

BOARD of SUPERVISORS



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July 20, 2022

File No. 220787

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 12, 2022, the City Administrator introduced the following legislation:

File No. 220787

Ordinance amending the Public Works, Administrative, Police, Health, Park, Ordinance amending the Public Works, Administrative, Police, Health, Park, Building, Transportation, and Campaign and Governmental Conduct Codes to clarify the authority of the Sanitation and Streets Commission, the Department of Sanitation and Streets, and the Department of Public Works; amending said Codes to provide clarifications, corrections, and updates consistent with changes in state and local laws; and affirming the Planning Department's determination under the California Environmental Quality Act. Building, Transportation, and Campaign and Governmental Conduct Codes to clarify the authority of the Sanitation and Streets Commission, the Department of Sanitation and Streets, and the Department of Public Works; amending said Codes to provide clarifications, corrections, and updates consistent with changes in state and local laws; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

Board of Supervisors
Land Use and Transportation
Referral for CEQA
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c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Various Codes - Sanitation and Streets Commission and Department of Sanitation and
2 Streets]

3 **Ordinance amending the Public Works, Administrative, Police, Health, Park, Building,**
4 **Transportation, and Campaign and Governmental Conduct Codes to clarify the**
5 **authority of the Sanitation and Streets Commission, the Department of Sanitation and**
6 **Streets, and the Department of Public Works; amending said Codes to provide**
7 **clarifications, corrections, and updates consistent with changes in state and local**
8 **laws; and affirming the Planning Department’s determination under the California**
9 **Environmental Quality Act.**

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

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

18 Section 1. Background and Findings.

19 (a) On November 3, 2020, the voters approved Proposition B, which amended the
20 Charter to create a Department of Sanitation and Streets (“SAS”) to succeed to specific duties
21 then performed by the Department of Public Works (“Public Works”), and a Sanitation and
22 Streets Commission (“SAS Commission”) to oversee the Department, as well as a Public
23 Works Commission to oversee Public Works.

24 (b) On December 14, 2021, the Board of Supervisors approved Motion No. M21-181
25 establishing July 1, 2022, as the “Transition Date,” which, according to Charter Section

1 4.139(d), added by Proposition B, dictates various deadlines relating to the establishment of
2 the SAS Commission and SAS.

3 (c) Pursuant to Charter Section 4.138(a), SAS “shall come into existence three months
4 after the Transition Date for the Sanitation and Streets Commission in Section 4.139(d).”

5 (d) Pursuant to Charter Section 4.138(e), no later than the Transition Date, the City
6 Administrator shall submit to the Board of Supervisors a proposed ordinance “amending the
7 Municipal Code, including but not limited to the Public Works Code, to conform to [Charter]
8 Sections 3.104, 4.139, 4.140, 4.141, 16.129, F1.102, and . . . Section 4.138, as adopted or
9 amended by the voters at the November 3, 2020 election.”

10 (e) As noted, Proposition B created SAS, which will fulfill certain specific duties
11 currently performed by Public Works. As a practical matter, the Board of Supervisors expects
12 that Public Works and SAS will collaborate on implementation and enforcement of and, in
13 some cases, will have concurrent authority to implement and enforce certain requirements of
14 the Municipal Code, as necessary or appropriate according to Proposition B.

15 (f) The Planning Department has determined that the actions contemplated in this
16 ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
19 determination.

20
21 Section 2. California Health and Safety Code Section 17958.7.

22 No local findings are required under California Health and Safety Code Section
23 17958.7 because the amendments to the Building Code contained in this ordinance do not
24 regulate materials or manner of construction or repair, and instead relate in their entirety to
25 administrative procedures for implementing the code and remedies available for enforcing

1 code violations, which are expressly excluded from the definition of a “building standard” by
2 California Health and Safety Code Section 18909(c).

3
4 Section 3. The Public Works Code is hereby amended by revising Sections 2.1.1, 102,
5 103.1, 104, 104.1, 104.2, 105, 106, 116.1, 117, 150.1, 155, 170, 170.1, 171, 172, 173, 174.1,
6 176.6A, 183-4, 184.53, 184.56, 184.63, 184.67, 184.69, 184.73, 184.74, 184.75, 184.78,
7 184.85, 192, 200, 201, 205, 209, 214, 215, 216, 217, 229, 240, 241, 242, 250.152, 250.242,
8 250.260, 250.315, 250.354, 250.391, 263, 264, 265, 266, 267, 268, 270, 400, 400.2, 400.3,
9 400.4, 400.5, 400.6, 400.7, 400.8, 400.9, 401, 405, 407, 413, 416, 704, 709, 715, 716, 717,
10 718, 719, 723, 723.2, 723.3, 723.5, 724.4, 724.6, 724.9, 725.10, 726.6, 726.7, 735, 776, 777,
11 778, 779, 780, 786, 786.2, 786.7, 786.8, 789.2, 789.5, 790, 791, 792, 793, 793.4, 794, 802,
12 802.1, 803, 806, 807, 808, 809, 810, 810A, 828, 851, 859, 865, 1401, 1403, 1506, 1602,
13 2000, 2001, 2002, 2003, 2301, 2302, 2305, 2306, 2307.6, 2710, and 2721, to read as follows:

14
15 **SEC. 2.1.1. FEES AND ASSESSMENTS.**

16 Notwithstanding the permit fee provisions listed elsewhere in this Code, *this Section*
17 *2.1.1 sets forth* the permit fee and assessment schedule for the *enumerated* permit categories
18 and uses ~~*specifically listed below shall be:*~~ *The annual public right-of-way occupancy assessment*
19 *fees in this Section 2.1.1 constitute financial obligations owed to the City, which are subject to the*
20 *imposition of liens pursuant to the procedures set forth in Article XX of Chapter 10 of the*
21 *Administrative Code.*

22 * * * *

23 (h) Minor Sidewalk Encroachment Permit (also known as a Minor Encroachment
24 Permit) pursuant to Section 723.2

1 (i) Standard Permit: \$938.39 permit fee, and, if applicable pursuant to Section
2 723.2(~~km~~), the annual public right-of-way occupancy assessment fee;

3 * * * *

4
5 **SEC. 102. DEFINITIONS.**

6 * * * *

7 ~~(h) Director. The Director of Public Works of the City and County of San Francisco.~~

8
9 **SEC. 103.1. SIDE SEWER REPAIR.**

10 When the ~~Department of Public Works~~ San Francisco Public Utilities Commission
11 determines that a repair must be made to a side sewer located in a public roadway or
12 property, or connected to a sewer main located in an easement on private property, the repair
13 shall be made by the ~~Department of Public Works~~ San Francisco Public Utilities Commission.

14 In the case of a side sewer in a public roadway the ~~Department of Public Works~~ San
15 Francisco Public Utilities Commission shall be responsible only for that section extending from
16 the side curb or curb line to the sewer main connection. In the case of a side sewer connected
17 to a sewer main on City property or in a City easement on private property, the section of the
18 side sewer subject to such repair shall extend from the nearest property line of the benefited
19 property to the connection with the sewer main.

20 In the event the condition of a side sewer cannot be determined due to the lack of an
21 appropriate side sewer air inlet, vent or vented trap the ~~Department of Public Works~~ San Francisco
22 Public Utilities Commission shall require the owner or owners to install such an inlet vent or
23 vented trap before making any repair under this Section.

24 The ~~San Francisco Public Utilities Commission~~ Department of Public Works shall include a
25 provision in the annual budget to cover the estimated costs of making repairs to side sewers

1 as set forth herein in lieu of all fees or deposits as required by Sections 108 and 109 of this
2 Article.

3 This Section 103.1 shall not be applicable to private sewers and utility drains as defined
4 in Section 102 and referred to in Section 103 hereof.

5
6 **SEC. 104. DIRECTOR TO ABATE NUISANCE OR HAZARD.**

7 Notwithstanding any other provisions of the ~~San Francisco~~ Municipal Code it shall be the
8 duty of the Director of the Department of Building Inspection and/or the General Manager of the San
9 Francisco Public Utilities Commission, as applicable, to cause the abatement of a nuisance or
10 hazard as provided in this Section 104.

11 (a) When the source of a nuisance or hazard is in or on private property the Director of
12 Sanitation and Streets shall ~~notify direct~~ the ~~Director~~Superintendent of the ~~Department~~ Bureau of
13 Building Inspection, ~~to abate the source of such nuisance or hazard in accordance with the provisions~~
14 ~~of Part II, Chapter VII of the San Francisco Municipal Code (Plumbing Code). The Director shall also~~
15 ~~notify~~ the Director of Public Health, the Director of Public Works, and the General Manager of the
16 San Francisco Public Utilities Commission of any such nuisance or hazard. The Director of
17 Sanitation and Streets shall also abate any such hazard by work in or on public property in
18 accordance with the provisions of Section 104(b) for other sources.

19 (b) When the source of a nuisance or hazard is any side sewer, private sewer, or utility
20 drain, the General Manager of the San Francisco Public Utilities Commission~~Director~~ shall give
21 written notice to abate. Notice shall be served by mailing said notice to the owner or owners of
22 record of property tributary to a side sewer or private sewer or to the business office in the
23 City and County of San Francisco of the owner of a utility drain. In the case of a side sewer or
24 private sewer, public notice shall be provided by posting of copies of said notice in the vicinity
25 of said nuisance or hazard.

1 The notice shall describe said nuisance or hazard, shall direct the owner or owners to
2 abate the nuisance or hazard within 10 days of the mailing of notice, and shall advise that the
3 San Francisco Public Utilities Commission~~Director~~ will abate the nuisance or hazard if the owner
4 or owners fail to do so.

5 The General Manager of the San Francisco Public Utilities Commission~~Director~~ will abate
6 the nuisance or hazard on failure of the owner or owners to do so within the 10 days.

7
8 **SEC. 104.1. RECOVERY OF ABATEMENT COSTS.**

9 (a) Each notice provided in Section 104 of this Article shall advise the owner or owners
10 of responsibility for the expense of abatement of a nuisance or hazard. Any costs and
11 charges incurred by the City by reason of abatement of a nuisance or hazard by ~~the Director~~
12 any City department or agency shall be an obligation to the City ~~owed~~owed by the owner or owners
13 of tributary property. The ~~Director~~applicable City department or agency shall mail to the owner(s)
14 of the tributary property a notice of the amount due and a warning that lien proceedings will be
15 initiated against the property if the amounts due are not paid within 30 days after mailing of
16 the notice.

17 (b) Liens authorized under this ~~s~~Section 104.1 shall be imposed and collected in
18 accordance with the requirements of Article XX of Chapter 10 of the ~~San Francisco~~
19 Administrative Code. The amount of such liens, exclusive of administrative costs and charges,
20 shall be in accordance with the applicable provision of the following schedule:

21 (1) For a side sewer in the roadway of any public street, alley, or place, a fee of
22 \$200 for each tributary property.

23 (2) For a side sewer other than (1) above, utility drain, or private sewer, all costs
24 and charges incurred by the City.

1 **SEC. 104.2. ABATEMENT FUNDS.**

2 Whenever the ~~CityDirector~~ abates a nuisance or hazard at City expense the
3 ~~CityDirector~~ shall use any eligibleavailable fund. Any cost recovery under Section 104.1 shall
4 be deposited to the credit of the fund from which City expense was made for such abatement.

5
6 **SEC. 105. SIDE SEWER WORK BY PERMITS.**

7 It shall be unlawful for any person to make, or to cause, or to permit to be made, any
8 excavation in or under the surface of the roadway of any public street in the City and County
9 of San Francisco ~~for the purpose of constructing, reconstructing or repairing any side sewer or drain~~
10 ~~therein, or to construct in or under the roadway of any public street any such side sewer or drain or to~~
11 ~~connect the same with any public sewer or to reconstruct or repair any such side sewer or drain~~
12 ~~heretofore constructed in or under the roadway of any public street and connected with the public~~
13 ~~sewer, without first obtaining all applicable the following two permits: including but not limited to~~
14 ~~any permit required under Article 2.4 of the Public Works Code and/or a side sewer permit.~~

15 ~~(a) A special street opening permit from the Bureau of Engineering of the Department of Public~~
16 ~~Works, which permit will be issued only upon the filing of an excavation bond to guarantee the~~
17 ~~maintenance of the trench area, and the payment of a deposit from which inspection expenses will be~~
18 ~~drawn;~~

19 ~~(b) A side sewer permit from the Central Permit Bureau.~~

20 ~~Nothing in this Section or in the Section next following shall limit the operations under a~~
21 ~~contract let by the Department of Public Works for work in a public street or easement or under a~~
22 ~~contract for such work which is supervised by that department.~~

1 **SEC. 106. CONNECTION TO PUBLIC SEWER IN OFF-STREET LOCATION.**

2 Connection of a side sewer to a ~~main~~ public sewer main in an easement, or in any off-
3 street location, shall not be made without first obtaining a side sewer permit from the ~~Central~~
4 ~~Permit Bureau of the~~ Department of Public Works and/or the San Francisco Public Utilities
5 Commission, as applicable.

6
7 **SEC. 116.1. SEWERS CONSTRUCTED FROM PUBLIC FUNDS-CONNECTION TO.**

8 Where connection to a sewer constructed with public funds is sought by the owner of a
9 parcel which has not been assessed for or paid for the construction of such sewer, ~~the Director~~
10 ~~of Public Works is authorized to impose~~ a sewer connection fee ~~which~~ shall be paid to the City at
11 the time such owner requests connection to the sewer. The amount of the fee shall be based on
12 the cost of the sewer so installed.

13 ~~The amount of the fee shall be based on the cost to construct a 12-inch diameter sewer. At~~
14 ~~locations where a smaller sewer has been constructed, the amount of the fee shall be based on the cost~~
15 ~~of the sewer so installed. The fee shall be equal to, but not greater than, the assessment that could have~~
16 ~~been levied for the construction of the sewer facilities at the time they were constructed. The fee shall~~
17 ~~be collected by the Tax Collector and placed into the account from which funds were taken to construct~~
18 ~~the sewer in front of said property.~~

19
20 **SEC. 117. MATERIALS AND CONSTRUCTION REQUIREMENTS.**

21 Public sewers and side sewers shall be constructed in accordance with current
22 Standard Specifications and Plans of the San Francisco Public Utilities Commission and/or the
23 Bureau of Engineering, Department of Public Works, and such other regulations of the
24 ~~b~~Bureau as may be applicable.

1 **SEC. 150.1. DEFINITIONS.**

2 Unless the context otherwise specifies or requires, the terms defined in this Section
3 150.1 shall, for all purposes of this ~~Article 4.3~~, have the meanings herein specified, the
4 following definitions to be equally applicable to both the singular and plural forms of any of the
5 terms herein defined:

6 (a) The term "City" means the City and County of San Francisco;

7 (b) The terms "Department" and "Commission" mean the Public Utilities
8 Commission~~Department~~ of the City ~~and County of San Francisco~~, or its designated agent;

9 (c) The terms "General Manager" and "Manager" mean the General Manager of the
10 ~~Customer Service Bureau of the Public Utilities Department~~Commission, or the General Manager's
11 his authorized agents;

12 (d) The term "real property" means a lot or building thereon or other facility, whether
13 private, governmental, or otherwise, in the City ~~and County of San Francisco~~;

14 (e) ~~The term "Commission" means the Public Utilities Commission of the City and County of~~
15 ~~San Francisco, or its designated agent;~~

16 ~~(f)~~The term "owner" when used with reference to real property shall mean, and shall
17 conclusively be deemed to be, the legal owner of the real property, except, when the legal
18 owner of said real property is such due to the holding of a mortgage, note, or other such
19 security, in which case the "owner" shall be deemed to be the beneficial owner of said real
20 property.

21 ~~(g)~~The term "Committee" means the Lien Hearing Committee comprised of three
22 members as designated by the General Manager ~~of Utilities or his designee~~.

23 ~~(g)~~The term "customer" means the person subscribing for water and sewer service
24 from the ~~Public Utilities~~ Department, whether or not such person is the owner of the property
25 to which such service is rendered.

1 (*hi*) The phrase "Bureau of Delinquent Revenue" means the Bureau of Delinquent
2 Revenue Collection *within* the Tax Collector's Office, as set forth in ~~San Francisco~~
3 Administrative Code Section 10.37.

4
5 **SEC. 155. DESIGNATION OF LOCATIONS—~~PROVISO.~~**

6 Sidewalk flower-vending stands shall be located within the following designated street
7 flower market areas upon the sidewalks of the City and County of San Francisco at the curb
8 or building line.

9 * * * *

10 ***The Post Street Flower Market***

11 *On the north side of Post Street, east of Powell Street within 200 feet east of the easterly*
12 *property line of Powell Street.*

13 * * * *

14
15 **SEC. 170. GARBAGE RECEPTACLES.**

16 (a) **Garbage Receptacles Prohibited on Sidewalk, Street, or Any Public Right-of-**
17 **Way.** Except as otherwise provided in Sections 170.1 and 173 *of this Code, Chapter X, Part II,*
18 *San Francisco Municipal Code (Public Works Code),* no person, firm, or corporation occupying or
19 having charge or control of any premises shall place or cause to be placed, or suffer to
20 remain, upon the sidewalk, street, or any other dedicated public right-of-way, any can,
21 container, or receptacle used for the collection of garbage, refuse, ashes, cinder, sludge, offal,
22 broken glass, crockery, tins, boxes, animal or vegetable matter, rubbish or other like matter,
23 recycling, or green waste, except on the day the contents of said receptacle are to be
24 collected by the licensed collector thereof or after the hour of 6:00 p.m. of the day immediately
25 prior to the day of said collection.

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

6 (2) Any person, firm, or corporation occupying or having charge of any
7 residential premises shall remove any such receptacles from the sidewalk, street, or other
8 dedicated public right-of-way within ~~twenty-four (24)~~ hours after placing said receptacles out for
9 collection and after the contents of the said receptacle have been collected.

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

14 (4) In addition to the requirements set forth in this Section 170, the Director of
15 Sanitation and Streets, after a public hearing, may adopt such orders, policies, regulations,
16 rules, or standard plans and specifications as ~~he or she~~ the Director deems necessary in order
17 to preserve and maintain the public health, safety, welfare, and convenience.

18 (b) The Director of Sanitation and Streets~~Public Works~~, in issuing any written notice to
19 abolish, abate, and remove a nuisance under Article 5.1 of the Public Works Code, may direct
20 any person, firm, or corporation occupying or having charge of any commercial premises, to
21 securely lock every can, container, or receptacle placed for collection pursuant to Section
22 170(a) on any area open to the public, to prevent access to the contents thereof by any
23 person other than the licensed refuse collector. Any such written notice shall be issued as set
24 forth in Section 174.1.

1 (c) Each violation of ~~§~~ subsection (a) shall constitute an infraction and shall be
2 punishable by a fine of not less than \$80.00 nor more than \$100.00; for a second offense by a
3 fine not less than \$150.00 nor more than \$200.00; and for each additional offense by a fine not
4 less than \$250.00 nor more than \$500.00. In the alternative, an administrative penalty not to
5 exceed \$250.00 may be assessed for each violation. Such penalty shall be assessed,
6 enforced and collected in accordance with Section 39-1 of the Police Code.

7
8 **SEC. 170.1. ANTI-LITTER RECEPTACLES PERMITS.**

9 The Director *of Sanitation and Streets*~~Public Works~~ is hereby authorized and empowered
10 to issue permits for the placement and maintenance of anti-litter receptacles at locations in the
11 financial and business districts of the City and County of San Francisco to be determined or
12 approved by the Director *of Sanitation and Streets*. The receptacles and the placement thereof
13 shall involve no cost to the City and County.

14 The provisions of this Section 170.1 shall not be applicable to receptacles required to
15 be placed and maintained pursuant to the provisions of Section 173 of this Article 5.1.

16
17 **SEC. 171. DECALS ON RECEPTACLES.**

18 (a) Sponsors of the placement of the receptacles shall be allowed to place decals on
19 the receptacles bearing their names, providing that the decal shall be no larger than four
20 inches by six inches overall and the size and design of the decal shall be subject to the
21 approval of the Director *of Sanitation and Streets*~~Public Works~~.

22 (b) Pursuant to Section 170(a), owners of garbage receptacles shall be allowed to
23 prominently place decals on the receptacles bearing the scheduled collection dates and times,
24 providing that the decal shall be no larger than 8½ inches by 11 inches overall and the size
25

1 and design of the decal shall be subject to the approval of the Director of Sanitation and
2 Streets~~Public Works~~.

3
4 **SEC. 172. FORM OF APPLICATION.**

5 The Director of Sanitation and Streets~~Public Works~~ shall prescribe the form of the
6 application to be filed for the placement of the anti-litter receptacles and shall have the power
7 and authority to adopt and enforce such rules and regulations with respect to the placement,
8 maintenance, and removal of such receptacles as are consistent with the provisions of this
9 Article 5.1.

10
11 **SEC. 173. PLACEMENT AND MAINTENANCE OF LITTER RECEPTACLES.**

12 (a) It is the intent of this Section 173 to ensure that public areas are kept clean and free
13 from litter.

14 (b) Any person, firm, or corporation operating a grocery store, a liquor store, or an
15 establishment selling food or beverages for consumption off the premises shall place and
16 maintain a litter receptacle outside of each exit from said premises for the use of the patrons
17 thereof during business hours; provided, however, that a person, firm, or corporation is not
18 required under this Section to place and maintain a litter receptacle outside each exit if that
19 person, firm, or corporation places and maintains a set of three containers for recyclables,
20 compostables, and trash for use by customers and visitors as specified in Chapter 19 of the
21 Environment Code.

22 (c) Any person, firm, corporation, or property owner operating a place of employment
23 shall provide and maintain adjacent to the place of employment sufficient ashtrays or other
24 receptacles for the disposal of cigarettes, cigars, and other similar combustible products used
25 by employees and patrons who smoke. The Director of Sanitation and Streets~~Public Works~~ shall

1 authorize the placement of such ashtrays or other receptacles in the public right-of-way where
2 necessary.

3 (d) The design, capacity, location, and number of ashtrays and receptacles shall be
4 prescribed by the Director of Sanitation and Streets~~Public Works~~. Decals may be placed upon
5 said receptacles subject to the limitations set forth in Section 171 of this Article 5.1.

6 (e) The receptacle shall be emptied when full and at the close of business each day
7 and the contents thereof shall be stored or set out for collection in the same manner as other
8 refuse generated in the operation of the business. Each receptacle shall be maintained in a
9 clean and sanitary condition.

10 (f) Violation of this Section shall constitute an infraction and shall be punishable by a
11 fine of not less than \$80 nor more than \$100; for a second offense by a fine not less than
12 \$150 nor more than \$200; and for each additional offense by a fine not less than \$250 nor
13 more than \$500. In the alternative, an administrative penalty not to exceed \$250 may be
14 assessed for each violation. Such penalty shall be assessed, enforced, and collected in
15 accordance with Section 39-1 of the Police Code.

16
17 **SEC. 174.1. ABATEMENT.**

18 ~~(a)~~—It shall be the duty of the Director of Sanitation and Streets~~Public Works~~ to cause any
19 person, firm, or corporation, including but not limited to any department, board, or commission
20 of the City and County, that permits the accumulation of materials mentioned in Section 174 to
21 be notified in writing to abolish, abate, and remove such nuisances. The Director of Sanitation
22 and Streets~~Public Works~~ may abate nuisances under this Section 174.1 in accordance with the
23 procedures set forth in the Community Preservation and Blight Reduction Act, Chapter 80 of
24 the ~~San Francisco~~ Administrative Code, including, but not limited to, its provisions for notice,
25

1 abatement, penalties, cost recovery, and debt collection against the parcel or parcels of land
2 fronting the nuisance upon the sidewalk, driveway, curb, or gutter.

3
4 **SEC. 176.6A. ENFORCEMENT ASSISTANCE BY OTHER CITY DEPARTMENTS ~~OF~~**
5 ***PUBLIC HEALTH.***

6 In addition to the Director of the Department of Public Works, the Director of the
7 Department of Public Health and the Director of Sanitation and Streets may determine when a
8 permittee violates any of the restrictions and conditions set forth in Section 176.5 of this
9 Article 5.2, or any rule or regulation of the Director of the Department of Public Works adopted
10 in pursuance of the provisions of this Article. When the Director of the Department of Public
11 Health or the Director of Sanitation and Streets makes such a determination, ~~he or she~~ they shall
12 forward such determination to the Department of Public Works for appropriate action.

