

1 [Refusing to install the facilities necessary to obtain utility services in a legislated underground  
2 district is a public nuisance.]

3 **Ordinance amending Article 18 of the San Francisco Public Works Code by adding**  
4 **Sections 944 to 953 to declare a public nuisance and allow for summary abatement of**  
5 **such nuisance at any property where the property owner has refused to comply with an**  
6 **order from the Director of Public Works that the property owner install conduits and**  
7 **associated equipment necessary to obtain utility services at a building or structure on**  
8 **property located in a legislated underground district; amending Section 926 of the**  
9 **Public Works Code to allow the City to recover all costs incurred by the City to enforce**  
10 **any provision of Article 18 of the Public Works Code; and amending Sections 900, 920,**  
11 **921, 923, 929, and 930 and repealing Sections 922, 924, 925, 927, 928 and 931 of Article**  
12 **18 of the Public Works Code consistent with this legislation.**

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

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

20 Section 1. Article 18 of the San Francisco Public Works Code is hereby amended by  
21 adding Sections 944 to 953, to read as follows:

22 **SEC. 944. PUBLIC NUISANCE.**

23 Any property in which the property owner has failed to comply with a Director's Order  
24 issued under Section 920 is declared to be a public nuisance and the City may take all lawful action to  
25 abate the nuisance.

1                    **SEC. 945. NOTICE OF ABATEMENT.**

2                    (a) The Director may initiate a summary abatement proceeding against any property  
3 declared to be a public nuisance under Section 944 by causing a Notice of Abatement of Public  
4 Nuisance" ("Notice of Abatement") to be delivered in the following manner:

5                    1. One copy of the Notice of Abatement shall be posted in a conspicuous place upon  
6 any building or structure on the property.

7                    2. One copy of the Notice of Abatement shall be sent by certified mail to the owner  
8 of record of the property.

9                    (b) The Notice of Abatement shall contain the following information:

10                    1. A date and time for the property owner to allow the City or its agents to enter the  
11 property to install the conduit and associated equipment necessary to receive utility services at a  
12 building or structure on the property, which date shall be at least seven days from the date of the  
13 delivery of the Notice of Abatement pursuant to subsection (a).

14                    2. A date and time for the Director to hold a summary abatement hearing in the  
15 event that the property owner fails to install, or allow the City, to install the conduit and associated  
16 equipment necessary to receive utility services at a building or structure on the property as required in  
17 the Notice of Abatement, which date shall be at least 21 days from the date of delivery of the Notice of  
18 Abatement pursuant to subsection (a) but in no event earlier than the date and time specified in  
19 subsection (b)(1).

20                    3. A statement that the City will seek to recover from the property owner all of the  
21 City's costs to enforce any of the requirements of this Article, including the cost of the work necessary  
22 for a building or structure on the property to receive utility services, the City's administrative costs and  
23 reasonable attorney's fees.

1           4.       The amount of any administrative penalty that the Director will seek to impose  
2 on the property owner for violating the requirements of this Article.

3           5.       Such additional information as the Director deems necessary to properly inform  
4 a property owner of the obligation to comply with the Notice of Abatement and/or with any of the  
5 requirements of this Article.

6           (c)       The person delivering the Notice of Abatement shall submit proof of such  
7 delivery in accordance with Section 921.

8           **SEC. 946. SUMMARY ABATEMENT PROCEEDINGS.**

9           (a)       **Abatement Hearing.** The Director shall hold a hearing to determine: (1)  
10 whether a property was properly declared a public nuisance under Section 944 and, if so, whether and  
11 how to abate such public nuisance; and (2) whether the Director should impose an administrative  
12 penalty on the property owner for violating the requirements of this Article and, if so, the amount of  
13 such administrative penalty.

14           (b)       **Appointment of Hearing Officer.** The Director shall appoint a hearing officer  
15 to conduct the hearing by taking testimony and other evidence from the Department, the property  
16 owner, and any other interested parties.

17           (c)       **Pre-Hearing Submittals.** At least seven days prior to the hearing, the property  
18 owner and the Department shall submit to the hearing officer, and exchange with one another, written  
19 information including, but not limited to, the following: a statement of the issues to be determined by  
20 the hearing officer, a statement of the evidence to be offered at the hearing, and the identity of any  
21 witnesses to appear at the hearing.

