

1 [Administrative Code - Firearms - Prohibited Places]

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3 **Ordinance amending the Administrative Code to prohibit firearm possession, with**
4 **exceptions for designated concealed carry license holders, in childcare facilities, City**
5 **property, election facilities, medical facilities, and private parks and playgrounds, and**
6 **in places of worship and private commercial establishments unless the owner provides**
7 **express consent.**

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

12

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

14 Section 1. Findings.

15 On June 23, 2022, the U.S. Supreme Court issued its decision in *New York State Rifle*
16 *and Pistol Association v. Bruen*, 142 S.Ct. 2111 (2022), holding that requiring a person to
17 show "proper" or "good" cause to obtain a license to carry concealed weapons in public
18 places is unconstitutional. As such, laws that require that an individual have a justifiable need
19 to carry a handgun are no longer viable.

20 Importantly, however, the *Bruen* decision also recognized that individuals who are not
21 "law-abiding, responsible citizens" may be prohibited from carrying firearms in public and that
22 carrying of firearms in sensitive places can "be prohibited consistent with the Second
23 Amendment." This is consistent with the *Heller v. District of Columbia*, 554 U.S. 570 (2008),
24 which established that "laws forbidding the carrying of firearms in sensitive places such as
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1 schools and government buildings” are valid public safety regulations under the Second
2 Amendment.

3 Over the past several years, a wealth of empirical studies indicate that crime is higher
4 when more people carry firearms in public places. While the City and County of San Francisco
5 and the State of California and other states have decided to limit the places and conditions
6 under which residents may carry firearms, other states have decided to allow most people to
7 carry firearms in most public places. Those states have seen markedly higher crime rates.
8 According to one study, in the 33 states that adopted these “right-to-carry” laws, violent crime
9 was substantially higher—13 to 15 percent higher—10 years after the laws were adopted than
10 it would have been had those states not adopted those laws. That same study acknowledged
11 that crime had dropped in both “right-to-carry” states and other states over the past several
12 decades, but concluded that the violent crime reduction in states that did not adopt “right-to-
13 carry” laws was an order of magnitude higher than those that did—a 42.3 percent drop in
14 violent crime for states that did not adopt “right-to-carry” laws compared to just a 4.3 percent
15 drop for those that did.

16 Those studies overwhelmingly support the conclusion that carrying firearms in public
17 leads to an increase in crime: of the 35 social science studies looking at this issue since the
18 National Research Council issued its report in 2005, 23 found an increase in crime, 7 found
19 no effect, and 5 found a decrease in crime. A 2014 study from the Harvard Injury Control
20 Research Center concluded that a sizable majority of firearms researchers disagree with the
21 statement that the change in state-level concealed carry laws in the United States over the
22 past few decades from more restrictive to more permissive has reduced crime rates.

23 San Francisco Police Code Article 36C prohibits firearms at certain public gatherings.
24 The national and statewide statistical information available from numerous sources
25 overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached

1 alarming and thus unacceptable proportions since 2018, when the Board of Supervisors (the
2 “Board”) adopted Article 36C.

3 When the Article was codified, the Board found that “[t]he presence of concealed
4 firearms in crowds of people at large public gatherings has the potential to present public
5 safety risks associated with the accidental or intentional discharge of a weapon.”

6 The City has a substantial and continued interest in protecting people from those who
7 acquire guns illegally and use them to commit crimes resulting in injury or the death of their
8 victims. To address the potential consequences of widespread gun carrying, it is appropriate
9 to expand upon and clearly identify sensitive places where carrying a firearm is not
10 permissible.

11 Moreover, 75% of gun homicides nationwide affect Black and Latino men living in
12 historically disadvantaged neighborhoods.

13 Recent events throughout the City have generated additional fears of random usage of
14 guns to commit violence on unsuspecting residents, children and adults alike. Between 2020
15 and 2021, fatal and nonfatal shooting incidents rose by 33% and contributed to the majority of
16 the City’s homicides. Nationally, gun homicides increased by 37% in 2020 as compared to
17 2019.

18 The Board finds that crimes and injuries committed with a firearm are prevalent in San
19 Francisco, with local statistics showing a 36% increase in firearm-related incidents between
20 2018 and 2022. Total shooting incidents increased by 74% between 2018 and 2022, and total
21 gun violence homicides increased by 48% over the same period. In 2022, the San Francisco
22 Police Department seized 217 illegally privately manufactured firearms, aka Ghost Guns, a
23 334% increase from 2018.