13
14 **SEC. 183-4. CONDITIONS AND RESTRICTIONS.**

15 The issuance of permits and the maintenance of stands for display of fruits and
16 vegetables or nonfood merchandise in front of business establishments by the permittee shall
17 be subject to the following conditions and restrictions as well as such other conditions and
18 restrictions as may be imposed by the Director of Public Works or ~~his/her~~ the Director's
19 designee:

20 * * * *

21 (j) Each permittee shall, at ~~his~~ their own expense, maintain in full force and effect an
22 insurance policy or policies issued by an insurance company or companies satisfactory to the
23 ~~City's~~ Controller and the Director of Public Works. Policy or policies shall afford liability
24 insurance in an amount not less than \$1,000,000 covering all operations, including, but not
25 limited to, premises, products, personal injuries, and property damage or a combination of

1 such injuries. Said policy or policies shall include the City and County of San Francisco and its
2 officers and employees jointly and severally as additional insureds and shall apply as primary
3 insurance and shall stipulate that no other insurance effected by the City and County of San
4 Francisco will be called on to contribute to a loss covered thereunder. Said policy or policies
5 shall provide 30 days' notice to Controller, City and County of San Francisco, Room 316, City
6 Hall, and the Director of Public Works, 49 South Van Ness Avenue, 16th Floor, Room 260, City
7 Hall, if the policy or policies should be canceled or materially changed.

8 * * * *

9
10 **SEC. 184.53. PERFORMANCE BOND AND WAIVER PROVISION.**

11 (a) Performance Bond.

12 (1) Upon submitting the application, each applicant for a permit pursuant to this
13 Article 5.5 shall post a performance bond with the Director of Public Works or ~~his~~the Director's
14 designee to insure that public property is restored and cleaned of litter at the conclusion of
15 the permitted activity. Said performance bond shall be in the form of a cashier's check
16 payable to the Department of Public Works of the City and County of San Francisco in the
17 amount of \$500. At the termination of the permitted activity, the Department of Public Works
18 shall refund the amount of the performance bond to the applicant as soon as the public
19 property has been restored to its original condition to the satisfaction of the Director of the
20 Department of Public Works or ~~his~~ the Director's designee. In no case shall the performance
21 bond be returned before the property is restored to its original condition.

22 * * * *

23
24 **SEC. 184.56. DEFINITIONS.**

25 For the purposes of this Article 5.6:

1 (a) "Alley" means (1) a Street having a roadway not exceeding 25 feet in width which is
2 primarily used for access to the rear or side entrances of abutting property or (2) any Street
3 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
8 ground floor of the Street is used for a Commercial purpose. One block shall be measured
9 from Street intersection to Street intersection, but shall not include any Alley intersection.

10 (e) "Department" means the Department of ~~Sanitation and Streets~~ ~~Public Works of the City~~.

11 (f) "Director" means the Director of the Department ~~of Public Works of the City~~. Director
12 shall mean and include an officer or employee of the City designated to act on the Director's
13 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 or
17 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 sidewalk
19 within one block of which not more than ~~50% percent~~ of front footage of private property on the
20 ground floor of the Street is used for a Commercial purpose. One block shall be measured
21 from Street intersection to Street intersection, but shall not include any Alley intersection.

22 Property owned or occupied by the City, the State of California, or the United States
23 Government and used for a government purpose shall be deemed Non-Commercial property
24 for the purpose of this Article only. Property located on the same side of the street and
25

1 adjacent to property under the jurisdiction of the Department of Recreation and Park shall be
2 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 for
8 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 184.76, 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 *the 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 to
18 the use of the public for purposes of vehicular travel, or property dedicated as a public street
19 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 used
21 in connection with the Municipal Railway or telephone or electric lines, but shall not include
22 any traffic control signal or sign.

1 **SEC. 184.63. CIVIL AND ADMINISTRATIVE PENALTIES.**

2 (a) Any Person in violation of any provision of this Article 5.6 and of failing to pay the
3 amount billed such Person for such violation shall be liable for payment of a civil penalty in an
4 amount equal to (1) the costs incurred by the City occasioned by the failure to remove Signs
5 and by damaged property occasioned by their posting or removal, and (2) the costs to the City
6 incurred in obtaining imposition of such civil penalties through litigation, including the cost of
7 paying City employees or other persons to engage in the litigation, and (3) an additional
8 amount equal to ~~50% percent~~ of the total of (1) and (2) of this ~~§~~ subsection (a).

9 (b) In addition to any other remedies that may be available, a violation of this Article
10 may be punishable by an administrative fine, which may be assessed by an administrative
11 citation issued by Department of Public Works officials designated in Section 38 of the Police
12 Code. Administrative Code Chapter 100, "Procedures Governing the Imposition of
13 Administrative Fines," as may be amended from time to time, is hereby incorporated and shall
14 govern the procedure for the imposition, enforcement, collection, and administrative review of
15 administrative citations issued to enforce this Article, except that the amount of the
16 administrative fine shall be \$100 for a first violation of any section of this Article, \$200 for a
17 second violation of such section within one year of the first violation, and \$500 for each
18 additional violation of such section within one year of the first violation.

19 (c) All monies received by the City in payment of civil penalties or administrative fines
20 for violation of this Article shall be deposited to the credit of ~~the Bureau of Street Environmental~~
21 ~~Services of the Department of Sanitation and Streets~~ Public Works in a special fund, to be entitled
22 "Sign Removal Fund." Revenue from such fund shall be used exclusively for the costs related
23 to the removal of illegally posted Signs and repair of City property damaged by such posting.
24 Balances remaining in the fund at the close of any fiscal year shall have been deemed to have
25 been provided for a specific purpose within the meaning of Section 9.113 of the Charter, and

1 shall be carried forward and accumulated in said fund for the purposes recited herein. The
2 monies received into this fund are hereby appropriated exclusively for the purposes set forth
3 herein.

4
5 **SEC. 184.67. ENFORCEMENT AND RULEMAKING AUTHORITY TO MAKE RULES,**
6 ***ETC.***

7 *(a) Enforcement Authority. In addition to the Department of Sanitation and Streets, the*
8 *Department of Public Works shall have authority to enforce provisions of this Article 5.6 unless*
9 *otherwise expressly prohibited pursuant to the Municipal Code. The Department of Public Works shall*
10 *coordinate any such enforcement with the Department of Sanitation and Streets.*

11 *(b) Rulemaking Authority. Consistent with this Article 5.6, ~~t~~The Director of Sanitation and*
12 *Streets and the Director of Public Works ~~are~~is empowered to adopt rules, regulations, and*
13 *interpretations of this Article 5.6, ~~Ordinance as he or she may deem necessary and proper to interpret~~*
14 *and administer the provisions of this Article* provided that the rules, regulations, and
15 interpretations shall not be inconsistent with any of the provisions of this Article.

16
17 **SEC. 184.69. DEFINITIONS.**

18 For the purposes of this Article 5.7:

19 (a) "Board" means the Board of Supervisors ~~of the City~~.

20 (b) "City" means the City and County of San Francisco.

21 (c) "~~Department~~" means the Department of Public Works of the City.

22 (d) "~~Director~~" means the Director of the Department of Public Works of the City. ~~Director~~
23 ~~shall mean and include an officer or employee of the City designated to act on the Director's behalf.~~

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

1 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 (df) "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 three separate sheets of paper, and (3) has printed matter on at least
6 one side of the paper.

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

9
10 **SEC. 184.73. INVESTIGATION BY DIRECTOR; UNDERTAKING FOR THE**
11 **GENERAL WELFARE.**

12 (a) The Director of the Department of Sanitation and Streets, or the Director's designee, shall
13 investigate, or cause to be investigated, all complaints made to the Department of Sanitation
14 and Streets regarding the violation of any of the provisions of this Article and take such actions
15 regarding any violation as is provided therein.

16 (b) In undertaking enforcement of this Article 5.7, the City, including, but not limited to,
17 the Department of Sanitation and Streets, is assuming an undertaking only to promote the
18 general welfare. It is not assuming, nor is it imposing on its officers and employees, an
19 obligation for breach of which it is liable in money damages to any Person who claims that
20 such breach proximately caused injury.

21 (c) The obligations this Article imposes on City officials are intended to be directive
22 only. The provisions of this Article shall not be invalidated to the extent City officials do not
23 comply with any obligation imposed herein.

1 **SEC. 184.74. PUBLICATION OF NOTICE.**

2 The Director of the Department of Sanitation and Streets, or the Director's designee, shall
3 publish a copy of this Article 5.7 once in one or more newspapers of general circulation, post a
4 copy of the Article on or near the front door of the Chamber of Commerce and on a bulletin
5 board in or adjacent to the City Hall for a period of 90 calendar days after its passage, and
6 prominently provide notice of this Article in any material made available to the public regarding
7 the City's regulations of Handbills.

8 The notice requirements of this Section are intended to enhance community awareness
9 of the City's regulations of Handbills. However, the notice requirements shall be given only
10 directive effect. Accordingly, the failure of the Director of the Department of Sanitation and
11 Streets, or the Director's designee, to provide the notice required by this Section shall not be a
12 defense in any criminal proceeding or civil action brought to enforce the provisions of this
13 Article nor shall such failure relieve any Person of criminal or civil liability for Handbill
14 distributions that violate this Article.

15
16 **SEC. 184.75. RULEMAKING AND ENFORCEMENT AUTHORITY REGARDING**
17 **HANDBILL DISTRIBUTION TO MAKE RULES, ETC.**

18 (a) Enforcement Authority. In addition to the Department of Sanitation and Streets, the
19 Department of Public Works shall have authority to enforce provisions of this Article 5.7 unless
20 otherwise expressly prohibited pursuant to the Municipal Code. The Department of Public Works shall
21 coordinate any such enforcement with the Department of Sanitation and Streets.

22 (b) Rulemaking Authority. Consistent with this Article 5.7, ~~t~~The Director of the Department of
23 Sanitation and Streets, or the Director's designee, is empowered to adopt rules, regulations, and
24 interpretations of this ~~Ordinance~~ Article as he or she ~~the Director or designee~~ may deem
25 necessary and proper to interpret and administer the provisions of this Article, provided that

1 the rules, regulations, and interpretations shall not be inconsistent with any of the provisions
2 of this Article.

3
4 **SEC. 184.78. BANNERS.**

5 * * * *

6 (b) Subject to the conditions and limitations imposed by this Section 184.78, the
7 Department of Public Works is authorized to adopt rules, ~~and regulations,~~ and interpretations
8 governing the posting of banners consistent with the terms of this Article 5.7. In enacting such
9 rules, ~~and regulations,~~ and interpretations, the Department of Public Works shall consider the
10 need to protect the safety of pedestrians, vehicles, and other property and the need to
11 promote aesthetics on the City's streets and sidewalks. With respect to City-wide special
12 event banners or City convention facility banners, the Department of Public Works shall not
13 discriminate on the basis of the viewpoint in a banner in its administration and interpretation of
14 this Section and any rules, ~~or regulations,~~ or interpretations adopted under this Section.

15 * * * *

16 (e) No banner shall be affixed to more than one structure so that it spans the area
17 between two or more structures or spans a street unless and until the party responsible for the
18 posting of such banner first obtains a permit from the Department of Public Works for the
19 purpose of enabling that Department to ensure that the banner is posted in a safe manner and
20 that the party has obtained adequate insurance coverage for any risk posed by such posting,
21 according to guidelines established by the Director of Public Works; and provided that, if any
22 part of the banner is to be attached to non-City property, upon filing the permit application, the
23 party shall be notified that the consent of the private owner should be obtained before posting
24 the banner.

1 (f) Notwithstanding anything in this Code that may be to the contrary, the Director of
2 Public Works is authorized to permit the posting of banners on the historic lamp posts lining
3 Market Street, an area known as the "Path of Gold," City Landmark #200, and more fully
4 described in Section 184.58, for:

5 (1) City neighborhood banners as defined in ~~S~~ subsection (c)(5); or

6 (2) subject to the following conditions:

7 (A) The Director of Public Works may issue a permit only for an event: (A)
8 that results in the closure of all or a portion of Market Street's Path of Gold and (B) for which
9 the event sponsor has already obtained the necessary City approvals for such closure; and

10 (B) Banners shall not be posted for longer than 30 days prior to the
11 event, nor remain posted for longer than 10 days after the event.

12 * * * *

13
14 **SEC. 184.85. REGULATING MOBILE FOOD FACILITY LOCATIONS.**

15 (a) Every person desiring a permit pursuant to this Article 5.8 shall conform to the
16 requirements set forth in this Section 184.85 and any regulations and rules that the Director
17 adopts pursuant to this Article.

18 * * * *

19 (e) The Director, after a public hearing, may adopt such orders, policies, regulations,
20 rules, or standard plans and specifications as ~~he or she~~ the Director deems necessary in order
21 to preserve and maintain the public health, safety, welfare, and convenience. Such orders,
22 policies, regulations, or rules may include, but are not limited to, permit application materials,
23 placement of and information contained on signs, site conditions, and accessibility of
24 sidewalks and streets. When such orders, policies, regulations, or rules will affect the
25 operations and enforcement of the Municipal Transportation Agency, the Department of Public

1 Health, ~~or~~ the Fire Department, or the Department of Sanitation and Streets, the Director shall
2 consult with and provide an opportunity to comment to the Director of the affected Department
3 prior to adoption of such orders, policies, regulations, or rule.
4

5 **SEC. 192. PORTION OF EXPENSE PAID OUT OF TREASURY.**

6 Said Director may, if ~~he~~ the Director deems it advisable, and when there is an
7 unexpended and unencumbered balance in any fund in the City and County Treasury which
8 has been appropriated for such general purpose, and the written consent of the ~~Chief~~
9 ~~Administrative Officer and~~ Controller has been obtained, recommend to the Board of
10 Supervisors that not to exceed 2/3 of the expense of any of the work mentioned in this Article
11 6 shall be paid out of said Treasury from such unexpended and unencumbered balance. Said
12 Director shall state the fact of such intended recommendation in ~~his~~ the order declaring ~~his~~ the
13 Director's intention to recommend that the work be done, specifying in such order the amount
14 so to be recommended for payment from the Treasury.

15 * * * *

16
17 **SEC. 200. NOTICE INVITING BIDS – PROCEDURE.**

18 After the specifications, or plans and specifications, have been prepared, said Director
19 shall cause a notice to be published for two consecutive days in the official newspaper and
20 posted conspicuously in ~~his~~ the Director's office for a period of not less than 10 days, inviting
21 sealed proposals for the contemplated work.

22 (a) **Time and Place for Receiving Bids.** Said notice shall invite sealed proposals for
23 the contemplated work to be delivered to said Director at the Director's ~~his~~ office, or at a place
24 to be designated by the Director ~~him~~ in said notice, on a day and during an hour to be specified
25 therein, which shall be not less than 10 days after the date of last publication of said notice as

1 hereinabove provided and after the first day of said posting of said notice. Said notice shall
2 contain a description of the proposed work substantially similar to that contained in the order
3 of said Director declaring ~~the~~^{his} intention to recommend that the Board of Supervisors order
4 the same to be done. Said notice shall also contain a reservation of the right to reject any and
5 all bids, and shall specify the period of time within which the work is to be completed after the
6 date of execution of the contract therefor and the amount of the bond to be given by the
7 awardee of the contract for faithful performance, public liability, and property damage of the
8 same.

9 Reference to the specifications, or plans and specifications, for the proposed work
10 shall also be incorporated in and notice for further information concerning the details of the
11 proposed work.

12

13 **SEC. 201. BIDS AND AWARD – PROCEDURE.**

14 All proposals shall be made upon printed forms to be prepared by said Director and
15 furnished gratuitously upon application.

16 Every proposal made shall be accompanied by a corporate surety bond or a check
17 certified by a responsible bank, payable to the order of said City and County for an amount
18 not less than 10% per centum of the aggregate of the proposal, and no proposal shall be
19 considered unless accompanied by such bond or check.

20 No person, firm, or corporation shall make, file, or be interested in more than one bid
21 for the same improvement. If on the opening of bids more than one bid appears in which the
22 same person, firm, or corporation is interested, all said last mentioned bids shall be rejected.

23 On the day and during the hour specified in said notice inviting sealed proposals, ~~said~~
24 ~~Director shall be in his office, or in the place designated by him in said notice, and~~ all bids shall be
25 delivered to the Director's office ~~him~~ within the hour named in said notice. No bid not so

1 delivered ~~to him~~ shall be considered. Each bid as it shall be received shall be numbered and
2 marked "Filed" by said Director and authenticated by the Director's ~~his~~ signature. At the
3 expiration of the hour stated in said notice, said Director shall publicly open, examine, and
4 declare the same and an abstract of each bid shall be recorded in a public register to be kept
5 by said Director for such purpose. Said Director shall immediately compare the bids with the
6 record so made, and shall thereupon or at such other time not exceeding 20 days thereafter
7 award the contract for the work to the lowest reliable and responsible bidder, except as
8 otherwise herein provided. Notice of such award shall be caused to be posted for five days by
9 said Director in some conspicuous place in the office of the Department of Public Works and
10 such notice shall be published once in the official newspaper. Said Director may reject any
11 and all bids and may reject the bid of any bidder who has been delinquent or unfaithful in any
12 former contract with said City and County and must reject all bids other than the bid of the
13 lowest reliable and responsible bidder; and, on accepting said lowest bid, ~~he~~ said Director shall
14 thereupon return to the proper parties the bonds or checks corresponding to the bids so
15 rejected. If all the bids are rejected said Director shall return all the bonds or checks to the
16 proper parties and may again invite sealed proposals for the proposed work as in the first
17 instance.

18 * * * *

19
20 **SEC. 205. CONTRACT – APPROVAL AND EXECUTION.**

21 Every contract in this Article 6 referred to shall be executed by said Director on behalf
22 of said City and County. ~~The Chief Administrative Officer of said City and County shall also~~
23 ~~approve by his signature every such contract which involves the expenditure of over \$2,000.~~

24 Whenever in any such contract the City and County is obligated to pay any portion of the
25 contract price, the Controller also shall approve such contract by ~~his~~ the Controller's signature.

1 **SEC. 209. MATERIAL AND LABOR CLAIMS.**

2 Any laborer, material~~man~~ supplier, person, company, or corporation furnishing any of
3 the items mentioned in Section 208 of this Article 6 used in, upon, for, or about, or contributing
4 to, the performance of the work contracted to be done, and whose claim has not been paid
5 may, at any time within 10 days from the date of recordation of the assessment in the
6 Department of Public Works, file in said department a verified statement of ~~the~~his or their
7 claim, together with a statement that the same or some part thereof has not been paid.

8
9 **SEC. 214. CERTIFICATE OF COMPLETION – SUPERVISION OF DIRECTOR.**

10 All work in this Article 6 provided for must be done under the supervision and to the
11 satisfaction of said Director; and said Director shall require all materials used in such work to
12 be in accordance with the specifications therefor; and all contracts provided for in this Article
13 must contain a provision to the effect hereinbefore in this Section set forth, and also a
14 provision to the effect that in no case, except where it is otherwise provided in this Article, or
15 the Charter of said City and County, will said City and County or any department or official
16 thereof, be liable for any portion of the expense of said work, or for any damages resulting in
17 the course of the performance thereof, or for any delinquency of persons or of property
18 assessed.

19 When any such work shall have been completed to the satisfaction of said Director,
20 the Director ~~he~~ shall so declare by certificate, which shall be made a permanent part of the
21 records of the Director's ~~his~~ office, and thereupon the Director shall cause to be delivered to
22 the contractor a duplicate of such certificate.

1 **SEC. 215. METHOD OF ASSESSMENT – WORK DONE BY OWNER.**

2 When any work in, upon, or over any public way shall have been completed according
3 to contract, as herein provided for, said Director shall make an assessment to cover the sum
4 due for the work performed and specified in said contract (including all incidental expenses),
5 in conformity with the provisions of this Article 6. The assessment shall briefly refer to the
6 contract, the work contracted for and performed, and shall show the amount to be paid
7 therefor, together with any incidental expenses, the amount of each assessment, the name of
8 the owner of each lot (if known to said Director, and if not known the word “unknown” shall be
9 written opposite the number of the lot and the amount assessed against it), and the number of
10 each lot assessed; and said assessment shall have attached thereto a diagram exhibiting the
11 public ways or public way crossings on, in, or over which the work has been done, and
12 showing the relative location of each distinct lot to the work done, numbered to correspond
13 with the numbers in the assessment. A mistake in the name of the owner shall not invalidate
14 any assessment.

15 All incidental expenses incurred in connection with the work must be paid to said
16 Director before the issuance of the warrant, assessment, and diagram herein provided for.

17 * * * *

18 (b) **Assessment According to Estimate of Benefits.** Immediately after the
19 contractor has fulfilled *thehis* contract to the satisfaction of said Director, the said Director shall
20 proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as
21 shown by the diagram provided for in Section 195 of this Article, the benefits arising from such
22 work and to be received by each such lot, portion of such lot, piece or subdivision of land, and
23 shall thereupon assess upon and against said lands in said assessment district the total
24 amount of the expense of such work, together with all incidental expenses, and in so doing
25 shall assess said total sum upon the pieces, parcels, lots, or portions of lots, and subdivisions

1 of land, in said district, benefited by said work, to-wit: Upon each respectively in proportion to
2 the benefits received by each of said several lots, portions of lots or subdivisions of land.

3 * * * *

4 (d) **Public Lands.** Whenever any parcel of land belonging to the United States, the
5 State of California, said City and County, or any public agent, mandatory, board, or institution,
6 and being in use in the performance of a public function, shall be included within the district
7 declared by said Director, in ~~the~~*his* order declaring ~~his~~*the Director's* intention, to be the district
8 to be assessed to pay the expense of such work, said Director may, in ~~his~~ said order, declare
9 that such parcels of land, or any of them, shall be omitted from the assessment thereafter to
10 be made to cover the expense of such work. In the event of such declaration of omission, then
11 the total expense of all such work shall be assessed on the remaining lots lying within such
12 assessment district, without regard to such omitted parcels of land. If, however, said Director
13 shall, in ~~his~~ *the* said order declaring *the Director's* ~~his~~ intention, declare that said parcels of land
14 so owned as aforesaid, or any of them, shall be included in the assessment, or if no
15 declaration be made respecting such parcels of land, or any of them, then the respective
16 sums which shall be assessed against said parcels of land so owned and used shall be paid
17 out of funds in the treasury of said City and County theretofore appropriated for the purpose of
18 street improvement; provided, however, that such assessments shall not be payable out of
19 funds in said treasury, unless the ~~Chief Administrative Officer and~~ *Controller of said City and*
20 ~~County~~, in writing, consent thereto before said Director shall make his said order declaring his
21 intention; provided further that all of the provisions of Section 192 of this Article must be
22 complied with; and provided further that any such sum or sums so assessed against parcels
23 of land so owned and used shall not be payable out of such City and County funds, when
24 such sum or sums are paid by the owners of or bodies controlling such parcels of land.

1 (e) **Owners May Perform Grading.** Any owner or owners of lots or lands fronting
2 upon any street, the width and grade of which have been established by the Supervisors, may
3 perform at each owner's ~~his or their~~ own expense (after obtaining permission from the Director
4 of Public Works ~~so~~ to do so but before said Director has made ~~the~~his order of intention to
5 recommend grading inclusive of this) any grading upon said street, not beyond its grade as
6 then established and thereupon may procure, at ~~his or~~ their own expense, a certificate from
7 the City Engineer setting forth the number of cubic yards of cutting and filling made by ~~him or~~
8 ~~them~~ the owner or owners in said grading, and the proportions performed by each owner;
9 provided, however, that, as to each lot, but one such certificate shall be issued for such
10 grading; and thereafter such owner may file said certificate in the office of said Department of
11 Public Works. Said certificate shall be recorded in a properly indexed book kept for that
12 purpose in the office of said Department of Public Works. Whenever thereafter the Board of
13 Supervisors order the grading of said street, or any portion thereof, on which any grading
14 certified as aforesaid has been done, the bids and contract must express the price by the
15 cubic yard for grading, and such owner or owners, and ~~his or~~ their successors in interest, shall
16 be entitled to credit on the assessment upon ~~his or~~ their lots and lands fronting on said street
17 for grading thereof, to the amount of the cubic yards of cutting and filling set forth in ~~his or~~ their
18 said certificate, at the prices named in the contract for said grading; or, if the grade meanwhile
19 has been legally changed, only for so much of said certified work as would be required for
20 grading to the grade as changed. Such owner or owners shall not be entitled to any credit that
21 may be in excess of the assessment for grading upon the lots and lands owned by ~~him or~~
22 them, and proportionately assessed for the whole of said grading. Said Director shall include
23 in the assessment for the whole of said grading upon the same grade the number of cubic
24 yards of grading set forth in any and all certificates so recorded in said office, or for the whole
25 of said grading to the changed grade, so much of said certified work as would be required for

1 grading thereto, and shall enter corresponding credits, deducting the same as payments upon
2 the amounts assessed against the lot and lands owned respectively by said certified owners
3 and their successors in interest; but said Director shall not credit any sums in excess of the
4 assessments for the whole of the grading, which are made upon any lots and lands fronting
5 upon said street and belonging to any such certified owners or their successors in interest.

6 * * * *

7
8 **SEC. 216. WARRANT – FORM – RECORDATION – LIEN.**

9 To said assessment shall be attached a warrant which shall be signed by said Director
10 ~~and countersigned by the acting Secretary of said Department of Public Works.~~ Said warrant shall be
11 substantially in the following form:

12 By virtue hereof the Department of Public Works of the City and County of San
13 Francisco, by the authority vested in it, does authorize (name of contractor) itshis (or their)
14 agents or assigns, to demand, and receive the several assessments upon the assessment
15 diagram hereto attached, and this shall be hisits (or their) warrant for the same.

