

1 [Regulating Signs, Handbills, Banners]

2 AMENDING PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE
3 (POLICE CODE) BY REPEALING ARTICLE X, SECTIONS 675 TO 679, INCLUSIVE, AND
4 685 AND ARTICLE XIV, SECTIONS 975 TO 984, INCLUSIVE; AMENDING PART II,
5 CHAPTER X, OF THE SAN FRANCISCO MUNICIPAL CODE (PUBLIC WORKS CODE) BY
6 ADDING ARTICLE 5.6, SECTIONS 184.56 TO 184.68, INCLUSIVE, TO REGULATE THE
7 POSTING OF SIGNS ON CITY-OWNED LAMP POSTS OR UTILITY POLES AND TO
8 ESTABLISH A REGISTRATION FEE FOR PERSONS WISHING TO POST ANY SIGN
9 MORE THAN 11 INCHES IN HEIGHT ON A COMMERCIAL STREET, AND BY ADDING
10 ARTICLE 5.7, SECTIONS 184.69 TO 184.78, INCLUSIVE, TO REGULATE THE
11 DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES AND THE DISPLAY OF
12 BANNERS AND TO ESTABLISH A REGISTRATION FEE FOR PERSONS WISHING TO
13 DISTRIBUTE HANDBILLS ON PRIVATE PREMISES.

14 Note: This entire section is new.

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

16 Section 1. Sections 675 to 679, inclusive, and Section 685 of Part II, Chapter VIII,
17 Article X of the San Francisco Municipal Code (Police Code) are hereby repealed.

18
19 Section 2. Sections 975 to 984 of Part II, Chapter VIII, Article XIV of the San Francisco
20 Municipal Code (Police Code) are hereby repealed.

21
22 Section 3. Part II, Chapter X of the San Francisco Municipal Code (Public Works
23 Code) is hereby amended by adding Article 5.6 thereto reading as follows:

24 **SEC. 184.56. Definitions.** For the purposes of this Article:

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

4 (b) "Board" means the Board of Supervisors of the City.

5 (c) "City" means the City and County of San Francisco.

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

10 (e) "Department" means the Department of Public Works of the City.

11 (f) "Director" means the Director of the Department of Public Works of the City.
12 Director shall mean and include an officer or employee of the City designated to act on the
13 Director's behalf.

14 (g) "Emergency" means an unforeseen occurrence or combination of circumstances
15 which calls for an immediate action or remedy.

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

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

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

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

7 (l) "Roadway" means that portion of a Street improved, designed or ordinarily used
8 for vehicular travel.

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

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

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

23 **SEC. 184.57. SIGNS ON PUBLIC PROPERTY PROHIBITED; EXCEPTIONS.**

24 (a) Findings. The Board hereby finds and declares: The City has a compelling
25 need to prohibit the posting of Signs on public property in order to prevent the visual pollution

1 caused by such Signs and the resulting contributions to urban blight. Moreover, the
2 placement of Signs on public property causes damage to such property and, when Signs are
3 placed on or near traffic or directional signs or similar objects, threatens the safety of vehicular
4 and pedestrian traffic. However, the Board is mindful of the importance of providing a forum
5 for communication among citizens. While Lamp Posts and Utility Poles can provide such a
6 forum, unrestricted use of Signs would interfere with the clear view of traffic safety signs and
7 signals by motorists and with the unobstructed use of public streets and sidewalks. In
8 addition, unrestricted use of Lamp Posts and Utility Poles would permit the placement of
9 numerous Signs of widely ranging sizes and shapes which protrude beyond such poles,
10 thereby creating an aesthetically displeasing clutter of objects on and over public streets and
11 sidewalks. A limitation on the size, duration, and placement of Signs on Lamp Posts and
12 Utility Poles will eliminate unsightly clutter, ensure traffic safety, and provide an opportunity for
13 a greater number of Persons to communicate by this means.

14 (b) Prohibited Acts. Except as expressly provided in this Article, no Person, except
15 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
19 sign or signal, curbstone, bench, hydrant, wall, span wire, sidewalk, bridge, tree, fence,
20 building or structure owned or controlled by the City.