24 Gun crimes in and around schools and on buses carrying students to and from school
25 have become increasingly common. Gun violence is now the leading cause of death for

1 children. Black children are five times more likely than white children to die from gun violence.
2 Between 2013 and 2019, there have been at least 549 incidents of gunfire on school grounds.
3 This resulted in 129 deaths and 270 people hurt. Between 2015 and 2022, over 19,000
4 people were killed or injured in mass shooting event.

5 The Board has authority over the management and control of City property, and it may
6 regulate, by ordinance, the manner in which members of the public access and use the
7 property.

8 Prohibiting the possession or sale of firearms and/or ammunition on City property will
9 promote the public health and safety by contributing to the reduction in the presence of
10 firearms and the potential for gunshot fatalities and injuries. It will increase the confidence of
11 members of the public that they are not at risk of injury from firearms when they seek to use
12 the property and facilities of the City. In particular, this Board finds that an enormous number
13 of the general public utilizes the parks, playgrounds and squares of San Francisco. Each year,
14 24 million visitors alone visit Golden Gate Park. A substantial number of those visitors are
15 children.

16 This Board finds that prohibiting the possession of firearms and ammunition on City
17 property will help to ensure the safety of the general public and specifically children who are
18 among the most vulnerable in our society.

19 The Board has compelling interests in protecting both individual rights and public
20 safety. The intent and purpose of this ordinance is to protect its residents' rights to keep and
21 bear arms while also protecting the public's health and safety by reducing the number of
22 people killed, injured, and traumatized by gun violence; protecting the exercise of other
23 fundamental rights, including the right to worship, attain an education, vote, and peaceably
24 assemble and demonstrate; and ensuring that law enforcement is able to effectively do its job.

25

1 While the United States Supreme Court has made clear that the Second Amendment
2 to the United States Constitution imposes some restrictions on states' ability to regulate
3 firearms, it has recognized that the Second Amendment to the United States Constitution is
4 not a "regulatory straightjacket." And when it comes to restrictions on carrying firearms in
5 public, the United States Supreme Court has recognized three times that states may restrict
6 the carrying of firearms in "sensitive places."

7 Broadly allowing individuals to carry firearms in most public areas increases the
8 number of people wounded and killed by gun violence. Among other things, pervasive
9 carrying increases the lethality of otherwise mundane situations, as we have seen shots fired
10 in connection with road rage, talking on a phone in a theater, playing loud music at a gas
11 station, a dispute over snow shoveling, and a dispute over the use of a disabled parking spot.
12 Importantly, in many of these incidents, the shooters held permits that allowed them to carry
13 firearms in public, meaning that they met the criteria necessary to secure a permit, which
14 often include a requirement that the person not previously have been convicted of a serious
15 crime.

16
17 Widespread carrying of firearms also impedes the exercise of other fundamental rights.
18 When firearms are present in public spaces, it makes those places less safe, which
19 discourages people from attending protests, going to school, peacefully worshiping, voting in
20 person, and enjoying other activities.

21 Widespread carrying can also affect the ability to learn in primary and secondary
22 schools. One study concluded that students exposed to school shootings have an increased
23 absence rate, are more likely to be chronically absent and repeat a grade in the two years
24 following the event, and suffer negative long-term impacts on high school graduation rates,
25 college enrollment and graduation, and future employment and earnings. Another study

1 looked at longer term consequences of school shootings, finding that exposure to shootings at
2 schools resulted in lower test scores, increased absenteeism, and increased subsequent
3 mortality for those students, and particularly boys, who are exposed to the highest-
4 victimization school shootings.

5 Widespread public carry also intimidates those who hope to peacefully worship. Places
6 of worship already experience serious incidents or threats of violence. According to one study,
7 the percentage of mass shootings motivated by religious hate escalated from one percent
8 between 1966 and 2000 to nine percent between 2000 to 2014 to 18 percent between 2018 to
9 February 2020. A review of the Federal Bureau of Investigation’s National Incident-Based
10 Reporting System data—which covers only 20 percent of the country’s population—from 2000
11 through 2016 found that 1,652 incidents of “serious violence” occurred at places of worship,
12 including aggravated assaults, shootings, stabbings, and bombings, with 57 percent involving
13 the use of a firearm. Extrapolating those figures to the entire country would suggest that there
14 are about 480 incidents of serious violence at places of worship in the United States each
15 year. Allowing more people to carry in places of worship threatens to make these incidents
16 more likely.