22           (d)       **Hearing Officer's Decision.** Within seven days after the conclusion of the  
23 hearing, the hearing officer shall issue a written decision including a summary of the issues and the  
24 evidence presented, findings of fact, and conclusions of law. The hearing officer will also include in  
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1 the written decision a recommendation to the Director whether to issue an order abating the nuisance  
2 and whether to impose an administrative penalty.

3 (e) **Director's Determination.** Within seven days of the Director's receipt of the  
4 hearing officer's recommendation, the Director shall determine, based upon the hearing officer's  
5 written decision, whether a property was properly declared a public nuisance under Section 944  
6 ("Director's Determination"). The Director's Decision will also state whether an administrative  
7 penalty is to be imposed and, if so, the amount of such administrative penalty.

8 (f) **Director's Abatement Order.** If the Director finds that abatement of the  
9 nuisance is necessary, the Director shall issue an order abating the nuisance ("Abatement Order")  
10 along with the Director's Determination. The Abatement Order shall state that the City may abate the  
11 nuisance by entering the property to install any conduit and associated equipment necessary to receive  
12 utility services at a building or structure on the property.

13 (g) **Notification.** The Director shall notify the property owner of the Director's  
14 Determination and the Abatement Order in accordance with the notice requirements contained in  
15 Section 945. The person delivering the Director's Determination and the Abatement Order shall submit  
16 proof of such delivery in accordance with Section 921.

17 (h) **Implementation of Abatement Order.** The City shall implement the Abatement  
18 Order by entering the property subject to the Abatement Order to install the conduit and associated  
19 equipment necessary to receive utility services at a building or structure on the property. The City may  
20 take this action no sooner than seven days after delivery of the Director's Determination and the  
21 Abatement Order to the property owner.

22 (i) **Additional Procedures.** The Director, by Departmental order or otherwise, may  
23 adopt additional procedures to implement the requirements of this Section.

1                   (j) **Judicial Review.** The Director's Decision and Abatement Order shall be the  
2 City's final administrative determination. An aggrieved party may seek judicial review of the  
3 Director's Decision and Abatement Order under California Code of Civil Procedure Sections 1094.5  
4 and 1094.6.

5                   **SEC. 947. NATURE OF DIRECTOR'S DUTIES.**

6                   It is the intent of the Board of Supervisors that the duties imposed upon the Director  
7 under this Article be directory in nature and that, as a result, the Director's failure to comply with a  
8 particular procedural step shall not invalidate any subsequent action by the Director to which the  
9 procedural requirement relates.

10                  **SEC. 948. LIMITATION OF LIABILITY.**

11                  (a) By adopting Sections 944, 945 and 946, the City is assuming an undertaking only  
12 to promote the general welfare. The City is not assuming, nor is it imposing on its officers and  
13 employees, an obligation for breach of which it is liable in money damages to any person who claims  
14 that such breach proximately caused injury.

15                  (b) The City shall not be liable to a property owner for any injury or damages  
16 resulting from the acts or omissions of the City, its officers, employees, agents or contractors, in the  
17 course of pursuing any remedy available to the City under this Article, including any liability for  
18 damage to property that is entered by the City pursuant to an Abatement Order.

19                  **SEC. 949. OTHER REMEDIES.**

20                  The summary abatement procedure provided for in Sections 944, 945, and 946 is not  
21 intended as the City's exclusive remedy. Nothing in this Article shall be construed to prohibit or  
22 restrict the City from bringing any administrative, civil or criminal action or obtaining any remedy or  
23 sanction against any person to enforce any requirement set forth in this Article.

24                  **SEC. 950. ADMINISTRATIVE PENALTIES.**

1            Any property owner who fails or refuses to comply with a Director's Order issued under  
2 Section 920 may be assessed an administrative penalty of up to \$500 per day commencing on the day  
3 the Director's Order under Section 920 is delivered to the property owner and ending on the day that  
4 the Director's Determination and Abatement Order are issued provided, however, that in no event shall  
5 the administrative penalty exceed \$30,000. In assessing the amount of the administrative penalty, the  
6 Director may consider any one or more of the following: the willfulness of property owner's refusal to  
7 comply with the requirements of this Article, the persistence of the property owner's refusal to comply  
8 with the requirements of this Article, the length of time over which the property owner has failed to  
9 comply with the requirements of this Article, and the property owner's assets, liabilities, and net worth.