16 Date

17 (Name of said Director), Director of Public Works.

18 ~~Countersigned by (name of acting Secretary of Department of Public Works), Acting Secretary~~
19 ~~of the Department of Public Works.~~

20 Said warrant, assessment, and diagram shall be filed with the Director of the Department
21 of Public Works, or the Director's designee, and recorded in ~~both the office of said Department of~~
22 ~~Public Works and in~~ the office of the Assessor-Recorder of said City and County. When so
23 recorded the several amounts assessed shall be and remain a lien upon the parcels of land
24 assessed, respectively, and such lien shall so continue until it be fully paid and discharged of
25 record. Such lien:

1 * * * *

2
3 **SEC. 217. OBJECTION TO ASSESSMENT.**

4 No objection to the correctness or legality of the assessment or other act,
5 determination, or proceeding of said Director or of any board or officer, or otherwise, up to and
6 including said recordation of the warrant, assessment, and diagram, whether such objection
7 appear upon the face of the warrant, assessment, and diagram, or not, shall be made except
8 by appeal to the Supervisors as in this Section 217 hereinafter provided for.

9 Upon the ~~filing recordation~~ in the office of the Department of Public Works and
10 recordation in the office of the Assessor-Recorder of an assessment, diagram, and warrant, as in
11 this Article 6 provided for, said Director shall cause notice of the recordation of the
12 assessment, diagram, and warrant to be given. Said notice shall also specify the time and
13 place, to be fixed by said Director, when and where the protests of all persons interested in
14 the work done or in the assessment, diagram, or warrant for payment of the cost of the same,
15 or in any property affected thereby, will be heard by the Board of Supervisors, and shall also
16 state that said assessment, diagram, and warrant will be open to public inspection at the office
17 of the Department of Public Works during business hours. Such notice shall be posted in the
18 office of said Department of Public Works for not less than 10 days before the time of hearing
19 therein mentioned, and shall be published once in the official newspaper of said City and
20 County not less than 10 days before the time fixed for such hearing. Such notice shall also be
21 posted in the manner provided for in Section 193 of this Article at least 10 days before such
22 hearing. All of the provisions of Section 193 shall be applicable to such posting. In said notice,
23 reference shall be made to the order of said Director declaring his intention, for a description
24 of the work done and no other description thereof shall be necessary. Said notice shall also
25 contain the description of the assessment district contained in said order of said Director.

1 **SEC. 229. INSTALLMENT PAYMENTS – FORM OF BONDS.**

2 In case the owner or owners of any parcel of land against which an assessment is
3 imposed desires to ~~avail himself or themselves~~ partake of the privilege of paying such
4 assessment in installments, and for and in consideration of such privilege, such owner or
5 owners, within 30 days from the date of the return of the warrant made as required by Section
6 222 of this Article, shall make payment to the Department of Public Works for the contractor or
7 the contractor's ~~his~~ assigns or other person duly authorized to receive the same, of an amount
8 equivalent to an installment payment on such assessment determinable by the number of
9 installments made payable thereon, which amount so paid shall be deemed a payment of the
10 first installment such assessment under the terms of the bond hereinafter provided for, and in
11 such bond shall be so designated. The interest payable under the terms of said bond shall be
12 computed from the date of the assessment on which such bond is issued. Such owner or
13 owners must, within not more than 30 days from the date of the payment hereinbefore
14 provided for, execute and acknowledge before an officer authorized by law to take
15 acknowledgments of the conveyances of real property, and file with the Department of Public
16 Works, a bond in triplicate, substantially in the following form:

17 * * * *

18
19 **SEC. 240. SUBSTITUTE FOR DIRECTOR OF PUBLIC WORKS OR CITY**
20 **ENGINEER.**

21 If the Director of Public Works, for any reason whatsoever, may not perform any of the
22 duties or functions by this Article 6 imposed upon the Director~~him~~, or if it becomes inconvenient
23 for the Director~~him~~ to perform any such duties or functions, then, in every such case, such
24 duties and functions may be performed by the City Engineer or other designee of the Director
25 within ~~thein said~~ Department of Public Works, as a substitute for said Director, ~~or, in any such~~

1 ~~case, said duties and functions may be performed by anyone in said Department designated by the~~
2 ~~Chief Administrative Officer of said City and County.~~ The duties and functions hereby imposed
3 upon said City Engineer may be performed by anyone else in said Department designated by
4 said Director. Whenever such a substitute shall act, either for said Director or for said City
5 Engineer, the records of said Department shall include a written designation by ~~said Chief~~
6 ~~Administrative Officer or~~ said Director, ~~as the case may be,~~ appointing such substitute. Such
7 designation shall indicate the period during which such substitute shall be authorized so to
8 act. Such written designation shall be conclusive of all facts therein recited, and all acts of
9 such substitutes, respectively, shall have the same validity as if they had been performed by
10 said Director or said City Engineer, as the case may be.

11
12 **SEC. 241. NOTICES AND AFFIDAVITS – SERVICE – PUBLICATION.**

13 Notice in writing required to be given by said Director may be served by any person as
14 authorized by the Director ~~over the age of 21 years,~~ and the fact of such service may be verified by
15 the oath of the person making it. Such oath may be taken before said Director ~~or the acting~~
16 ~~Secretary of said Department of Public Works.~~

17 All notices and resolutions required by this Article 6 to be published shall be published
18 in the ~~official~~ newspaper officially designated by the Director and/or the Department of Public Works
19 Custodian of Records for public noticing.

20 All notices herein required to be served, whether by delivering, mailing, or posting, may
21 be so served by any person ~~citizen~~ of the age of 21 years or over, and such person's ~~this~~ affidavit
22 thereof shall be prima facie evidence of such service. The affidavit of the publisher of the local
23 newspaper or the publisher's designee ~~his clerk,~~ of the publication of any notice required in this
24 Article to be published, shall be prima facie evidence of such publishing.

1 **SEC. 242. DUTY OF DIRECTOR REGARDING PUBLICATION, POSTING, ETC.**

2 Whenever any resolution, order, notice, or determination is required to be published or
3 posted by the Department of Public Works, the Director of Public Works or the Director's designee
4 shall be responsible for ~~and the duty of~~ posting or procuring the publication ~~or posting of the same~~
5 ~~not specifically enjoined upon any officer of the City and County, it shall be the duty of the Director of~~
6 ~~Public Works to procure the publication or posting, as the case may be.~~ No proceeding or step
7 herein shall be invalidated or affected by any error or mistake or departure herefrom as to the
8 officer or person posting, or procuring the publication or posting, of any resolution, notice,
9 order, or determination hereunder when the same is actually published or posted for the time
10 herein required.

11
12 **SEC. 250.152. WHEN AND HOW MUCH.**

13 If a determination is made as provided in Section 250.150, the re-assessment shall be
14 made upon the demand of the contractor or the contractor's ~~his~~ assigns, or the owner or holder
15 of bonds aggregating 1/3 of the principal amount outstanding, or upon order of the Board and
16 shall be made in the manner and form provided by the Improvement Act of 1911 or
17 Improvement Bond Act of 1915, whichever is deemed appropriate. Nothing contained herein
18 shall prevent the Board from ordering a re-assessment on its motion, and its decision so to do
19 shall be final and conclusive.

20
21 **SEC. 250.242. ANNUAL REPORT.**

22 When any part of the operative cost of parking places is to be paid by a special levy,
23 the *Municipal Transportation Agency* ~~San Francisco Parking Authority~~ shall annually file with the
24 Clerk of the Board of Supervisors a written report stating in reasonable detail the estimated cost
25 of maintenance and operation for which an assessment is to be levied in that year, including

1 the cost of replacements, improvements, and extensions to any parking place. When part of
2 the operation costs of transit are to be so paid, such report shall be prepared and filed by the
3 Municipal Transportation Agency. The report shall also state the manner of apportioning the
4 levy to be made therefor. When such report shall have been ~~preliminarily~~*primarily* approved
5 by the Board, the Clerk shall give notice to interested persons that such report has been filed
6 ~~in his office~~ and *is available for open* to inspection, and of a time and place when such report will
7 be heard by the Board and an assessment ordered. Such notices may be by publication in a
8 newspaper published in the City, or by mail to the assessees of the property at their
9 addresses appearing on the last County tax roll or entitled to be shown on the next equalized
10 roll as determined from the records of the Assessor or ascertained prior to the mailing or as
11 known to the Clerk, at least 10 days before the day set for hearing.

12
13 **SEC. 250.260. NEW MAINTENANCE DISTRICTS.**

14 * * * *

15 (l) **Budget-Contents:** The ~~Municipal Transportation Agency~~*Parking Authority*, the Public
16 Utilities Commission, or other responsible agency, whichever is appropriate, shall annually
17 cause to be prepared a budget for the costs and expenses of maintaining and operating any
18 or all of said public improvements or facilities of a local nature or benefit during the ensuing
19 fiscal year which shall at least include the following:

20 (1) The gross amount estimated to be required for the costs and expenses of
21 maintaining and operating said public improvements or facilities;

22 (2) The balance estimated to be available at the end of the current fiscal year for
23 such purpose;

24 (3) The amount, if any, anticipated to be available from revenues or charges for
25 use or availability of such public improvements or facilities;

1 (4) The amount, if any, to be contributed by the City or from other sources to pay
2 any part of said costs and expenses; and

3 (5) The balance of the amount necessary to be raised to pay said costs and
4 expenses.

5 * * * *

6
7 **SEC. 250.315. BONDS AND COUPONS MAY BE USED TO PURCHASE OR**
8 **REDEEM PROPERTY.**

9 The sheriff, commissioners, or other person conducting any such sale is hereby
10 authorized, for and on behalf of the owner, the owner's successors and assigns, and any
11 other person having an interest in the property, regardless of how such interest was acquired,
12 to tender bonds and coupons of the issue for which such sale is held, in payment of the
13 purchase price of property sold, or in redemption of said property, in satisfaction of the lien of
14 delinquent installments or of unpaid assessments, and the penalties, interest fees, and other
15 charges.

16
17 **SEC. 250.354. HEARING.**

18 All objections shall be made in writing and signed by the protestant, and any grounds
19 not stated therein and filed at or before the time fixed for hearing shall be deemed waived.
20 The contractor or the contractor's assigns, and any other person or persons interested in
21 said matter, may appear and be heard upon any of the matters referred to in said notice. The
22 Board may confirm, amend, alter, modify, or correct the report in such manner as it shall
23 deem just, and require the work to be completed according to its directions or those of the
24 person designated by it therefor.

1 **SEC. 250.391. BUDGET-CONTENTS.**

2 Unless the Board shall have directed the City Administrator~~Chief Administrative Officer~~ so
3 to act, the Treasurer shall annually cause to be prepared a budget for each bond issue
4 hereunder which shall include the following:

5 (1) The gross amount required to pay the principal of and interest on the bonds and
6 any premiums on bonds to be called, before the proceeds of a second assessment levy will
7 be available therefor;

8 (2) The gross amount proposed to be raised for the maintenance and operation of the
9 City improvements or facilities involved, and any capital additions, extensions, improvements,
10 or replacements therein, during the period provided in part 1 of this Section;

11 (3) The balance available at the end of the fiscal year for each of the purposes
12 provided in parts 1 and 2 of this Section;

13 (4) The amount estimated to be available pursuant to any pledge of applicable
14 revenues, which shall be budgeted and appropriated, for either of the purposes provided in
15 parts 1 and 2 of this Section;

16 (5) The amount estimated to be available from additional contributions, which shall be
17 budgeted and appropriated, for either of the purposes provided in parts 1 and 2 of this
18 Section; and

19 (6) The balance of the amount remaining for each part 1 and 2 of this Section.
20

21 **SEC. 263. ORDER DECLARING INTENTION TO RECOMMEND.**

22 In consultation with the Director of the Department of Sanitation and Streets, ~~t~~The Director
23 may make an order declaring the Director's ~~his~~ intention to recommend to the Board that they
24 order a maintenance district formed.
25

1 (a) Designation of Contemplated Work. Said order declaring the Director's ~~his~~ intention
2 shall refer to the items to be maintained. Said order will be sufficient if it states in general
3 terms the items to be maintained, such as tree planting, landscaping, sidewalk, street lighting,
4 sidewalk furniture, and other items, and gives in general the scope of the proposed
5 maintenance district.

6 * * * *

7
8 **SEC. 264. DESIGNATION OF DISTRICT BENEFITED-ALLOCATION OF BENEFIT.**

9 The Director shall make the expense of the district chargeable upon the district that in
10 the Director's ~~his~~ opinion is benefited by such maintenance, allocating the expense to
11 properties within the district in proportion to benefit as determined by an appropriate benefit
12 formula not dependent on assessed value.

13 In the order declaring ~~his~~ the Director's intention, the Director shall describe the district,
14 declare it to be the district which will be benefited, and describe the benefit formula to be
15 applied.

16 Such district may be described in the order by stating the exterior boundaries thereof,
17 or by giving a description thereof according to any official or recorded map or maps, or by
18 referring to the maps or block books customarily used by the Assessor and Tax Collector for
19 City and County assessment or tax collection purposes, or by referring to a plat or map which
20 shall be on file in the office of the Director at the time of making the order declaring the ~~his~~
21 Director's intention: said last-mentioned plat or map shall indicate by a boundary line the
22 extent of the territory included in the proposed district, and, if referred to as hereinabove
23 provided for, shall govern for all details as to the extent of such district.

1 **SEC. 265. ORDER DECLARING INTENTION-PROCEEDINGS.**

2 A copy of the Director's order declaring ~~the~~this Director's intention to recommend the
3 forming of a district shall be published for one day in the official newspaper of said City and
4 County. Such publication shall be made at least 10 days before the date fixed in said order for
5 hearing by the Director. A copy of said order shall be posted in the office of the Director at
6 least 10 days before the date named in the order for action by the Director.

7 (a) **Notice Requirements.** Said Director shall cause notices of the making of said
8 order to be conspicuously posted along all the streets within the district chargeable for the
9 expense of the maintenance district, at not more than 300 feet in distance apart, on each
10 street so posted, but not less than three on each street in such district. The notice shall be
11 headed "Notice of Maintenance District" in letters of not less than one inch in height, and shall,
12 in legible characters, state the fact of the adoption of such order of the Director declaring
13 ~~the~~this Director's intention, its date, and shall briefly describe the items proposed to be
14 maintained, and shall refer to said order of the Director for further particulars. Said notices
15 shall also set out the proposed district to be assessed to pay the expense of such
16 maintenance district. Said district shall be described in the same manner in which it shall be
17 described in the order of the Director deciding his intention as provided for in Section 264 of
18 this Article 7. Said notice shall also state that it is proposed to assess the property within such
19 district to pay the total or partial expense of such maintenance as the case may be. The
20 notices shall also state that all objections to the proposed maintenance district or otherwise
21 must be filed, in writing, with the Director before the day fixed in his said order for action
22 thereon, or must be made orally on said day, or on the day to which action on said order may
23 be postponed. The day, hour, and place fixed in said order for action thereon shall also be
24 indicated in said notices.

25 * * * *

1 **SEC. 266. PROTESTS-DECISION OF DIRECTOR.**

2 At any time before the day fixed in said order of the Director for action thereon by the
3 Director, any owner of, or person interested in, property liable to be assessed for the
4 proposed maintenance district or the duly authorized representative of such owner, or other
5 person, in his behalf, may make written protest against the proposed maintenance district, or
6 to the extent of the district to be assessed therefor, or to the benefit formula proposed to be
7 applied, or to more than one of the foregoing, or make any other protest with regard thereto.
8 Such protest must be in writing, must contain a description of the property in which each
9 signer thereof is interested, sufficient to identify the same, must set forth the nature of ~~his~~ the
10 interest therein, and must be delivered to the Department of Public Works ~~of the City and~~
11 ~~County, and the Director's designee~~ the Secretary or a clerk of which shall endorse thereon the
12 date of receipt thereof. No other protests or objections shall be considered by the Director,
13 except oral protests made at the time at which the Director conducts the hearing mentioned in
14 ~~his~~ the Director's order. At the time set for hearing protests, the Director may publicly postpone
15 action on his order from time to time, and all persons interested shall be deemed to have
16 notice of such postponement and shall be governed thereby. The decision of the Director on
17 all such protests shall be final and conclusive except in case of appeal to the Board as in this
18 Article 7 hereinafter provided for.

19
20 **SEC. 267. ACTION ON PROTEST-RECOMMENDATION-DIAGRAM.**

21 If any protest against the proposed district or any other protest be sustained by the
22 Director, ~~the Director~~ he shall not thereby be prevented from commencing proceedings anew
23 hereunder which shall embrace the same work and/or the same district or any part or parts of
24 either or both thereof; and new proceedings may be had the same as if all such prior
25 proceedings, no matter how many times instituted, had never been commenced.

1 * * * *

2
3 **SEC. 268. RECOMMENDATION THAT MAINTENANCE DISTRICT BE FORMED.**

4 If the protests to the proposed district or other protests be all overruled, or if no protests
5 be made, the Director shall, within five days from the date of ~~the his action upon his~~ order
6 declaring the Director's ~~his~~ intention, make an order recommending to the Board that it order
7 such district be formed, and the Director shall cause a copy of said last mentioned order to be
8 transmitted to the Board.

9 * * * *

10
11 **SEC. 270. ABANDONMENT OF PROCEEDINGS-RENEWAL.**

12 The Director at any stage of the proceedings for any proposed maintenance district
13 prior to action by the Board upon the Director's ~~his~~ recommendation that they order the same
14 done, may by order abandon any or all proceedings theretofore had in relation to such
15 proposed district; and the Director may commence said proceedings anew and continue the
16 same from any part of said proceedings not so abandoned. If the Director abandons any or
17 all proceedings after his making an order of recommendation and before action thereon by the
18 Board, he shall cause notice of such fact forthwith to be transmitted to the Board, and the
19 Board shall take no action upon the recommendation in such case.

20 * * * *

21 The Director, from time to time after ~~he has abandon~~ing any proceedings for any
22 proposed maintenance district pursuant to this Article 7, may institute and continue
23 proceedings hereunder for the maintenance district theretofore proposed and abandoned, or
24 for such district or modified maintenance district as the Director~~he~~ may determine the public
25

1 interest or convenience requires, all in accordance with the procedure prescribed in this
2 Article.

3
4 **SEC. 400. OWNERS OF FRONTAGE RESPONSIBLE TO REPAIR PUBLIC RIGHT-**
5 **OF-WAY NOTICE TO REPAIR.**

6 (a) When, in the judgment of the Director of the Department of Public Works, any
7 portion of the improved, but unaccepted public right-of-way that is under the jurisdiction and
8 control of the Department of Public Works, including, but not limited to, a street, avenue, lane,
9 alley, court, or place, or any portion of any sidewalk thereof, shall be so out of repair or in
10 such condition as to endanger persons or property passing thereon, or so as to interfere with
11 the public convenience in the use thereof, the Director is authorized to notify in writing the
12 owner or owners of any lot fronting on said portion of said affected public right-of-way that
13 such owner is required to repair, reconstruct, or improve forthwith the affected public right-of-
14 way, to the centerline thereof, in such manner and time period as the Director deems
15 expedient and appropriate.

16 (b) If the responsible property owner(s) notified pursuant to ~~S~~ subsection (a) is
17 inaccessible or fails, neglects, or refuses to diligently prosecute to completion the remedial
18 work in the manner and time period specified by the Director, then the Director may undertake
19 all necessary actions to remedy the condition. All costs expended by the Director shall be an
20 obligation of the responsible property owner(s) owing to the City and County of San
21 Francisco. Such costs shall include, but are not limited to, those costs associated with the
22 administration, construction, consultants, equipment, inspection, notification, remediation,
23 repair, restoration, or any other actual costs incurred by the Director or other agencies,
24 boards, commissions, or departments of the City and County of San Francisco that were
25 made necessary by reason of the Director's remediation.

1 (c) In order to enforce an obligation imposed pursuant to ~~§~~ subsection (b), the Director
2 is authorized to institute the lien procedures that are set forth in this Code, Article 15, Sections
3 706.4 through 707.1.
4

5 **SEC. 400.2. DIRECTOR OF SANITATION AND STREETS ~~PUBLIC WORKS~~**
6 **AUTHORIZED TO NOTIFY OWNERS TO REMOVE RUBBISH OR DEBRIS.**

7 When in the judgment of the Director of Sanitation and Streets ~~the Department of Public~~
8 ~~works~~ of the City and County of San Francisco or ~~the Director's~~ ~~his~~ authorized representative,
9 any portion of the roadway of any unpaved street, avenue, lane, alley, court, or place, or any
10 portion of any sidewalk thereof, in the said City and County, none of which has been accepted
11 by the Supervisors as by law or as in the Charter of said City and County provided, shall
12 contain rubbish or debris in such quantity so as to endanger persons or property passing
13 thereon, or so as to interfere with the public convenience in the use thereof, or which consists,
14 in whole or in part, of combustible material, the Director is authorized to notify the owner of
15 any real property fronting on said portion of said unpaved street, avenue, lane, alley, court, or
16 place, or sidewalk so containing rubbish or debris as aforesaid, to remove such rubbish or
17 debris.
18

19 **SEC. 400.3. NOTICE TO OWNER.**

20 The notice shall be written and may be given by delivery personally or by mailing a
21 notice, either by letter or postal card, postage prepaid, ~~to the owner's~~ ~~his~~ last known address, as
22 the same appears on the last assessment rolls of the City and County of San Francisco.
23 Immediately after mailing any such notice, the Director of Sanitation and Streets ~~Public~~
24 ~~Works~~ shall cause a copy thereof, printed or pasted on a card of not less than eight inches by
25 10 inches in size, to be posted in a conspicuous place on said property.

1 **SEC. 400.4. CONTENTS OF NOTICE.**

2 Such notice shall direct the owner to remove such rubbish or debris in such manner as
3 the said Director of Sanitation and Streets~~Public Works~~ may determine and direct, from said
4 portion of said unpaved street, avenue, lane, alley, court, or place, to the center line thereof,
5 or said portion of said sidewalk in front of said property, and shall further specify that, if the
6 removal of rubbish or debris is not commenced within five calendar days after notice is given
7 as aforesaid and prosecuted to completion diligently and without interruption, the Director of
8 Sanitation and Streets~~Public Works~~ shall remove or cause to be removed such rubbish or debris
9 and the cost of the same shall be a lien on such property.

10
11 **SEC. 400.5. DIRECTOR OF SANITATION AND STREETS ~~PUBLIC WORKS~~ TO
12 REMOVE RUBBISH OR DEBRIS IF OWNER FAILS TO DO SO.**

13 If the removal of rubbish or debris is not commenced and prosecuted to completion
14 with due diligence, as required by said notice, the Director of Sanitation and Streets~~Public Works~~
15 shall remove or cause to be removed the rubbish or debris. The cost of such removal shall be
16 an obligation to the City and County of San Francisco owing by the owner of the adjacent
17 property, and the City and County shall have a lien on the adjacent property. Both such
18 obligation and lien shall be subject to the provisions of Sections 400.6, 400.7, 400.8, and
19 400.9 of this Article 9.

20
21 **SEC. 400.6. NOTICE OF COST AND CLAIM OF LIEN, AND RECORDING OF LIEN.**

22 Upon completion of the work of removing the rubbish or debris, the Director of
23 Sanitation and Streets~~Public Works~~ shall ascertain the cost thereof, apportioning the same if the
24 area from which the rubbish or debris is removed is next adjacent to more than one lot of land.
25 The owner of such lot of land shall thereupon be obligated to the City and County of San

1 Francisco in the amount of such cost of removal of rubbish or debris and the City and County
2 shall thereupon have a lien for such cost of removal of rubbish or debris upon any such lot of
3 land until payment thereof. On ascertaining the cost of removal of rubbish or debris as
4 aforesaid, the Director of Sanitation and Streets~~Public Works~~ shall cause notice thereof to be
5 mailed in the manner herein provided for mailing notice to remove rubbish or debris, which
6 notice shall demand payment thereof to the Director of Sanitation and Streets~~Public Works~~, and
7 shall give notice that a lien therefor has been recorded.

8
9 **SEC. 400.7. RECORDING OF LIEN.**

10 Upon ascertaining the cost of removal of rubbish or debris as described in Section
11 400.6~~hereof~~, the Director of Sanitation and Streets~~Public Works~~ shall cause to be recorded file in
12 the Office of the Assessor-Recorder of the City and County of San Francisco a verified claim
13 containing a particular description of the property subject to such lien, the place and general
14 nature of the work of removing rubbish or debris for which lien is claimed, the dates of mailing
15 or delivery of notice to remove rubbish or debris and cost of the removal, the name of the
16 owner of the property as aforesaid, and the amount of the lien claimed.

