.

3 (3) Providing for an increased fee and substantial penalties for owners in violation  
4 and for a reduced fee for owners in compliance will place the burden of enforcement where it  
5 rightfully belongs, on those owners of general advertising signs that are violating the City's  
6 laws.

7 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
8 604.2, to read as follows:

9 SEC. 604.2. General Advertising Signs; Annual Registration and Fee. (a) Registration. The  
10 owner of a general advertising sign or signs located in the City and County of San Francisco shall  
11 register each such sign with the Planning Department on a form provided by the Department. Exempt  
12 general advertising signs under Section 603(j), (m), or (n) of this Code are not subject to the  
13 requirements of this Section 604.2. For purposes of this Section 604.2, "owner" shall mean the owner  
14 of a general advertising sign, as defined in Section 602.7 of this Code. If such owner does not itself  
15 operate the sign, then "owner" shall mean the person or entity that operates the sign pursuant to a  
16 lease, license or other arrangement with the owner of the sign.

17 The owner shall register the sign and pay the fee set forth in Section 358 of this Code no later  
18 than 90 days from the effective date of this ordinance and each year thereafter in July, no later than the  
19 31<sup>st</sup> day. If a sign is registered and all the information required by subsection (b) is provided within 45  
20 days of the effective date of this ordinance, the initial registration fee shall be reduced to the amount of  
21 the annual fee. If ownership of the sign changes, the new owner is responsible for updating the  
22 information required by subsection (b), providing the affidavit required by subsection (d) if not already  
23 on file, and paying any unpaid fees within 30 days of the change in ownership. Fees shall be prorated  
24 for signs registered for less than a 12-month period.

1           (b) Required Information. In addition to such other information as the Department may  
2 require, the owner of a general advertising sign or signs shall provide the following information at the  
3 time of registration of the sign:

4           (1) the location of the sign by street address and by block and lot;

5           (2) the date of erection of the sign, if known;

6           (3) the permit number or other identifying number issued by the Department;

7           (4) the area, dimensions, and any special features of the sign;

8           (5) the type of sign, as defined in Section 602, and whether the sign is illuminated;

9           (6) a photograph of the advertising display; and

10           (7) a current inventory, in a format required by the Department, of all signs owned or  
11 operated by the owner in the City and County of San Francisco. This information shall be updated  
12 within 30 days of any change in ownership or location of the sign.

13           (c) Annual Fee. At the time of the initial and annual registrations required by subsection  
14 (a), the owner of the sign shall pay to the Department a fee for each sign in the amount set forth in  
15 Section 358 of this Code.

16           (d) Affidavit. Upon initial registration and payment of the fee required by subsections (a)  
17 and (c), and annually thereafter, the owner of the general advertising sign shall execute and file with  
18 the Department, simultaneously with payment of the fee, an affidavit under penalty of perjury. If the  
19 owner is a corporation, the affidavit shall be signed by a corporate officer duly authorized by the  
20 corporation to sign the affidavit on its behalf. The affidavit shall state that:

21           (1) the information filed with the registration is accurate and complete to the best of the  
22 owner's knowledge;

23           (2) the owner has read and is familiar with the provisions of Article 6 of this Code; and

24           (3) the owner has, in the exercise of reasonable and prudent inquiry, no knowledge that any  
25 general advertising sign or signs located in the City and County of San Francisco owned, leased,

1 licensed, maintained, or otherwise operated by the owner fails to comply in any material respect with  
2 the requirements of Article 6.

3 (e) Registration and Payment of Annual Fee Not Evidence of Legality. Registration of a  
4 general advertising sign and payment of the annual fee shall not be deemed to be an acceptance by the  
5 Department and the City that the sign has been lawfully erected. The City reserves the right to abate  
6 any sign that was erected and/or maintained in violation of the provisions of this Code.

7 (f) Use of Fees. The fees collected under subsection (c) shall be deposited into the  
8 Planning Code Enforcement Fund established by Section 10.100-166 of the San Francisco  
9 Administrative Code. The fees shall be used to fund the Department's enforcement of the general  
10 advertising sign requirements of this Code, including, but not limited to, the creation and updating of a  
11 general advertising sign inventory or inventories, periodic site inspections, monitoring of compliance,  
12 and abatement of illegal and/or noncomplying signs.

13 (g) Reduced Annual Fee. Commencing three years from the effective date of this ordinance,  
14 the owner of a general advertising sign or signs may apply in writing to the Director of Planning for a  
15 reduction of the annual fee to the minimum amount set forth in Section 358 of this Code. The  
16 application for reduced fee must be renewed annually. The Director shall approve such request if:

17 (1) the owner has a current registration of each of its signs on file with the Department, as  
18 required by subsections (a) and (b) above, for the previous three years;

19 (2) the owner has timely paid all previous fees due under subsection (c) above for the  
20 previous three years; and

21 (3) the owner has filed the affidavit required by subsection (d) above for the previous three  
22 years;

23 (4) the Department has not issued a notice of violation, and there has been no abatement  
24 action by the Department, within the previous three years against any general advertising sign owned,  
25 leased, licensed, maintained or otherwise operated by the owner.