10            **SEC. 951. CIVIL PENALTIES.**

11            Any property owner who fails or refuses to comply with a Director's Order issued under  
12 Section 920 may be liable for a civil penalty not to exceed \$1,000 per day commencing on the day the  
13 Director's Determination and Abatement Order are delivered to the property owner. Such penalty  
14 shall be assessed and recovered in a civil action brought in the name of the people of the City by the  
15 City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the  
16 court may consider any one or more of the relevant circumstances presented by any of the parties to the  
17 case, including, but not limited to, the following: the willfulness of property owner's refusal to comply  
18 with the requirements of this Article, the persistence of the property owner's refusal to comply with the  
19 requirements of this Article, the length of time over which the property owner has failed to comply with  
20 the requirements of this Article, and the property owner's assets, liabilities, and net worth.

21            **SEC. 952. CRIMINAL FINES.**

22            (a) Any property owner whose property is subject to an Abatement Order pursuant  
23 to Section 946(e) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a  
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1 fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than 30  
2 days, or by both such fine and imprisonment.

3 (b) The Director is authorized to enforce the criminal provisions of this Article, to  
4 call upon the Chief of Police and authorized agents to assist in the enforcement of this Article, or both.

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

9 **SEC. 953. SEVERABILITY.**

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

16 Section 2. Article 18 of the San Francisco Public Works Code is hereby amended by  
17 amending Sections **900, 920, 921, 923, 926, 929, 930**, to read as follows:

18 **SEC. 900. DEFINITIONS.**

19 Unless the context specifically indicates otherwise, the meaning of terms in this  
20 Article shall be as follows:

21 (a) "Board" shall mean the Board of Supervisors of the City and County of  
22 San Francisco.

23 (b) "City" shall mean the City and County of San Francisco.

1 (c) "Department" shall mean the Department of Public Works of the City and  
2 County of San Francisco.

3 (d) "Director" shall mean the Director of the Department of Public Works of  
4 the eCity and County of San Francisco.

5 (e) "General Manager" shall mean the General Manager of the Public Utilities  
6 Commission of the City and County of San Francisco.

7 (f) "Municipal Railway" shall mean the Municipal Railway of the City and  
8 County of San Francisco including the tracks, overhead lines and power feeder systems.

9 (g) "Owner or Operator" shall mean any person, firm, corporation, or public  
10 or private utility, owning, controlling or operating any utility facility upon, in, over or under the  
11 streets or places of the City and County of San Francisco.

12 (h) "Places" shall mean any public park or pleasure ground and common  
13 which has been dedicated and accepted according to law.

14 (i) "Property" shall mean any real property in the City and County of San  
15 Francisco. Where any building or structure on real property is a condominium, planned development,  
16 community apartment, or stock corporation "property" shall mean each separate unit.

17 (j) "Property owner" shall mean any person, firm, association, limited liability  
18 corporation, corporation, or other legal entity owning or controlling real property in the City and  
19 County of San Francisco. Where any building or structure on real property is a condominium, planned  
20 development, community apartment, or stock corporation "property owner" shall mean any person,  
21 firm, association, limited liability corporation, corporation, or other legal entity owning or controlling  
22 any unit. Where one or more persons or entities own a property, "property owner" shall mean each  
23 and every person or entities having legal title to the property.

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1                    ~~(i)~~(k) "Public Utilities Commission" shall mean the Public Utilities Commission  
2 of the City and County of San Francisco.

3                    ~~(j)~~(l) "Serving Company" shall mean the person, firm, corporation or utility  
4 supplying the electrical service for electric lighting, heat, power, telephone, telegraph,  
5 television signal, or any other type of electrical service.

6                    ~~(k)~~(m) "Shall" is mandatory; "may" is permissive.

