

1 [Various Codes - Nonsubstantive Clean-Up Ordinance]

2

3 **Ordinance amending the Administrative, Campaign and Governmental Conduct,**
4 **Environment, Health, Municipal Elections, Police, and Public Works Codes to make**
5 **nonsubstantive changes.**

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

10

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

12

13 Section 1. Statement of Purpose. The sole purpose of this ordinance is to make
14 nonsubstantive changes in miscellaneous provisions of the Municipal Code. These changes
15 include, among other things, correction of incorrect citations, renumbering and re-lettering of
16 certain sections and subsections, correction or deletion of typographical errors, deletion of
17 sunsetted provisions, and inclusion of clarifying language to supply previously omitted
18 headings or references. This ordinance is not intended to effect any change in the meaning of
19 any code provision or otherwise work any substantive change. This ordinance shall be
20 interpreted so as to effectuate the purposes stated in this Section 1.

21

22 Section 2. The Administrative Code is hereby amended by revising Chapter 2A, Article
23 XXIII, Section 2A.310, to read as follows:

24 **ARTICLE XXIII: OFFICE OF EARLY CARE AND EDUCATION**

25 **SEC. 2A.310. OFFICE OF EARLY CARE AND EDUCATION.**

1 * * * *

2 (b) Duties and Functions.

3 * * * *

4 (4) The OECE's Director or designee shall attend meetings of *the* Office of
5 Early Care and Education Citizens' Advisory Committee ("OECE CAC"), established by
6 Chapter 5, Article *XIII* of the Administrative Code, and the OECE shall provide staffing to
7 OECE CAC, including providing the OECE CAC with the information it requests.

8
9 Section 3. The Administrative Code is hereby amended by revising Chapter 5, Article
10 XIII, Section 5.121, to read as follows:

11 **ARTICLE XIII: OFFICE OF EARLY CARE AND EDUCATION CITIZENS' ADVISORY**
12 **COMMITTEE**

13 * * * *

14 **SEC. 5.121. PURPOSE.**

15 The OECE CAC shall make recommendations to the Office of Early Care and
16 Education ("OECE"), established by Chapter 2A, Article *XXIII* of the Administrative Code,
17 regarding the OECE's mission of providing early education for children ages zero to five in
18 San Francisco and other City departments involved in early education initiatives. The OECE
19 CAC shall also advise the OECE on developing a strategic plan and a proposal for expanding
20 high-quality early education in San Francisco, and offer expertise in the areas of policy,
21 planning, collaboration, and strategic partnerships.

22
23 Section 4. The Administrative Code is hereby amended by revising Chapter 6,
24 Sections 6.1 and 6.61, to read as follows:

25 **CHAPTER 6: PUBLIC WORKS CONTRACTING POLICIES AND PROCEDURES**

1 **ARTICLE I: GENERAL PROVISIONS**

2 * * * *

3 **SEC. 6.1. DEFINITIONS.**

4 * * * *

5 **Responsible.** A Bidder or Contractor who (1) meets the qualifying criteria required for
6 a particular project, including without limitation the expertise, experience, record of prior timely
7 performance, license, resources, bonding and insurance capability necessary to perform the
8 work under the Contract and (2) at all times deals in good faith with the City *and* submits bids,
9 estimates, invoices, claims, requests for equitable adjustments, requests for change orders,
10 requests for Contract modifications, or requests of any kind seeking compensation on a City
11 Contract only upon a good faith honest evaluation of the underlying circumstances and a good
12 faith, honest calculation of the amount sought.

