

1 [Signs and handbills.]

2

3 **Ordinance amending the Public Works Code by amending Sections 184.56, 184.57,**  
 4 **184.60, 184.64, 184.66, 184.70, 184.74, 184.75, and 184.78, adding Section 184.79, and**  
 5 **repealing Sections 184.58, 184.59, and 184.71, of Articles 5.6 and 5.7, to prohibit the**  
 6 **posting of signs on lamp posts and utility poles, amend the definition of Sign, remove**  
 7 **the requirement that persons register to distribute Handbills, remove certain**  
 8 **publication requirements, provide for a billing procedure and civil penalties for**  
 9 **depositing Handbills in violation of certain restrictions, requiring Handbills to be**  
 10 **placed on private property consistent with the Director’s rules, move the provision**  
 11 **listing historic lamp posts to the portion of the Code regulating banners, amend the**  
 12 **title to Article 5.6, and other related changes.**

13 Note: Additions are *single-underline italics Times New Roman*;  
 14 deletions are *strikethrough italics Times New Roman*.  
 15 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. The San Francisco Public Works Code is hereby amended by amending  
 18 Sections 184.56, 184.57, 184.60, 184.64, 184.66, 184.70, 184.74, 184.75, and 184.78 of  
 19 Articles 5.6 and 5.7, to read as follows:

20

21 SEC. 184.56. DEFINITIONS.

22 For the purposes of this Article:

23 ~~———— (a) ——— "Alley" means (1) a Street having a roadway not exceeding 25 feet in width~~  
 24 ~~which is primarily used for access to the rear or side entrances of abutting property or (2) any Street~~  
 25 ~~designated by ordinance or resolution of the Board of Supervisors as "alley."~~

1                    ~~(a)~~ ~~(b)~~ "Board" means the Board of Supervisors of the City.

2                    ~~(b)~~ ~~(c)~~ "City" means the City and County of San Francisco.

3                    ~~(d)~~ ~~\_\_\_\_\_~~ "Commercial Street" means that portion of a Street and the adjacent sidewalk  
4 ~~within one block of which 50 percent or more of front footage of private property on the ground floor of~~  
5 ~~the Street is used for a Commercial purpose. One block shall be measured from Street intersection to~~  
6 ~~Street intersection, but shall not include any Alley intersection.~~

7                    ~~(c)~~ ~~(e)~~ "Department" means the Department of Public Works of the City.

8                    ~~(d)~~ ~~(f)~~ "Director" means the Director ~~of the Department~~ of Public Works of the  
9 City. Director shall mean and include an officer or employee of the City designated to act on  
10 the Director's behalf.

11                    ~~(g)~~ ~~\_\_\_\_\_~~ "Emergency" means an unforeseen occurrence or combination of circumstances  
12 ~~which calls for an immediate action or remedy.~~

13                    ~~(e)~~ ~~(h)~~ "Lamp Post" means a post which supports or has attached to it an electric  
14 lamp or lantern, but shall not include a post to which a traffic control sign or signal is attached.

15                    ~~(i)~~ ~~\_\_\_\_\_~~ "Non-Commercial Street" means that portion of a Street and the adjacent  
16 ~~sidewalk within one block of which not more than 50 percent of front footage of private property on the~~  
17 ~~ground floor of the Street is used for a Commercial purpose. One block shall be measured from Street~~  
18 ~~intersection to Street intersection, but shall not include any Alley intersection. Property owned or~~  
19 ~~occupied by the City, the State of California, or the United States Government and used for a~~  
20 ~~government purpose shall be deemed Non-Commercial property for the purpose of this Article only.~~  
21 ~~Property located on the same side of the street and adjacent to property under the jurisdiction of the~~  
22 ~~Department of Recreation and Park shall be deemed Non-Commercial property for the purpose of this~~  
23 ~~Article only.~~

24                    ~~(f)~~ ~~(j)~~ "Person" means any individual person, firm, partnership, association,  
25 corporation, company, organization, society, group or legal entity of any kind.

1           ~~—— (k) ——~~ "Posting Date" means the date on which a Person intends to post a Sign. ~~In no~~  
2 ~~event shall the date be later than the date on which the Sign is actually posted.~~

3           ~~—— (l) ——~~ "Roadway" means that portion of a Street improved, designed or ordinarily used  
4 ~~for vehicular travel.~~

5           (g) ~~(m)~~ "Sign" means any card, decal, sticker, flier, decoration, ~~poster~~, campaign  
6 sign, poster or any object containing or bearing writing, drawing, painting, figures, designs or  
7 symbols that is affixed, posted or fastened in any manner to any property that is permanently  
8 attached to the public right-of-way. A Sign shall not include a Handbill, as that term is defined  
9 and regulated by Sections 184.69 to 184.77, inclusive, of this Code. A Sign shall also not  
10 include a banner which is regulated in Section 184.78 of this Code. A Sign shall also not  
11 include an A-board which is regulated in Sections 63 and 64 of Part II, Chapter VIII of the San  
12 Francisco Municipal Code (Police Code).

13           (h) ~~(n)~~ "Street" means a way or place of whatever nature, publicly maintained  
14 and open to the use of the public for purposes of vehicular travel, or property dedicated as a  
15 public street by action of the Board of Supervisors.