17
18 **SEC. 400.8. COLLECTION BY BUREAU OF DELINQUENT REVENUE.**

19 Ninety days after the mailing of the notice described in Section 400.6~~hereof~~, the
20 Director of Sanitation and Streets~~Public Works~~ shall transmit to the Bureau of Delinquent
21 Revenue a statement of each unpaid cost of removing rubbish or debris. The Bureau shall
22 endeavor diligently to collect the same on behalf of the City and County by foreclosure of the
23 lien therefor or otherwise. Any and all amounts paid or collected shall replenish the revolving
24 fund hereinafter provided.

1 **SEC. 400.9. RELEASE OF LIEN.**

2 On payment of any such claim of lien, the Director of ~~*Sanitation and Streets*~~*Public Works*
3 shall release such claim of lien and ~~*cause the release to be recorded file the release*~~ in the ~~*O*~~office
4 of the ~~*Assessor*~~-Recorder of the City and County of San Francisco.

5

6 **SEC. 401. REPAIR OF TEMPORARY ROAD OR STREET.**

7 Notwithstanding any other provision contained in this Article 9, the Director of Public
8 Works shall have power and it~~s~~ shall be ~~*the Director's his*~~ duty to repair, out of funds as may be
9 from time to time appropriated or set aside for the purpose, any temporary road or street
10 which has been constructed by this City and County with public funds.

11

12 **SEC. 405. APPLICATION-INVESTIGATION-PERMIT.**

13 Application for permission to do any street work in or upon any unaccepted public
14 street in the City and County of San Francisco by private contract must be made in writing to
15 the Director of Public Works, which application shall contain a comprehensive description of
16 the work to be done. Said Director shall thereupon investigate such application, and if after
17 investigation the Director determines that the public interest or convenience requires the doing
18 of the proposed work and that the same is expedient and will not be productive of detriment to
19 the public safety or convenience, ~~*the Director*~~*is* hereby authorized to grant permission for the
20 doing of the same as applied for or as modified by the direction of the City Engineer, subject
21 to the conditions and provisions in this Article 9 hereinafter prescribed and provided.

22

23 **SEC. 407. SEWERS, WHEN IMPROVEMENT MADE BY PRIVATE CONTRACT.**

24 Where the construction of a main sewer is deemed by the ~~*General Manager of the San*~~
25 ~~*Francisco Public Utilities Commission and/or the*~~ Director of Public Works and the City Engineer,

1 as applicable, to be necessary in any block proposed to be improved by private contract, then
2 and in such case no work, except grading, involving the construction of a pavement on such
3 block, shall be permitted to be done until such main sewer shall have been constructed with
4 side sewers and other appurtenances as in this Section 407 hereinafter provided for and
5 regulated.

6 Where a main sewer has already been constructed in a block and side sewers and
7 other appurtenances to such main sewer are deemed necessary by the said General Manager
8 and/or the Director and City Engineer, as applicable, the construction of the same shall be
9 conditioned for in the private contract in this Article 9 referred to.

10 In the case of the construction of a main sewer in any block, no permission for the
11 construction of the same by private contract shall be granted unless such contract is signed
12 and conditioned for the construction of such sewer for its entire serviceable length between
13 the main street crossings, or main street intersections, as may be determined by the City
14 Engineer, with side sewers and other expedient and essential appurtenances as may be
15 required by the City Engineer, under such regulations as may be prescribed by the City
16 Engineer~~him~~, and approved by the Director of Public Works and/or the General Manager of the
17 San Francisco Public Utilities Commission, as applicable.

18

19 **SEC. 413. SURETY BOND OR CERTIFIED CHECK REQUIRED.**

20 No permission for doing any street work by private contract under and pursuant to the
21 provisions of this Article 9 shall become effective until the contractor covenanting to perform
22 the same shall have executed to the City and County of San Francisco, and delivered to the
23 Secretary of the Department of Public Works a bond in such amount as may have been fixed in
24 the order of the said Director, granting such permission, with some surety company
25 authorized to do business in the State of California as surety thereon, conditioned for the

1 faithful performance of the contract, or shall have deposited with the said Secretary a certified
2 check upon some solvent bank for the said amount as a guaranty for such performance.
3 Before entering upon the performance of any work in this Article provided for, the contractor
4 covenanting to do such work shall also file with the Director of Public Works a bond, with
5 some surety company authorized to do business in the State of California, as surety thereon,
6 to be satisfactory in all respects to said Director, in a sum not less than ½ of the total amount
7 payable by the terms of the contract, conditioned for the payment of all material suppliers~~men~~
8 and employees under the contract. In lieu of such bonds or certified check, any contractor
9 may deliver to the Department of Public Works~~said Secretary~~ a bond in the sum of \$25,000, with
10 some surety company authorized to do business in the State of California, as surety thereon,
11 conditioned for faithful performance of any and all private contracts authorized to be
12 performed by ~~him~~ the contractor in pursuance of the provisions of this Article, and for the
13 payment of all material suppliers~~men~~ and employees under such contracts. Such last-
14 mentioned bond must be satisfactory in all respects to said Director and shall be renewed
15 annually.

16
17 **SEC. 416. IMPROVEMENT BY INDIVIDUAL OWNER.**

18 Nothing in this Article 9 shall be construed as prohibiting the Director of Public Works
19 from granting permission to an individual owner or the owner's~~his~~ duly authorized agent to
20 improve a public street in front of ~~his~~ the owner's property, if in the judgment of the City
21 Engineer and said Director such improvement be deemed advisable and expedient, and the
22 public interest or convenience requires the same. It shall be unlawful for any person, firm, or
23 corporation to commence or proceed with the construction of street improvement works within
24 the City and County of San Francisco, unless a permit therefor shall have been first obtained
25

1 from the Department of Public Works, unless the Director of Public Works decides that no
2 permit is needed.

3 Before the issuance of such permit the applicant therefor shall be required to pay to the
4 said Department, as a processing fee, the sum of \$160 for each permit.

5
6 **SEC. 704. ASPHALT SIDEWALKS.**

7 Temporary asphaltic concrete sidewalks may be constructed in industrial areas or
8 fronting unimproved property; provided, however, that no such sidewalks shall be constructed
9 prior to permission having been granted by the Director of Public Works. The Director of
10 Public Works is hereby authorized to grant such permits to owners of fronting property or their
11 duly authorized agents when in *the Director's* judgment public interest and convenience
12 require the construction of an asphaltic concrete sidewalk. Asphaltic concrete sidewalks shall
13 be at least five inches in thickness and shall consist of a crushed rock base at least three
14 inches in thickness, and an asphaltic concrete wearing surface at least two inches in
15 thickness. The materials used and the method of construction shall be in accordance with
16 specifications which the Director of Public Works is hereby authorized to prepare in conformity
17 herewith, and as required for public convenience and safety, such specifications and rules to
18 apply to the quality and proportions of the required materials, and the method of application.
19 The finished surface of the sidewalk shall have a uniform, nonskid texture and shall rise 1/5
20 inch per foot from curb grade to property line.

21 The Director of Public Works is hereby authorized to order the owner of the fronting
22 property to remove a temporary asphaltic concrete sidewalk and to construct a cement
23 concrete sidewalk in accordance with the provisions of Section 703 *hereof*, when in the
24 judgment of said Director public interest and convenience require such removal and
25 reconstruction.

1 The order shall specify the time within which the work is to be completed, and also the
2 time within which the owner must declare, in writing to the Director, ~~the owner's~~ intention to
3 do the work.

4 The Director, upon receiving written notice of the intention to comply by the owner, or
5 ~~the owner's~~ authorized agent, may if requested by the owner, grant a reasonable extension
6 of the time specified in the order for the completion of the work.

7
8 **SEC. 709. EMERGENCY ORDERS; ACCEPTED AND UNACCEPTED PUBLIC**
9 **RIGHT-OF- WAY.**

10 (a) If, in the judgment of ~~either~~ the Director of Public Works or the Director of Sanitation
11 and Streets, the condition of an accepted or unaccepted public right-of-way within the
12 jurisdiction of the Department of Public Works constitutes a public emergency or other
13 imminent threat to the public health, safety, or welfare that requires immediate action, ~~either~~
14 Director, by written, telephonic, or facsimile communication, may order the responsible
15 property owner(s) to remedy the condition in such a manner as ~~such~~ the Director deems
16 expedient and appropriate subject to the limitations set forth in this Article 15 or Article 9.

17 (b) If the responsible property owner(s) notified pursuant to ~~S~~ subsection (a) is
18 inaccessible or fails, neglects, or refuses to diligently prosecute to completion the remedial
19 work in the manner and time period specified by ~~either~~ the Director, then ~~either~~ the Director may
20 undertake all necessary actions to remedy the condition. All costs expended by ~~either~~ the
21 Director shall be an obligation of the responsible property owner(s) owing to the City and
22 County of San Francisco. Such costs shall include, but are not limited to, those costs
23 associated with the administration, construction, consultants, equipment, inspection,
24 notification, remediation, repair, restoration, or any other actual costs incurred by ~~either~~
25 Director or both Directors or other agencies, boards, commissions, or departments of the City

1 and County of San Francisco that were made necessary by reason of the Director's
2 remediation.

3 (c) In order to enforce an obligation imposed pursuant to ~~§~~ subsection (b), ~~either~~
4 Director is authorized to institute the lien procedures that are set forth in Sections 706.4
5 through 707.1.

6 (d) In the event of an emergency, both Director~~s~~ shall cooperate to the extent
7 practicable with other City and County agencies, boards, commissions, or departments with
8 jurisdiction over affected fixtures, improvements, property, or structures across, adjacent to,
9 along, beneath, in, on, over, under, upon, or within the public right-of-way. ~~Either~~The Director
10 may issue an emergency order in conjunction with any other official of the City and County of
11 San Francisco who is authorized to issue emergency orders.

12 (e) When, under emergency circumstances, neither the Department of Public Works
13 nor Department of Building Inspection nor the Department of Sanitation and Streets can ascertain
14 which department has jurisdiction over the affected fixtures, improvements, property, or
15 structures across, adjacent to, along, beneath, in, on, over, under, upon, or within the public
16 right-of- way, the Director of Public Works, the Director of the Department of Building
17 Inspection, the Director Sanitation and Streets, or any combination of those Directors~~both~~ may issue
18 emergency orders to remedy any emergency condition. Notice of the emergency order shall
19 be pursuant to ~~§~~ subsection (a) or according to procedures set forth in the San Francisco
20 Building Code. If the City and County of San Francisco abates the emergency condition, once
21 the Department of Public Works, the Department of~~and~~ Building Inspection, and the Department
22 of Sanitation and Streets have determined which department has jurisdiction over the affected
23 fixtures, improvements, property, or structures across, adjacent to, along, beneath, in, on,
24 over, under, upon, or within the public right-of-way, the procedures for collection of charges
25

1 and enforcement shall be according to the Municipal Code sections applicable to whichever
2 department assumed the lead role in abating the emergency condition.

3
4 **SEC. 715. CONSTRUCTION REQUIREMENTS – AUTOMOBILE DRIVEWAYS**
5 **~~RUNWAYS~~.**

6 That certain plan for the construction of automobile *driveways (formerly referred to as*
7 *runways)* extending from the roadways of the improved public streets in the City and County
8 of San Francisco to and upon a portion of the sidewalk area adjacent to the curb line of the
9 roadway of any such streets prepared by the Bureau of Engineering of the Department of
10 Public Works and on file under File No. 14733 in the office of the Clerk of the Board of
11 Supervisors and entitled and designated as “Plan for Construction of Automobile Runway, File
12 L-6964.1” is hereby approved and adopted as the plan in conformity with which any
13 automobile *drivewayrunway* extending from the roadway of an improved public street in said
14 City and County to and upon a portion of a sidewalk area adjacent to the curb line of the
15 roadway of such street is required hereafter to be constructed and maintained; provided,
16 however, that when special conditions exist and this plan is not the most feasible, the Director
17 of Public Works is authorized to allow deviations, and any such automobile *drivewayrunway*
18 hereafter constructed and maintained in any manner not strictly conforming to the design and
19 measurements indicated on such approved and adopted plan, unless modified as herein
20 provided by the Director of Public Works, shall be unlawful.

21
22 **SEC. 716. PERMIT REQUIRED – FEE.**

23 (a) It shall be unlawful for any person, firm, or corporation to commence or proceed
24 with the construction of any such automobile *drivewayrunway* within the City and County of
25

1 San Francisco, unless a permit therefor shall have been first obtained from the Department of
2 Public Works, unless the Director of Public Works decides that no permit is needed.

3 Before the issuance of such permit the applicant therefor shall be required to pay to
4 said Department, as an inspection fee, the sum of \$60 per driveway.

5 (b) The public right-of-way occupancy assessment fee for an automobile ~~runway~~
6 ~~(driveway)~~, whether permitted as specified in Sections 715-719, or unpermitted, shall be an
7 annual fee of \$3.00 per square foot of occupancy of the sidewalk or other public right-of-way
8 space that was modified or is proposed for modification to create the automobile
9 ~~driveway(s)~~~~runway(s)~~ on the subject property. For purposes of calculating the assessment fee,
10 the Department shall charge no less than \$100.00 per year even though the calculated square
11 footage charge for the runway(s) may result in a smaller assessment fee. If the fee for a
12 residential parking permit were assigned to each ~~runway~~~~driveway~~ on the subject property and
13 such fee is greater than the public right-of-way occupancy assessment fee, then the
14 Department shall charge an amount equivalent to a residential parking permit for each
15 ~~runway~~~~driveway~~ on the subject property. If a ~~driveway~~~~runway~~ bisects a property line, ~~than~~~~then~~
16 the fee shall be equally allocated to each owner. ~~Driveways~~~~Runways~~ that are reconstructed,
17 but do not increase in size, shall be exempt from the assessment fee. If a property is a
18 condominium, then the fee shall be charged to the homeowners' association or equally
19 allocated to each owner of a condominium unit. Funds collected through this program shall be
20 used for a variety of street improvements within the Department's jurisdiction including but not
21 limited to Americans with Disabilities Act improvements such as curb ramps.

22
23 **SEC. 717. PERMIT ONLY TO OWNER – RESTORATION.**

24 The permit referred to in Section 716 of this Article 15, and required to be first obtained,
25 shall be granted only to the owner of the real property in front of which any such automobile

1 ~~driveway~~~~runway~~ as provided for in this Article is to be constructed and maintained, upon the
2 application of such owner or the authorized agent thereof, and such owner, or the successor
3 of such owner in or the ownership of such property, shall be obligated, in case such
4 automobile ~~driveway~~~~runway~~ be discontinued in the use thereof, or abandoned as to such use,
5 to restore to its former or original condition the portion of the street altered or changed in
6 consequence of the construction of such automobile ~~driveway~~~~runway~~.

7
8 **SEC. 718. EXISTING DRIVEWAYS~~SRUNWAYS~~.**

9 Such automobile ~~driveways~~~~runways~~ from the roadways of improved public streets in the
10 City and County of San Francisco to and upon portions of the sidewalk areas adjacent to the
11 curb lines of the roadways of such streets, as have heretofore been constructed under
12 sanction and to the satisfaction of the Department of Public Works and are now being
13 maintained as so constructed, and such other automobile ~~driveways~~~~runways~~ as have already
14 been constructed and which, as to method of construction, are within the restrictions denoted
15 on the approved and adopted plan referred to in Section 715 ~~of this Article~~, are hereby
16 permitted to be so maintained, subject, however, to the obligation imposed by the provisions
17 of Section 717 ~~of this Article~~.

18
19 **SEC. 719. DRIVEWAY~~RUNWAY~~ RECONSTRUCTION.**

20 Whenever street work is performed by the City on accepted streets, and such work
21 alters the street surface elevation fronting on an existing ~~runway~~~~driveway~~ which has been
22 constructed and is being maintained in accordance with the provisions of this Article 15, such
23 portion of said existing ~~driveway~~~~runway~~ which requires reconstruction to conform to the altered
24 street surface elevation shall be included in the work and the cost thereof shall be borne by
25

1 the City, provided that no ~~driveway~~~~runway~~ work shall extend further than four feet from the curb
2 line.

3
4 **SEC. 723. OBSTRUCTION OF PUBLIC RIGHT-OF-WAY PROHIBITED.**

5 (a) It shall be unlawful for any person, firm, or corporation, without permission from the
6 Department of Public Works, to pile, cap, or otherwise obstruct or place obstructions upon,
7 above, or below, any public right-of-way, whether the same be graded or not. "Public right-of-
8 way" shall mean the area across, along, beneath, in, on, over, under, upon, and within the
9 dedicated public alleys, boulevards, courts, lanes, roadways, sidewalks, spaces, streets, and
10 ways within the City, as they now exist or hereafter will exist and which are or will be under
11 the permitting jurisdiction of the Department of Public Works.

12 * * * *

13
14 **SEC. 723.2. MINOR SIDEWALK ENCROACHMENTS.**

15 * * * *

16 (k) The ~~Board of Supervisors reserves the right to exact a~~ public right-of-way occupancy
17 assessment fee for the use of the sidewalk or other public right-of-way space permitted under
18 the provisions of this Section 723.2 shall be applied as provided below. The annual public right-of-
19 way occupancy assessment fees in this section 723.2 constitute financial obligations owed to the City,
20 which are subject to the imposition of liens pursuant to the procedures set forth in Article XX of
21 Chapter 10 of the Administrative Code.

22 * * * *

23 (m) Administrative Penalties and Costs.

24 (1) Notice of Violation. Except as specified in subsections (A) through (B) below, in
25 the event that the Director determines a permit issued under this Section 723.2, or any conditions of

1 such permit, have been violated, the Director shall notify the permittee that the permittee has 72 hours
2 to correct or otherwise remedy the violation after which the permittee shall be subject to the imposition
3 of administrative penalties. The Director's notice of violation shall be a written, electronic, or
4 facsimile communication and shall specify the manner in which the violation shall be remedied.

5 (A) For any noncompliance with this Section 723.2, or nonpayment of annual
6 public right-of-way occupancy assessment fees under subsection (k), or any permit-specific conditions
7 and/or required maintenance, the permittee shall have 48 hours to remedy the violation after which the
8 permittee shall be subject to the imposition of administrative penalties.

9 (B) For a permit violation that is hazardous or constitutes a public nuisance,
10 public emergency, or other imminent danger to public health, safety, or welfare that requires
11 immediate action, remediation, or abatement, the Director shall notify the permittee and require the
12 permittee to immediately remedy or abate the violation. If the permittee fails to remedy or abate the
13 violation within 24 hours, the permittee shall be subject to the imposition of administrative penalties.

14 (2) Amount of Administrative Penalties. Administrative penalties assessed pursuant to
15 subsection (1) shall not exceed \$1,000 per day, per violation, commencing with the first day of the
16 violation. In assessing the amount of the administrative penalty, the Director may consider any one or
17 more of the following: the nature and seriousness of the misconduct, the number of violations, the
18 persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of
19 the violator's misconduct, and the violator's assets, liabilities, and net worth.

20 (3) Enforcement Costs. In addition to the administrative penalty assessed pursuant to
21 subsection (2), the Director may assess enforcement costs to cover the reasonable costs incurred in
22 enforcing the administrative penalty, including reasonable attorneys' fees. Any enforcement costs
23 imposed and recovered shall be distributed to cover City costs of enforcement or restoration arising
24 from the permit violation.

1 (4) Accrual of Penalties and Costs. Penalties and costs assessed under this Section
2 723.2 shall continue to accrue against the permittee until the violation of this Section is corrected or
3 otherwise remedied in the judgment of the Director, or the permittee pays the assessed penalties and
4 costs. If such penalties and costs are the subject of a request for administrative review or an appeal,
5 then the accrual of such penalties and costs shall be stayed until the determination concerning the
6 administrative penalties is final.

7 (5) Notice Imposing Administrative Penalties. If the permittee fails to remedy the
8 violation within the time specified in the notice of violation, the Director shall provide the permittee
9 with written notification of the Director's imposition of administrative penalties. This notice shall
10 include the amount of the penalties and costs and declare that such penalties and costs are due and
11 payable to the City Treasurer within 30 calendar days. The notice also shall state that the permittee
12 has the right, pursuant to subsection (7), to request administrative review of the Director's
13 determination as to the designation of the responsible party and the assessment of penalties.

14 (6) Finality of the Director's Determination and Collection of Assessed Penalties. If no
15 request for administrative review is filed pursuant to subsection (7), the Director's determination is
16 final. Thereafter, if the penalties and costs are not paid within the time specified in subsection (5), the
17 Director is empowered to pursue any method of collection of such penalties and costs authorized by
18 state and/or City laws including, but not limited to, referring all unpaid fees and penalties to the Office
19 of the Treasurer-Tax Collector's Bureau of Delinquent Revenue for collection.

20 (7) Administrative Review. Any permittee that is subject to an administrative penalty
21 may seek administrative review of the designation or the assessment of the penalty or cost within 10
22 calendar days of the date of the notice imposing administrative penalties. Administrative review shall
23 be initiated by filing with the Director a request for review that specifies in detail the basis for
24 contesting the assessment of the penalty or cost.

1 (8) Notice for and Scheduling of Administrative Hearing. Whenever an administrative
2 review hearing is requested pursuant to subsection (7), the Director, within 10 calendar days of the
3 date of receipt of the request, shall notify the affected parties of the date, time, and place of the hearing
4 by certified mail. Such hearing shall be held no later than 30 calendar days after the Director received
5 the request for administrative review, unless extended by mutual agreement of the affected parties. The
6 Director shall appoint a hearing officer for such hearing.

7 (9) Submittals for the Administrative Review Hearing. The parties to the hearing shall
8 submit written information to the hearing officer including, but not limited to, the following: the
9 statement of issues to be determined by the hearing officer and a statement of the evidence to be offered
10 at the hearing.

11 (10) Conduct of the Administrative Review Hearing. The administrative review hearing
12 is a public hearing and shall be electronically recorded. Any party to the hearing may at his or her
13 own expense, cause the hearing to be recorded by a certified court reporter. During the hearing,
14 evidence and testimony may be presented to the hearing officer. A written decision and findings shall
15 be rendered by the hearing officer within 10 calendar days of the hearing. Copies of the findings and
16 decision shall be served upon the parties to the hearing by certified mail. A notice that a copy of the
17 findings and decisions is available for inspection between the hours of 9:00 a.m. and 5:00 p.m.,
18 Monday through Friday shall be posted at the offices of the Department of Public Works.

19 (11) Director's Decision on the Hearing Officer's Recommendation. The decision of the
20 hearing officer shall be a recommendation to the Director, and the Director, within five calendar days
21 of receipt of such recommendation, shall adopt, modify, or deny such recommendation. The Director's
22 decision on the hearing officer's recommendation is final. Such decision shall be served upon the
23 parties to the hearing and posted in the same manner as the hearing officer's decision as set forth in
24 subsection (10). If any imposed administrative penalties and costs have not been deposited at this time,
25 the Director may proceed to collect the penalties and costs pursuant to subsection (6).

1 (12) Additional procedures. The Director, acting by Departmental order, may adopt
2 additional procedures to implement this Section 723.2.

3 (n) Liens. The annual public right-of-way occupancy assessment fees and any administrative
4 penalties and costs imposed pursuant to this Section 723.2 shall constitute financial obligations owed
5 to the City, which are subject to the imposition of liens pursuant to the procedures set forth in Article
6 XX of Chapter 10 of the Administrative Code.

7
8 **SEC. 723.3. UNPERMITTED SUBSIDEWALK ENCROACHMENT INTO THE**
9 **PUBLIC RIGHT-OF-WAY ~~ALONG THE CENTRAL SUBWAY CORRIDOR.~~**

10 (a) For purposes of Section 723.3, the following terms shall have the following
11 meanings:

12 (1) “Property Owner” means the record owner of the Property.

13 (2) “Property” means the real property immediately abutting, adjacent to, or
14 otherwise connected to an unpermitted subsidewalk obstruction or other encroachment into
15 the public right-of-way.

16 (3) ~~“Central Subway Corridor” shall mean the north-south subway alignment~~
17 ~~commencing at Fourth and King Streets and continuing via Fourth and via Stockton Streets to the~~
18 ~~terminus located on the north side of the intersection of Stockton and Jackson Streets.~~ “Enforcement
19 Agency” shall refer to (A) the Municipal Transportation Agency, with respect to unpermitted
20 obstructions or encroachments that may interfere with or have adverse impacts on facilities within the
21 jurisdiction of the Municipal Transportation Agency, and (B) the San Francisco Public Utilities
22 Commission, with respect to unpermitted obstructions or encroachments that may interfere with or
23 have adverse impacts on facilities within the jurisdiction of the San Francisco Public Utilities
24 Commission.

1 (4) "Unpermitted" shall mean the unauthorized use of a subsidewalk obstruction
2 or other encroachment into the public right-of-way, as defined in Public Works Code Section 2.4.4,
3 including those obstructions or encroachments for which a permit has been revoked, annulled,
4 or for which a permit has not been issued.

5 (b) Notwithstanding any permit, license, easement, or authorization of any kind, an
6 unpermitted subsidewalk obstruction or other encroachment into the public right-of-way ~~along~~
7 ~~the Central Subway Corridor~~ shall constitute a public nuisance that the City may abate by any
8 legal means, and the abatement of such nuisance shall be at the expense of the Property
9 Owner.

