

1 [Public Works Code – garbage receptacles.]

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3 **Ordinance amending Public Works Code Section 170 to delete the waiver provisions**
4 **concerning placement of garbage receptacles on the public right-of-way; and making**
5 **environmental findings.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Environmental Findings. The Planning Department has determined that the
11 actions contemplated in this Ordinance are in compliance with the California Environmental
12 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
13 on file with the Clerk of the Board of Supervisors in File No. and is incorporated herein
14 by reference.

15 Section 2. The San Francisco Public Works Code is hereby amended by amending
16 Section 170, to read as follows:

17 **SEC. 170. GARBAGE RECEPTACLES.**

18 (a) Garbage Receptacles Prohibited on Sidewalk, Street, or Any Public Right-of-Way.
19 Except as otherwise provided in Sections 170.1 and 173, Chapter X, Part II, San Francisco
20 Municipal Code (Public Works Code), no person, firm or corporation occupying or having
21 charge or control of any premises shall place or cause to be placed, or suffer to remain, upon
22 the sidewalk, street or any other dedicated public right-of-way, any can, container or
23 receptacle used for the collection of garbage, refuse, ashes, cinder, sludge, offal, broken
24 glass, crockery, tins, boxes, animal or vegetable matter, rubbish or other like matter, recycling,
25 or green waste, except on the day the contents of said receptacle are to be collected by the

1 licensed collector thereof or after the hour of 6:00 p.m. of the day immediately prior to the day
2 of said collection.

3 (1) Any person, firm, or corporation occupying or having charge of any commercial
4 premises shall remove any such receptacle from the sidewalk, street, or other dedicated
5 public right-of-way immediately after the contents of said receptacle have been collected or
6 immediately upon opening said premises for business on the day of said collection.

7 (2) Any person, firm, or corporation occupying or having charge of any residential
8 premises shall remove any such receptacles from the sidewalk, street, or other dedicated
9 public right-of-way within twenty-four hours after placing said receptacles out for collection
10 and after the contents of the said receptacle have been collected.

11 (3) Said receptacles shall be returned to an enclosed area or other area that blocks
12 views of the receptacles from the public right-of-way. Under no circumstances are said
13 receptacles to be stored in plain sight of the public when viewed from any public right-of-way
14 unless said receptacles have been placed out for collection.

15 (4) ~~The enclosure or other area used for placement of garbage receptacles as required~~
16 ~~pursuant to this Section shall not be placed on or affixed to the public right of way unless the~~
17 ~~Department of Public Works approves such encroachment in accordance with the terms of the Public~~
18 ~~Works Code.~~

19 ~~— (5) Owners can request a written waiver of the enclosure requirements based on hardship,~~
20 ~~feasibility, or practicality. The Director, in his or her discretion, may issue a written waiver to this~~
21 ~~requirement. The Director's waiver decision is final.~~

22 ~~— (6) In addition to the requirements set forth in this Section, the Director, after a public~~
23 ~~hearing, may adopt such orders, policies, regulations, rules, or standard plans and~~

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1 specifications as he or she deems necessary in order to preserve and maintain the public
2 health, safety, welfare, and convenience.

3 (b) The Director of Public Works, in issuing any written notice to abolish, abate and
4 remove a nuisance under Section 174.1 of this Article, may direct any person, firm or
5 corporation occupying or having charge of any commercial premises, to securely lock every
6 can, container or receptacle placed for collection pursuant to Section 170(a) on any area open
7 to the public, to prevent access to the contents thereof by any person other than the licensed
8 refuse collector. Any such written notice shall be issued as set forth in Section 174.1.

9 (c) Each violation of Subsection (a) shall constitute an infraction and shall be
10 punishable by a fine of not less than \$80.00 nor more than \$100.00; for a second offense by a
11 fine not less than \$150.00 nor more than \$200.00; and for each additional offense by a fine
12 not less than \$250.00 nor more than \$500.00. In the alternative, an administrative penalty not
13 to exceed \$250.00 may be assessed for each violation. Such penalty shall be assessed,
14 enforced and collected in accordance with Section 39-1 of the Police Code.

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

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18 By: _____
John D. Malamut
19 Deputy City Attorney