1           (h) Increased Annual Fee. Where the owner of a general advertising sign or signs has had  
2 five or more notices of violation issued and/or abatement actions brought by the Department within the  
3 previous year against a general advertising sign or signs owned or operated by the owner, the Director  
4 shall assess for the current year the increased annual fee set forth in Section 358.

5           (i) Penalties for Noncompliance.

6           (A) If an owner fails to register a general advertising sign as required by subsection (a), or  
7 fails to file the information and current inventory required by subsection (b), or registers a sign that  
8 was unlawfully erected or modified without a required permit, or in the opinion of the Director files  
9 materially false information under subsection (b), the Director shall assess an administrative penalty of  
10 \$10,000 plus \$100 a day for each day that the sign remains in violation after the Department sends  
11 written notice of noncompliance.

12           (B) Failure to file the affidavit required by subsection (d) shall be deemed a rebuttable  
13 presumption that the owner is maintaining an illegally erected or illegally modified general advertising  
14 sign in the City and County of San Francisco. The Department shall assess an administrative penalty  
15 of \$10,000 plus \$100 a day for each day that no affidavit has been filed under subsection (d).

16           (C) The owner shall reimburse the City for all costs incurred, including attorneys' fees, in  
17 abating any violations of this Section 602.4 and collecting any unpaid fees.

18           (D) The owner of any general advertising sign not in compliance with all requirements of  
19 this Section 604.2 shall be prohibited from relocating any sign to a new location under Section 611 or  
20 other applicable section of this Code.

21           (E) The sign or signs shall be subject to all other abatement actions and penalties  
22 authorized by this Code or by California Outdoor Advertising Act or other State law.

23           (ii) Waiver of Penalties. The Director shall waive the penalties set forth in subsections (i)  
24 (A), (B) and (D) if the owner of the sign comes into full compliance with all provisions of the Municipal  
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1 Code regulating general advertising signs within a reasonable period of time as established by the  
2 Director. In no event shall the time for compliance established by the Director exceed six months.

3 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
4 358, to read as follows:

5 SEC. 358. GENERAL ADVERTISING SIGNS – ANNUAL FEE.

6 Initial Registration: \$400.00 for each sign more than 672 square feet  
7 \$200.00 for each sign 672 or less but more than  
8 300 square feet

9 \$100.00 for each sign 300 square feet or less

10 Annually for each sign: \$200.00 for each sign more than 672 square feet  
11 \$100.00 for each sign 672 or less but more than  
12 300 square feet

13 \$ 50.00 for each sign 300 square feet or less

14 Reduced fee under Section 604.2(g): \$100.00 for each sign more than 672 square feet  
15 \$ 50.00 for each sign 672 or less but more than  
16 300 square feet

17 \$ 25.00 for each sign 300 square feet or less

18 Increased fee under Section 604.2(h) \$400.00 for each sign more than 672 square feet  
19 \$200.00 for each sign 672 or less but more than  
20 300 square feet

21 \$200.00 for each sign 300 square feet or less

22 Section 4. The San Francisco Administrative Code is hereby amended by amending  
23 Section 10.100-166, to read as follows:

24 SEC. 10.100-166. PLANNING CODE ENFORCEMENT FUND.

1 (a) Establishment of Fund. The Planning Code Enforcement Fund is  
2 established as a category four fund to receive funds collected, pursuant to Section 610 of the  
3 Planning Code, for penalties and fees assessed for violations of regulations governing general  
4 advertising signs and for the fees collected pursuant to Sections 604.2 and 358 of the Planning Code.

5 (b) Use of Fund. Proceeds in the fund are to be expended as follows: (i)  
6 administration and enforcement of the Planning Code's sign regulations, including but not  
7 limited to funding Planning Department personnel assigned to work on administration and  
8 enforcement of sign regulations, and the services of the City Attorney; (ii) to the extent  
9 authorized by state law, penalties and fees collected by the City Attorney in any action to  
10 abate violations of the Planning Code's sign regulations shall be used to fund administration  
11 and enforcement of the sign regulations including the services of the City Attorney.

12 Section 5. SEVERABILITY. If any section, subsection, clause, phrase or portion of  
13 this ordinance is for any reason declared invalid or unconstitutional or ineffective by any court  
14 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of  
15 this ordinance or any part thereof. The Board of Supervisors hereby declares that it would  
16 have adopted this ordinance notwithstanding the unconstitutionality, invalidity, or  
17 ineffectiveness of any one or more of its sections, subsections, clauses, phrases or words.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_  
22 JUDITH A. BOYAJIAN  
23 Deputy City Attorney  
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