21 (c) Exceptions for Non-Commercial Streets. Notwithstanding the provisions of
22 Subsection (b) of this Section, a Sign may be placed or maintained upon, or attached to, any
23 Lamp Post or Utility Pole on a Non-Commercial Street provided that the following regulations
24 are adhered to:
25

1 (1) No more than one copy of any Sign (i.e. no duplicates) may be placed on
2 a single 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
4 shape of the Sign conforms to the shape of the Lamp Post or Utility Pole to which it is
5 attached and no part shall extend or be suspended beyond the face of the Lamp Post or Utility
6 Pole;

7 (3) The Sign shall not be greater than 11 inches in height;

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

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

16 (6) The Sign shall bear the Posting Date in the lower right-hand corner,
17 legible and visible after the Sign is posted;

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

22 (1) A Sign which is 11 inches in height or less must be posted in accordance
23 with Section 184.57(c);

24 (2) A Sign which is greater than 11 inches in height shall be posted as
25 follows:

1 (i) The Sign shall not be greater than 2 feet by 4 feet;

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

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

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

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

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

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

23 (f) Exclusions. The provisions of this Section shall not apply to:

24 (1) Signs placed or maintained by the United States Government, the State
25 of California, any department of the City, or Signs posted under the authority of the San

1 Francisco Department of Recreation and Park, the San Francisco Port Commission, or the
2 Department;

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

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

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

12 (5) Any object placed on a Lamp Post or Utility Pole pursuant to Section
13 184.78 of this Code regulating the display of banners;

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

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

18 (8) Signs posted on kiosks or pedestal mounts designed and maintained for
19 the posting of Signs.

20 **SEC. 184.58. HISTORIC AND DECORATIVE LAMP POSTS**

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

1 from destruction. The use of these ornate poles for the purpose of posting Signs may either
2 threaten the preservation of these landmarks or destroy an important aesthetic feature of the
3 City.

4 Accordingly, the City has a compelling need to prohibit the posting of Signs on the
5 following Lamp Posts:

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

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

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

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

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

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

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

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

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

13 (1) "Market Street's Path of Gold" located from 1 Market Street to 2490 Market Street;

14 (2) "Mission Street Corridor" located on Mission Street between Sixteenth and Twenty-
15 Fourth Streets;

16 (3) "Dragon Street Lanterns" located on Grant Street between Bush and Broadway
17 Streets;

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

19 (5) Lamp Posts on Fisherman's Wharf, located between Hyde and Powell Streets;

20 (6) Lamp Posts adjacent to the Moscone Center on Howard Street between Third and
21 Fourth Streets;

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

24 (8) Lamp Posts located on Mason Street from Market to Sutter Streets, Sutter from
25 Mason to Kearny Streets, Kearny Streets from Bush to Market Streets.

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

3 **SEC. 184.59. REGISTRATION REQUIRED.** (a) It shall be unlawful for any Person to
4 post or cause to be posted any Sign which is greater than 11 inches in height on any Lamp Post
5 or Utility Pole on a Commercial Street in the City unless such Person has complied with the
6 provisions of this Section.

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

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

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

6 (e) Registration Fees. The fee for obtaining a registration number pursuant to the
7 requirements of this Section shall be \$20.00. The fee for renewing a registration number
8 pursuant to the requirements of this Section shall be \$10.00. The Director shall waive these
9 fees if the registrant files with the Director an affidavit signed under penalty of perjury declaring
10 that the registrant's inability to pay the fee would prevent the registrant from posting the Sign(s).

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

1 As an alternative to the posting of a security deposit, a Person who posts Signs requiring
2 registration pursuant to the terms of this Section on a regular basis may apply to the Director for
3 permission to post a performance bond, for an amount and in a form to be determined by the
4 Director, to secure performance by that Person of his or her obligations with respect to all
5 purposes for which the security deposit is required. The Director shall determine the amount of
6 the bond based on the Director's estimate of the amount of Signs the Person will post per year
7 and shall set the amount so that it covers the foreseeable removal costs of postings made by
8 the Person. Where the Director determines that the actual frequency and costs to the City of
9 postings made by the Person posting the bond exceed the Director's original estimates, upon
10 30 calendar days written notice, the Director may notify the Person that authorization to post the
11 bond shall be rescinded unless an increased bond is posted. Upon receiving advice from the
12 City Risk Manager or for any other good reason, the Director may also direct that the form of
13 the bond be changed. Authorization to post bonds pursuant to this Subsection may be
14 terminated by the Director without cause upon 30 calendar days written notice.