13 * * * *

14
15 **ARTICLE IV: EXEMPTIONS FROM ARTICLES II AND III**

16 * * * *

17 **SEC. 6.61. DESIGN-BUILD.**

18 Design-build is an approach to the procurement of design and construction services,
19 whereby a single entity, known as the "Design-Builder," is retained to provide both
20 professional design services and general contractor services. Department Heads are
21 authorized to seek bids or proposals from qualified private entities ("Design-Builders") for
22 design-build construction and/or financing of Public Work projects under the following
23 conditions:

24 * * * *

1 (c) Best Value Procurement. If the project seeks private financing proposals and/or
2 the Department Head determines that it is in the public's best interest to consider
3 qualifications and/or other subjective criteria (e.g., quality of design proposal) as part of the
4 final selection process, the Department Head shall require that prospective proposers be pre-
5 qualified pursuant to the process in Section 6.61(a)(1) or shall issue a combined request for
6 qualifications and proposals inviting Design-Builders, or a combination of Design-Builders and
7 their Core Trade Subcontractors meeting specified minimum qualification criteria, to submit
8 design-build proposals, which will be evaluated based upon qualifications, stated subjective
9 criteria, and project and/or financing costs. The license and business tax requirements of
10 subsections 6.21(a)(6) and (8) shall apply to requests for proposals under this subsection
11 6.61(c).

12 (1) The Department Head shall designate a qualified panel to evaluate design-
13 build proposals and rank the proposals to determine which provides the overall best value to
14 the City. The non-cost evaluation criteria may include, but is not limited to the following: (A)
15 plan for expediency in completing the proposed project; (B) lifecycle cost to the City; (C)
16 qualifications to finance the proposed project; (D) quality of design proposal; (E) ~~(F)~~ if private
17 financing is sought, commitment of funds, cost of funds and terms to the City; and ~~(G)~~ other
18 criteria established by the Department Head in the request for proposals. The cost criterion
19 shall constitute not less than 40% of the overall evaluation.

20 * * * *

21

22 Section 5. The Administrative Code is hereby amended by revising Section 10.170-1,
23 to read as follows:

24 **SEC. 10.170-1. GRANT FUNDS – ACCEPTANCE AND EXPENDITURE.**

25 * * * *

1 (b) The acceptance and expenditure of federal, State, or other grant funds in the
2 amount of \$100,000 or more is subject to the approval by resolution of the Board of
3 Supervisors. If, as a condition of the grant, the City is required to provide any matching funds,
4 those funds shall be included in determining whether the grant meets the \$100,000 threshold.
5 This subsection *(b)* shall also apply to an increase in a grant where the increase, alone or in
6 combination with any other previous increases to that grant, would raise the cumulative total
7 amount of the grant to \$100,000 or more. The department, board, or commission requesting
8 approval shall submit the following documents to the Board prior to its consideration:

9 (1) A proposed resolution approving the acceptance and expenditure of grant
10 funds, or a proposed ordinance as required under subsection *(db)*, signed by the department
11 head, the Mayor or his or her designee, and the Controller;

12 * * * *

13 (e) **Recurring Grants.** Grants that provide funding to departments or programs of the
14 City and County in a recurring manner or continue funding from one year to the next shall be
15 included in the annual budget submission by the Department.

16 The Department budget submission shall also include a budget detail,
17 explanations, and substantiations of the grant funding. If it is not possible for the Department
18 to include recurring grant funds in its annual Department budget submission, the acceptance
19 and expenditure of a recurring grant shall follow the procedure set forth in ~~paragraph~~ subsection
20 *(ab)* of this Section.

21 * * * *

22 Section 6. The Administrative Code is hereby amended by revising Section 12B.2, to
23 read as follows:

24 **SEC. 12B.2. NONDISCRIMINATION PROVISIONS.**

1 Every contract and property contract for or on behalf of the City shall incorporate by
2 reference and require the contractor to comply with the provisions of Section 12B.2. In
3 addition, all contractors must incorporate by reference in all subcontracts and require
4 subcontractors to comply with the requirements set forth in this Sections ~~12B.2(a) and 12B.2(e)~~
5 ~~through 12B.2(k)~~ 12B.2, and failure to do so shall constitute a material breach of contract.