7                    ~~(l)~~(n) "Sidewalk" shall mean the area between the curb and the property line,  
8 as set forth in Ordinance 1061, entitled "Regulating the widths of Sidewalks" (approved  
9 December 18, 1903), and Subsections.

10                   ~~(m)~~(o) "Streets" shall mean the public area, between property lines, of any  
11 avenues, highways, boulevards, lanes, roads, parkways, freeways, alleys, crossings or  
12 intersections, and courts or other public ways.

13                   ~~(n)~~(p) "Underground" and "Undergrounding" shall mean the complete and  
14 permanent removal of the overhead utility facilities defined in subsection ~~(p)~~(r) hereof, except  
15 such utility facilities as are specifically exempted in Section 914; also, a complete installation  
16 beneath the surface of a street, public place, or stated area, of such utility facilities.

17                   ~~(o)~~(q) "Underground District" shall mean a street, or streets, public place, or  
18 stated area, within which overhead utility facilities, as defined in subsection ~~(p)~~(r) hereof, shall  
19 be prohibited and existing overhead utility facilities shall be removed or converted to an  
20 underground installation. New utility facilities, when installed, shall be a complete installation  
21 beneath the surface of the street, or streets, public place, or stated area, except such utility  
22 facilities as are specifically exempted in Section 914.

23                   ~~(p)~~(r) "Utility facility" shall mean pipes, wires, tracks, conduits, tunnels, poles or  
24 other overhead supporting structures, with any appurtenances, or any other structures of any  
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1 nature, upon, in, over or under the streets or places of the City and County of San Francisco  
2 which are used for the purpose of supplying or conveying any services or substances within  
3 the limits of the City and County of San Francisco.

4 **SEC. 920. ~~NOTICE TO OWNER OF FAILURE TO INSTALL SERVICE LATERAL~~**  
5 **DIRECTOR'S ORDER TO INSTALL CONDUITS.**

6 When the Director has determined that a property ~~the owner of the building or~~  
7 ~~other structure~~ has failed to install the conduit and associated equipment necessary to receive utility  
8 services at a building or structure on the property ~~service lateral reconnection~~ required by Section  
9 918-917 within the time required by Section 919, ~~a notice shall be given to said owner of a public~~  
10 ~~hearing to be held by~~ the Director ~~to confirm the need to~~ shall issue an order that such work be done  
11 ("Director's Order"). ~~Said notice shall set forth the street address and a legal description, sufficient for~~  
12 ~~identification, of the property upon which the building or other structure is located.~~ One copy of the  
13 ~~notice~~ Director's Order shall be posted in a conspicuous place upon the building or structure  
14 and one copy of the ~~notice~~ Director's Order shall be ~~served upon~~ delivered to the property owner,  
15 either personally or by certified or registered mail. ~~Service by certified or registered mail shall be~~  
16 ~~effective on the date of mailing if mailed postage prepaid, return receipt requested, to such owner~~ at  
17 the address of such property owner as it appears on the last equalized assessment roll of the  
18 eCounty or at the address to which the most recent real property tax bill for said building or  
19 structure was mailed by the Tax Collector. If no such address appears on the assessment roll  
20 of the County or of the Tax Collector, then a copy of the ~~notice~~ Director's Order shall be  
21 addressed to the property owner at the address of the building or structure involved. The  
22 failure of the property owner to receive such ~~notice~~ Director's Order shall not affect in any  
23 manner the validity of any proceedings taken hereunder.

24 **SEC. 921. ~~AFFIDAVIT OF SERVICE-PROOF OF DELIVERY OR MAILING.~~**  
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1           The person ~~giving notice~~ delivering or mailing the Director's Order to a property  
2 owner as provided ~~herein~~ in Section 920 shall file an affidavit or declaration thereof under  
3 penalty of perjury with the Director certifying to the time and manner in which such notice was  
4 given. He or she shall also file therewith any receipt card of such notice by certified or  
5 registered mail.