16           (i) ~~(o)~~ "Utility Pole" means a pole which carries or has attached to it a wire or  
17 wires used in connection with the Municipal Railway or telephone or electric lines, but shall  
18 not include any traffic control signal or sign

19           SEC. 184.57. SIGNS ON PUBLIC PROPERTY PROHIBITED; EXCEPTIONS.

20           (a) Findings. The Board hereby finds and declares: The City has a  
21 compelling need to prohibit the posting of Signs on public property in order to prevent the  
22 visual pollution caused by such Signs and the resulting contributions to urban blight.  
23 Moreover, the placement of Signs on public property causes damage to such property and,  
24 when Signs are placed on or near traffic or directional signs or similar objects, threatens the  
25 safety of vehicular and pedestrian traffic. ~~However, the Board is mindful of the importance of~~

1 ~~providing a forum for communication among citizens. While Lamp Posts and Utility Poles can provide~~  
2 ~~such a forum, unrestricted use of Signs would~~ and ~~interfere~~<sub>s</sub> ~~with the clear view of traffic safety~~  
3 ~~signs and signals by motorists and with the unobstructed use of public streets and sidewalks,~~  
4 ~~creates. In addition, unrestricted use of Lamp Posts and Utility Poles would permit the placement of~~  
5 ~~numerous Signs of widely ranging sizes and shapes which protrude beyond such poles, thereby creating~~  
6 ~~an aesthetically displeasing clutter of objects on and over public streets and sidewalks. For some~~  
7 ~~years, the City has allowed the posting of Signs on Lamp Posts and Utility Poles, a policy that has~~  
8 ~~resulted in increased visual blight, increased litter from signs not properly removed, and increased~~  
9 ~~risks to vehicular and pedestrian traffic. A change in policy is needed in order to~~ limitation on the  
10 ~~size, duration, and placement of Signs on Lamp Posts and Utility Poles will~~ eliminate unsightly  
11 clutter and litter, ensure traffic safety, avoid costs, and contribute to the well being of residents of  
12 and visitors to San Francisco, ~~and provide an opportunity for a greater number of Persons to~~  
13 ~~communicate by this means.~~

14 (b) Prohibited Acts. ~~Except as expressly provided in this Article, no~~ No Person,  
15 except a duly authorized public officer or employee, or a contractor with the City, the State of  
16 California, or the United States Government acting to promote the purposes of that contract,  
17 shall erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix any  
18 Sign, or cause or suffer the same to be done, on any ~~Lamp Post, Utility Pole,~~ traffic control sign  
19 or signal, curbstone, bench, hydrant, wall, span wire, sidewalk, bridge, tree, fence, building or  
20 structure owned or controlled by the City or on any Lamp Post or Utility Pole owned or controlled  
21 by the City or owned or controlled by another entity and maintained on a public street or right-of-way.

22 (c) ~~Exceptions for Non-Commercial Streets. Notwithstanding the provisions of~~  
23 ~~Subsection (b) of this Section, a Sign may be placed or maintained upon, or attached to, any Lamp Post~~  
24 ~~or Utility Pole on a Non-Commercial Street provided that the following regulations are adhered to:~~

25

1           ~~———— (1) — No more than one copy of any Sign (i.e. no duplicates) may be placed on a single~~  
2 ~~Lamp Post or a single Utility Pole at any time;~~

3           ~~———— (2) — The Sign shall be affixed to the Lamp Post or Utility Pole so that the shape of the~~  
4 ~~Sign conforms to the shape of the Lamp Post or Utility Pole to which it is attached, and no part shall~~  
5 ~~extend or be suspended beyond the face of the Lamp Post or Utility Pole;~~

6           ~~———— (3) — The Sign shall not be greater than 11 inches in height;~~

7           ~~———— (4) — The edge of the Sign which is farthest from the ground when posted shall be at a~~  
8 ~~height no greater than 12 feet from the ground;~~

9           ~~———— (5) — The Sign shall only be affixed with tape or non-adhesive materials, such as~~  
10 ~~string, twine or other non-metal banding material. The Sign shall not be affixed with staples, nails,~~  
11 ~~paste, glue, or any adhesive substance other than tape, nor affixed in a manner that causes damage to~~  
12 ~~the Lamp Post, Utility Pole, any structure, or any public property. The Sign shall be posted in a~~  
13 ~~fashion that ensures it is firmly secured to the Lamp Post or Utility Pole, is not loose, and does not pose~~  
14 ~~any hazard to pedestrians or vehicles;~~

15           ~~———— (6) — The Sign shall bear the Posting Date in the lower right hand corner, legible and~~  
16 ~~visible after the Sign is posted.~~

17           ~~———— (d) — Exceptions for Commercial Streets. Notwithstanding the provisions of~~  
18 ~~Subsection (b) of this Section, a Sign may be placed or maintained upon, or attached to, any Lamp Post~~  
19 ~~or Utility Pole on a Commercial Street, provided that the following regulations are adhered to:~~

20           ~~———— (1) — A Sign which is 11 inches in height or less must be posted in accordance with~~  
21 ~~Section 184.57(c);~~

22           ~~———— (2) — A Sign which is greater than 11 inches in height shall be posted as follows:~~

23           ~~———— (i) — The Sign shall not be greater than 2 feet by 4 feet;~~

24           ~~———— (ii) — The edge of the Sign which is closest to the ground when posted shall be at a~~  
25 ~~height no less than 8 feet;~~

1           ~~—— (iii) — The Sign shall not be affixed in a location that obstructs the view of any traffic~~  
2 ~~control sign or signal or overhangs a Street or Alley;~~