10 (c) Notice to abate nuisance.

11 (1) Notwithstanding any other remedy, ~~upon request from the Central Subway~~
12 ~~Project Manager,~~ the Director of Public Works, or the applicable Enforcement Agency with consent
13 of the Director of Public Works, shall have the authority to mail a notice to the Property Owner,
14 any known occupant of the unpermitted subsidewalk obstruction or encroachment, and any
15 mortgagee or beneficiary under a recorded deed of trust.

16 (2) The notice shall state the conditions that constitute the public nuisance and
17 shall order the abatement of the nuisance within a specific amount of time after the date of the
18 notice. The time allowed for abatement shall be a reasonable time in the judgment of the
19 Director of Public Works, based upon the circumstances of the particular nuisance.

20 (3) The Director of Public Works, or the applicable Enforcement Agency with
21 consent of the Director of Public Works, shall serve the notice by first class mail, postage
22 prepaid, return receipt requested, addressed to the Property Owner as that address appears
23 on the last equalized assessment roll or as known to the ~~City~~ Director of Public Works. If no
24 address appears, then a copy of the notice shall be mailed addressed to the Property Owner
25 at the address of the Property. The Director of Public Works shall also serve the notice by

1 first class mail, postage prepaid, return receipt requested, to any known occupant of the
2 subsidewalk obstruction or encroachment determined to constitute a nuisance.

3 Service of the notice is effective on the date of mailing.

4 (4) The Director of Public Works shall retain in the file a declaration of the
5 person effecting service declaring the date, time, and manner that service was made.

6 (d) Effect of failure to abate. If the Property Owner does not comply with the notice
7 prescribed in Section 723.3(c), the Director of Public Works, or the applicable Enforcement
8 Agency with the consent of the Director of Public Works, may provide a second notice in the same
9 manner set forth in Section 723.3(c) informing the Property Owner of the City's intent ~~permit the~~
10 ~~Municipal Transportation Agency~~ to abate the nuisance, ~~by giving a second notice in the same~~
11 ~~manner set forth in Section 723.3(c).~~ The second notice shall direct the Property Owner and the
12 occupant of the subsidewalk obstruction or encroachment to appear before the designee of the
13 Director of Public Works or the Enforcement Agency, as applicable, ~~Director of Transportation, or his~~
14 ~~or her designee,~~ at a stated time and place to show cause why the nuisance should not be
15 abated. The notice shall be titled "Notice of Hearing to Abate Nuisance - Unpermitted
16 Subsidewalk Encroachment" and shall be substantially in the following form:

17 NOTICE OF HEARING TO ABATE NUISANCE - UNPERMITTED SUBSIDEWALK
18 ENCROACHMENT

19 _____, the owner(s)/occupant(s) of real property located at _____, is
20 notified to appear before the designee of the Director of Public Works~~Transportation~~, or the
21 applicable Enforcement Agency, ~~his or her designee,~~ at a hearing to be held on _____,
22 20____, at _____ o'clock, at _____ [insert location of and/or website link to the
23 hearing], and show cause, ~~if any he or she has,~~ why the nuisance should not be abated and the
24 cost of abatement of the nuisance on that parcel of land should not be made a special
25

1 assessment against the parcel. A notice to you previously sent on _____ 20____, is
2 attached for further details regarding the nuisance.

3 (e) Hearing. At the time fixed in the notice, the Director ~~of Transportation~~, or the
4 Director's ~~his or her~~ designee, shall hear the testimony of all interested persons desiring to
5 testify respecting the condition constituting the nuisance, including the estimated cost of its
6 abatement and any other matter which may be pertinent. Following the conclusion of the
7 hearing, the Director ~~of Transportation~~, or the Director's ~~his or her~~ designee may, by written
8 statement, declare ~~his or her~~ findings. The Director ~~of Transportation~~, or the Director's ~~his or her~~
9 designee, may order the Property Owner to abate the nuisance within a specific time, which is
10 reasonable under the circumstances, after the date of serving the notice of the written
11 statement.

12 (f) Abatement by City. If the Property Owner fails to abate the nuisance within the time
13 set forth, the Department of Public Works or the applicable Enforcement Agency ~~the Municipal~~
14 ~~Transportation Agency~~, may proceed to abate the nuisance.

15 (g) Recoverable expenses. The expense of abatement of a nuisance under this
16 Section 723.3 shall be a lien against the Property.

17 (1) A recoverable expense shall include but not be limited to the following:

18 (~~#A~~) The hourly rates for personnel time in (i) preparing for and
19 attending all inspections, (ii) preparing all written reports and memos, (iii) preparing for and
20 attending all meetings at which the enforcement actions against the property being charged
21 with the expense is the subject, (iv) preparing for and attending all official enforcement
22 proceedings, ~~including but not limited to proceedings before the Director of Transportation, or his or~~
23 ~~her designee~~, and (v) preparing for and attending civil or criminal proceedings instituted in state
24 or federal court; and

1 (bB) The cost of services rendered by third parties such as the
2 preparation of title reports, investigative services, process servers, and consulting services
3 (including costs of estimates, appraisals, work, and abatement).

4 (cC) Attorneys' fees incurred due to any enforcement proceedings
5 commenced by the City pursuant to this Code shall be awarded to the prevailing party. The
6 proceedings shall be considered to have commenced upon the City's initial inspection of the
7 property that is the subject of the proceeding. If the Property Owner against whom the
8 enforcement proceeding is pursued is found to be in violation of this Section 723.3, the City
9 shall be deemed to be the prevailing party. In no action, administrative proceeding, or special
10 proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of
11 attorneys' fees incurred by the City in the action or proceeding. Any award to the City of its
12 attorneys' fees shall be collectable as a recoverable expense and shall be included in the
13 statement of expense and provided for hereunder.

14 (h) Statement of expenses. The Department of Public Works or the Municipal
15 Transportation Agency, as applicable, shall keep an itemized account of its expenses involved
16 in abating the nuisance. After completing abatement of the nuisance, the Department of Public
17 Works or the Municipal Transportation Agency shall mail to the Property Owner a statement
18 including:

19 (1) What abatement action has been taken;

20 (2) ~~A statement of all~~ removal, administrative, and other expenses incurred;

21 (3) That the expenses are due and payable within 45 days from the date of the
22 notice;

23 (4) That if the Property Owner fails to make payment within 45 days, the
24 amount will be charged to the owner on the next regular tax bill and recorded as a lien against
25 the Property;

1 (5) The date, time, and place for a hearing before the Board of Supervisors at
2 which the Property Owner may contest the amount charged.

3 (i) Hearing on statement of expenses. At the time fixed for the hearing of the statement
4 of expenses, the Board of Supervisors shall consider the statement and protests or objections
5 raised by the Property Owner. The Board of Supervisors may correct or modify the statement
6 as it considers just and thereafter shall finally determine the amount due by written resolution.

7 (j) Expenses as special assessment against the property. If the Property Owner does
8 not pay the expense of abating the nuisance within 45 days after the Board of Supervisors
9 confirms the costs of abatement, the costs of abatement shall constitute a lien upon the
10 Property and shall be collected as a special assessment against the Property. The
11 assessment shall continue until it is paid, together with interest at the rate of 10% ~~percent~~ per
12 year computed from the date of dispatch of the statement of expenses until payment. The
13 assessment may be collected at the same time and in the same manner as ad valorem real
14 property taxes are collected, and shall be subject to the same penalties and the same
15 procedure and sale in case of delinquency as provided for ad valorem real property taxes.

16 (k) Notice of special assessment.

17 (1) When a special assessment is charged against property as provided in this
18 Section 723.3, the Municipal Transportation Agency shall mail, by certified mail, to the
19 Property Owner and file in the Office of the Assessor-Recorder of the City and County of San
20 Francisco a certificate substantially in the following form:

21 **NOTICE OF SPECIAL ASSESSMENT**

22 On _____ 20____, the City and County of San Francisco abated a nuisance
23 on the property located at _____ (Assessor's Parcel No. _____). This
24 property is owned by _____. The abatement was done under the authority of
25

1 California Government Code Section 38773.5 and San Francisco Public Works Code Section
2 723.3.

3 The City and County of San Francisco claims a special assessment on the real
4 property for the costs of the abatement in the amount of \$_____. This amount is a
5 special assessment against the real property until paid with interest at the legal rate of
6 _____ and discharged of record. This property may be sold after three (3) years by
7 the tax collector for unpaid delinquent assessments.

8 The real property referred to in this notice is that parcel of land situated within the City
9 and County of San Francisco, State of California, more specifically described as follows:
10 (insert or attach legal description).

11 Dated: _____ 20_____

12 City *and County* of San Francisco

13 By: _____

14 (2) The City shall file with the Auditor of the City and County of San Francisco
15 a certified copy of the notice of special assessment, a brief description of the abatement
16 action taken, and a request that the charges be added to the tax rolls and collected at the
17 same time and in the same manner as ordinary municipal taxes. Amounts received either as
18 payment on a property tax bill or final sale of the Property shall be deposited in either the
19 Public Works Nuisance Abatement and Removal Fund set forth in Administrative Code Section 10.100-
20 236 or, with respect to unpermitted sidewalk obstruction or other encroachment into the public
21 right-of-way along the Central Subway Corridor, the Municipal Transportation Fund created by
22 Section 8A.105 of the ~~City~~ Charter, minus the administrative costs of the Tax Collector in
23 collecting the payments.

1 **SEC. 723.5. TESTING EMERGING TECHNOLOGY DEVICES ON PUBLIC RIGHT-**
2 **OF-WAYS – PERMIT REQUIRED.**

3 (a) **Purpose.** The purpose of this Section 723.5 is to establish a Pilot Permit program
4 to regulate and temporarily authorize the physical operation, testing, and/or placement of
5 certain Emerging Technologies Devices upon, above, or below City sidewalks, public right-of-
6 ways, and property within the jurisdiction of Public Works. This Section 723.5 shall not govern
7 the operation of Emerging Technology Devices on the portions of City streets and highways or
8 public property subject to the sole jurisdiction of one or more Special Jurisdiction Agencies,
9 unless such agencies authorize the application of this Section to said portions of streets,
10 highways, or public property.

11 (b) **Definitions.**

12 * * * *

13 “Pilot Project” *has the same meaning as in Administrative Code Section 22G.2.*

14 * * * *

15
16 **SEC. 724.4. CONSTRUCTION AND DEMOLITION SITES; DEPARTMENTAL**
17 **ORDERS AND REGULATIONS.**

18 * * * *

19 (b) In addition to the requirements set forth in this Section 724.4, the Director may
20 adopt such orders, policies, regulations, rules, or standard plans and specifications as *the*
21 *Director he or she* deems necessary in order to preserve and maintain the public health, safety,
22 welfare, and convenience. Such orders, policies, regulations, or rules may include, but are
23 not limited to, permit application materials, placement of placards and signs, implementation
24 of the good neighbor policy, site conditions, *and* accessibility of sidewalks and streets. When
25 such orders, policies, regulations, or rules will affect the operations and enforcement of the

1 Municipal Transportation Agency and/or the Department of Sanitation and Streets, the Director of
2 the Department of Public Works shall consult with and provide an opportunity to comment to
3 the Municipal Transportation Agency and/or the Department of Sanitation and Streets prior to
4 adoption of such orders, policies, regulations, or rules.

5
6 **SEC. 724.6. UNPAID FEES AND FAILURE TO RESTORE PAVEMENT; WILFUL**
7 **NONCOMPLIANCE.**

8 The Department of Building Inspection~~Central Permit Bureau~~ shall not issue a Certificate of
9 Final or Temporary Completion and Occupancy for any project for which temporary street
10 occupancy applications, permit fees, or penalty fees are outstanding, or for which any
11 required pavement or sidewalk restoration has not been satisfactorily completed. In addition,
12 a person who is in wilful noncompliance with ~~this~~ Sections 724 et seq. shall not apply for nor be
13 issued a new street space occupancy permit unless the Director, by written authorization,
14 grants a waiver to this prohibition. Wilful noncompliance shall include, without limitation,
15 deliberate acts that result in failure to: (a) satisfy any requirements, terms, or conditions of this
16 Section, or the orders, policies, regulations, rules, or standard plans and specifications of the
17 Department or (b) pay any outstanding assessments, fees, penalties set forth in this Section
18 that have been finally determined by the City or a court of competent jurisdiction.

19
20 **SEC. 724.9. TEMPORARY OCCUPANCY OF STREET – PERMITTEE TO DEFEND**
21 **AND INDEMNIFY CITY AND COUNTY.**

22 * * * *

23 (b) Upon the request of San Francisco, the permittee, at no cost or expense to San
24 Francisco, must indemnify, defend, and hold harmless San Francisco against any claims,
25 regardless of the alleged negligence of San Francisco or any other party, except only for

1 claims resulting directly from the sole negligence or willful misconduct of San Francisco. Each
2 permittee specifically acknowledges and agrees that it has an immediate and independent
3 obligation to defend San Francisco from any claims which actually or potentially fall within the
4 indemnity provision, even if the allegations are or may be groundless, false, or fraudulent,
5 which obligation arises at the time such claim is tendered to permittee by San Francisco and
6 continues at all times thereafter. In addition, San Francisco shall have a cause of action for
7 indemnity against each permittee for any costs San Francisco may be required to pay as a
8 result of defending or satisfying any claims that arise from or in connection with the permit,
9 except only for claims resulting directly from the sole negligence or willful misconduct of San
10 Francisco. Permittee agrees that the indemnification obligations assumed under the permit
11 shall survive expiration of the permit.

12
13 **SEC. 725.10. REMOVAL OF DEBRIS BOXES.**

14 (a) The Director is hereby authorized to remove, or cause to be removed, any debris
15 box placed in a street or sidewalk area in violation of the requirements of Sections 725-725.9
16 ~~of this Article~~. Removal shall take place no earlier than 48 hours after notice is given
17 describing the violation(s). The notice shall be both mailed to the debris box owner and
18 placed in a conspicuous manner on the debris box, and shall contain the following:

- 19 (1) The condition(s) violated;
- 20 (2) The date and time of posting;
- 21 (3) The location of the debris box;
- 22 (4) The identify of the person giving the notice; and
- 23 (5) A statement giving notice of 48 hours to remedy the violation(s).

24 * * * *

1 **SEC. 726.6. ADDITIONAL REQUIREMENTS.**

2 * * * *

3 (e) A person who is in wilful noncompliance with Sections 726 et seq. shall not apply
4 for nor be issued an annual mobile storage container permit or an individual location permit
5 unless the Director, by written authorization, grants a waiver to this prohibition. Wilful
6 noncompliance shall include, without limitation, deliberate acts that result in failure to: (1)
7 satisfy any requirements, terms, or conditions of Sections 726 et seq., or the orders, policies,
8 regulations, rules, or standard plans and specifications of the Department or (2) pay any
9 outstanding assessments, fees, or penalties set forth in Sections 726 et seq. that have been
10 finally determined by the City or a court of competent jurisdiction.

11
12 **SEC. 726.7. ORDERS AND REGULATIONS.**

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

1 **SEC. 735. BLIGHTED VACANT LOTS AS CONSTITUTING PUBLIC NUISANCE.**

2 (a) **Definitions.** For purposes of this Section 735, each of the following terms shall
3 have the following meaning:

4 (1) “Blighted Vacant Lot” means property that:

5 (A) contains no buildings or structures that are occupied, inhabited, used,
6 or secured so that the public may not gain entry without consent of the owner; and

7 (B) has any accumulation of filth, garbage, decaying animal or vegetable
8 matter, waste paper, weeds, vegetation overgrowth, dead or decaying trees, litter, trash,
9 unsanitary debris, waste material, animal or human excrement, toxic or otherwise hazardous
10 liquids, substances and/or material residue, residue from the burning of combustible materials
11 or discarded household, industrial, or mechanical materials, or is otherwise not kept in a clean
12 and sanitary condition.

13 (2) “City” means the City and County of San Francisco.

14 (3) “Director” means the Director of Sanitation and Streets~~Public Works~~ or the
15 Director’s ~~his or her~~ designee.

16 (4) “Property Owner” means the owner of record of the property as set forth in
17 the most current records of the Tax Assessor, or the owner's authorized agent.

18 (b) **Declaration of Nuisance.** Blighted vacant lots are hereby declared a public
19 nuisance subject to abatement by the Director of Sanitation and Streets~~Public Works~~ in
20 accordance with the procedures set forth in the Community Preservation and Blight Reduction
21 Act, Chapter 80 of the ~~San Francisco~~ Administrative Code, including, but not limited to, its
22 provisions for notice, abatement, penalties, cost recovery, and debt collection.

23 (c) **Prohibition.** It shall be unlawful for a property owner to maintain a blighted vacant
24 lot in violation of this Section.

1 **SEC. 776. BLASTING – PERMIT REQUIRED.**

2 It shall be unlawful for any person, firm, or corporation to explode or cause to be
3 exploded any dynamite, gunpowder, or other explosive material for the purpose of breaking
4 up earth, rock, concrete, or other material by means of blasting; or drill a hole or make a
5 crevice for the purpose of inserting any explosive material for the purpose of blasting, without
6 first obtaining all necessary permits, including but not limited to a permit from the Department of
7 Public Works for work to be performed on the public right-of-way and/or a permit from the
8 Department of Building Inspections for work to be performed within a real property parcel or lot ~~to do~~
9 ~~so~~.

10
11 **SEC. 777. BLASTING – APPLICATION FOR PERMIT.**

12 All required permit or approval ~~Application~~ s for ~~a permit for~~ blasting shall be made to the
13 applicable City departments and/or agencies ~~Central Permit Bureau on the form provided by that~~
14 ~~Bureau~~.

15
16 **SEC. 778. BLASTING – FEE TO BE PAID; INSURANCE TO BE CARRIED.**

17 Prior to the receipt of a permit the applicant shall deposit with the Department of Public
18 Works or the Department of Building Inspection, as applicable, ~~Central Permit Bureau~~ an amount
19 sufficient to cover the cost of the fee required for such a permit, and shall provide the City with
20 file with the Central Permit Bureau the original or duplicate original of a single limit liability
21 insurance policy or policies as called for ~~herein~~ in this Section 778.

22 (a) **Fee.** The amount of the fee and deposit which shall be paid by an applicant will be
23 determined by the Department of Public Works and/or the Department of Building Inspection, as
24 applicable, and will be based upon an estimate of the total cost of processing the application
25 and inspecting the work, including salary and overhead costs. A fee of \$40 will be charged for

1 processing the application, which amount will be retained by the applicable Department in all
2 cases. In addition to this fee an amount shall be deposited which will be sufficient to cover the
3 estimated total cost of inspection services, including salary and overhead. At the termination
4 of the blasting work, if the cost of inspection is less than the amount which was deposited for
5 that purpose, the surplus shall be refunded to the permittee; and if the inspection costs
6 exceed the amount deposited, the permittee shall be indebted to the applicable Department ~~of~~
7 ~~Public Works~~ for this amount.

8 (b) **Insurance.** The applicant shall procure and maintain during the life of the permit a
9 policy or policies of public liability and property damage insurance issued by an insurer or
10 insurers satisfactory to the applicable Department Director ~~(s) of Public Works,~~ as determined in
11 consultation with the City's Risk Management Division, and in form approved by the City Attorney.
12 The insurance policy or policies shall insure the applicant, the owners of the premises upon
13 which the blasting is to take place, the contractor who shall actually engage in the blasting,
14 and the officers, agents, and employees of all such persons, ~~and the Director of Public Works,~~
15 the City and County of San Francisco and its officers, employees, and agents in their
16 respective capacities. Said policy or policies shall insure against liability for damages or bodily
17 injury, wrongful death, and property damage, directly or indirectly resulting from the nature of
18 the work authorized under the permit, the blasting operations conducted under said permit, or
19 the acts, omissions, operations, or conduct of the applicant, the contractor, the owners of the
20 premises upon which the blasting is to take place, ~~the Director of Public Works,~~ the City and
21 County of San Francisco, and the acts or omissions, operations, or conduct of the officers,
22 employees, and agents of any of the foregoing, directly or indirectly related to the work
23 authorized by the permit and the blasting operations conducted thereunder, irrespective of
24 whether fault is the basis of liability, and irrespective of whether any act, omission, or conduct
25 of ~~the Director of Public Works,~~ the City and County of San Francisco, its officers, agents, and

1 employees, connected or unconnected with the permit, the work, or blasting operations
2 authorized thereunder, is a condition or cause, contributory or otherwise, of the accident,
3 injury, death, or damage. Provided further, that said policy or policies of insurance shall
4 insure against liability irrespective of whether the act, omission, conduct, or operations of the
5 applicant, the contractor, or the owner of the premises upon which the blasting is to take
6 place, is merely a condition rather than a cause of the accident, injury, death, or damage.

7 The amount of the single limit policy shall be determined for each permit by the Director
8 of Public Works or the Department of Building Inspection, as applicable, in consultation with the
9 City's Division of Risk Management.

10 Each policy shall contain a paragraph reading as follows:

11 "This policy is issued to comply, and it does comply, with the provisions of Section
12 778(b) of the San Francisco ~~Municipal~~ Public Works Code, ~~Part II, Chapter X,~~ Article 15. If any
13 question shall hereafter arise concerning the risks intended to be insured against by this
14 policy, said question shall be determined by reference to the language of said Section 778(b),
15 which said provisions are hereby made part of this contract of insurance by reference thereto
16 and incorporated herein as if fully set forth."

17 Each policy covering more than one insured shall contain the standard cross-liability
18 provision.

19 The applicant shall file contemporaneously with execution of the permit, and thereafter
20 shall maintain with the Department of Public Works, or the Department of Building Inspection, as
21 applicable, the policy or policies of insurance herein required, or duplicate originals thereof.
22 Each said policy shall provide that no cancellation of or reduction in coverage shall become
23 effective until at least 10 days after receipt by the Director of the Department of Public Works or
24 the Department of Building Inspection, as applicable, of written notice thereof sent registered mail,
25 return receipt requested. If the life of the permit extends beyond the expiration date of any

1 policy so filed, the renewal of such insurance shall be filed with the Department of Public
2 Works at least 10 days before such expiration.

3 (c) **Indemnification.** The applicant shall take and assume all responsibility for the
4 work and the blasting operations authorized by the permit. As between the applicant and the
5 City and County of San Francisco, the applicant shall bear all losses and damages directly or
6 indirectly resulting to the City or others on account of the character or performance of the work
7 and the blasting operations authorized by the permit, unforeseen difficulties, accidents, or any
8 other causes ~~whatsoever~~.

9 The applicant shall assume the defense of and indemnify and holds~~save~~ harmless ~~the~~
10 ~~Director of Public Works~~, the City and County of San Francisco, and its officers and employees,
11 from all claims, loss, damage, liability, and injury of every kind, nature, or description, directly
12 or indirectly resulting from the nature of the work or the blasting operations authorized by the
13 permit or in any way arising out of the permit, the issuance thereof, or the work or blasting
14 operations authorized thereunder, irrespective of whether fault is the basis of liability or claim,
15 and irrespective of whether any act, omission, or conduct of ~~the Director of Public Works~~, the
16 City and County of San Francisco, or its officers, agents, and employees, connected with the
17 permit, or the work or blasting operations authorized under the permit, is a condition of or
18 cause, contributory or otherwise, of the claim, loss, damage, liability, or injury. Provided
19 further, that such indemnification shall be irrespective of whether the act, omission or conduct
20 of the applicant is merely a condition, rather than a cause, of the claim, loss, damage, liability,
21 or injury.

22

23 **SEC. 779. BLASTING – USE OF EXPLOSIVES.**

24 In addition to the applicable requirements of the California Health and Safety Code, the
25 Safety Orders issued by the Division of Industrial Safety, Department of Industrial Relations of

1 California, or any other applicable State or City and County laws or regulations, the following
2 regulations shall be complied with:

3 (a) Blasting operations shall be conducted only during the hours determined by the
4 Department of Public Works or the Department of Building Inspection, as applicable, and specified
5 on the permit.

6 (b) The type of explosive material to be used shall be approved by the Department and
7 specified on the permit.

8 (c) Only electric blasting caps ~~shall~~ may be used.

9 (d) When directed by the Department, a protective mat shall be used to cover the
10 explosive areas.

11 (e) The Department reserves the right to halt any blasting operation when, in the
12 opinion of the Department representative, such operation is not under the supervision of a
13 competent person having the abilities which qualify ~~him~~ said person to safely perform the work.

14
15 **SEC. 780. BLASTING – MONEY DEPOSITED TO DEFRAID INSPECTION COSTS.**

16 All moneys paid for inspection services to the Department of Public Works or the
17 Department of Building Inspection under the provisions of Section 778 shall be deposited with
18 the Treasurer to the credit of the appropriation for “Engineering Inspection.”