6 * * * *

7 (c) The contractor or subcontractor shall provide reasonable accommodation for
8 qualified disabled applicants for employment and for qualified disabled employees. Said
9 contractor or subcontractor need not provide reasonable accommodation if such would
10 present an undue hardship. An undue hardship may include but not be limited to more than a
11 *de minimus-minimis* cost, violation of the seniority rights of other co-workers as established by
12 a bona fide seniority system, or a health or safety risk to the employee or co-employees. The
13 burden of establishing an undue hardship rests on the employer.

14 * * * *

15
16 Section 7. The Administrative Code is hereby amended by revising Section 14.4, to
17 read as follows:

18 **SEC. 14.4. ADMINISTRATION AND ENFORCEMENT.**

19 * * * *

20 (e) (1) OLSE shall enforce the obligations of Covered Employers under this Chapter
21 14, including requiring restitution to employees where appropriate, and shall impose
22 administrative penalties on Covered Employers who fail to make Required Health Care
23 Expenditures on behalf of their Covered Employees within five business days of the quarterly
24 due date. Failure to make a Required Health Care Expenditure shall include making a
25 purported expenditure that OLSE determines is not reasonably calculated to benefit the

1 employee. The amount of the penalty shall be up to one-and-one-half times the total
2 expenditures that a Covered Employer failed to make, but in any event the total penalty for
3 this violation shall not exceed \$100 for each Covered Employee for each quarter that the
4 required expenditures were not made within five business days of the quarterly due date.

5 (2) For other violations of this Chapter by Employers and Covered Employers, the
6 maximum administrative penalties shall be as follows: For refusing to allow access to
7 records, pursuant to Section 14.3(f), ~~\$25-00~~ as to each worker whose records are in issue for
8 each day that the violation occurs; for the failure to maintain or retain accurate and adequate
9 records pursuant to Section 14.3(f) and for the failure to make the annual reports of
10 information required by OLSE pursuant to Sections 14.3(f) and 14.3(g), ~~\$500-00~~ for each
11 quarter that the violation occurs; for violation of Section 14.4(~~ds~~) (retaliation), ~~\$100-00~~ as to
12 each Person who is the target of the prohibited action for each day that the violation occurs;
13 and for any other violation not specified in this subsection (e)(2), ~~\$25-00~~ per day for each day
14 that the violation occurs.

15
16 Section 8. The Administrative Code is hereby amended by revising Section 20.1504,
17 to read as follows:

18 **SEC. 20.1504. SUNSET PROVISION.**

19 This Article XV shall expire by operation of law three years after the effective date of ~~the~~
20 ~~Ordinance~~ No. 74-16 creating the Article. Upon expiration of the Article, the City Attorney shall
21 cause it to be removed from the ~~Health~~Administrative Code.

22
23 Section 9. The Administrative Code is hereby amended by revising Section 37.9A, to
24 read as follows:

1 **SEC. 37.9A. TENANT RIGHTS IN CERTAIN DISPLACEMENTS UNDER SECTION**
2 **37.9(a)(13).**

3 * * * *

4 **(e) Relocation Payments to Tenants.**

5 * * * *

6 (3) On or After February 20, 2005. Where a landlord seeks eviction based upon
7 Section 37.9(a)(13), and the notice of intent to withdraw rental units is filed with the Board on
8 or after February 20, 2005, relocation payments shall be paid to the tenants as follows:

9 (A) Subject to Subsections 37.9A(e)(3)(B), (C), and (D) below, each
10 tenant shall be entitled to receive \$4,500.00, one-half of which shall be paid at the time of the
11 service of the notice of termination of tenancy, and one-half of which shall be paid when the
12 tenant vacates the unit;

13 * * * *

14 (E) (i) Notwithstanding Subsections 37.9A(e)(3)(A)-(D), as of June 1,
15 2014, each tenant shall be entitled to a relocation payment equal to the greater of:

- 16 a. the payment specified in Subsections 37.9A(e)(3)(A)-(D); or
17 b. the relocation payment calculated in accordance with Subsection
18 37.9A(e)(3)(E)(iii) below based on the Rental Payment Differential as described in Subsection
19 37.9A(e)(3)(E)(ii) below.