3           ~~—— (iv) — The Sign shall only be affixed with non-adhesive materials, such as string, twine~~  
4 ~~or other non-metal banding material. The Sign shall not be affixed with staples, nails, paste, glue, tape,~~  
5 ~~or any other adhesive substance, nor affixed in a manner that causes damage to the Lamp Post, Utility~~  
6 ~~Pole, any structure, or any public property. The Sign shall be posted in a fashion that ensures it is~~  
7 ~~firmly secured to the Lamp Post or Utility Pole, is not loose, and does not pose any hazard to~~  
8 ~~pedestrians or vehicles;~~

9           ~~—— (v) — The Sign shall bear the Posting Date in one-inch high figures in the lower right-~~  
10 ~~hand corner, legible and visible after the Sign is posted;~~

11           ~~—— (vi) — The Sign shall bear in the lower right hand corner, legible and visible after the~~  
12 ~~Sign is posted, the registration number as provided in Section 184.59 of this Article of the Person who~~  
13 ~~posted or caused the Sign to be posted and who shall be personally liable for the failure to remove the~~  
14 ~~Sign if posted in violation of this Ordinance.~~

15           ~~—— (e) — Posting Period. Every Person who has posted any Sign on any Lamp Post or~~  
16 ~~Utility Pole, or who has caused such posting, as permitted by Subsections (c) and (d) of this Section,~~  
17 ~~shall remove such Sign and any material used to affix the Sign within 70 calendar days of the Posting~~  
18 ~~Date. Provided, however, in no event shall any Sign posted for an event or an election remain posted~~  
19 ~~more than 10 calendar days after the event or the election.~~

20           ~~(f) (c)~~ Exclusions. The provisions of this Section shall not apply to:

21           (1) Signs placed or maintained by the United States Government, the State  
22 of California, any department of the City, or Signs posted under the authority of the San  
23 Francisco Department of Recreation and Park, the San Francisco Port Commission, or the  
24 Department;

1 (2) Any object placed or maintained upon, or in front of, or attached to, or  
2 above any building or premises, either wholly within the property lines or projecting beyond  
3 the property line over the public sidewalk, regulated by the provisions of Part II, Chapter I of  
4 the San Francisco Municipal Code (Building Code);

5 (3) Any object affixed pursuant to Part II, Chapter IV of the San Francisco  
6 Municipal Code (Planning Code);

7 (4) Any object placed on a Street or sidewalk pursuant to Section 63 of Part  
8 II, Chapter VIII of the San Francisco Municipal Code (Police Code) regulating the placement  
9 of A-boards;

10 (5) Any object placed on a Lamp Post or Utility Pole pursuant to Section  
11 184.78 of this Code regulating the display of banners;

12 (6) Any object distributed pursuant to Sections 184.69 to 184.77 inclusive, of  
13 this Code regulating the distribution of Handbills;

14 (7) The distribution of newspapers and other printed material from newsracks  
15 or pedestal mounts on public sidewalks;

16 (8) Signs posted on kiosks or pedestal mounts designed and maintained for  
17 the posting of Signs;

18 (9) Signs required or authorized by a provision of this Code or of any other state or  
19 local law.

20 SEC. 184.60. PROHIBITION ON DAMAGE.

21 No Person shall deface, mar, disfigure, or damage any traffic control sign or  
22 signal, curbstone, bench, hydrant, wall, span wire, sidewalk, bridge, fence, building or any  
23 other structure belonging to the City or any tree located ~~in~~ on any public property or place, by  
24 painting, cutting, scratching or breaking the same, or attaching, posting, or in any way affixing  
25 anything thereto.

1 SEC. 184.64. DEPARTMENTAL AUTHORITY TO REMOVE; BILLING PROCEDURE.

2 (a) The Department has authority to remove any Sign if it violates any provision of  
3 this Article. To the extent consistent with applicable federal and state law, the Department  
4 may remove any Sign posted in violation of the applicable provisions of federal or state law  
5 where the Sign is posted on property located in the City that immediately abuts or is on a Lamp Post  
6 ~~or Utility Pole on, immediately abutting, or~~ immediately adjacent to property which is under the  
7 jurisdiction of the United States Government or the State of California ~~and is located within the~~  
8 ~~City~~. The Department is authorized to take all necessary steps, including entering into  
9 contracts with the United States Government or the State of California, to remove these Signs  
10 ~~posted on a Lamp Post or Utility Pole on, immediately abutting, or immediately adjacent to property~~  
11 ~~which is under the jurisdiction of the United States Government or the State of California and is~~  
12 ~~located within the City~~. If the City incurs any expense in removing a Sign because it was  
13 posted in violation of this Article, the Person or Persons responsible for such posting as set  
14 forth in Section 184.65 of this Article may be billed as provided in Subsection (b) of this  
15 Section. If such bill is not paid as required by Subsection (b), the Person or Persons  
16 responsible for such posting are subject to payment of a civil penalty as provided in Section  
17 184.63 of this Article.

18 (b) Whenever an officer or employee of the City and County of San  
19 Francisco removes any Sign posted in violation of this Article, the Director may send a bill to  
20 the Person responsible for such posting for the cost of removal or for the repair of property  
21 damaged by such posting. Such bill shall include all costs, both direct and indirect, involved in  
22 removing Signs, in repairing property, and in administering the billing procedure. The amount  
23 to be billed for placing objects into the surface of trees is set forth in the San Francisco Urban  
24 Forestry Ordinance, which is codified as Part II, Chapter X, Article 16, Section 800 et seq. of  
25 the San Francisco Municipal Code (Public Works). The bill shall describe the basis for the



1 amount billed by indicating the number of signs posted illegally, the time necessary for  
2 removal, the hourly cost of removal, and other relevant information, including, but not limited  
3 to, the general locations from which the signs were removed and the dates and times on  
4 which the work was performed. The bill shall also specify a date by which the bill is to be  
5 paid, which date shall be not fewer than 10 business days after the bill is mailed. The person  
6 billed must pay the bill by the date specified. All payments received shall be deposited with  
7 the Treasurer to the credit of the "Sign Removal Fund" designated in Section 184.63 of this  
8 Article.