19
20 **SEC. 786. STREET (MAJOR) ENCROACHMENT PERMIT.**

21 (a) The Board of Supervisors by resolution may approve, conditionally approve, or
22 deny applications for a street encroachment permit, also known as a major encroachment
23 permit, to occupy the public right-of-way, as defined in Section 2.4.4, after the Public Works
24 Director processes the permit application in accordance with the requirements of Sections 786
25 et seq. The Director’s processing of permits shall include a recommendation on the

1 application to the Board of Supervisors. The street encroachment permit shall contain an
2 encroachment agreement that provides additional detail on the permittee's rights and
3 obligations under the permit, including maintenance of the encroachment, and establishes the
4 regulatory relationship between Public Works and the permittee for implementation of the
5 permit. The encroachment agreement also shall include a permittee maintenance monitoring
6 and reporting program for Public Works' use in determining compliance with the permit terms.
7 There is no appeal of the Board of Supervisors decision on such permits.

8 * * * *

9 (k) Administrative Penalties and Costs.

10 (1) Notice of Violation. Unless otherwise provided in the applicable encroachment
11 agreement and except as specified in subsections (A) through (B) below, in the event that the Director
12 determines a permit issued under Sections 786 et seq., or any conditions of such permit, have been
13 violated, the Director shall notify the permittee that the permittee has 72 hours to correct or otherwise
14 remedy the violation after which the permittee shall be subject to the imposition of administrative
15 penalties. The Director's notice of violation shall be a written, electronic, or facsimile communication
16 and shall specify the manner in which the violation shall be remedied.

17 (A) For any noncompliance with Sections 786 et seq., or nonpayment of annual
18 public right-of-way occupancy assessment fees under Section 786.7, or any permit-specific conditions
19 and/or required maintenance, the permittee shall have 48 hours to remedy the violation after which the
20 permittee shall be subject to the imposition of administrative penalties.

21 (B) For a permit violation that is hazardous or constitutes a public nuisance,
22 public emergency, or other imminent danger to public health, safety, or welfare that requires
23 immediate action, remediation, or abatement, the Director shall notify the permittee and require the
24 permittee to immediately remedy or abate the violation. If the permittee fails to remedy or abate the
25 violation within 24 hours, the permittee shall be subject to the imposition of administrative penalties.

1 (2) Amount of Administrative Penalties. Administrative penalties assessed pursuant to
2 subsection (1) shall not exceed \$1,000 per day, per violation commencing with the first day of the
3 violation. In assessing the amount of the administrative penalty, the Director may consider any one or
4 more of the following: the nature and seriousness of the misconduct, the number of violations, the
5 persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of
6 the violator's misconduct, and the violator's assets, liabilities, and net worth.

7 (3) Enforcement Costs. In addition to the administrative penalty assessed pursuant to
8 subsection (2), the Director may assess enforcement costs to cover the reasonable costs incurred in
9 enforcing the administrative penalty, including reasonable attorneys' fees. Any enforcement costs
10 imposed and recovered shall be distributed according to the purpose for which the Director imposed
11 them.

12 (4) Accrual of Penalties and Costs. Penalties and costs assessed under this Section shall
13 continue to accrue against the permittee until any violation of Sections 786 et seq. is corrected or
14 otherwise remedied in the judgment of the Director, or the permittee pays the assessed penalties and
15 costs. If such penalties and costs are the subject of a request for administrative review or an appeal,
16 then the accrual of such penalties and costs shall be stayed until the determination concerning the
17 administrative penalties is final.

18 (5) Notice Imposing Administrative Penalties. If the permittee fails to remedy the
19 violation within the time specified in the notice of violation, the Director shall provide the permittee
20 with written notification of the Director's imposition of administrative penalties. This notice shall
21 include the amount of the penalties and costs and declare that such penalties and costs are due and
22 payable to the City Treasurer within 30 calendar days. The notice also shall state that the permittee
23 has the right, pursuant to subsection (7), to request administrative review of the Director's
24 determination as to the designation of the responsible party and the assessment of penalties.

1 (6) Finality of the Director's Determination and Collection of Assessed Penalties. If no
2 request for administrative review is filed pursuant to subsection (7), the Director's determination is
3 final. Thereafter, if the penalties and costs are not paid within the time specified in subsection (5), the
4 Director is empowered to pursue any method of collection of such penalties and costs authorized by
5 local law including, but not limited to, referring all unpaid fees and penalties to the Office of the
6 Treasurer-Tax Collector's Bureau of Delinquent Revenue for collection.

7 (7) Administrative Review. Any permittee that is subject to an administrative penalty
8 may seek administrative review of the designation or the assessment of the penalty or cost within 10
9 calendar days of the date of the notice imposing administrative penalties. Administrative review shall
10 be initiated by filing with the Director a request for review that specifies in detail the basis for
11 contesting the assessment of the penalty or cost.

12 (8) Notice for and Scheduling of Administrative Hearing. Whenever an administrative
13 review hearing is requested pursuant to subsection (7), the Director, within 10 calendar days of the
14 date of receipt of the request, shall notify the affected parties of the date, time, and place of the hearing
15 by certified mail. Such hearing shall be held no later than 30 calendar days after the Director received
16 the request for administrative review, unless extended by mutual agreement of the affected parties. The
17 Director shall appoint a hearing officer for such hearing.

18 (9) Submittals for the Administrative Review Hearing. The parties to the hearing shall
19 submit written information to the hearing officer including, but not limited to, the following: the
20 statement of issues to be determined by the hearing officer and a statement of the evidence to be offered
21 at the hearing.

22 (10) Conduct of the Administrative Review Hearing. The administrative review hearing
23 is a public hearing and shall be electronically recorded. Any party to the hearing may at their own
24 expense, cause the hearing to be recorded by a certified court reporter. During the hearing, evidence
25 and testimony may be presented to the hearing officer. Written decisions and findings shall be

1 rendered by the hearing officer within 10 calendar days of the hearing. Copies of the findings and
2 decision shall be served upon the parties to the hearing by certified mail. A notice that a copy of the
3 findings and decisions is available for inspection between the hours of 9:00 a.m. and 5:00 p.m.,
4 Monday through Friday shall be posted at the offices of the Department of Public Works.

5 (11) Director's Decision on the Hearing Officer's Recommendation. The decision of the
6 hearing officer shall be a recommendation to the Director, and the Director, within five calendar days
7 of receipt of such recommendation, shall adopt, modify, or deny such recommendation. The Director's
8 decision on the hearing officer's recommendation is final. Such decision shall be served upon the
9 parties to the hearing and posted in the same manner as the hearing officer's decision as set forth in
10 subsection (10). If any imposed administrative penalties and costs have not been deposited at this time,
11 the Director may proceed to collect the penalties and costs pursuant to subsection (6).

12 (12) Additional procedures. The Director, acting by Departmental order, may adopt
13 additional procedures to implement this Section 786.

14 (l) Liens. The annual public right-of-way occupancy assessment fees and any administrative
15 penalties and costs imposed pursuant to this Section 786 shall constitute financial obligations owed to
16 the City, which are subject to the imposition of liens pursuant to the procedures set forth in Article XX
17 of Chapter 10 of the Administrative Code.

18

19 **SEC. 786.2. REPORTS.**

20 The Public Works Director shall forward copies of the application for a street
21 encroachment permit to the Director of Planning, the Director of Property, the Chief of the
22 Police Department, the Chief of the Fire Department, the Transportation Director of the
23 Municipal Transportation Agency, the General Manager of the Public Utilities Commission, the
24 Art Commission, the Director of the Sanitation and Streets Department, and ~~to~~ the City Engineer.
25 The Public Works Director shall request a report from each of the listed departments

1 concerning the effect of the proposed encroachment in relation to their duties and
2 responsibilities. The completed reports shall be returned to the Public Works Director within
3 60 days of the receipt of the copies of the application by the listed departments. The
4 departments listed above may request one extension of time not to exceed 30 days from the
5 Public Works Director, which extension of time shall be granted.

6
7 **SEC. 786.7. PUBLIC RIGHT-OF-WAY OCCUPANCY ASSESSMENT FEE FOR**
8 **STREET ENCROACHMENTS.**

9 * * * *

10 (c) If the Board of Supervisors has imposed an annual public right-of-way occupancy
11 assessment fee for a street encroachment permit, the permittee shall pay the greater of the
12 Board-adopted fee or the assessment fee set forth in §subsection (b). The annual public right-
13 of-way occupancy assessment fees in this Section 786.7 constitute financial obligations owed to the
14 City, which are subject to the imposition of liens pursuant to the procedures set forth in Article XX of
15 Chapter 10 of the Administrative Code.

16
17 **SEC. 786.8. MAINTENANCE ENDOWMENT FOR STREET ENCROACHMENT**
18 **PERMITS WHERE THE PERMITTEE IS NOT THE OWNER OF ADJACENT PROPERTY.**

19 * * * *

20 (g) This Section 786.8 shall not apply to a street encroachment permit: (1) where the
21 Board of Supervisors authorizes or approves the transfer or assignment of the permit from the
22 original permittee to an individual or entity that is the successor owner(s) of real property
23 adjacent to the street encroachment permit and the permit is recorded against the successor
24 owner(s) real property, or (2) ~~that the Board issues in accordance with the terms of Section 786(b)~~
25 ~~for a master encroachment permit, or (3)~~ that the Board issues for a street plaza in accordance

1 with Section 792 where the street plaza permittee is a different individual or entity than the
2 holder of the underlying street encroachment permit or Public Works retains responsibility for
3 the underlying public right-of-way, or (~~34~~) that the Director issues to a City agency,
4 department, or commission, a State agency, or the federal government, or (~~45~~) that comprises
5 a People Place permit associated with the Places for People Program established under
6 Administrative Code Chapter 94A.

7 * * * *

8
9 **SEC. 789.2. COMMEMORATIVE STREET PLAQUE APPLICATION, DESIGN,**
10 **PLACEMENT, AND INSTALLATION PROCEDURES.**

11 This Section 789.2 shall govern the procedures ~~governing for~~ commemoration of
12 historical sites, events, and persons in locations upon a public street or place as defined in
13 Section 244 of this Code.

14 (a) The Board of Supervisors may, by resolution, designate a specific location on a
15 public street or place to commemorate a site, event, or person of historical interest to San
16 Francisco.

17 (b) Any person seeking to commemorate a site, event, or person of historical interest
18 to San Francisco by placement and installation of a commemorative plaque on a specific location
19 on a public street or place shall file an application with the Department of Public Works and
20 shall be required to obtain all necessary permits and approvals for the commemorative plaque,
21 including any applicable encroachment permits, and shall provide the Department with any security
22 and/or evidence of insurance, as may be required by the Department following the Department's
23 review of the application. Such application shall be filed upon forms prescribed by the
24 Department, include all information required by the Department, and be accompanied by all
25 required fees set by the Department.

1 **SEC. 789.5. ENGINEERING, INSTALLATION, SAFETY, AND SITING CRITERIA;**
2 **AND DESIGN REQUIREMENTS AND GUIDELINES.**

3 The Department shall develop engineering, installation, safety, and siting criteria for the
4 commemorative plaques and may adopt such criteria through departmental orders and/or
5 regulations. The Department shall also develop design requirements and guidelines for the
6 commemorative plaques after consulting with the Art Commission.

7
8 **SEC. 790. ~~SLIP RESISTANT MANHOLE, VAULT, AND SUB-SIDEWALK BASEMENT~~**
9 **COVERS, GRILLES, GRATES, OR OTHER LIDS WALKING SURFACES ION THE PUBLIC**
10 **RIGHT-OF-WAYSIDEWALK.**

11 (a) **Requirements.** Every person, firm, or corporation, including the City and County
12 of San Francisco, owning or having control of any ~~manhole, vault, or sub-sidewalk basement~~
13 ~~cover, grille, grate, or other lid on the public sidewalk~~ walking surface, including but not limited to
14 sidewalks, special sidewalks, walks, curbs, gutters, crosswalks, shared-use/multi-use paths, plazas,
15 courts, shared streets, shared public ways, paseos, living alleys, parklets, parkways, transportation
16 stops, transportation boarding islands, accessible passenger loading zones, accessible parking spaces,
17 pedestrian medians, pedestrian islands, sub-sidewalk basements, elevator hatches, manholes, grilles,
18 grates, utility boxes, vault covers, ramps, curb ramps, stairs, steps, stoops, loading docks, piers, and
19 wharfs, within Public Right-of-Ways as defined in Public Works Code Section 2.4.4, as may be
20 amended from time to time, must comply with the ~~Department of~~ Public Works' slip ~~resistant~~
21 resistance regulations for such surfaces and elements upon such surfaces ~~and covers~~ including but
22 not limited to temporary or permanent surfaces, coatings, covers, vaults, grilles, grates, lids,
23 monuments, plaques, and hatches. Said regulations shall be consistent with the general requirement
24 for slip-resistant walking surfaces of the Americans with Disabilities Act (ADA), California
25 Government Code Sections 4450 et seq., and the San Francisco Building Codes ~~based on the U.S.~~

1 ~~Architectural and Transportation Barriers Compliance Board's slip resistant recommendations or~~
2 ~~California Code of Regulations Title 24, whichever is more restrictive.~~ The Director of Public Works
3 ("Director") shall adopt ~~a~~ slip ~~resistant~~ resistance standard(s) for such surfaces and elements
4 within them ~~and covers~~ after conducting a public hearing on the recommended standard~~s~~ ~~or~~
5 ~~standards.~~ ~~For surfaces and covers that pre-date 1920, the Director shall develop special standards~~
6 ~~that encourage, to the maximum extent feasible, preservation or adaptive reuse of such surfaces and~~
7 ~~covers. The standards for these surfaces and covers may deviate from the standards set forth in this~~
8 ~~subsection (a) and shall include, but not be limited to, measures to preserve foundry marks, names of~~
9 ~~public or private companies associated with the surface or cover, dates, or other historical identifiers;~~
10 ~~provided, however, that in all instances the standards shall ensure public safety. The Director shall~~
11 ~~issue a Departmental Order specifying the standard or standards adopted pursuant to this section. The~~
12 California Historical Building Code, Title 24, Part 8 of the California Code of Regulations, as may be
13 amended from time to time, shall apply to qualified areas. ~~Covers for sewer vents and traps that comply~~
14 ~~with the Plumbing Code are exempt from section 790.~~

15 (b) **Notice of ~~v~~Violation.** The Director ~~of Public Works~~ shall have authority to enforce
16 this ~~s~~Section 790. Upon the Director's determination that a person has violated any provisions
17 of this ~~s~~Section 790, the Director shall serve notice to the owner to abate the violation within
18 ~~thirty~~ (30) days. The Director's notice of violation shall be a written, electronic, or facsimile
19 communication and shall specify the manner in which the violation shall be remedied.

20 (c) **Hearing.** The owner shall have seven (~~7~~) days from the date of the notice to
21 request in writing a hearing before the Director to contest the notice of violation. If the owner
22 fails to request a hearing within seven days, the Director's determination of violation shall be
23 ~~presumed~~ final. At the hearing, the owner shall be entitled to present evidence that any
24 ~~manhole, vault or sub-sidewalk basement cover, grille, grate, or other lid~~ walking surface on the public
25 sidewalk on Public Right-of-Ways complies with the applicable ~~Department of~~ Public Works slip

1 ~~resistant~~ resistance standard. The determination of the Director after the hearing shall be final
2 and not appealable.

3 (d) **Abatement.** After notification by the Director, the owner shall obtain applicable
4 Permit(s), and remove, ~~and~~ replace, treat, or modify in situ the non-compliant ~~cover(s) or~~
5 surface(s) or element(s) within ~~thirty~~ (30) days. The Director may extend the time for the owner
6 to remove, ~~and~~ replace, treat, or modify in situ such ~~cover or~~ surface(s) or element(s) in ~~his or her~~
7 the Director's discretion.

8 (e) **Failure to Abate Violation.** If the owner fails to abate any violation pursuant to the
9 Director's notice, the Director is empowered to abate the violation in the manner ~~in which~~ the
10 Director deems expedient and appropriate, consistent with applicable regulations. The owner
11 shall compensate the Department of Public Works, or any other City department, for any costs
12 associated with abating the violation. In addition, the Director, in the Director's discretion, may
13 assess additional penalties, finer, costs, and abatement charges ~~in his or her discretion~~.

14 (f) **Administrative Penalties.** The administrative penalties assessed pursuant to
15 subsection (e) shall not exceed ~~one thousand dollars~~ (\$1,000) per day, per violation
16 commencing with the first day of the violation. In assessing the amount of the administrative
17 penalty, the Director may consider any one or more of the following: the nature and
18 seriousness of the violation, the number of violations, the length of time over which the
19 violation continues to occur, and the willfulness of the violator's misconduct.

20 (g) **Enforcement Costs.** In addition to the administrative penalty assessed pursuant
21 to subsection (f), the Director may assess enforcement costs to cover the reasonable costs
22 incurred in enforcing the administrative penalty, including reasonable attorney's fees.

23 (h) **Civil Penalties.** The Director may call upon the City Attorney to maintain an action
24 for injunction to cause the correction or abatement of the violation, and for assessment and
25 recovery of a civil penalty and reasonable attorney's fees for such violation. Any person who

1 violates this § Section may be liable for a civil penalty, not to exceed \$500 for each day such
2 violation is committed or permitted to continue, which penalty shall be assessed and
3 recovered in a civil action brought in the name of the people of the City by the City Attorney in
4 any court of competent jurisdiction. In assessing the amount the civil penalty, the court may
5 consider any one or more of the following: the nature and seriousness of the violation, the
6 number of violations, the length of time over which the violation continues to occur, the
7 willfulness of the violator's misconduct, and the defendant's assets, liabilities, and net worth.
8 The City Attorney may also seek recovery of the attorney's fees and costs incurred in
9 bringing a civil action pursuant to this action.

10 (i) **Alternative Remedies - Administrative Fines.** In addition to any other remedies that may
11 be available, a violation of this Article 15 may be punishable by an administrative fine, which may be
12 assessed by an administrative citation issued by Department of Public Works and/or Department of
13 Sanitation and Streets officials designated in Section 38 of the Police Code. Administrative Code
14 Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as may be amended
15 from time to time, is hereby incorporated and shall govern the procedure for the imposition,
16 enforcement, collection, and administrative review of administrative citations issued to enforce this
17 Section 790, except that the amount of the administrative fine shall be \$100 for a first violation of any
18 section of this Article, \$200 for a second violation of such section within one year of the first violation,
19 and \$500 for each additional violation of such section within one year of the first violation.

20 (j) **Severability.** In adopting this §Section 790, the Board of Supervisors does not
21 intend to regulate or affect the rights or authority of the Federal or State government to do
22 those things that are required, directed, or expressly authorized by Federal or State law or
23 administrative regulation. Further, in adopting this ~~Ordinance~~Section, the Board of Supervisors
24 does not intend to prohibit that which is prohibited by Federal or State law or administrative
25 regulation. In the event that a court or agency of competent jurisdiction holds that Federal or

1 State law, rule, or regulation invalidates any clause, sentence, paragraph, or subsection of
2 Section 790 or the application thereof to any person or circumstances, it is the intent of the
3 Board of Supervisors that the court or agency sever such clause, sentence, paragraph, or
4 subsection so that the remainder of ~~§~~Section 790 shall remain in effect.

5
6 **SEC. 791. PUBLIC IMPROVEMENTS GIFT ACCEPTANCE AND PUBLIC**
7 **DEDICATION.**

8 * * * *

9 (j) **DPW Regulations.** In addition to the requirements set forth in this Section 791, the
10 Director may adopt such orders, policies, regulations, rules, or standard plans and
11 specifications as ~~he or she~~ the Director deems necessary in order to preserve and maintain the
12 public health, safety, welfare, and convenience. Such orders, policies, regulations, or rules
13 may include, but are not limited to, permit application materials, site conditions, accessibility of
14 sidewalks and streets, submission of as-built plans as a precondition to acceptance. When
15 such orders, policies, regulations or rules will affect the operations and enforcement of the
16 Municipal Transportation Agency and/or Department of Sanitation and Streets, the Director of the
17 Department of Public Works shall consult with and provide an opportunity to comment to the
18 Municipal Transportation Agency and/or Department of Sanitation and Streets prior to adoption of
19 such orders, policies, regulations, or rules.

20
21 **SEC. 792. STREET PLAZAS.**

22 * * * *

23 (g) **Regulations and Orders.** The Director may adopt such orders, policies,
24 regulations, rules, or standard plans and specifications as ~~he or she~~ the Director deems
25 necessary to preserve and maintain the public health, safety, welfare, and convenience

1 (“Regulations”). Such Regulations may include, but are not limited to, permit application
2 materials, placement of and information contained on signs, site conditions, and accessibility
3 of sidewalks and streets. When such Regulations may affect the operations and enforcement
4 of the Municipal Transportation Agency or the Department of Sanitation and Streets, the Director
5 of the Department of Public Works shall consult with and provide an opportunity to comment
6 to the General Manager of the Municipal Transportation Agency and/or the Director of the
7 Department of Sanitation and Streets, as applicable, prior to adoption of such Regulations.

8
9 **SEC. 793. THE SHARED SPACES PROGRAM – SHARED SPACES IN THE**
10 **PUBLIC RIGHT-OF-WAY.**

11 The Shared Spaces Program is established in Chapter 94A of the Administrative Code.
12 Under the Program, a public or private entity may obtain City approval to create a Shared
13 Space and provide activities, for a limited period of time, on City-owned property and in some
14 cases nearby privately-owned spaces where the public can gather and participate in
15 commercial or non-commercial offerings and events. The space created is a “Shared Space”
16 that is managed by the permittee, defined as a “Permittee.”

17 The Shared Spaces Program is a joint effort by the Planning Department, Public
18 Works, the Department of Sanitation and Streets, the Municipal Transportation Agency, the Real
19 Estate Division, and the Entertainment Commission (defined in Section 94A.2 of the
20 Administrative Code as the “Core City Agencies”) to coordinate their review and approval of a
21 Shared Space and streamline the permit process. The Program responsibilities of the Core
22 City Agencies in the coordination process are set forth in Section 94A.4 of the Administrative
23 Code.

1 **SEC. 793.4. VIOLATION OF PERMIT CONDITIONS, OPERATIONAL**
2 **REQUIREMENTS, OR ADMINISTRATIVE REGULATIONS; ENFORCEMENT ACTIONS**
3 **AND PENALTIES.**

4 (a) **Enforcement Actions; Penalties.** If any person has occupied a Shared Space in
5 violation of any Permit conditions, operating requirements, or regulations applicable to the
6 Shared Space, the Director of Public Works may take any action authorized by this Code that
7 is considered necessary to abate or correct the violation. The Director is expressly authorized
8 to:

9 * * * *

10 (5) Seize, remove, or demolish any structures or furniture placed in public
11 sidewalk or roadway areas.

12 (A) If a permit to place the structure or furniture has been rescinded or
13 expired, before any such structure or furniture is seized, the Permittee shall be notified and
14 given 10 business days to remove the structure or furniture. If the Permittee does not remedy
15 the underlying violation leading to the rescission of the permit and/or apply for a Shared
16 Space Permit within the time prescribed, the City may seize, remove, or demolish the
17 structure or furniture.

18 (B) Seized furniture shall be retained by the City and may be recovered
19 by the responsible party for a period of at least 30 business days following seizure. As a
20 condition of recovering any furniture seized pursuant to this Section 793.4 or receiving a
21 subsequent Shared Spaces Permit, the Permittee shall pay an impound fee covering the
22 actual cost to the City of transporting and storing such furniture, unless the seizure is deemed
23 improper following a hearing under ~~this~~-subsection (a)(5)(F).

24 (C) If the Director of the Department of Sanitation and Streets determines
25 that it is practicable to do so, the Department of Sanitation and Streets~~Public Works~~ shall retain

1 any seized structures. As a condition of recovering any structure seized pursuant to this
2 Section or receiving a subsequent Shared Spaces Permit, the Permittee shall pay an impound
3 fee covering the actual cost to the City of transporting and storing such structure, unless the
4 seizure is deemed improper following a hearing under ~~this~~ subsection (a)(5)(F).

5 (D) If the Director of the Department of Sanitation and Streets determines
6 that it is not practicable to do so, the Department of Sanitation and Streets~~Public Works~~ may
7 demolish any unpermitted structure placed in the right-of-way. Where a Permittee is
8 responsible for an unpermitted structure that requires demolition, the Permittee shall not be
9 eligible for a subsequent Shared Spaces Permit until the Permittee has paid the fee covering
10 the actual costs to the City of demolishing and disposing of the structure(s). Such recoverable
11 costs may include those incurred by Public Works and any other City department, including
12 the City Attorney's Office, for time and materials spent enforcing the requirements of the
13 permit.

14 (~~ED~~) Notwithstanding any other provision of this Section 793.4, if the
15 Director determines that any structure or furniture is placed in public sidewalk or roadway
16 areas in such a place or manner as to pose an immediate and serious danger to persons or
17 property, the City may seize such structure and furniture without prior notice to the Permittee if
18 it is impractical to remedy the danger by moving the structure or furniture to another point on
19 the sidewalk or public right-of-way.