15 (g) 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 post
17 Signs pursuant to this Section. The Director and his or her staff may use that information only
18 for the purpose of enforcing this Article.

19 **SEC. 184.60. PROHIBITION ON DAMAGE.** No Person shall deface, mar, disfigure,
20 or damage any traffic control sign or signal, curbstone, bench, hydrant, wall, span wire,
21 sidewalk, bridge, fence, building or any other structure belonging to the City or any tree
22 located in any public property or place, by painting, cutting, scratching or breaking the same,
23 or attaching, posting, or in any way affixing anything thereto.

24 **SEC. 184.61. PROHIBITED SIGNS A PUBLIC NUISANCE; REMOVAL OF SIGNS**
25 **POSTED IN COMPLIANCE WITH ARTICLE.** Any Sign affixed to any property in violation of

1 the provisions of this Article is hereby declared to be and is a public nuisance. No Sign
2 posted in compliance with this Article may be removed by any Person except an officer or
3 employee of the City duly authorized to do so or the Person who posted or caused to be
4 posted the Sign.

5 **SEC. 184.62. CRIMINAL PENALTY.** Any Person who violates any of the provisions
6 of this Article shall be guilty of an infraction, and, upon conviction thereof, shall be punished
7 by a fine of not less than \$50 or more than \$500 or by community service in lieu of the fine.

8 **SEC. 184.63. CIVIL PENALTY.** (a) Any Person in violation of any provision of this
9 Article and of failing to pay the amount billed such Person for such violation shall be liable for
10 payment of a civil penalty in an amount equal to (1) the costs incurred by the City occasioned
11 by the failure to remove Signs and by damaged property occasioned by their posting or
12 removal, and (2) the costs to the City incurred in obtaining imposition of such civil penalties
13 through litigation, including the cost of paying City employees or other persons to engage in
14 the litigation, and (3) an additional amount equal to 50 percent of the total of (1) and (2) of this
15 Subsection.

16 (b) All monies received by the City in payment to civil penalties for violation of this
17 Article shall be deposited to the credit of the Bureau of Street Environmental Services of the
18 Department of Public Works in a special fund, to be entitled "Sign Removal Fund." Revenue
19 from such fund shall be used exclusively for the costs related to the removal of illegally posted
20 Signs and repair of City property damaged by such posting. Balances remaining in the fund
21 at the close of any fiscal year shall have been deemed to have been provided for a specific
22 purpose within the meaning of Section 9.113 of the Charter, and shall be carried forward and
23 accumulated in said fund for the purposes recited herein. The monies received into this fund
24 are hereby appropriated exclusively for the purposes set forth herein.
25

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

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

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

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

8 **SEC. 184.65. IDENTIFICATION OF PERSONS RESPONSIBLE FOR POSTING OF**
9 **SIGNS.** In any civil action seeking recovery of a civil penalty and/or costs of removal of a
10 Sign for violation of any of the provisions of this Article proof that the Sign posted contains the
11 name of or in any other manner identifies a Person shall give rise to a rebuttable presumption
12 that the Person caused such Signs to be posted or to remain posted.

13 **SEC. 184.66. PUBLICATION OF NOTICE.** The Director shall publish a copy of this
14 Article once in one or more newspapers of general circulation, post a copy of the Article on a
15 bulletin board in or adjacent to the City Hall for a period of 90 calendar days after its passage,
16 and prominently provide notice of this Article in any material made available to the public
17 regarding the City's regulations of Signs. Further, the Director of Elections shall inform any
18 Person who qualifies to be a candidate for a local office of this Article and shall make
19 information about this Ordinance available to all other candidates and proponents of ballot
20 measures.

21 The notice requirements of this Section are intended to enhance community awareness
22 of the City's regulations of Signs. However, the notice requirements shall be given only
23 directive effect. Accordingly, the failure of the Director or the Director of Elections to provide
24 the notice required by this Section shall not be a defense in any criminal proceeding or civil
25

1 action brought to enforce the provisions of this Article nor shall such failure relieve any Person
2 of criminal or civil liability for postings that violate this Article.