9 SEC. 184.66. PUBLICATION OF NOTICE.

10 The Director shall ~~publish a copy of this Article once in one or more newspapers of~~  
11 ~~general circulation,~~ post a copy of the Article on a bulletin board in or adjacent to the City Hall  
12 for a period of 90 calendar days after its passage, and prominently provide notice of this  
13 Article in any material made available to the public regarding the City's regulations of Signs.  
14 Further, the Director of Elections shall inform any Person who qualifies to be a candidate for a  
15 local office of this Article and shall make information about this Ordinance available to all other  
16 candidates and proponents of ballot measures.

17 The notice requirements of this Section are intended to enhance community awareness  
18 of the City's regulations of Signs. However, the notice requirements shall be given only  
19 directive effect. Accordingly, the failure of the Director or the Director of Elections to provide  
20 the notice required by this Section shall not be a defense in any criminal proceeding or civil  
21 action brought to enforce the provisions of this Article nor shall such failure relieve any Person  
22 of criminal or civil liability for postings that violate this Article. The notice requirements of this  
23 Section are not intended to change the effective date of the ordinance amending this Section or to delay  
24 enforcement of the ordinance during the posting period.

25

1 In undertaking enforcement of this Article, the City, including, but not limited to, the  
2 Department, is assuming an undertaking only to promote the general welfare. It is not assuming, nor it  
3 is imposing on its officers and employees, an obligation for breach of which it is liable in money  
4 damages to any Person who claims that such breach proximately caused injury. The obligation this  
5 Article imposes on City officials are intended to be directive only. The provisions of this Article shall  
6 not be invalidated to the extent City officials do not comply with any obligation imposed herein.

7 SEC. 184.70. DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES.

8 (a) Findings. The Board hereby finds and declares that the City has a  
9 compelling need to prohibit the distribution of Handbills on private premises where the  
10 occupant of that premises has expressed his or her unwillingness to receive such Handbills.  
11 Prohibiting distributions of Handbills in defiance of an occupant's expressed desire not to  
12 receive them strikes an appropriate accommodation between the rights of distributors to solicit  
13 willing listeners with the rights of occupants to object to receive the material.

14 This Ordinance is also aimed at decreasing the adverse effects of the  
15 distribution of unsolicited Handbills on private premises. The prohibition against delivering  
16 Handbills contrary to the expressed desire of the occupant and the requirement that Handbills  
17 be folded or otherwise attached to the outside of a premises will decrease the amount of litter  
18 created by Handbills. ~~A registration system will allow the City to identify distributors of Handbills~~  
19 ~~and thereby further enforcement of the provisions of this Article.~~

20 (b) Prohibition When "No Handbills" Sign Posted. It shall be unlawful for any  
21 Person to distribute, cause to be distributed, or suffer, allow or permit the distribution of any  
22 Handbill to or upon any private premises in the City by placing or causing any such Handbill to  
23 be deposited or placed in or upon any porch, yard, steps, hallway, or mailbox located on, or  
24 used in connection with such premises when such premises has posted thereon in a  
25 conspicuous place, a notice or notices of at least eight square inches in area bearing the

1 words "No Handbills" or the like, unless such Person has first received the written permission  
2 of the occupant of such premises authorizing the Person so to distribute.

3 (c) Method of Distribution. It shall be unlawful for any Person to distribute, cause to  
4 be distributed, or suffer, allow or permit the distribution of any Handbill to or upon any private  
5 premises in the City by placing or causing any such Handbill to be deposited or placed in or  
6 upon any porch, yard, steps, hallway, or mailbox located on, or used in connection with such  
7 premises unless the same is ~~folded or otherwise so prepared or placed, that it will not be blown~~  
8 ~~therefrom by the winds~~ prepared and placed in the manner set forth by the Director in rules,  
9 regulations, and/or interpretations adopted under the authority of Section 184.76 in order to prevent  
10 Handbills from being blown about by the winds from the locations where they are placed. Handbills  
11 distributed in violation of this Section 184.70(c) are hereby declared to be and are a public nuisance.

12 SEC. 184.74. INVESTIGATION BY DIRECTOR.

13 (a) The Director shall investigate, or cause to be investigated, all complaints  
14 made to the Department regarding the violation of any of the provisions of this Article and take  
15 such actions regarding any violation as is provided therein.

16 (b) The Director may send a bill to the Person responsible for failing to comply with  
17 the requirement set forth in Section 184.70(c). The bill shall include all costs, both direct and indirect,  
18 involved in picking up the Handbills and in administering the billing procedure. The bill shall describe  
19 the basis for the amount billed by indicating the number of Handbills that had to be picked up, the time  
20 necessary for removal, the hourly cost of removal, and other relevant information, including, but not  
21 limited to, the general locations from which the Handbills were removed and the dates and times on  
22 which the work was performed. The bill shall also specify a date by which the bill is to be paid, which  
23 date shall be not fewer than 10 business days after the bill is mailed. The person billed must pay the  
24 bill by the date specified.