20 (F) Following any seizure, the Permittee shall be notified promptly of
21 such seizure and shall have the right to request an informal hearing before a designated City
22 official to determine whether the seizure was proper. The Permittee must request the hearing
23 within 10 days of receiving notice of the seizure. Any furniture seized pursuant to this Section
24 shall be retained by the City and may be recovered as provided herein.

1 Failure to provide any notice to a Permittee pursuant to this ~~s~~Section shall
2 not give rise to any claims or cause of action against the City; and

3 (6) Take any other enforcement action authorized by this Code that is
4 applicable to occupancy of the public right-of-way.

5 (b) **Rules and Regulations; Director’s Orders.** The Director of Public Works, *in*
6 *consultation with the Director of the Department of Sanitation and Streets,* may adopt such orders,
7 rules, policies, procedures, regulations, rules, or standards as the Director considers
8 appropriate in order to:

9 (1) process, verify, and respond to complaints from the public concerning a
10 Curbside or Sidewalk Shared Space that is routed from the 311 Customer Relationship
11 Management System, as described in Administrative Code Section 94A.9(a);

12 (2) abate a violation of the terms and conditions of a Sidewalk or Curbside Shared
13 Space Permit or other requirements of Administrative Code Chapter 94A that are within the
14 jurisdiction of the Director; and

15 (3) identify specific violations that would be subject to the criminal citation penalty
16 authorized in subsection (a)(2) above.

17 * * * *

18
19 **SEC. 794. AUTONOMOUS DELIVERY DEVICES ON SIDEWALKS - PERMIT**
20 **REQUIRED.**

21 * * * *

22 (h) **Conditions of Approval and Data Sharing.**

23 (1) **Conditions of Approval.** The Public Works Director, in consultation with
24 the SFMTA and any appropriate City Department, shall impose any conditions of approval
25 that the Director deems necessary to protect the public health, safety, and welfare of

1 pedestrians and other users of the sidewalks and public right-of-ways. The Public Works
2 Director shall have the authority to add conditions of approval to, modify, or suspend the
3 Autonomous Delivery Device permit to address public health, safety, and welfare issues
4 arising from the Testing. Failure to comply with the Director's conditions of approval may
5 result in immediate revocation of the permit. If the failure to comply with the Director's
6 conditions of approval also creates a significant risk to public safety, the Director shall
7 immediately revoke the permit. If the Director revokes a permit under this subsection (h)(1),
8 the permittee shall be ineligible for any future Autonomous Delivery Device permits. Any such
9 revocation may be appealed to the Board of Supervisors under subsection (g)(2).

10 (2) **Data Sharing.** Each Autonomous Delivery Device permittee shall disclose
11 the following information to ~~the City Administrator's Office and~~ Public Works and the Office of
12 Emerging Technology on a monthly basis:

13 * * * *

14
15 **SEC. 802. DEFINITIONS.**

16 Unless the context specifically indicates otherwise, for purposes of this Article 16:

17 * * * *

18 "Department" shall mean the Department of ~~Sanitation and Streets~~ Public Works.

19 "Director" shall mean the Director of the Department (also known as the Sanitation and
20 Streets Director) ~~Public Works~~ or the Director's designee, which shall include the Urban Forester
21 or other departmental staff.

22 * * * *

23
24 **SEC. 802.1. ADDITIONAL DEFINITIONS.**

25 Unless the context specifically indicates otherwise.:

1 (a) "Climate appropriate" means plants, shrubs, ground covers, or tree species that
2 meet at least one of the following conditions:

3 * * * *

4 (4) The Department of ~~Sanitation and Streets~~*Public Works*, the Recreation and
5 Park Department, or the General Manager of the Public Utilities Commission has determined
6 that the species, when watered for sufficient plant health and appearance, is low water use
7 based on the agency's experience with the species, and the agency has added the species to
8 the Low Water Use and Climate Appropriate Plant List maintained by the General Manager of
9 the Public Utilities Commission;

10 (5) The species appears on the San Francisco Street Tree Species List
11 established by the Department of ~~Sanitation and Streets~~*Public Works* Bureau of Urban Forestry;

12 (6) The planting is part of a species test approved by the Department of
13 ~~Sanitation and Streets~~*Public Works* or the Recreation and Park Department; or

14 (7) The species has been permitted at the site by the Department of ~~Sanitation~~
15 ~~and Streets~~*Public Works* or the General Manager of the Public Utilities Commission based on
16 wet soil conditions stemming from proximity to naturally occurring water features such as a
17 high water table, springs, ponds, lakes, creeks, and wetlands.

18
19 **SEC. 803. URBAN FORESTRY COUNCIL; ADDITIONAL POWERS AND DUTIES.**

20 (a) The Urban Forestry Council shall serve in an advisory capacity to the Director or
21 ~~his or her~~ *the Director's* designee on matters relating to this Article 16 and to tree management
22 in the City. The responsibilities of the Urban Forestry Council may include but shall not be
23 limited to the following:

24 * * * *

1 (10) Reviewing the Annual Report prepared by the Department of Sanitation and
2 Streets~~Public Works~~ Bureau of Urban Forestry.

3 (b) The Urban Forestry Council shall perform such other duties assigned to it under
4 the Municipal Codes.

5
6 **SEC. 806. PLANTING AND REMOVAL OF STREET TREES.**

7 * * * *

8 (c) **Planting and Removal by City Agencies, Commissions, or Other**
9 **Departments.** If a City agency, commission, or department other than the Department of
10 Sanitation and Streets~~Public Works~~ desires to plant or remove a Street Tree, such agency,
11 commission, or department shall be subject to the provisions of ~~S~~subsection (b); provided,
12 however, that for purposes of Street Tree Removal, the notice and procedures for Director's
13 hearings set forth in ~~S~~subsections (a)(2) and (a)(3) shall apply.

14 * * * *

15
16 **SEC. 807. DEPARTMENT OF SANITATION AND STREETS~~PUBLIC WORKS~~ URBAN**
17 **FORESTRY PROGRAM; POWERS AND DUTIES.**

18 * * * *

19 (e) ~~Public Works~~ **Adopt-A-Tree Fund.** Pursuant to Section 10.100-227 of the
20 Administrative Code, the Department shall maintain the ~~Public Works~~ Adopt-A-Tree Fund to
21 enhance the urban forestry program.

22 (f) **In-Lieu Planting Program.** The Department shall develop and implement an In-
23 Lieu Planting Program to offset the loss of street trees, significant trees, and landmark trees
24 due to removal, destruction, or death. The In-Lieu Planting Program also shall compensate
25 for the loss of trees required to be planted by Section 806(d), unless the Director has modified

1 or waived such requirements under ~~sub~~Section 806(d)(4). The Department shall impose an
2 in-lieu fee in accordance with a fee schedule adopted by the Director where a street tree is
3 destroyed, removed, or is excused from planting where otherwise required by Section 806(d).
4 The Department also shall assess an in-lieu fee or such other penalty as set forth in Section
5 811 as mitigation for violation of the requirements of this Article 16. The Department shall
6 follow the requirements set forth herein for payment of an in-lieu fee unless it makes written
7 findings detailing the basis for waiving said requirements. As set forth in Section 811, in lieu
8 fees shall be deposited in the ~~Public Works~~ Adopt-A-Tree Fund.

9 (g) **Tree Adoption Program.** The Department shall develop and implement a tree
10 adoption program to allow persons to donate money for the purpose of tree planting and
11 maintenance. Money donated to the City and County for the purpose of tree planting and
12 maintenance shall be deposited into the ~~Public Works~~ Adopt-A-Tree Fund.

13
14 **SEC. 808. PROTECTION OF TREES AND LANDSCAPE MATERIAL.**

15 * * * *

16 (c) **Construction Work: Protection of Trees Required.**

17 * * * *

18 (2) Prior to Department of Building Inspection issuance of a building permit or
19 site permit, the applicant for a project that may damage one or more Street Trees, Significant
20 Trees, and/or Landmark Trees shall submit a Tree protection plan to the Sanitation and Streets
21 Director for review and approval.

22 (3) Prior to issuance of a Public Works permit for excavation, construction, or
23 Street work that will occur within the dripline of a Significant Tree, a Landmark Tree, or a Tree
24 on any Street or other publicly owned property, the applicant shall submit a Tree protection
25 plan to the Sanitation and Streets Director for review and approval.

1 (4) If the Public Utilities Commission, ~~the or~~ Municipal Transportation Agency, or
2 Department of Public Works plans to perform any excavation, construction, or Street work within
3 the drip line of a Significant Tree, a Landmark Tree, or a Tree on any Street or other publicly
4 owned property, said department shall submit a Tree protection plan to the Sanitation and
5 Streets Director for informational purposes only.

6 * * * *

7 (6) The Sanitation and Streets Director shall charge a fee of \$151.~~00~~ for review
8 and approval of a Tree protection plan. This fee is subject to the fee adjustment provisions of
9 Section 2.1.2 and additional fee provisions of Section 2.1.3.

10 (7) An applicant's or permittee's failure to obtain a Sanitation and Streets Director-
11 approved Tree protection plan pursuant to ~~S~~subsections (2) or (3) above, shall be deemed in
12 violation of the subject permit. ~~In the case of a~~ The Director may enforce such a violation under the
13 ~~terms of the relevant~~ Public Works permit, the Sanitation and Streets Director shall request that the
14 Public Works Director initiate an enforcement action under the Public Works Code, including a
15 requirement that all work stop until the applicant or permittee complies with this Section 808.
16 In the case of a Department of Building Inspection building or site permit, the Sanitation and
17 Streets Director shall request that the Director of Building Inspection ~~to~~ initiate an enforcement
18 action under the Building Code, including a requirement that all work stop until the applicant or
19 permittee complies with this Section.

20
21 **SEC. 809. HAZARD TREES; ABATEMENT.**

22 * * * *

23 (b) **Director of Sanitation and Streets ~~Public Works~~ to Abate Hazard if Owner Fails to**
24 **Do So.** If the responsible party does not undertake in a timely manner the abatement action,
25 as required by said notice, the Director may perform necessary work to abate the hazard.

1 The cost of such abatement, including labor, equipment, materials, inspection services, and
2 administrative costs, shall be an obligation owing by the responsible party to the City.

3 (c) **Method of Enforcement and Collection of Lien.** The Department shall send
4 notice of assessment of costs to the responsible party. Such notice shall include a statement
5 that payment is due within 60 days of the mailing date of the notice. If a responsible party fails
6 timely to remit payment, the Department shall send a second notice of payment due. Such
7 second notice shall include a statement that failure timely to remit payment in full to the City
8 within 30 days of the mailing of the second notice shall cause the Director to pursue any and
9 all remedies, including instituting lien proceedings pursuant to Sections 706.4-706.7 of this
10 Code. Enforcement and collection of liens for costs associated with hazard tree abatement
11 shall be in accordance with Sections 706.4-706.7 of this Code, except that all monies received
12 in payment of such liens, with the exception of enforcement costs incurred by any City
13 department, shall be credited to the ~~Public Works~~ Adopt-A-Tree Fund.

14
15 **SEC. 810. LANDMARK TREES.**

16 * * * *

17 (f) **Removal Criteria and Procedures.**

18 * * * *

19 (6) **Emergency Removal on City-owned Property.** In the case of
20 manifest danger and immediate necessity, as determined by the director or general manager
21 of the subject agency, commission, or department, the subject agency, commission, or
22 department may remove a landmark tree within its jurisdiction immediately. After such
23 emergency removal, the subject agency, department, or commission shall provide written
24 notice of the necessity of such action to the Board of Supervisors, Urban Forestry Council,
25 and Department of Sanitation and Streets~~Public Works~~ and shall also provide such notice to all

1 interested San Francisco organization_s and, to the extent practical, the owners and occupants
2 of properties that are on or across from the block face where the affected tree was removed.
3 Removal of a landmark tree pursuant to this ~~S~~_s subsection (6) is not subject to Section 810(f)(4)
4 above.

5 * * * *

6
7 **SEC. 810A. SIGNIFICANT TREES.**

8 (a) **Definition.** For purposes of this Section, a significant tree shall be a tree: (1) on
9 property under the jurisdiction of the Department of ~~Sanitation and Streets~~*Public Works* or (2) on
10 privately owned-property with any portion of its trunk within 10 feet of the public right-of-way,
11 and (3) that satisfies at least one of the following criteria: (a) a diameter at breast height
12 (DBH) in excess of twelve (12) inches, (b) a height in excess of twenty (20) feet, or (c) a
13 canopy in excess of fifteen (15) feet. The Director may deem a significant tree a hazard tree if
14 such tree satisfies the provisions of Section 802(o). A landmark tree shall not be treated as a
15 significant tree even if the landmark tree meets one or more of the abovementioned criteria. A
16 landmark tree shall be governed by the provisions of Section 810.

17 * * * *

18
19 **SEC. 828. APPLICATION WITH OTHER LAWS.**

20 Nothing in this ordinance shall be construed to affect, diminish, or replace the duties
21 and authority of the Director of ~~Sanitation and Streets~~*Public Works* set forth in Article 16 of the
22 Public Works Code.

1 **SEC. 851. PERMITS AND APPROVALS REQUIRED TO OPERATE DUMP.**

2 It shall be unlawful for any person not otherwise authorized by the City and County of
3 San Francisco, to commence, proceed, or continue to operate a dump within the City and
4 County of San Francisco without first having obtained all required permits and approvals,
5 whether required under federal, state, or local laws, including but not limited to conditional use
6 authorization required pursuant to the Planning Code and the ~~conditional use annual~~ permit ~~therefor~~
7 annually, as hereinafter set forth provided.

8 * * * *

9
10 **SEC. 859. PROCESSING AND GRANTING OF PERMITS.**

11 Each application under this Article ~~for a conditional use permit, or for the renewal of a~~
12 ~~permit,~~ shall be referred by the Department of Building Inspection ~~Central Permit Bureau~~ for
13 approval to all applicable City departments and agencies including the Bureau of Engineering in the
14 Department of Public Works, ~~which Bureau shall refer the application for approval to the~~
15 Department of City Planning, the Bureau of Fire Prevention and Public Safety, and the
16 Department of Public Health.

17 Upon approval of the application by the said bureaus and departments, a
18 nontransferable, ~~conditional use~~ permit shall be granted and issued by the Department of
19 Building Inspection ~~Central Permit Bureau~~. If not approved by any one or more of the said
20 bureaus and departments, the permit or renewal shall be denied.

21 * * * *

22 **SEC. 865. ENFORCEMENT.**

23 The Director shall enforce and administer all provisions of this Article, and for such
24 purpose only, the Director or the Director's designee ~~he or any member of his enforcement staff~~ may
25 enter upon, investigate and inspect any dump.

1 The Chief of the Fire Department, or his duly authorized representative, is hereby
2 empowered to enter upon and make inspection of any dump, and exercise his authority
3 relative to fire prevention, fire protection, fire spread control, and the protection of persons and
4 property from fire.

5 The Director of Public Health, or the Director's designee~~his duly authorized representative~~,
6 is hereby empowered to enter upon and make inspection of any dump and exercise his
7 authority relative to public health.

8
9 **SEC. 12000. PURPOSE AND FINDINGS.**

10 Countless bicycles and bicycle parts appear at open-air "chop shops" on City streets
11 where they are disassembled, stripped of identifying information, and/or sold. Prohibiting
12 such activity, and allowing the Department of Sanitation and Streets~~Public Works~~ to remove
13 bicycles or bicycle parts from the public right-of-ways, will help clear the public right-of-ways,
14 prevent unauthorized commercial activity on City streets, improve the quality of life for City
15 residents, and if any items are lost or stolen restore such items to their lawful owners.

16 * * * *

17
18 **SEC. 12001. PROHIBITION ON SALE OF BICYCLES AND BICYCLE PARTS.**

19 (a) No person shall assemble, disassemble, sell, offer to sell, distribute, offer to
20 distribute, or store the following items on any street, sidewalk, public passageway, or other
21 public right-of-way:

- 22 (1) five or more bicycles;
- 23 (2) a bicycle frame with the gear cables or brake cables cut;
- 24 (3) three or more bicycles with missing parts (the term "parts" shall mean
25 handlebars, wheels, forks, pedals, cranks, seats, or chain(s);

1 (4) five or more bicycle parts;

2 (b) This prohibition shall not apply in any of the following situations:

3 (1) The person is operating under a valid business license or permit.

4 (2) The owner of a bicycle or bicycle part is present during the repair of his or
5 her single bicycle or bicycle part.

6 (3) The items are being used in connection with an event held by an
7 organization with tax exempt status under 26 United States Code Section 501(c)(3) or
8 501(c)(4).

9 * * * *

10
11 **SEC. ~~12~~2002. ENFORCEMENT AND APPEALS.**

12 (a) Under Section 836.5 of the Penal Code, Department of Sanitation and Streets~~Public~~
13 ~~Works~~ employees designated in Administrative Code Section 38 are hereby authorized to
14 issue a written notice of violation to any person who is in violation of Section ~~12~~2001, and may
15 delegate responsibilities to staff as appropriate to implement the removal of items taken in the
16 enforcement of this Article. Upon issuance of such notice, the Department of Sanitation and
17 Streets~~Public Works~~ may remove and seize any items that are being unlawfully assembled,
18 disassembled, sold, distributed, offered for sale or distribution, or stored. If the person to
19 whom the notice is issued does not allow the Department of Sanitation and Streets~~Public Works~~ to
20 remove and seize the items, the Department of Sanitation and Streets~~Public Works~~ shall take no
21 further action, but may seek assistance from the Police Department (SFPD) as necessary to
22 complete the removal and seizure. Following the removal and seizure, the items may be
23 recovered from the Department of Sanitation and Streets~~Public Works~~ either by contesting the
24 grounds for the notice of violation under subsection (c), or by retrieving the items after 30 days
25 under subsection (d).

1 (b) The notice of violation shall include a reference to this Article 20; a description of
2 the violation; the date and location of the violation(s) observed; a description of all seized
3 items; a description of the process the person in possession of the items may pursue to
4 recover the items by contesting the grounds for the notice under subsection (c); a description
5 of the process to recover the items after 30 days under subsection (d); and the name and
6 signature of the Department of Sanitation and Streets~~Public Works~~ employee who issued the
7 notice and, if applicable, the SFPD officer who provided assistance 1

8 (c) A person who has received a notice of violation may contest the grounds for the
9 notice by submitting a written request to the Department of Sanitation and Streets~~Public Works~~
10 within 30 days after the date of the notice. Upon receipt of a timely request, the Department of
11 Sanitation and Streets~~Public Works~~ shall assign the matter to a hearing officer, who shall be
12 someone other than the person(s) who issued the notice or who witnessed the events giving
13 rise to the notice, or the direct supervisor of such person(s). The hearing officer shall fix a
14 date, time, and place for the hearing, which shall occur within three calendar days of the
15 receipt of the hearing request unless extended in writing by mutual agreement of the parties.
16 The Department of Sanitation and Streets~~Public Works~~ shall have the burden in such hearing to
17 prove by clear and convincing evidence that the violation described in the notice occurred. At
18 the hearing, the reviewing officer will not be bound by the formal rules of evidence and may
19 accept information from both parties, including, but not limited to, the notice, which shall be
20 prima facie evidence of the violation. The hearing officer shall make findings based on the
21 record of the hearing and shall issue a decision as soon as possible thereafter, and no later
22 than two business days after the close of the hearing. If the hearing officer concludes that the
23 City failed to prove by clear and convincing evidence that the violation of Section 2001
24 described in the notice occurred, the Department of Sanitation and Streets~~Public Works~~ shall
25 immediately rescind the notice and return any seized items at no charge. If the hearing officer

1 finds by clear and convincing evidence that the violation of Section 2001 described in the
2 notice did occur, the Department of Sanitation and Streets~~Public Works~~ shall retain the items for at
3 least 30 days after the date of the notice, in accordance with subsection (d). The decision of
4 the hearing officer in either case shall be the City's final action. Following the decision of the
5 hearing officer, an appeal may be filed with the superior court pursuant to California
6 Government Code Section 53069.4. Failure of any person to request a hearing in accordance
7 with the provisions of this Section 2002 or to appear at the noticed hearing shall constitute a
8 failure to exhaust administrative remedies.

9 (d) A person who has received a notice of violation may retrieve the seized items 30
10 days after the date of the notice. After 30 days have elapsed, if the recipient of the notice has
11 not yet requested to retrieve the items, and another person requests the items on the basis of
12 their lawful ownership of the items and provides the Department of Sanitation and Streets~~Public~~
13 ~~Works~~ reliable supporting evidence for their claim of ownership (including, but not limited to,
14 video or photographic evidence, a bill of sale, the correct serial number) that the Department of
15 Sanitation and Streets~~Public Works~~ finds accurate, then the Department of Sanitation and
16 Streets~~Public Works~~ shall return the items to that person at no charge. If the Department of
17 Sanitation and Streets~~Public Works~~ receives conflicting requests from multiple persons for the
18 same item, or if the Department of Sanitation and Streets~~Public Works~~ after consultation with
19 SFPD concludes that there is reasonable cause to believe that the items were not in the lawful
20 possession of the recipient of the notice at the time of seizure or that a person claiming
21 ownership has submitted a false claim, then the Department of Sanitation and Streets~~Public Works~~
22 shall refer the matter to SFPD for investigation, and on SFPD's request shall deliver the items
23 to SFPD. If SFPD declines to request the items from SAS within 30 days of the date of
24 referral, the Department of Sanitation and Streets~~Public Works~~ shall return the items to the
25

1 recipient of the notice, or if such person has not requested the items, then to the person
2 claiming lawful ownership.

3 (e) Any unclaimed items remaining in the Department of Sanitation and Streets~~Public~~
4 ~~Works~~ custody 60 days after the date of the notice of violation shall be deemed abandoned
5 and may be discarded or destroyed.

6 * * * *

7

8 **SEC. 12003. SEVERABILITY.**

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

17 * * * *

18

19 **SEC. 1401. DEFINITIONS.**

20 (a) "Director" means the Director of the Department of Sanitation and Streets~~Public~~
21 ~~Works~~, or the Director'~~his or her~~ designee.

22 * * * *

23

24 **SEC. 1403. IMPOUNDMENT.**

25 * * * *

1 (d) The Director can comply with the notice requirements imposed by this section by
2 placing a telephone call during regular business hours to the owner or owner's representative
3 designated pursuant to paragraph (c) of this section, or on the shopping cart. Where no such
4 person is designated, the Director shall call the owner at a number listed in the San Francisco
5 telephone book or contact the owner by telephone, email, or other method available on the owner's
6 website. In addition, the Director shall give mailed notice to the address designated by the
7 owner pursuant to paragraph (c) of this section, or in the absence of such a designation, to
8 the address indicated on the shopping cart, or in the absence of such an address, to the
9 address listed for the owner in the San Francisco telephone book.

10 * * * *

11
12 (f) Any impounded shopping cart that is not reclaimed by the owner or the owner's~~his or~~
13 ~~her~~ agent within two business days following the date of notice pursuant to paragraph (a) shall
14 be subject to payment of the actual costs incurred by the City in impounding and storing the
15 shopping cart. The City shall have a lien on the shopping cart, and shall not release the
16 shopping cart until such costs are paid in full by the retailer or the person(s) collecting the
17 carts at the time of collection from the Department of Sanitation and Streets~~Public Works~~.

18 * * * *

19
20 **SEC. 1506. STREET TREE.**

21 (a) **Condition of Approval.** When reviewing an application for a Personal Wireless
22 Service Facility Site Permit, the Department, the Department of Sanitation and Streets, the
23 Planning Department, and/or Recreation and Park Department (as appropriate) may require
24 as a Condition of approval that the Permittee plant and maintain an appropriate street tree
25

1 adjacent to the Utility Pole so as to provide a screen for a permitted Personal Wireless
2 Service Facility Site Permit.

3 (b) **Implementation of Street Tree Requirement.** When installation of a street tree is
4 required by the Department, the Department of Sanitation and Streets, the Planning Department,
5 and/or Recreation and Park Department, the Department shall implement the requirement as
6 follows:

7 (1) The Department shall require the Permittee to install a street tree that is a
8 minimum of twenty-four (24)-inch box size. The ~~Department's~~ Bureau of Urban Forestry of the
9 Department of Sanitation and Streets shall work with the Permittee to select the appropriate
10 species and location for the required tree.

11 (2) In any instance in which the Department cannot require the Permittee to
12 install a street tree, on the basis of inadequate sidewalk width, interference with utilities, or
13 other reasons regarding the public health, safety, or welfare, the Department shall instead
14 require the Permittee to make an “in-lieu” payment into the ~~Department's~~ “Adopt-A-Tree” fund
15 of the Department of Sanitation and Streets. This payment shall be in the amount specified in
16 Public Works Code Section 807(f), and shall be payable prior to the Department’s issuance of
17 the Personal Wireless Service Facility Site Permit.

18 * * * *

19
20 **SEC. 1602. DEFINITIONS.**

21 Unless the context requires otherwise, the following definitions shall govern the
22 construction of this Article 26:

23 “City” means the City and County of San Francisco.