6           ~~The notice of hearing shall be posted and served at least 10 days prior to the time set for~~  
7 ~~the hearing.~~

8           **SEC. 923. CONTENTS OF DIRECTOR'S ORDER.**

9           (a)      The Director's ~~Order~~ shall set forth the street address of the building or  
10 structure and a legal description of the property upon which such building or structure is located  
11 ~~premises~~ sufficient for identification. It shall contain a statement of the work required to be  
12 done at the property to receive utility services at a building or structure on the property.

13           (b)      The Director's ~~Order~~ shall specify the time within which the work required  
14 is to be commenced and completed by the property owner, except that: ~~The order shall further~~  
15 ~~specify a reasonable time within which the work shall be completed.~~

16           1.      Upon written application of ~~an interested party~~ the property owner, the  
17 Director may grant a reasonable extension of time not to exceed 30 days within which the  
18 required work must be commenced.

19           2.      Upon written application of the property owner, ~~The~~ time for completion of  
20 the work may be extended by the Director for cause for up to 60 days ~~This shall be in writing upon~~  
21 the application of an interested party.

22           (c)      The Director's Order shall specify a date and time when the Director will solicit  
23 bids to do the work required at the property under Section 917 in the event that the property owner fails  
24 to compete the work in the time set forth therein, which date shall be at least 60 days from the date of  
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1 the Director's Order but in no event earlier than the date and time specified in subsection (b) or as  
2 otherwise extended by the Director pursuant to subsections (b)(1)-(2).

3 (d) The Director's Order shall state that, in the event that the property owner fails to  
4 complete the required work, or to allow the City to complete the required work, the Director may  
5 declare the property a public nuisance, take action to abate the nuisance, and impose an administrative  
6 penalty on the property owner.

7 (e) The Director's Order shall state that the City shall hold the property owner  
8 responsible for all of the City's costs to enforce any of the requirements of this Article, including the  
9 cost of the required work, the City's administrative costs and reasonable attorney's fees, that the City  
10 may also impose an administrative penalty for the property owner's failure to comply with the  
11 requirements of this Article, and that the City may place a lien on the property if the property owner  
12 fails to pay the City's costs and/or any administrative penalty.

13 (e) The Director's Order may contain such additional information as the Director  
14 deems necessary to notify property owners of their duties and obligations to comply with any of the  
15 requirements of this Article.

16 **SEC. 926. ASSESSMENT FOR COSTS AND PENALTIES/LIENS ON PROPERTY.**

17 (a) The Director shall take action to have all of the City's costs of all work done  
18 or caused to be done to enforce pursuant to any of the provisions requirements of Section 919 this  
19 Article, as well as the amount of any administrative penalty, assessed against the parcel or parcels  
20 of land property upon which said a building or other structure that is the subject of a Director's  
21 Order or Abatement Order is situated. Such costs shall include, in addition to the cost of  
22 installing the conduit and associated equipment necessary to receive utility services at a building or  
23 structure on the property, service lateral reconnection, an amount equal to 15 percent of such cost to  
24 cover the cost to the City for administration and supervision of the work required the administrative  
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1 costs and the reasonable attorney's fees incurred by the City to enforce any of the requirements of this  
2 Article.

3 (b) At the conclusion of any action or proceeding commenced by the Director to  
4 enforce the provisions of this Article, the Director shall send to the property owner, by certified mail,  
5 an accounting of the City's costs on a full cost recovery basis and any administrative penalty imposed  
6 on the property owner ("Abatement Accounting"). The Abatement Accounting shall also state that:

7 1. The amount set forth therein shall be due and payable to the City within 30  
8 days from the date of the mailing of the Abatement Accounting to the property owner.

9 2. The City may impose a lien on the property if all or any portion of the Abatement  
10 Accounting is not fully paid within 30 days.

11 3. The Tax Collector may sell the property subject to the lien for unpaid delinquent  
12 assessments.

13 (c) The City shall impose a lien on property under this Article in accordance with  
14 the lien procedures contained in Chapter 10, Article XX of the San Francisco Administrative Code.  
15 Property owners seeking to challenge the amount of the Abatement Accounting may do so at the  
16 hearing authorized under Chapter 10, Article XX of the San Francisco Administrative Code.