17 Allowing unlimited carrying of firearms impedes the exercise of other rights in the First
18 Amendment to the United States Constitution, including the right to protest and vote. In a
19 nationally representative survey, 60 percent responded that they would be “very unlikely” to
20 attend a protest if guns were present, whereas only seven percent said they would be “very
21 likely” to attend such a protest. Another study concluded that 16 percent of demonstrations
22 where firearms were present turned violent, as compared to less than three percent of
23 demonstrations where firearms were not present.

24 Overly permissive public carry laws also impede the ability of law enforcement to
25 ensure the public’s safety.

1
2 Section 2. The Police Code is hereby amended by revising Article 9, Section 617, to
3 read as follows:

4 **SEC. 617. PROHIBITION AGAINST ~~POSSESSION OR~~ SALE OF FIREARMS OR**
5 **AMMUNITION ON CITY PROPERTY; PROHIBITION AGAINST FIREARM POSSESSION IN**
6 **DESIGNATED PUBLIC AND PRIVATE PLACES CONTROLLED BY THE CITY AND COUNTY**
7 **OF SAN FRANCISCO.**

8 *A. Legislative Findings.*

9 *(1) The national and statewide statistical information available from numerous sources*
10 *overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached alarming*
11 *and thus, unacceptable proportions; and*

12 *(2) Government at all levels has a substantial interest in protecting the people from those who*
13 *acquire guns illegally and use them to commit crimes resulting in injury or death of their victims; and*

14 *(3) Recent events throughout the City and County have generated additional fears of random*
15 *usage of guns to commit violence on unsuspecting residents, children and adults alike; and*

16 *(4) The Board of Supervisors finds that crimes and injuries committed with the use of a firearm*
17 *are prevalent in San Francisco, with local statistics showing an increase in homicides by use of a gun*
18 *increasing from 39 gun homicides out of 63 total homicides in 2001, which is a 63 percent increase, to*
19 *68 gun homicides out of 85 total homicides in 2006, which is an 80 percent increase. Local statistics*
20 *also show that San Francisco Police Department has seized 1,158 guns in 2005, and 1,104 guns in*
21 *2006. In 2007, there have already been 25 gun homicides.*

22 *(5) In the City and County of San Francisco, the number of nonfatal injuries from guns has*
23 *steadily increased. While, in 2001, 81 patients were admitted to SF General Trauma Center for serious*
24 *injuries resulting from gun shots, the number of patients admitted for serious injuries rose to 228 by*
25

1 ~~2006. Similarly, the total number of shootings that resulted in nonfatal injuries documented by SFPD~~
2 ~~was 269 in 2005, 303 in 2006, and in 2007 this number has already reached 105 by May 10; and~~

3 ~~(6) Gun crimes in and around schools and on buses carrying students to and from school have~~
4 ~~become increasingly common; and~~

5 ~~(7) In 2003 and 2004, 52 percent of the City's gun violence victims were under the age of 25.~~

6 ~~(8) Homicides committed with handguns are the leading cause of firearms related injuries and~~
7 ~~death in California; and~~

8 ~~(9) The widespread availability of illegally obtained firearms has resulted in a significant rise~~
9 ~~in the number of shooting incidents across the County; and~~

10 ~~(10) The Board of Supervisors has authority over the management and control of City and~~
11 ~~County property, and it may regulate, by ordinance, the manner in which the property of the City and~~
12 ~~County is accessed and used by members of the public; and~~

13 ~~(11) Prohibiting the possession or sale of firearms and/or ammunition on City and County~~
14 ~~property will promote the public health and safety by contributing to the reduction in the presence of~~
15 ~~firearms and the potential for gunshot fatalities and injuries in the county. It will increase the~~
16 ~~confidence of members of the public that they are not at risk of injury from firearms when they seek to~~
17 ~~use the property and facilities of the City and County. In particular, this Board of Supervisors finds that~~
18 ~~an enormous number of the general public utilizes the parks, playgrounds and squares of San~~
19 ~~Francisco. This Board finds that prohibiting the possession or sale of firearms and ammunition on City~~
20 ~~and County property will help to ensure the safety of the general public and specifically children who~~
21 ~~are among the most vulnerable in our society; and~~