1           (c) Any Person in violation of any provision of this Article and of failing to pay the amount  
2 billed such Person for such violation shall be liable for payment of a civil penalty in an amount equal  
3 to (1) the costs incurred by the City occasioned by the violation of Section 184.70 and (2) the costs to  
4 the City incurred in obtaining imposition of such civil penalties through litigation, including the cost of  
5 paying City employees or other persons to engage in the litigation, and (3) an additional amount equal  
6 to 50 percent of the total of (1) and (2) of this Subsection. As an alternative, the civil penalty  
7 authorized by this Section may be assessed by an administrative citation issued by Department of  
8 Public Works officials designated in Section 38 of the Police Code. Such administrative penalties shall  
9 be assessed, enforced and collected in accordance with Section 39-1 of the Police Code, and shall  
10 include the costs to the City incurred in obtaining the imposition of the penalty, including the cost of  
11 paying City employees to engage in the administrative process.

12           (d) All monies received by the City in connection with the billing and civil penalty  
13 procedures shall be used for by the Director for cleaning litter in the City.

14           (e) In any civil action or administrative proceeding seeking recovery of a civil penalty for  
15 any violation of Section 184.70, proof that the Handbill contains the name of or in any other manner  
16 identifies a Person shall give rise to a rebuttable presumption that the Person caused such Handbills to  
17 be distributed.

18           (f) In undertaking enforcement of this Article, the City, including, but not limited to,  
19 the Department, is assuming an undertaking only to promote the general welfare. It is not  
20 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
21 is liable in money damages to any Person who claims that such breach proximately caused  
22 injury. The obligations this Article imposes on City officials are intended to be directive only.  
23 The provisions of this Article shall not be invalidated to the extent City officials do not comply  
24 with any obligation imposed herein.

25           SEC. 184.75. PUBLICATION OF NOTICE.

1           The Director shall ~~publish a copy of this Article once in one or more newspapers of~~  
2 ~~general circulation,~~ post a copy of the Article on or near the front door of the Chamber of  
3 Commerce and on a bulletin board in or adjacent to the City Hall for a period of 90 calendar  
4 days after its passage, and prominently provide notice of this Article in any material made  
5 available to the public regarding the City's regulations of Handbills.

6           The notice requirements of this Section are intended to enhance community awareness  
7 of the City's regulations of Handbills. However, the notice requirements shall be given only  
8 directive effect. Accordingly, the failure of the Director to provide the notice required by this  
9 Section shall not be a defense in any criminal proceeding or civil action brought to enforce the  
10 provisions of this Article nor shall such failure relieve any Person of criminal or civil liability for  
11 Handbill distributions that violate this Article. The notice requirements of this Section are not  
12 intended to change the effective date of the ordinance amending this Section or to delay enforcement of  
13 the ordinance during the posting period.

14           SEC. 184.78. BANNERS.

15           (a) Subject to the conditions and limitations imposed by this Section, the  
16 Department is authorized to adopt rules and regulations governing the posting of banners  
17 consistent with the terms of this Article. In enacting such rules and regulations, the  
18 Department shall consider the need to protect the safety of pedestrians, vehicles and other  
19 property and the need to promote aesthetics on the City's streets and sidewalks. If the  
20 Department enacts rules and regulations that are based upon the content of the message in  
21 the banner, the Department must show that the rule or regulation is necessary to serve a  
22 compelling governmental interest; is narrowly tailored to achieve that end; and is the least  
23 restrictive means to further the articulated interest. If the Department enacts rules and  
24 regulations that are not based on the content of the message in the banner, the Department  
25

1 must show that the rule or regulation is narrowly tailored to serve a significant government  
2 interest and leaves open ample alternative channels of communication.

3 (b) No banner shall be affixed to more than one structure so that it spans the  
4 area between two or more structures or spans a street unless and until the party responsible  
5 for the posting of such banner first obtains a permit from the Department for the purpose of  
6 enabling that Department to ensure that the banner is posted in a safe manner and that the  
7 party has obtained adequate insurance coverage for any risk posed by such posting,  
8 according to guidelines established by the Director; and provided that, if any part of the  
9 banner is to be attached to non-City property, upon filing the permit application, the party shall  
10 be notified that the consent of the private owner should be obtained before posting the  
11 banner.

12 (c) Notwithstanding anything in this Code that may be to the contrary, the  
13 Director is authorized to permit the posting of banners on the historic lamp posts lining Market  
14 Street, an area known as the "Path of Gold," and more fully described in Section ~~184.58~~  
15 184.79, subject to the following conditions:

16 (1) The Director may issue a permit only for an event: (A) that results in the  
17 closure of all or a portion of Market Street's Path of Gold and (B) for which the event sponsor  
18 has already obtained the necessary City approvals for such closure; and

19 (2) Banners shall not be posted for longer than 30 days prior to the event,  
20 nor remain posted for longer than 10 days after the event.

21  
22 Section 2. The San Francisco Public Works Code is hereby amended by adding  
23 Section 184.79, to read as follows:

24 SEC. 184.79. HISTORIC AND DECORATIVE LAMP POSTS.

25

1           (a) Findings. The Board finds and declares that several Lamp Posts throughout the  
2 City are historic landmarks, are within historic districts, or are important aesthetic features of the City.  
3 Because of the historic and aesthetic significance of these Lamp Posts, the interest in maintaining a  
4 City which is attractive to its citizens and tourists, and promoting the health, safety, and welfare of the  
5 City's citizens, these Lamp Posts must be preserved and protected from destruction. Accordingly, the  
6 City has a compelling need to impose restrictions on the posting of banners on the following Lamp  
7 Posts:

8           (1) "Market Street's Path of Gold" located from 1 Market Street to 2490 Market  
9 Street. The pillars of these 33-foot high Lamp Posts were shaped to include historical subjects as  
10 decoration, including Native Americans on horseback and ox-drawn covered wagons pictured with a  
11 pioneer;