17 (d) In addition to the requirements imposed under Section 10.232 of the San  
18 Francisco Administrative Code, the notice to the property owner of the hearing on the proposed lien  
19 shall be served in the same manner as a summons in a civil action in accordance with Article 3  
20 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil  
21 Procedure. Where, after diligent search, the property owner, the notice may be served by posting a  
22 copy in a conspicuous place upon the property for a period of ten days and publication thereof in a  
23 newspaper of general circulation.

1                   (e) Any lien authorized by this Section shall specify the date of the Director's  
2 Determination, the amount of the lien as stated in the Abatement Accounting, the date of the Abatement  
3 Accounting, the street address, legal description and assessor's parcel number of the property on which  
4 the lien is imposed, and the name and address of the recorded owner of the property.

5                   (f) Where a lien authorized by this Section is discharged, released or satisfied,  
6 either through payment or foreclosure, the Tax Collector shall record a notice of the discharge  
7 containing the information specified in subparagraph (e). Any such notice of discharge shall be subject  
8 to the Release of Lien Fee imposed under Section 10.237 of the San Francisco Administrative Code.

9                   (g) Notwithstanding any provision contained in this Article making the City's cost to  
10 enforce the provisions of this Article a special assessment against property upon which said building or  
11 other structure is situated, said costs, as confirmed by the Board of Supervisors and to the extent that  
12 the same has not been paid to the City, as well as any administrative penalty imposed on the property  
13 owner, shall be a personal obligation of the property owner and/or the property owner's heirs,  
14 successors and assigns, and said property owner and/or heirs, successors and assigns shall be liable to  
15 the City for the payment thereof.

16                   (h) In any action or proceeding to enforce the provisions of this Article, the  
17 prevailing party may recover reasonable attorney's fees.

18                   **SEC. 929. COSTS OF ~~SERVICE LATERAL~~ CONDUIT INSTALLATION BY CITY.**

19                   (a) —Whenever the Director, pursuant to authority conferred by this Article,  
20 shall cause the ~~service lateral reconnection to~~ conduits and associated equipment necessary to  
21 receive utility services at a building or other structure to be installed by the Department of Public  
22 Works or pursuant to contract, or take any action enforce the requirements of this Article, the cost  
23 thereof shall be paid from the "Underground Service Lateral- Conduit Installation Fund" and  
24 assessed against the property upon which the particular building or other structure is located.  
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1                    ~~(b) The assessment charged under Subsection (a) must be paid in one lump sum~~  
2 ~~payment or in 10 installments, which would be comprised of biannual payments during the five year~~  
3 ~~period. If the property owner chooses to pay the assessments in installments, a six percent interest~~  
4 ~~charge shall be added annually.~~

5                    **SEC. 930. ~~UNDERGROUND SERVICE LATERAL FUND~~ CONDUIT INSTALLATION**  
6 **FUND.**

7                    A special revolving fund, to be known as the "Underground Service Lateral Conduit  
8 Installation Fund," is hereby created for the purpose of defraying the costs and expenses  
9 which may be incurred by the Director ~~of Public Works in carrying out the authority conferred by~~  
10 ~~this Article to install the service lateral reconnections to buildings or other structures to enforce any of~~  
11 ~~the requirements of this Article.~~

12                    The Board of Supervisors may by transfer or appropriation, establish or increase  
13 the special revolving fund with such sums as it may deem necessary in order to expedite the  
14 ~~enforcement of any of the requirements of this Article. performance of the work of installing the service~~  
15 ~~lateral reconnection.~~ The special revolving fund shall be replenished with all funds collected  
16 under the proceedings herein provided for, either upon voluntary payments or as the result of  
17 sale of the property after delinquency, or otherwise. Balances remaining in the Underground  
18 Service Lateral Conduit Installation Fund at the close of any fiscal year shall be carried forward  
19 in such fund.