3 **SEC. 184.67. AUTHORITY TO MAKE RULES, ETC.** The Director is empowered to
4 adopt rules, regulations, and interpretations of this Ordinance as he or she may deem
5 necessary and proper to interpret and administer the provisions of this Article provided that
6 the rules, regulations, and interpretations shall not be inconsistent with any of the provisions
7 of this Article.

8 **SEC. 184.68. SEVERABILITY.** If any of the provisions of this Article or the application
9 thereof to any Person or circumstance is held invalid, the remainder of this Code, including the
10 application of such part or provisions to Persons or circumstances other than those to which it is
11 held invalid, shall not be affected thereby and shall continue in full force and effect. To this end,
12 the provisions of this Article are severable.

13
14 Section 4. Part II, Chapter X of the San Francisco Municipal Code (Public Works
15 Code) is hereby amended by adding Article 5.7 thereto reading as follows:

16 **SEC. 184.69. DEFINITIONS.** For the purposes of this Article:

- 17 (a) "Board" means the Board of Supervisors of the City.
18 (b) "City" means the City and County of San Francisco.
19 (c) "Department" means the Department of Public Works of the City.
20 (d) "Director" means the Director of the Department of Public Works of the City.

21 Director shall mean and include an officer or employee of the City designated to act on the
22 Director's behalf.

23 (e) "Handbill" means any handbill, dodger, circular, booklet, card, pamphlet, sheet
24 or any other kind of printed matter or literature which is distributed to or upon any premises in
25

1 the City. Handbill shall not include a Sign, as that term is defined and regulated by Sections
2 184.56 to 184.68, inclusive, of this Code.

3 (f) "Newspaper" means a publication that (1) is printed, published, and circulated at
4 regular intervals, including, but not limited to, daily, weekly, bi-weekly, and monthly circulation,
5 (2) contains at least 3 separate sheets of paper, and (3) has printed matter on at least one
6 side of the paper.

7 (g) "Person" means any individual person, firm, partnership, association, corporation,
8 company, organization, society, group or legal entity of any kind.

9 **SEC. 184.70. DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES.**

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

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

22 (b) Prohibition When "No Handbills" Sign Posted. It shall be unlawful for any Person
23 to distribute, cause to be distributed, or suffer, allow or permit the distribution of any Handbill to
24 or upon any private premises in the City by placing or causing any such Handbill to be
25 deposited or placed in or upon any porch, yard, steps, hallway, or mailbox located on, or used

1 in connection with such premises when such premises has posted thereon in a conspicuous
2 place, a notice or notices of at least eight square inches in area bearing the words "No
3 Handbills" or the like, unless such Person has first received the written permission of the
4 occupant of such premises authorizing the Person so to distribute.

5 (c) Distributed Matter To Be Folded. It shall be unlawful for any Person to distribute,
6 cause to be distributed, or suffer, allow or permit the distribution of any Handbill to or upon any
7 private premises in the City by placing or causing any such Handbill to be deposited or placed
8 in or upon any porch, yard, steps, hallway, or mailbox located on, or used in connection with
9 such premises unless the same is folded or otherwise so prepared or placed, that it will not be
10 blown therefrom by the winds.

11 **SEC. 184.71. REGISTRATION REQUIRED.** (a) It shall be unlawful for any Person to
12 distribute, cause to be distributed, or suffer, allow or permit the distribution of any Handbill to or
13 upon any private premises in the City by placing or causing any such Handbill to be deposited
14 or placed in or upon any porch, yard, steps, hallway, or mailbox located on, or used in
15 connection with such premises unless such Person has complied with the provisions of this
16 Section.

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

1 number to the registrant. The registration number shall expire one year after the date of
2 issuance. Upon application by the registrant providing the information required in this Section,
3 the Director shall renew the registration for one-year periods.

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

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

14 (e) Registration Fees. The fee for obtaining a registration number pursuant to the
15 requirements of this Section shall be \$20.00. The fee for renewing a registration number
16 pursuant to the requirements of this Section shall be \$10.00. The Director shall waive these
17 fees if the registrant files with the Director an affidavit signed under penalty of perjury declaring
18 that the registrant's inability to pay the fee would prevent the registrant from distributing
19 Handbills.