12           (2) "Mission Street Corridor" located on Mission Street between Sixteenth and  
13 Twenty-Fourth Streets. These Lamp Posts are maroon-painted with acorn-shaped luminaries, finial  
14 tops and twin lights at different heights;

15           (3) "Dragon Street Lanterns" located on Grant Street between Bush and Broadway  
16 Streets. These red-painted Chinese-style lanterns sit atop pillars which are ornately decorated with  
17 bronze dragons and painted aqua; the bases are painted red and white;

18           (4) Lamp Posts on the "Embarcadero" located between King and Jefferson Streets.  
19 There are three styles of Lamp Posts on the Embarcadero having decorative bases, painted green or  
20 slate blue, and with double tear-dropped-shaped lanterns and both double and single acorn-shaped  
21 lanterns;

22           (5) Lamp Posts on Fisherman's Wharf located between Hyde and Powell Streets.  
23 These Lamp Posts are painted slate blue, have decorative bases and single acorn-shaped lanterns;  
24  
25

1           (6) Lamp Posts adjacent to the Moscone Center on Howard Street between Third  
2 and Fourth Streets. These 10 Lamp Posts are bronze cobra-shaped light fixtures designed by  
3 JCDecaux Co., a French designer of street furniture and fixtures;

4           (7) Lamp Posts in Union Square Plaza, which is bounded by Geary Street to the  
5 south, Stockton Street to the east, Post Street to the north, and Powell Street to the west. These Lamp  
6 Posts are painted slate blue, have decorative bases and single acorn-shaped lanterns;

7           (8) Lamp Posts located on Mason Street from Market to Sutter Streets, Sutter from  
8 Mason to Kearny Streets, Kearny Street from Bush to Market Streets. These Lamp Posts are painted  
9 gray, have gold trim, and ornately decorative bases and double acorn-shaped lanterns.

10           (b) The Director shall maintain a complete and accurate list and map indicating the  
11 historic Lamp Posts covered by this Section and shall provide a copy of each upon request.

12  
13           Section 3. The San Francisco Public Works Code is hereby amended by repealing  
14 Sections 184.58, 184.59, and 184.71, as follows.

15           ~~SEC. 184.58. HISTORIC AND DECORATIVE LAMP POSTS.~~

16           ~~—— (a) Findings. The Board finds and declares that several Lamp Posts throughout the~~  
17 ~~City are historic landmarks, are within historic districts, or are important aesthetic features of the City.~~  
18 ~~Because of the historic and aesthetic significance of these Lamp Posts, the interest in maintaining a~~  
19 ~~City which is attractive to its citizens and tourists, and promoting the health, safety, and welfare of the~~  
20 ~~City's citizens, these Lamp Posts must be preserved and protected~~

21           ~~from destruction. The use of these ornate poles for the purpose of posting Signs may either~~  
22 ~~threaten the preservation of these landmarks or destroy an important aesthetic feature of the city.~~

23           ~~—— Accordingly, the City has a compelling need to prohibit the posting of Signs on the~~  
24 ~~following Lamp Posts:~~



1           ——— (1) —— *"Market Street's Path of Gold" located from 1 Market Street to 2490 Market*  
2 *Street. The pillars of these 33-foot high Lamp Posts were shaped to include historical subjects as*  
3 *decoration, including Native Americans on horseback and ox-drawn covered wagons pictured with a*  
4 *pioneer;*

5           ——— (2) —— *"Mission Street Corridor" located on Mission Street between Sixteenth and*  
6 *Twenty-Fourth Streets. These Lamp Posts are maroon-painted with acorn-shaped luminaries, finial*  
7 *tops and twin lights at different heights;*

8           ——— (3) —— *"Dragon Street Lanterns" located on Grant Street between Bush and Broadway*  
9 *Streets. These red-painted Chinese-style lanterns sit atop pillars which are ornately decorated with*  
10 *bronze dragons and painted aqua; the bases are painted red and white;*

11          ——— (4) —— *Lamp Posts on the "Embarcadero" located between King and Jefferson Streets.*  
12 *There are three styles of Lamp Posts on the Embarcadero having decorative bases, painted green or*  
13 *slate blue, and with double tear-dropped-shaped lanterns and both double and single acorn-shaped*  
14 *lanterns;*

15          ——— (5) —— *Lamp Posts on Fisherman's Wharf located between Hyde and Powell Streets.*  
16 *These Lamp Posts are painted slate blue, have decorative bases and single acorn-shaped lanterns;*

17          ——— (6) —— *Lamp Posts adjacent to the Moscone Center on Howard Street between Third*  
18 *and Fourth Streets. These 10 Lamp Posts are bronze cobra-shaped light fixtures designed by*  
19 *JCDecaux Co., a French designer of street furniture and fixtures;*

20          ——— (7) —— *Lamp Posts in Union Square Plaza, which is bounded by Geary Street to the*  
21 *south, Stockton Street to the east, Post Street to the north, and Powell Street to the west. These Lamp*  
22 *Posts are painted slate blue, have decorative bases and single acorn-shaped lanterns;*

23          ——— (8) —— *Lamp Posts located on Mason Street from Market to Sutter Streets, Sutter from*  
24 *Mason to Kearny Streets, Kearny Street from Bush to Market Streets. These Lamp Posts are painted*  
25 *gray, have gold trim, and ornately decorative bases and double acorn-shaped lanterns.*