20 (ii) The Rental Payment Differential is an amount equal to the
21 difference between the unit's monthly rental rate at the time the landlord files the notice of
22 intent to withdraw rental units with the Board, and the monthly market rental rate for a unit in
23 San Francisco as determined by the Controller's Office, based on data on the San Francisco
24 rental market acquired from a publication or posting of RealFacts or another analysis or
25 analyses of the San Francisco rental market providing a reliable measure of average market

1 rental rates in San Francisco for the immediately prior calendar year, and if that year's data is
2 unavailable, data for the most recent prior calendar year that is available. The Controller shall
3 establish a San Francisco Rental Payment Differential Report within five business days of the
4 effective date of the ordinance amending this subsection (E) (Ordinance No. 68-15), and
5 thereafter by March 1 of each calendar year. The Controller shall provide such Report to the
6 Rent Board, which shall make the Report publicly available on the Rent Board's website and
7 at the Rent Board office. In determining annual changes in the rental market, the Controller
8 shall rely on market data that reasonably reflects a representative sample of rental apartments
9 in San Francisco. For a Rental Payment Differential based on RealFacts data, rental rates
10 shall be determined as follows:

11 * * * *

12

13 Section 10. The Administrative Code is hereby amended by revising Section 67.29-5,
14 to read as follows:

15 **SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.**

16 * * * *

17 (c) At any meeting or event with ten or fewer attendees, officials subject to subsection
18 (a) of this Section 67.29-5 shall attempt to identify names of attendees present, and the
19 organizations they represent; provided that an official shall not require any attendees to
20 identify themselves, unless the official is aware that those attendees are campaign
21 consultants registered with the Ethics Commission under Campaign and Governmental
22 Conduct Code Article I, Chapter 5; lobbyists registered with the Ethics Commission under
23 Campaign and Governmental Conduct Code Article II, Chapter 12; permit consultants
24 registered with the Ethics Commission under Campaign and Governmental Conduct Code
25 Article III, Chapter 4; Developers of Major Projects, as defined in Campaign and

1 Governmental Conduct Code Section 3.510, if the Major Project is discussed at the meeting
2 or event; and employees or representatives of any entity that has received a grant from or
3 entered a contract with any City department within the previous 12 months. The official has no
4 duty to ascertain whether any attendees fall into these categories. Within three business days
5 after a meeting or event subject to this subsection (c), the official shall update the daily
6 calendar to include the names of the attendees and organizations identified by or known to
7 the official.

8 * * * *

9
10 Section 11. The Administrative Code is hereby amended by revising Section 96A.6, to
11 read as follows:

12 **SEC. 96A.6. SEVERABILITY.**

13 If any section, subsection, sentence, clause, phrase, or word of this Chapter 96A, or
14 any application thereof to any person or circumstance, is held to be invalid or unconstitutional
15 by a decision of a court of competent jurisdiction, such decision shall not affect the validity of
16 the remaining portions or applications of the ~~Chapter~~*Article*. The Board of Supervisors hereby
17 declares that it would have passed this Chapter and each and every section, subsection,
18 sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to
19 whether any other portion of this Chapter or application thereof would be subsequently
20 declared invalid or unconstitutional.

21
22 Section 12. The Administrative Code is hereby amended by revising Section 98.1, to
23 read as follows:

24 **SEC. 98.1. BETTER STREETS POLICY; GOVERNING PRINCIPLES;**
25 **COORDINATION OF DEPARTMENTAL ACTIONS.**

1 (a) The Better Streets Policy is an official policy of the City and County of San
2 Francisco and shall read as follows: Design City streets in keeping with the Urban Design
3 Element of the City's General Plan; the City's Transit-First Policy; best practices in
4 environmental planning and pedestrian-oriented, multi-modal street design, including the
5 design guidelines set forth in the National Association of City Transportation Officials
6 (NACTO) Urban Street Design Guide (2013) and the NACTO Urban Bikeway Design Guide
7 (2014), and any subsequent editions of these Guides; and incorporation of sustainable water
8 management techniques to ensure continued quality of life, economic well-being, and
9 environmental health in San Francisco.