22 ~~(12) The California Supreme Court has ruled that State Law does not preempt local laws~~
23 ~~banning the possession and sale of firearms and ammunition on their property. In Nordyke v. King~~
24 ~~(2002) 27 Cal.4th 875, the Supreme Court upheld an Alameda County ordinance banning the~~
25 ~~possession of firearms and ammunition on county owned property and in Great Western v. County of~~

1 ~~Los Angeles (2002) 27 Cal.4th 853, the Supreme Court upheld a Los Angeles County Ordinance~~
2 ~~prohibiting all sales of firearms and ammunition on county property. These rulings uphold the legal~~
3 ~~ability of the Board of Supervisors to ban the possession and sale of firearms and ammunition on City~~
4 ~~and County property.~~

5 ~~B. Legislative Intent. With passage of this ordinance, the City and County seeks to ensure that~~
6 ~~its property and facilities are used in a manner consistent with promoting the health, safety and welfare~~
7 ~~of all of its residents.~~

8 ~~(a)C. Definitions.~~

9 ~~"Ammunition" means one or more loaded cartridges consisting of a primed case, propellant,~~
10 ~~and one or more projectiles. "Ammunition" includes any bullet, cartridge, magazine, clip, speed~~
11 ~~loader, autoloader, ammunition feeding device, or projectile capable of being fired from a firearm with~~
12 ~~a deadly consequence. "Ammunition" does not include blanks.~~

13 ~~"Childcare Facility" means any real property, including but not limited to a building, room, or~~
14 ~~parking area, under the control of a daycare, preschool, nursery school, after-school program, or other~~
15 ~~childcare provider. "Childcare Facility" does not include locations where Firearm possession is~~
16 ~~prohibited by Penal Code Section 626.9 or any successor State law.~~

17 ~~—(1) City and County Property.~~

18 ~~—(a) As used in this section, the term "City property" means real property, including~~
19 ~~any buildings thereon, owned ~~or~~, leased, or held in trust by the City and County of San~~
20 ~~Francisco and its agencies or departments (hereinafter, collectively "City"), and in the City's~~
21 ~~possession, or in the possession of a public or private entity under contract with the City to~~
22 ~~perform a public purpose including but not limited to the following property: recreational and park~~
23 ~~property including but not limited to Golden Gate Park, the San Francisco zoo, Hilltop Park and San~~
24 ~~Francisco's parks and playgrounds, plazas including but not limited to United Nations Plaza and~~

1 ~~Hallidie Plaza, community centers such as Ella Hill Hutch Community Center, and property of the~~
2 ~~Department of Recreations and Parks, the Port, and the Public Utilities Commission.~~

3 ~~——(b)2 The term "City property" does not include any "local public building" as~~
4 ~~defined in Penal Code Section Subsection 171b(c), where Firearm the state regulates possession~~
5 ~~is prohibited by of firearms pursuant to Penal Code Section 171b or any successor State law.~~

6 ~~——(c) The term "City property" also does not include the public right-of-way owned by~~
7 ~~the City and County of San Francisco including any area across, along, on, over, upon, and~~
8 ~~within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets, and~~
9 ~~ways within the City or any property owned by the City that is outside the territorial limits of the~~
10 ~~City and County of San Francisco.~~

11 ~~"Election Facility" means a location where a voter casts a ballot. "Election Facility" does not~~
12 ~~include locations where Firearm possession is prohibited by Elections Code Section 18544 or any~~
13 ~~successor State law.~~

14 ~~——(2) Firearms. As used in this section the term "Firearm" is means any gun, pistol,~~
15 ~~revolver, rifle, or any device, designed or modified to be used as a weapon, from which is~~
16 ~~expelled through a barrel a projectile by the force of an explosion or other form of combustion.~~
17 ~~"Firearm" does not include imitation firearms or BB guns and air rifles as defined in~~
18 ~~Government Penal Code Section 53071.516250 or any successor State law.~~

19 ~~(3) Ammunition. "Ammunition" is any ammunition as defined in California Penal Code~~
20 ~~Section 12316(b)(2).~~

21 ~~"Lock box" shall have the same meaning as defined in subdivision (y) of Section 4082 and~~
22 ~~subdivision (b) of Section 4094 of Title 11 of the California Code of Regulations, and shall be a firearm~~
23 ~~safety device, as defined in Penal Code Section 16540.~~

1 “Medical Facility” means a building, real property, and parking area under the control of a
2 public or private hospital or hospital affiliate, mental health facility, nursing home, medical office,
3 urgent care facility, or other place at which medical services are customarily provided.