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

24 **SEC. 184.72. EXCLUSIONS.** The provisions of this Article shall not apply to: (1) the
25 distribution and delivery of any Newspaper, or (2) any distribution or delivery made by a duly

1 authorized public officer or employee of or contractor acting with the authority of the City, the
2 State of California, or the United States acting to promote the purpose of the contract.

3 **SEC. 184.73. CRIMINAL PENALTIES.** Any Person who violates any provision of this
4 Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a
5 fine of not more than \$100 or by imprisonment in the County Jail for a period of not more than
6 30 days, or by both such fine and imprisonment.

7 **SEC. 184.74. INVESTIGATION BY DIRECTOR.** The Director shall investigate, or
8 cause to be investigated, all complaints made to the Department regarding the violation of any
9 of the provisions of this Article and take such actions regarding any violation as is provided
10 therein.

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

18 **SEC. 184.75. PUBLICATION OF NOTICE.** The Director shall publish a copy of this
19 Article once in one or more newspapers of general circulation, post a copy of the Article on or
20 near the front door of the Chamber of Commerce and on a bulletin board in or adjacent to the
21 City Hall for a period of 90 calendar days after its passage, and prominently provide notice of
22 this Article in any material made available to the public regarding the City's regulations of
23 Handbills.

24 The notice requirements of this Section are intended to enhance community awareness
25 of the City's regulations of Handbills. However, the notice requirements shall be given only

1 directive effect. Accordingly, the failure of the Director to provide the notice required by this
2 Section shall not be a defense in any criminal proceeding or civil action brought to enforce the
3 provisions of this Article nor shall such failure relieve any Person of criminal or civil liability for
4 Handbill distributions that violate this Article.

5 **SEC. 184.76. AUTHORITY TO MAKE RULES, ETC.** The Director is empowered to
6 adopt rules, regulations, and interpretations of this Ordinance as he or she may deem
7 necessary and proper to interpret and administer the provisions of this Article provided that
8 the rules, regulations, and interpretations shall not be inconsistent with any of the provisions
9 of this Article.

10 **SEC. 184.77. SEVERABILITY.** If any of the provisions of this Article or the application
11 thereof to any Person or circumstance is held invalid, the remainder of this Article, including the
12 application of such part or provisions to Persons or circumstances other than those to which it is
13 held invalid, shall not be affected thereby and shall continue in full force and effect. To this end,
14 the provisions of this Article are severable.

15 **SEC. 184.78. BANNERS.**

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

1 regulation is narrowly tailored to serve a significant government interest and leaves open
2 ample alternative channels of communication.

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

11
12
13 Approved as to form:

14
15 LOUISE H. RENNE, City Attorney

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17
18 By: *Mario M. Kashou*
19 MARIO M. KASHOU
20 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 982076

Date Passed:

Ordinance amending Police Code by repealing Article X, Sections 675 to 679, inclusive, and 685 and Article XIV, Sections 975 to 984, inclusive; by amending Public Works Code by adding Article 5.6, Sections 184.56 to 184.68, inclusive, to regulate the posting of signs on City-owned lamp posts or utility poles and to establish a registration fee for persons wishing to post any sign more than 11 inches in height on a commercial street; and by adding Article 5.7, Sections 184.69 to 184.78, inclusive, regulating the distribution of handbills on private premises and the display of banners and to establish a registration fee for persons wishing to distribute handbills on private premises.

April 26, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

April 26, 1999 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

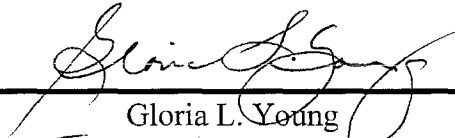
May 3, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Katz

File No. 982076

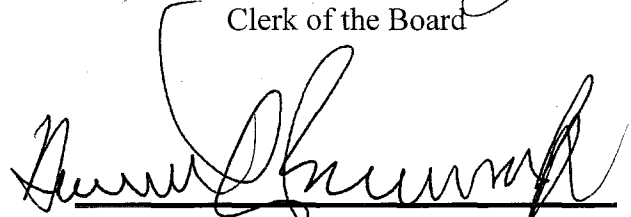
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on May 3, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 14 1999

Date Approved



Mayor Willie L. Brown Jr.