10 * * * *

11
12 Section 13. The Administrative Code is hereby amended by revising Section 102.5, to
13 read as follows:

14 **SEC. 102.5. GOVERNANCE.**

15 * * * *

16 (b) The Mayor shall appoint the initial members of the Council by June 30, 2015. The
17 Mayor shall invite the Superintendent to nominate the initial School District members by May
18 30, 2015. Groups given the authority to recommend public members as provided in Section
19 102.4 shall make their initial recommendations by May 30, 2015. The Mayor shall make the
20 appointment process as open and transparent as possible.

21
22 Section 14. The Administrative Code is hereby amended by revising Section 116.5, to
23 read as follows:

24 **SEC. 116.5. PLANNING DEPARTMENT NOTIFICATION TO PROJECT SPONSORS**
25 **AND ACCEPTANCE OF DEVELOPMENT PERMITS.**

1 * * * *

2 (c) For any application for a Development Permit submitted after the effective date of
3 this Chapter 116, the Planning Department will not consider an application for a Development
4 Permit to be complete until the following has occurred:

5 * * * *

6 (2) pursuant to Section 116.7, the Entertainment Commission has provided written
7 comments and recommendations, if any, or the time provided in ~~this~~ Section 116.7 for doing
8 so has elapsed.

9
10 Section 15. The Campaign and Governmental Conduct Code is hereby amended by
11 revising Section 3.400, to read as follows:

12 **SEC. 3.4004. FINDINGS.**

13 The Board of Supervisors finds that bringing greater transparency to the City and
14 County's permitting process is essential to protect public confidence in the fairness and
15 impartiality of that process. It is the purpose and intent of this Chapter 4 to impose reasonable
16 disclosure requirements on permit consultants to provide the public with information about
17 who is paying the consultants, the permits they are getting paid to obtain, the City employees
18 with whom they have had contact in the course of obtaining the permits, and the political
19 contributions they have made to City officials.

20
21 Section 16. The Environment Code is hereby amended by revising Section 1702, to
22 read as follows:

23 **SEC. 1702. DEFINITIONS.**

24 For the purposes of this Ordinance, the following words shall have the following
25 meanings:

1 * * * *

2 (j) "Reusable Bag" means a Checkout Bag with handles that is specifically designed
3 and manufactured for multiple reuse and meets all of the following requirements:

4 (1) Has a minimum lifetime capability of 125 or more uses carrying 22 or more
5 pounds over a distance of at least 175 feet;

6 (2) Is capable of being washed so as to be cleaned and disinfected at least 100
7 times;

8 (3) If made of plastic, is at least 2.25 mils thick;

9 (4) Meets the standards *for regulated packaging in* the California Toxics in
10 Packaging Prevention Act (Cal. Health & Safety Code §§ 25214.~~1311-25214.26~~), as amended,
11 or any successor legislation;

12 (5) Meets any standards for minimum recycled content established by regulation
13 adopted by the Department after a public hearing and at least 60 days' notice, based upon
14 environmental benefit and market availability.

15 (6) Garment bags that meet the above criteria shall be considered reusable even
16 if they do not have handles.

17 * * * *

18
19 Section 17. The Health Code is hereby amended by revising Sections 19H.10, 19H.15,
20 and 19H.16, to read as follows:

21 **SEC. 19H.10. CONDUCT VIOLATING HEALTH CODE ARTICLE 19D**
22 **(REGULATING CIGARETTE VENDING MACHINES).**

23 (a) Upon a decision by the Director that the Permittee or the *Permittee's* agent or
24 employee has engaged in any conduct that violates Health Code Article 19D (regulating
25 cigarette vending machines), the Director may suspend a Tobacco Sales permit as set forth in

1 Section 19H.19, impose administrative penalties as set forth in Section 19H.20, or both
2 suspend the permit and impose administrative penalties.