4 “Parks and Playgrounds” means privately owned or leased outdoor space utilized for
5 children’s outdoor recreation.

6 “Place of Worship” means a church, synagogue, mosque, or other place of worship, including
7 any parking area immediately adjacent thereto, unless the operator of the place of worship clearly and
8 conspicuously posts a sign at the entrance of the building or on the premises indicating that concealed
9 carry license holders are permitted to carry Firearms on the property.

10 “Private Establishment” means a commercial establishment owned or operated by one or more
11 private persons or entities that is open to the public, unless the owner or operator of the establishment
12 clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that
13 concealed carry license holders are permitted to carry Firearms on the property. “Private
14 Establishment” does not include Childcare Facilities, Medical Facilities, or Parks and Playgrounds.

15 “Prohibited Places” means Childcare Facilities, City Property, Election Facilities, Medical
16 Facilities, Parks and Playgrounds, Places of Worship, and Private Establishments.

17 (b) ~~C. Possession or~~ **Sale of Firearms or Ammunition on ~~County~~ City Property**
18 **Prohibited.**

19 _____ No person shall:

20 ~~— (1) Bring onto or possess on county property a firearm, loaded or unloaded, or~~
21 ~~ammunition for a firearm.~~

22 ~~— (2) Sell on ~~county property~~ City Property a ~~Firearm~~firearm, loaded or unloaded, or~~
23 ~~Ammunition~~ammunition for a ~~Firearm~~firearm. This prohibition shall not apply to the following:

24 (1) The purchase or sale of a Firearm or Ammunition for a Firearm by a federal, state
25 or local law enforcement agency or by any other Federal, State or local governmental entity.

1 (2) The public administrator in the distribution of a private estate, or the sale of
2 Firearms by its auctioneer to fulfill its obligation under State law.

3 (3) The sale of Ammunition at a target range for use at the target range.

4 **(c) Possession of Firearms in Prohibited Places.**

5 No person shall knowingly possess a Firearm in a Prohibited Place. This prohibition shall not
6 apply to:

7 ~~D. Exceptions, Ban on Possession.~~

8 ~~Section (C) above shall not apply to the following:~~

9 (1) A peace officer, retired peace officer ~~or person assisting a peace officer~~ when
10 authorized to carry a concealed weapon, ~~under Penal Code Section 12027(a) or a loaded firearm~~
11 ~~under Penal Code Section 12031(b)(1)~~ and persons authorized to carry a concealed firearm under 18
12 U.S.C. 926B or 926C.

13 (2) Active members ~~Members~~ of the armed forces when on duty ~~or other~~
14 ~~organizations~~ and when authorized to carry a concealed weapon under Penal Code Section
15 ~~12027(e)25620~~ or a loaded ~~Firearm~~firearm under Penal Code Section ~~12031(b)(4)26000~~.

16 (3) Military or civil organizations carrying unloaded weapons while parading or
17 when going to and from their organizational meetings and when authorized to carry a
18 concealed weapon under Penal Code Section ~~12027(d)25625~~.

19 (4) Guards or messengers of common carriers, banks and other financial
20 institutions when authorized to carry a concealed weapon under Penal Code Section
21 ~~12027(e)25630~~ and armored vehicle guards when authorized to carry a loaded weapon under
22 Penal Code Section ~~12031(b)(7)26015~~.

23 (5) Persons who are at a target range.

1 ~~(6) Honorably retired Federal officers or agents of Federal law enforcement agencies~~
2 ~~when authorized to carry a concealed weapon under Penal Code Section 12027(i) or a loaded weapon~~
3 ~~under Penal Code Section 12031(b)(8).~~

4 (76) The public administrator in the distribution of a private estate or to the sale
5 of firearms by its auctioneer to fulfill its obligation under State Law.

6 (87) Patrol special police officers, animal control officers or zookeepers, and
7 harbor police officers, when authorized to carry a loaded Firearm~~firearm~~ under Penal Code
8 Section ~~12031(e)~~26025.