1           ~~—— (b) —— Posting Signs Prohibited. Notwithstanding any other provision of law, no~~  
2 ~~Person, except a duly authorized public officer or employee or contractor with the City, the State of~~  
3 ~~California, or the United States Government acting to promote the purposes of that contract, shall~~  
4 ~~erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix, any Sign, or~~  
5 ~~cause or suffer the same to be done, on any of the following Lamp Posts:~~

6           ~~—— (1) —— "Market Street's Path of Gold" located from 1 Market Street to 2490 Market~~  
7 ~~Street;~~

8           ~~—— (2) —— "Mission Street Corridor" located on Mission Street between Sixteenth and~~  
9 ~~Twenty-Fourth Streets;~~

10          ~~—— (3) —— "Dragon Street Lanterns" located on Grant Street between Bush and Broadway~~  
11 ~~Streets;~~

12          ~~—— (4) —— Lamp Posts on the "Embarcadero" located between King and Jefferson Streets;~~

13          ~~—— (5) —— Lamp Posts on Fisherman's Wharf located between Hyde and Powell Streets;~~

14          ~~—— (6) —— Lamp Posts adjacent to the Moscone Center on Howard Street between Third~~  
15 ~~and Fourth Streets;~~

16          ~~—— (7) —— Lamp Posts in Union Square Plaza, which is bounded by Geary Street to the~~  
17 ~~south, Stockton Street to the east, Post Street to the north, and Powell Street to the west; and~~

18          ~~—— (8) —— Lamp Posts located on Mason Street from Market to Sutter Streets, Sutter from~~  
19 ~~Mason to Kearny Streets, Kearny Streets from Bush to Market Streets.~~

20          ~~—— (c) —— The Director shall maintain a complete and accurate list and map indicating the~~  
21 ~~historic Lamp Posts covered by this Section and shall provide a copy of each upon request.~~

22           ~~SEC. 184.59. REGISTRATION REQUIRED.~~

23          ~~—— (a) —— It shall be unlawful for any Person to post or cause to be posted any Sign which~~  
24 ~~is greater than 11 inches in height on any Lamp Post or Utility Pole on a Commercial Street in the City~~  
25 ~~unless such Person has complied with the provisions of this Section.~~

1           ~~———— (b) — Procedure to Obtain Registration Number. Any Person seeking to post or cause~~  
2 ~~to be posted any Sign which is greater than 11 inches in height on a Lamp Post or Utility Pole on a~~  
3 ~~Commercial Street in the City shall first apply to the Director for a registration number. The~~  
4 ~~application may be made by electronic means, including, but not limited to, telephone, facsimile, and e-~~  
5 ~~mail. In the application, the Person shall state: (1) the Person's name; (2) the Person's current street~~  
6 ~~address and current telephone number; (3) the name of the Person who is responsible for the posting of~~  
7 ~~the Signs and who shall be personally liable for any improper posting of the Signs; and (4) the~~  
8 ~~responsible Person's current street address and current telephone number. Upon receipt of the~~  
9 ~~application and payment of the fees provided in Subsection (e) of this Section, the Director shall~~  
10 ~~forthwith issue a registration number to the registrant. The registration number shall expire one year~~  
11 ~~after the date of issuance. Upon application by the registrant providing the information required in~~  
12 ~~this Section, the Director shall renew the registration for one year periods.~~

13           ~~———— (c) — Exception for Emergencies. Any Person who seeks to post any Sign for which~~  
14 ~~registration pursuant to the terms of this Section is required and which is in response to an Emergency,~~  
15 ~~as that term is defined in Section 184.56(g), may post the Sign before registering with the Director so~~  
16 ~~long as the Person registers and pays any applicable security deposit as required by Subsection (f) of~~  
17 ~~this Section within 72 hours of posting the Sign.~~

18           ~~———— (d) — Registration Number. Each Person who registers pursuant to the terms of this~~  
19 ~~Section shall be given a registration number and the registrant shall not directly, or through his or her~~  
20 ~~servants, agents or employees, post or suffer to be posted any Sign unless the words "Registration No.~~  
21 ~~————" (with the registration number designated by the Director inserted) are stamped in a legible~~  
22 ~~manner on each Sign.~~

23           ~~———— (e) — Registration Fees. The fee for obtaining a registration number pursuant to the~~  
24 ~~requirements of this Section shall be \$20.00. The fee for renewing a registration number pursuant to~~  
25 ~~the requirements of this Section shall be \$10.00. The Director shall waive these fees if the registrant~~

1 *files with the Director an affidavit signed under penalty of perjury declaring that the registrant's*  
2 *inability to pay the fee would prevent the registrant from posting the Sign(s).*

3 ~~—— (f) —— Security Deposit. Any person seeking to post or cause to be posted any Sign(s)~~  
4 ~~greater than 11 inches in height on a Lamp Post or Utility Pole on a Commercial Street in the City~~  
5 ~~shall post a security deposit with the Director prior to posting the Sign(s). The amount of the security~~  
6 ~~deposit shall be \$100 for posting 100 Signs or fewer, \$500 for posting more than 100 Signs but fewer~~  
7 ~~than 500 Signs, and \$1000 for posting 500 Signs or more. The Director shall waive this requirement if~~  
8 ~~the Person files with the Director an affidavit signed under penalty of perjury declaring that the~~  
9 ~~Person's inability to pay the fee would prevent the Person from posting the Sign(s). If a security~~  
10 ~~deposit was posted for any Sign(s) and the Person responsible for posting the Sign(s) removes all of the~~  
11 ~~Signs within the deadlines provided in Subsection (e) of Section 184.57, then the Director shall return~~  
12 ~~the entire security deposit to the Person who posted the security deposit. If a security deposit was~~  
13 ~~posted for any Sign(s) and the Person responsible for posting the Sign(s) fails to remove all of the Signs~~  
14 ~~within the deadlines provided in Subsection (e) of Section 184.57, then the Director may withhold from~~  
15 ~~the security deposit in order to reimburse the City its costs in removing the Sign(s).~~