3 * * * *

4 **SEC. 19H.15. CONDUCT VIOLATING CALIFORNIA LABOR CODE SECTION**
5 **6404.5 (PROHIBITING SMOKING IN ENCLOSED PLACES OF EMPLOYMENT).**

6 (a) Upon a decision by the Director that the Permittee or the Permittee's agent or
7 employee has engaged in any conduct that violates California Labor Code section 6404.5
8 (prohibiting smoking in enclosed places of employment), the Director may suspend a
9 ~~T~~obacco ~~S~~ales permit as set forth in Section 19H.19.

10 * * * *

11 **SEC. 19H.16. FRAUDULENT PERMIT APPLICATIONS.**

12 (a) Upon a decision by the Director that the Permittee or the Permittee's agent or
13 employee has obtained a ~~T~~obacco ~~S~~ales permit from the Department by fraudulent or willful
14 misrepresentation, the Director may suspend a Tobacco Sales permit as set forth in Section
15 19H.19.

16 * * * *

17
18 Section 18. The Health Code is hereby amended by revising Section 29.47 to add a
19 title, to read as follows:

20 **SEC. 29.47. VIOLATIONS AND CRIMINAL PENALTIES.**

21 * * * *

22
23 Section 19. The Health Code is hereby amended by revising Section 3809, to read as
24 follows:

25 **SEC. 3809. RULES AND REGULATIONS.**

1 (a) Within 90 days after the effective date of Ordinance No. 224-14, amending Article
2 38, the Director shall issue Rules and Regulations necessary to effectuate the purposes of
3 this Article and to protect public health and safety. Any person or entity as defined in Section
4 3805 shall comply with this Article, the Rules and Regulations, and all applicable local, state,
5 and federal laws.

6 * * * *

7
8 Section 20. The Health Code is hereby amended by revising Section 4116, to read as
9 follows:

10 **SEC. 4116. REFERRED INDIVIDUAL'S RIGHTS.**

11 * * * *

12 (c) During each 60-day period of AOT, the Referred Individual may file a habeas
13 corpus petition to require the Director, or the Director's designee, to prove that the Referred
14 Individual still meets all the criteria for AOT, as set forth in Section 4113~~5~~(b).

15 * * * *

16 (h) Every 60 days, the Director, or Director's designee must file an affidavit with the
17 court affirming that the Referred Individual continues to meet the criteria for AOT, as set forth
18 in Section 4113~~5~~(b). If the Referred Individual disagrees with this affidavit, he or she shall
19 have the right to a hearing, at which the Director shall have the burden of proving that the
20 Referred Individual continues to meet the criteria for AOT.

21 * * * *

22
23 Section 21. The Municipal Elections Code is hereby amended by revising Section 545,
24 to read as follows:
25

1 **SEC. 545. PROPONENT'S AND OPPONENT'S ARGUMENTS; SELECTION IF**
2 **MORE THAN ONE SUBMITTED.**

3 * * * *

4 (b) If more than one argument is submitted for or against a measure at any given
5 level of priority as specified in subsection (a) and no argument entitled to higher priority is
6 submitted, the Director of Elections shall select the proponent's or opponent's argument by lot
7 from among all arguments at the highest level of priority. A Person's name shall not be *not be*
8 listed as an Author on more than one ballot argument per measure that is submitted for
9 selection as either the opponent's argument or proponent's argument.