9 (98) A guard or messenger of a common carrier, bank or other financial
10 institution; a guard of a contract carrier operating an armored vehicle; a licensed private
11 investigator, patrol operator or alarm company operator; a uniformed security guard or night
12 watch person employed by a public agency; a uniformed security guard or uniformed alarm
13 agent; a uniformed employee of private patrol operator or private investigator when any of the
14 above are authorized to carry a loaded Firearm~~firearm~~ under Penal Code Section
15 ~~12031(d)~~26030.

16 (9) Any authorized participant in a motion picture, television or video production
17 or entertainment event when the participant lawfully uses an unloaded Firearm~~firearm~~ as part of
18 that production or event.

19 (10) The possession of a Firearm in a Private Establishment by, or with the permission
20 of, the owner, operator, or lessee of that Private Establishment.

21 (11) The possession of a Firearm by the owner or operator of a Childcare Facility in the
22 owner or operator's home if either (A) no child receiving child care at the home is present in the home
23 or (B) the Firearm in the home is unloaded, stored in a locked container, and stored separately from
24 Ammunition, when a child receiving child care at the home is present in the home so long as the
25 Childcare Facility notifies all clients in writing that there is a Firearm in the home.

1 (12) Carrying a Firearm while traveling along a public right-of-way that touches or
2 crosses a Prohibited Place if the Firearm is carried on the person or is being transported in a vehicle,
3 in accordance with all other applicable provisions of law.

4 (13) Carrying a Firearm into the parking area of a Prohibited Place, so long as the
5 Firearm is locked in a Lock Box, or transporting a Firearm in the immediate area surrounding the
6 holder's vehicle within the parking lot area of Prohibited Place only for the limited purpose of storing
7 or retrieving a Firearm within a locked Lock Box in the vehicle's trunk or other place inside the vehicle
8 that is out of plain view. This exception shall not apply to the parking areas of Childcare Facilities,
9 Medical Facilities, and Parks and Playgrounds.

10 (14) The possession of a firearm at a firearm buy-back event sponsored by a law
11 enforcement agency.

12 ~~E. Exception, Ban on Sale. Section C.(2)1 above shall not apply to the following:~~

13 ~~— (1) Purchase or sale of a firearm or ammunition for a firearm by a federal, state or local~~
14 ~~law enforcement agency or by any other Federal, State or local governmental entity.~~

15 ~~— (2) The public administrator in the distribution of a private estate or to the sale of firearms~~
16 ~~by its auctioneer to fulfill its obligation under state law.~~

17 ~~— (3) Sale of ammunition at a target range for use at the target range.~~

18 (d) Nothing in this Article 9, Section 617 shall prohibit the sale or possession of a Firearm
19 where prohibited by State law.

20 (e)F. **Penalty for Violation.** Any person who violates any of the provisions of
21 subsections ~~this Section~~ 617(e)3(b) and (c) above shall be deemed guilty of a misdemeanor and
22 upon conviction shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in the
23 county jail not to exceed six months, or by both.

24 (f) G. **Severability.** If any provision, clause or word of this Section or the application thereof
25 to any person or circumstance is held invalid, such invalidity shall not affect any other provision,

1 ~~clause, word or application of this Section which can be given effect without the invalid provision,~~
2 ~~clause or word, and to this end the provisions of this chapter are declared to be severable. If any~~
3 section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to
4 any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of
5 competent jurisdiction, such decision shall not affect the validity of the remaining portions or
6 applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this
7 ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared
8 invalid or unconstitutional without regard to whether any other portion of this ordinance or application
9 thereof would be subsequently declared invalid or unconstitutional.

10
11 Section 3. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

15
16 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the "Note" that appears under
21 the official title of the ordinance.

22
23 Section 5. Undertaking for the General Welfare. In enacting and implementing this
24 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
25 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it

1 is liable in money damages to any person who claims that such breach proximately caused
2 injury.

3 Section 6. No Conflict with Federal or State Law. Nothing in this ordinance shall be
4 interpreted or applied so as to create any requirement, power, or duty in conflict with any
5 federal or state law.

6

7 APPROVED AS TO FORM:
8 DAVID CHIU, City Attorney

8

9 By: /s/ Jana Clark
10 JANA CLARK
Deputy City Attorney

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