16 ~~—— As an alternative to the posting of a security deposit, a Person who posts Signs requiring~~  
17 ~~registration pursuant to the terms of this Section on a regular basis may apply to the Director for~~  
18 ~~permission to post a performance bond, for an amount and in a form to be determined by the Director,~~  
19 ~~to secure performance by that Person of his or her obligations with respect to all purposes for which~~  
20 ~~the security deposit is required. The Director shall determine the amount of the bond based on the~~  
21 ~~Director's estimate of the amount of Signs the Person will post per year and shall set the amount so that~~  
22 ~~it covers the foreseeable removal costs of postings made by the Person. Where the Director determines~~  
23 ~~that the actual frequency and costs to the City of postings made by the Person posting the bond exceed~~  
24 ~~the Director's original estimates, upon 30 calendar days written notice, the Director may notify the~~  
25 ~~Person that authorization to post the bond shall be rescinded unless an increased bond is posted. Upon~~

1 ~~receiving advice from the City Risk Manager or for any other good reason, the Director may also~~  
2 ~~direct that the form of the bond be changed. Authorization to post bonds pursuant to this Subsection~~  
3 ~~may be terminated by the Director without cause upon 30 calendar days written notice.~~

4 (g) ~~Confidentiality. In order to protect the anonymity of speakers, the Director shall~~  
5 ~~protect the confidentiality of all information provided in any application for~~  
6 ~~permission to post Signs pursuant to this Section. The Director and his or her~~  
7 ~~staff may use that information only for the purpose of enforcing this Article.~~

8  
9 **SEC. 184.71. REGISTRATION REQUIRED.**

10 ~~(a) It shall be unlawful for any Person to distribute, cause to be distributed, or~~  
11 ~~suffer, allow or permit the distribution of any Handbill to or upon any private premises in the City by~~  
12 ~~placing or causing any such Handbill to be deposited or placed in or upon any porch, yard, steps,~~  
13 ~~hallway, or mailbox located on, or used in connection with such premises unless such Person has~~  
14 ~~complied with the provisions of this Section.~~

15 ~~(b) Procedure to Obtain Registration Number. Any Person seeking to distribute~~  
16 ~~Handbills upon private premises in the City shall first apply to the Director for a registration number.~~  
17 ~~The application may be made by electronic means, including, but not limited to, telephone, facsimile,~~  
18 ~~and e-mail. In the application, the Person shall state: (1) the Person's name; (2) the Person's current~~  
19 ~~street address and current telephone number; (3) the name of the Person responsible for the~~  
20 ~~distribution of the Handbills who shall be personally liable for improper distribution of the Handbills;~~  
21 ~~and (4) the responsible Person's current street address and current telephone number. Upon receipt of~~  
22 ~~the application and payment of the fees provided in Subsection (e) of this Section, the Director shall~~  
23 ~~forthwith issue a registration number to the registrant. The registration number shall expire one year~~  
24 ~~after the date of issuance. Upon application by the registrant providing the information required in~~  
25 ~~this Section, the Director shall renew the registration for one year periods.~~

1           ~~—— (c) — Exception for Emergencies. Any Person who seeks to distribute Handbills in~~  
2 ~~response to an Emergency, as that term is defined in Section 184.56(g), may distribute the Handbills~~  
3 ~~before registering with the Director so long as the Person registers within 72 hours of distributing the~~  
4 ~~Handbills.~~

5           ~~—— (d) — Distributor's Registration Number. Each Person who registers pursuant to the~~  
6 ~~terms of this Section shall be given a registration number and the registrant shall not directly, or~~  
7 ~~through his servants, agents or employees, distribute or suffer to be distributed any matter hereinbefore~~  
8 ~~referred to unless the words "Registration No. \_\_\_\_\_" (with the registration number designated by the~~  
9 ~~Director inserted) are stamped in a legible manner on each separate piece of said matter.~~

10           ~~—— (e) — Registration Fees. The fee for obtaining a registration number pursuant to the~~  
11 ~~requirements of this Section shall be \$20.00. The fee for renewing a registration number pursuant to~~  
12 ~~the requirements of this Section shall be \$10.00. The Director shall waive these fees if the registrant~~  
13 ~~files with the Director an affidavit signed under penalty of perjury declaring that the registrants~~  
14 ~~inability to pay the fee would prevent the registrant from distributing Handbills.~~

15           ~~—— (f) — Confidentiality. In order to protect the anonymity of speakers, the Director shall~~  
16 ~~protect the confidentiality of all information provided in any application for permission to distribute~~  
17 ~~Handbills pursuant to this Section. The Director and his or her staff may use that information only for~~  
18 ~~the purpose of enforcing this Article.~~

19  
20           Section 4. The San Francisco Public Works Code is hereby amended by amending the  
21 title of Article 5.6, to read as follows:

22  
23           ARTICLE 5.6: ~~POSTING OF SIGNS ON CITY OWNED~~

24                   ~~LAMP POSTS OR UTILITY POLES PROHIBITING SIGNS~~

25                           ~~ON PUBLIC PROPERTY~~

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

By: \_\_\_\_\_  
PAULA JESSON  
Deputy City Attorney