10
11 Section 22. The Police Code is hereby amended by repealing Section 163, as follows:

12 ~~**SEC. 163. PENALTY.**~~

13 ~~*Any person violating any of the provisions of Section 162 of this Article shall be guilty of a*~~
14 ~~*misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than \$100 and not*~~
15 ~~*more than \$500, or by imprisonment in the County Jail for a term of not more than six months, or by*~~
16 ~~*both such fine and imprisonment.*~~

17
18 Section 23. The Public Works Code is hereby amended by revising Section 723.2, to
19 read as follows:

20 **SEC. 723.2. MINOR SIDEWALK ENCROACHMENTS.**

21 * * * *

22 (e) Each permit issued under the provisions of this Section 723.2 shall not become
23 effective until the permit has been signed by the owner or the owner's authorized agent and a
24 copy thereof has been recorded in the office of the Recorder of the City and County of San
25

1 Francisco. Within 15 days following the approval, denial, or revocation of a permit by the
2 Director, any person may file a notice of appeal as follows:

3 (1) Appeals of the revocation or denial of a permit issued by the Director for the
4 following encroachments that impede or otherwise impact the Central Subway Corridor, as
5 defined in Section 723.3(a)(3) of this Code; subsidewalk encroachments below the public
6 right-of-way or other encroachments in, on, and/or below the public right-of-way may be
7 appealed to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of
8 Supervisors.

9 * * * *

10

11 Section 24. The Public Works Code is hereby amended by revising Section 792, to
12 read as follows:

13 **SEC. 792. STREET PLAZAS.**

14 * * * *

15 (~~f~~e) Violation of Permit or Regulations; Penalties.

16 (1) If any person has occupied a Street Plaza in violation of these regulations or
17 those that the DPW Director has adopted, the DPW Director or his designee or agent shall
18 immediately order the violator to vacate the occupied area or abate the violation. Should the
19 violation not be corrected as ordered, the Permittee or person shall be subject to the actions
20 and penalties set forth below for each violation.

21 (A) Criminal Penalty.

22 (i) Any person who shall violate any of the provisions of these
23 regulations shall be guilty of an infraction. Every violation determined to be an infraction is
24 punishable by (a) a fine not exceeding \$100 for the first violation within one year; (b) a fine not
25 exceeding \$200 for a second violation within one year from the date of the first violation; (c) a

1 fine not exceeding \$500 for the third and each additional violation within one year from the
2 date of the first violation.

3 (ii) When a government official authorized to enforce this Section 792
4 has reasonable cause to believe that any person has committed an infraction in the official's
5 presence that is a violation of this Section, the official may issue a citation to that person
6 pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

7 (B) Administrative Penalty. In the alternative to the criminal penalty authorized
8 by Subsection ~~(f)~~(1)(A) of this Section 792, Department of Public Works officials designated
9 in Section 38 of the Police Code may issue administrative citations for violations of these
10 regulations. The administrative penalty shall not exceed \$300 per day for each violation. Such
11 penalty shall be assessed, enforced, and collected in accordance with Section 39-1 of the
12 Police Code.

13 * * * *

14 (g) Regulations and Orders. The Director may adopt such orders, policies, regulations,
15 rules, or standard plans and specifications as he or she deems necessary ~~in order~~ to preserve
16 and maintain the public health, safety, welfare, and convenience ("Regulations"). Such
17 Regulations may include, but are not limited to, permit application materials, placement of and
18 information contained on signs, site conditions, accessibility of sidewalks and streets. When
19 such Regulations may affect the operations and enforcement of the Municipal Transportation
20 Agency, the Director of the Department of Public Works shall consult with and provide an
21 opportunity to comment to the General Manager of the Municipal Transportation Agency prior
22 to adoption of such Regulations.

23
24 Section 25. The Public Works Code is hereby amended by revising the title of Section
25 1510, to read as follows:

1 **SEC. 1510. RECREATION AND PARK DEPARTMENT REVIEW OF A ~~TIER~~ TIER C**
2 **PERSONAL WIRELESS SERVICE FACILITY SITE PERMIT APPLICATION.**

3 * * * *

4
5 Section 26. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.

9
10 Section 27. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the "Note" that appears under
15 the official title of the ordinance.

16
17 **APPROVED AS TO FORM:**
18 **DENNIS J. HERRERA, City Attorney**

19 By:

20 _____
21 **PAUL ZAREFSKY**
22 **Deputy City Attorney**

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