20                    Section 3. Article 18 of the San Francisco Public Works Code Sections 922,  
21 924, 925, 927, 928 and 931 are hereby repealed as follows:

22                    **~~SEC. 922. HEARING.~~**

23                    ~~The Public Hearing shall be held at the time and place designated in the notice of~~  
24 ~~hearing. For good cause the hearing may be continued by the Director to a later time. Subject to the~~  
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1 ~~procedures prescribed by the Director for the orderly conduct of the hearing, all persons having an~~  
2 ~~interest in the building or structure may present evidence materially bearing on the case for~~  
3 ~~consideration by the Director.~~

4 ~~The Director may designate an Assistant Director of Public Works who may act in place~~  
5 ~~of the Director as the hearing officer. The Assistant Director shall have the same authority as the~~  
6 ~~Director to hear and decide the case and to make any order hereinafter provided for.~~

7 ~~**SEC. 924. POSTING AND SERVICE OF ORDER.**~~

8 ~~A copy of the order to install the service lateral reconnection to the building or structure~~  
9 ~~shall be posted in a conspicuous place upon the building or structure and shall be served in the manner~~  
10 ~~prescribed in Section 920 upon all persons to whom the notice of hearing is required to be served, and~~  
11 ~~a copy shall be recorded in the office of the Recorder of the City and County.~~

12 ~~**SEC. 925. FORFEITURE OF OWNERS' RIGHT TO DO WORK.**~~

13 ~~Whenever, pursuant to Section 919, the Director determines to do or cause to be done~~  
14 ~~any of the work described therein, he shall notify the owner of the building or other structure of his~~  
15 ~~intention so to do in the manner set forth in Section 920, and shall specify a date upon which he shall~~  
16 ~~solicit bids to do the work. From and after said specified date the owner of the building or other~~  
17 ~~structure shall be deemed to have forfeited all right to do such work on said building or other structure~~  
18 ~~except as the Director may otherwise allow.~~

19 ~~**SEC. 927. REPORT OF COSTS.**~~

20 ~~The Department of Public Works shall keep an account of the cost of all work done or~~  
21 ~~caused to be done by the Department of Public Works or by contract to which shall have been added~~  
22 ~~the 15 percent administrative and supervisory cost and shall render an itemized report in writing to the~~  
23 ~~Board of Supervisors showing such cost.~~



1            **~~SEC. 928. HEARING AND CONFIRMATION OF REPORT FOR SPECIAL~~**  
2 **~~ASSESSMENT OF COSTS.~~**

3            *At the time fixed for receiving and considering said report, the Board of Supervisors*  
4 *shall hear the same, together with any objections which may be raised by any property owner liable to*  
5 *be assessed for the cost described in said report, and thereupon may make such modifications in the*  
6 *report as the Board deems necessary, after which by motion or resolution said report shall be*  
7 *confirmed. The cost of installing the service lateral reconnection, as confirmed by the Board of*  
8 *Supervisors, shall constitute a special assessment against the parcel or parcels of land on which the*  
9 *same existed and shall constitute a lien on said property for the amount of said assessment. After*  
10 *confirmation of said report, a copy thereof shall be transmitted to the Assessor and to the Tax Collector*  
11 *of the City and County, whereupon it shall be the duty of said officers to add the amount of said*  
12 *assessment to the next regular bill for taxes levied against said parcel or parcels of land for municipal*  
13 *purposes, and thereafter said amount shall be collected at the same time and in the same manner as*  
14 *ordinary City and County taxes are collected, and shall be subject to the same penalties and the same*  
15 *procedure under foreclosure and sale in case of delinquency as provided for ordinary taxes of the City*  
16 *and County of San Francisco.*

17            *Notwithstanding any provision contained in this Article making the cost of installing the*  
18 *service lateral reconnection a special assessment against the property upon which the same exists, said*  
19 *cost, as confirmed by the Board of Supervisors and to the extent that the same has not been paid to the*  
20 *City, shall be a personal obligation of the property owner and his heirs, successors and assigns, and*  
21 *said owner and his heirs, successors and assigns shall be liable to the City and County of San*  
22 *Francisco for the payment thereof.*

23            **~~SEC. 931. COMPLIANCE, RESCINDING ORDER.~~**  
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1                   ~~When the building or structure has been found to comply with requirements of the~~  
2     ~~Director, the Director shall issue and record in the offices of the Recorder, City and County of San~~  
3     ~~Francisco, an order rescinding his original order.~~

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

6     By: \_\_\_\_\_  
7             WILLIAM K. SANDERS  
8             Deputy City Attorney

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