24 “Construction and Demolition Debris” has the same meaning as set forth in
25 Environment Code Section 1401, as may be amended from time to time.

1 “Costs” means any expenses incurred by the City in abating or otherwise addressing
2 Illegal Dumping and Illegal Dumping violations including, but not limited to, litigation costs,
3 court costs, attorneys’ fees, costs of abatement, removal, and disposal of illegally dumped
4 waste matter (including the equivalent cost of disposal if the City is not charged), costs of
5 investigating the incident, and enforcement costs, including, but not limited to time and
6 expenses of the Department, the City Attorney’s Office, the Police Department, and/or other
7 City departments, incurred by the City in identifying and apprehending a Responsible Person.

8 “Department” means the Department of Sanitation and Streets~~Public Works~~.

9 “Director” means the Director of the Department of Sanitation and Streets~~Public Works~~ or
10 the Director’s designee.

11 * * * *

12
13 **SEC. 2301. PURPOSE AND INTENT.**

14 The Board of Supervisors hereby finds and declares that:

15 (a) Graffiti is detrimental to the health, safety, and welfare of the community in that it
16 promotes a perception in the community that the laws protecting public and private property
17 can be disregarded with impunity. This perception fosters a sense of disrespect for the law
18 that results in an increase in crime; degrades the community and leads to urban blight; is
19 detrimental to property values, business opportunities, and the enjoyment of life; is
20 inconsistent with the City’s property maintenance goals and aesthetic standards; and results
21 in additional graffiti and in other properties becoming the target of graffiti unless it is quickly
22 removed from public and private property.

23 (b) Graffiti results in visual pollution and is hereby deemed a public nuisance. Graffiti
24 must be abated as quickly as possible to avoid detrimental impacts on the City and its
25 residents, and to prevent the further spread of graffiti.

1 (c) Graffiti is increasingly used by gangs to frighten residents of neighborhoods and
2 instigate and escalate disputes with opposing gangs. Therefore, gang graffiti, in particular,
3 exacerbates the degradation of San Francisco's quality of life. In order to alleviate this fear
4 caused by gang graffiti, and to assist the partnership between the City and the neighborhoods
5 in their mutual efforts to make streets safe, gang graffiti must be abated as quickly as
6 possible.

7 (d) Graffiti also is used in guerilla marketing campaigns to promote or publicize, for
8 commercial or non-commercial purposes, goods, products, and services in lieu of or to
9 supplement conventional advertising techniques. This type of graffiti must be abated as
10 quickly as possible to avoid detrimental impacts on the City and its residents, and to prevent
11 the further spread of graffiti.

12 (e) It is the purpose of this Article 23 to provide a program for the removal of graffiti
13 from walls, pavement, structures, and other improvements on both public and private
14 property, including the public right-of-way.

15 (f) Consistent with Charter section 4.138(b)(4), the Department of Sanitation and Streets is the
16 primary agency responsible for removing graffiti in the public right-of-way. The Department of
17 Sanitation and Streets and the Department of Public Works are authorized to enforce this Article 23.

18 * * * *

19
20 **SEC. 2302. DEFINITIONS.**

21 For purposes of this Article 23, the following definitions shall apply:

22 * * * *

23 **Department.** "Department" means the either the Department of Public Works or the
24 Department of Sanitation and Streets, as may be applicable in the particular enforcement scenario.

25 * * * *

1 **Director.** “Director” means either the Director of the Department of Public Works or the
2 Director of the Department of Sanitation and Streets, or each Director’s~~his or her~~ designee.

3 * * * *

4
5 **SEC. 2305. REQUEST FOR HEARING; HEARING.**

6 * * * *

7 (d) **Hearing Procedure.** The hearing shall be conducted by a neutral hearing officer
8 from a City office or department outside of the Department administering the enforcement of this
9 Article 23~~Public Works,~~ appointed by the Director of Administrative Services.

10 * * * *

11
12 **SEC. 2306. ABATEMENT BY DIRECTOR.**

13 (a) Following the hearing if the City sustains its burden of proof, or if the property
14 owner and/or any Offending Party does not request a hearing and fails to remove the graffiti
15 within 30 calendar days from the date of the notice of violation, the Director may immediately
16 order that the graffiti be abated. Unless the Director has obtained written consent from the
17 property owner to enter the property and remove the graffiti, before initiating abatement the
18 Director shall obtain a court order authorizing the Department ~~of Public Works~~ to enter upon
19 the property and remove the graffiti and give written notice of the abatement (Abatement
20 Order) served in accordance with Section 2304(a). The Director may not order a graffiti
21 abatement action that may violate the California Art Preservation Act (California Civil Code
22 Sections 987 et seq.) or the Federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 101 et
23 seq.) without first consulting with the City Attorney.

24 * * * *

1 **SEC. 2307.6. ADMINISTRATIVE PENALTIES.**

2 (a) In addition to any other remedies that may be available, a violation of this Article 23
3 may be punishable by an administrative fine, which may be assessed by an administrative
4 citation issued by the Department~~Public Works~~ officials or employees designated in Section 38
5 of the Police Code. Administrative Code Chapter 100, "Procedures Governing the Imposition
6 of Administrative Fines," as may be amended from time to time, is hereby incorporated and
7 shall govern the procedure for the imposition, enforcement, collection, and administrative
8 review of administrative citations issued to enforce this Article, except that the amount of the
9 administrative fine shall be up to \$1,000 per violation per day during the term of the violation.

10 (b) All monies received by the City in payment of administrative fines for violation of
11 this Article 23 shall be deposited to the credit of the Department of Sanitation and Streets and/or
12 the Department of Public Works, as applicable, to be used for the graffiti removal, abatement,
13 education, and enforcement activities of the Department and other City departments, including
14 the City Attorney's Office. Balances remaining from the fine collection at the close of any
15 fiscal year shall have been deemed to have been provided for a specific purpose within the
16 meaning of Section 9.113 of the Charter, and shall be carried forward and accumulated for the
17 purposes recited in this subsection (b). The monies received through payment of such fines
18 are hereby appropriated exclusively for those purposes.

19
20 **SEC. 2710. STREET TREE.**

21 (a) Required for Permit. The Department shall require every Permittee to install a
22 suitable street tree in order to minimize any negative effects on the Aesthetic Character of the
23 streetscape resulting from Permittee's construction, installation and maintenance of the
24 permitted Surface-Mounted Facility.

25 (b) "In-Lieu" Fee.

1 (1) In any instance in which the Department cannot require the Permittee to
2 install an appropriate street tree in the vicinity of the permitted Surface-Mounted Facility,
3 including on the basis of inadequate sidewalk width, interference with utilities, or other
4 reasons regarding the public health, safety, or welfare, the Department shall instead require
5 the Permittee to pay an “in-lieu” fee.

6 (2) An Applicant may elect to pay the “in-lieu” fees described in subsection
7 (b)(1) instead of installing any required street tree. The Applicant shall notify the Department
8 of its election in the Notice of Intent required under Section 2712 of this Article 27.

9 (3) The “in-lieu” fee required by this subsection (b) shall be in the amount
10 specified in Public Works Code Sections 802(h) and 807(f) for the installation of one street
11 and shall be paid into the “~~Public Works~~ Adopt-A-Tree Fund” established under Administrative
12 Code Section 10.100-227.

13 * * * *

14
15 **SEC. 2721. ADDITIONAL PERMIT REQUIREMENTS.**

16 * * * *

17 (b) Removal or Relocation. When made necessary by any work to be performed
18 under the governmental authority of the City (including but not limited to any lawful change of
19 grade, alignment or width of any street, or construction of City facilities of any kind), or when
20 necessary to protect the public health, safety or welfare, a Permittee shall at its own cost and
21 expense temporarily or permanently remove, relocate, adjust, and/or support a Surface-
22 Mounted Facility or any part thereof, to such other locations in the Public Right-of-Ways, in
23 such manner as appropriate and as may be approved by the City in writing and in advance, or
24 otherwise required by the City. The City may not unreasonably withhold its approval of any
25 plan for removal, relocation, adjustment, and/or support of a Surface-Mounted Facility ordered

1 pursuant to this Section. Such removal, relocation, adjustment, and/or support shall be
2 completed within the time and manner prescribed by the City; however, where feasible the
3 City may require the Permittee to follow the procedures set forth in this Article 27 to obtain a
4 new site for the Surface-Mounted Facility.

5 * * * *

6
7 Section 4. The Public Works Code is hereby amended by adding Sections 2, 2.1.5,
8 945, 1108, and 1206.1 to read as follows:

9
10 **SEC. 2. ENFORCEMENT AUTHORITY.**

11 *The Department of Public Works, the San Francisco Public Utilities Commission, and the*
12 *Department of Sanitation and Streets are authorized to enforce and implement the Public Works Code*
13 *as specified herein. The Department of Public Works, the San Francisco Public Utilities Commission,*
14 *and the Department of Sanitation and Streets are authorized to adopt regulations regarding the*
15 *enforcement of provisions of the Public Works Code that are within the jurisdiction of the respective*
16 *department.*

17
18 **SEC. 2.1.5. CITY MAY IMPOSE ADMINISTRATIVE PENALTIES FOR FAILURE TO**
19 **PAY FEES AND ASSESSMENTS.**

20 *In addition to any other applicable remedies under the Public Works Code or any Public Works*
21 *regulations, procedures, or orders, failure to pay the fees and assessments required under the Public*
22 *Works Code, including but not limited to the fees and assessments in Article 2.1, shall be subject to*
23 *administrative fines imposed and enforced pursuant to Administrative Code Chapter 100, which is*
24 *hereby incorporated in its entirety.*

1 **SEC. 945. Alternative Remedies - Administrative Fines.** *In addition to any other applicable*
2 *remedies under the Public Works Code or any Public Works regulations, procedures, or orders, a*
3 *violation of Article 18 may be punishable by an administrative fine, which may be assessed by an*
4 *administrative citation issued by Department of Public Works officials designated in Section 38 of the*
5 *Police Code. Administrative Code Chapter 100, “Procedures Governing the Imposition of*
6 *Administrative Fines,” as may be amended from time to time, is hereby incorporated and shall govern*
7 *the procedure for the imposition, enforcement, collection, and administrative review of administrative*
8 *citations issued to enforce Article 18, except that the amount of the administrative fine shall be \$100 for*
9 *a first violation of any section of this Article, \$200 for a second violation of such section within one*
10 *year of the first violation, and \$500 for each additional violation of such section within one year of the*
11 *first violation.*

12
13 **SEC. 1108. Alternative Remedies - Administrative Fines.** *In addition to any other applicable*
14 *remedies under the Public Works Code or any Public Works regulations, procedures, or orders, a*
15 *violation of Article 21 may be punishable by an administrative fine, which may be assessed by an*
16 *administrative citation issued by Department of Public Works officials designated in Section 38 of the*
17 *Police Code. Administrative Code Chapter 100, “Procedures Governing the Imposition of*
18 *Administrative Fines,” as may be amended from time to time, is hereby incorporated and shall govern*
19 *the procedure for the imposition, enforcement, collection, and administrative review of administrative*
20 *citations issued to enforce Article 21, except that the amount of the administrative fine shall be \$100 for*
21 *a first violation of any section of this Article, \$200 for a second violation of such section within one*
22 *year of the first violation, and \$500 for each additional violation of such section within one year of the*
23 *first violation.*

1 **SEC. 1206.1 Alternative Remedies - Administrative Fines.** In addition to any other applicable
2 remedies under the Public Works Code or any Public Works regulations, procedures, or orders, a
3 violation of Article 22 may be punishable by an administrative fine, which may be assessed by an
4 administrative citation issued by Department of Public Works officials designated in Section 38 of the
5 Police Code. Administrative Code Chapter 100, "Procedures Governing the Imposition of
6 Administrative Fines," as may be amended from time to time, is hereby incorporated and shall govern
7 the procedure for the imposition, enforcement, collection, and administrative review of administrative
8 citations issued to enforce Article 22, except that the amount of the administrative fine shall be \$100 for
9 a first violation of any section of this Article, \$200 for a second violation of such section within one
10 year of the first violation, and \$500 for each additional violation of such section within one year of the
11 first violation.

12
13 Section 5. The Administrative Code is hereby amended by revising Sections 1.51,
14 2A.95, 2A.241, Section 2A.440, 3.2, 3.3, 3.17, 4.11, 5.18-1, 5.18-4, 5.23-4, 6.1, 6.3, 6.6, 6.21,
15 6.22, 6.23, 6.40, 6.41, 6.42, 6.60, 6.61, 6.73, 10.100-227, 10.100-233, 10.100-234, 10.100-
16 236, 10.100-299, 10.100-364, 10.132, 10.171, 10.172-1, 10B.11, 10B.12, 10B.20, 16.210,
17 20.404, 23.40, 32.11, 32.20, 32.21, 40.7, 40.10, 41.7, 41.18, 41.19, 50.10, 50.11, 50.20, 53.3,
18 63.3, 80.3, 80.5, 94A.4, 94A.6, and 105.3 to read as follows:

19
20 **SEC. 1.51. PROCEDURE BY GENERAL LAW OR ORDINANCE.**

21 Where a procedure for the exercising of any rights and powers belonging to a city, or a
22 county, or a city and county, relative to the establishment or change of grades and the layout,
23 extension, opening, widening, changing, closing, vacating, paving, repaving or otherwise
24 improving streets and highways and public places and constructing sewers, drains, conduits
25 and culverts, subways, tunnels, viaducts, and bridges, or other public improvements incidental

1 or appurtenant thereto, to planting trees, constructing parking and removing weeds or the
2 executing of any other public work or improvement hereby or hereafter placed under the
3 jurisdiction of the Department of Public Works and/or the Department of Sanitation and Streets, as
4 may be applicable, and the payment of damages, or levying of special assessment to defray the
5 whole or part of the cost of such works or improvements is provided by statute of the State of
6 California, such procedure shall control and be followed, unless a different procedure is
7 provided in or under authority of the Charter or by ordinance continued by the Charter or any
8 such ordinance hereafter amended or by ordinance passed by the Board of Supervisors, and
9 the Board of Supervisors is hereby empowered to provide by ordinance for any such purpose.

10
11 **SEC. 2A.95. FIRE PREVENTION.**

12 The Chief of Department shall have jurisdiction, under the supervision of the Fire
13 Commission, of the Division of Fire Prevention and Investigation consisting of the Bureau of
14 Fire Prevention and Public Safety and the Bureau of Fire Investigation. The Chief of
15 Department shall hold the Assistant Chief of Department, Division of Fire Prevention and
16 Investigation, to the responsibility and authority for enforcement of laws and statutes of the
17 State of California, and the Charter and ordinances of the City and County of San Francisco,
18 pertaining to matters of fire prevention and fire investigation.

19 The Bureau of Fire Prevention and Public Safety shall inspect all hospitals, schools,
20 places of public assemblage, and other premises regulated by Title 19 of the California
21 Administrative Code, flammable liquid storage facilities, other hazardous occupancies as
22 defined by the Building Code, and all occupied or vacated structures and premises to
23 determine whether or not compliance is being had with statutes, regulations, and ordinances
24 relative to fire prevention, fire protection and firespread control, and the protection of persons
25

1 and property from fire. It shall enforce said statutes, regulations, and ordinances and shall
2 report violations to other departments having jurisdiction.

3 The Bureau of Fire Prevention and Public Safety shall examine the application, plans
4 and specifications for the erection, and for alterations or repairs estimated to exceed \$1,000 in
5 cost, of any hospital, school, place of public assemblage as defined in the Building Code,
6 other premises regulated by Title 19 of the California Administrative Code, flammable liquid
7 storage facility, or other hazardous occupancy as defined by the Building Code, subject to the
8 statutes, regulations, and ordinances referred to in this Section, and shall also examine the
9 applications, plans and specifications for all structures and premises insofar as they involve
10 the location of standpipes. The Bureau of Fire Prevention and Public Safety shall by written
11 report, filed with the Director of Building Inspection~~Public Works~~, approve such plans and
12 specifications, or report to ~~thesaid~~ Director of Building Inspection~~Public Works~~, the particulars
13 wherein noncompliance exists, and upon modification of the application, plans and
14 specifications to comply therewith, the Bureau shall inform ~~thesaid~~ Director of Building
15 Inspection of its approval. No permit for alteration or repair exceeding \$1,000 in cost of any
16 hospital, school, place of public assemblage as defined in the Building Code, other premises
17 regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or
18 other hazardous occupancy as defined by the Building Code, or for the erection thereof, or
19 involving the location of standpipes, shall be issued unless said approval is given.

20 * * * *

21 The Bureau of Fire Prevention and Public Safety shall detail to the Department of
22 Building Inspection~~Public Works~~ such personnel as necessary to review and check plans
23 relative to requirements of the Fire Code and shall report any particulars of noncompliance to
24 the Director.

1 The Fire Department shall make recommendations to the Director of *Building*
2 *Inspection*~~*Public Works*~~ for possible revisions to the Building Code and Housing Code on
3 matters of fire safety.

4
5 **SEC. 2A.241. OFFICE OF SMALL BUSINESS.**

6 (a) Duties and Functions. The Office of Small Business, which shall be a City
7 department under the direction of the Small Business Commission, shall perform the following
8 functions to assist small businesses located in San Francisco with a total workforce of 100 or
9 fewer fulltime employees:

10 * * * *

11 (b) Assistance and Support from Other Departments. The following City departments
12 shall provide information and staff assistance to the Office of Small Business regarding
13 compliance with the laws and regulations administered by their departments that impact small
14 businesses: Assessor, Building Inspection, Environment, Fire, Human Rights Commission,
15 Mayor's Office of Community Development, *Municipal Transportation Agency*, Office of Labor
16 Standards Enforcement, Parking and Traffic, Planning, Police, Public Health, Public Works,
17 *Sanitation and Streets*, Purchasing, Treasurer/Tax Collector, and such other departments as
18 directed by the Mayor. Within four months of the initial hiring of any new staff, the Office of
19 Small Business shall issue a report that analyzes the existing laws, regulations, roles,
20 procedures and responsibilities of all city departments that impact small businesses and
21 makes recommendations regarding the streamlining and consolidation of such departmental
22 functions under the Office of Small Business.

23 * * * *

1 **SEC. 2A.440. DEPARTMENT OF SANITATION AND STREETS.**

2 (a) Establishment of the Department. In accordance with Charter Section 4.138, there
3 shall be a Department of Sanitation and Streets, which shall come into existence on October
4 1, 2022. The Department shall be headed by the Director of Sanitation and Streets, in
5 accordance with Charter Section 4.138.

6 (b) Administrative Support for the Department. In accordance with Charter Section
7 4.138(d), starting July 1, 2022, and notwithstanding any contrary provisions of the Municipal
8 Code, the Department of Public Works shall provide administrative support for the Department
9 of Sanitation and Streets, which shall include human resources, performance management,
10 finance, budgeting, technology, emergency planning, training, and employee safety services.
11 Nothing herein shall preclude the Director of Sanitation and Streets from exercising the
12 powers of a department head as specified in Administrative Code Section 2A.30 and Charter
13 Section 4.126, or from negotiating or implementing agreements with other City departments to
14 provide, receive, or share administrative support services, including those described in the
15 preceding sentence, unless otherwise prohibited by the Charter or the Municipal Code.

16 (c) Specific Responsibilities. As provided in Charter Section 4.138(b), the Department shall
17 have the responsibilities set forth below.

18 (1) Perform street sweeping, sidewalk cleaning, and litter abatement in accordance
19 with its authority under the Charter effectively, and in a well-organized and competent manner,
20 applying the requisite knowledge, skill, and best practices. The Department shall deploy crews where
21 the cleanup need is greatest. Crews shall work in specific geographic areas or along specific routes to
22 facilitate geographic responsibility and knowledge, and balance proactive work along regular routes
23 with reactive work responding to requests for service. The Department shall document its procedures
24 in a procedures manual and such procedures shall be written following the best practices set forth in
25 the Public Works Management Practices Manual of the American Public Works Association (APWA).

1 (2) Perform ongoing maintenance of City streets that have been publicly dedicated and
2 accepted by the Board of Supervisors for maintenance and liability and the ongoing maintenance of
3 sidewalks per Article 16 of the Public Works Code through routine and usual work performed for the
4 preservation, protection, and keeping of each facility for its intended purpose in a safe and usable
5 condition.

6 (3) Construct, repair, and remodel certain City-owned buildings, facilities, sidewalks,
7 and infrastructure, as directed or authorized by the Director, or the Director’s designee, and as may be
8 requested and funded by other City departments responsible for managing the subject buildings,
9 facilities, sidewalks, and infrastructure. The Department shall not be responsible for providing
10 management services for City-owned buildings and facilities.

11 (4) Control of pests on streets that have been publicly dedicated and accepted by the
12 Board of Supervisors for maintenance and liability and sidewalks maintained by the City. Control of
13 pests shall mean the management of rodent pests found in City accepted right-of -way and may include
14 working with federal, and state agencies, private landowners, and others to provide pest control
15 materials, and information on best practices for controlling these pests. Nothing shall relieve residents
16 or other City departments, including the Department of Public Health, the San Francisco Public
17 Utilities Commission, and the Department of Recreation and Parks from their own pest control duties.

18 (5) Nothing in this Section shall relieve property owners of the legal responsibilities set
19 by City or State law, including but not limited to California Streets and Highways Code Section 5610
20 and Public Works Code Sections 400 and 706, including as these or any other laws may be amended in
21 the future.

22
23 **SEC. 3.2. DEFINITIONS.**

24 As used in this Chapter 3, names and titles shall have the following meaning:

25 * * * *

1 Designated Agency. Each of the following agencies: Assessor/Recorder's Office; City
2 Attorney's Office; District Attorney's Office; Mayor's Office; Public Defender's Office; Sheriff's
3 Office; Treasurer-Tax Collector's Office; City Administrator's Office, including the ~~Department of~~
4 ~~Public Works~~, Department of Technology, and other agencies under the City Administrator's
5 control; Adult Probation Department; Controller's Office; Department of Child Support
6 Services; Department of Emergency Management; and Department of Human Resources.

7
8 **SEC. 3.3. BUDGET TIMETABLE.**

9 (a) Each year, the Mayor shall provide instructions to all City agencies regarding the
10 Mayor's requests for the contents of all agencies' proposed budget submissions for the
11 subsequent fiscal year(s) ("Budget Instructions"). On the same date the Mayor transmits the
12 Budget Instructions to all other agencies, the Mayor shall transmit those instructions to the
13 Clerk of the Board.

14 * * * *

15 (c) By no later than February 14 each year, there shall be a public meeting, as
16 specified in subsections (c)(1) and (2), concerning each agency's proposed budget. The
17 proposed budget that the agency presents at this meeting shall provide the following
18 information, if applicable to the agency: all agency divisions; budget totals and major changes
19 including new or reduced initiatives and staffing changes; changes in service levels; projected
20 salary savings; and how the agency is meeting budget instruction targets. The purpose of this
21 meeting shall be to allow for public input into the agency's budget for the upcoming fiscal
22 year(s) prior to the agency's submission of a proposed budget to the Controller. For agencies
23 required to hold a public meeting under subsection (b), the meeting required under this
24 subsection (c) shall occur at least 15 days after the public meeting required under subsection
25 (b).

1 * * * *

2 (3) The City Administrator shall hold ~~a separate public meeting under subsection~~
3 ~~(c)(2) regarding the budget of the Department of Public Works and~~ a separate public meeting under
4 subsection (c)(2) regarding the budget of the Department of Technology. For all other
5 agencies under the direction of the City Administrator, the City Administrator may hold a
6 single public meeting under subsection (c)(2) to receive input on all such agencies or, in the
7 City Administrator’s discretion, may hold separate public meetings to receive input on one or
8 more specific agencies.

9 * * * *

10
11 **SEC. 3.17. SEPARATE OVERTIME APPROPRIATIONS.**

12 (a) The Annual Appropriations Ordinance shall contain a separate appropriation within
13 annual operating funds for overtime for each of the following departments: Airport;
14 Department of Emergency Management; Fire Department; Police Department; Department of
15 Public Health; Public Utilities Commission; Department of ~~Sanitation and Streets~~Public Works;
16 Recreation and Park Department; and Sheriff.

17 * * * *

18
19 **SEC. 4.11. USE OF CITY-OWNED VEHICLES.**

20 (a) Vehicles owned, leased or rented by the City and County and assigned to, or under
21 the jurisdiction of, any department of the City and County, shall be used only in the discharge
22 and transaction of municipal business. No officer, employee or authorized volunteer of the
23 City and County shall use any such vehicle without the consent of the head of such
24 department. The head of the department which has jurisdiction over any such vehicle may
25 not assign any such vehicle to any individual officer or employee unless a written request

1 justifying the need for personal assignment is made by the individual officer or employee and
2 approved by the Director of Administrative Services.

3 (b) No vehicle owned, leased or rented by the City and County and assigned to, or
4 under the jurisdiction of, any department of the City and County shall be used for
5 transportation to and from an employee's place of residence except as provided below:

6 * * * *

7 (4) The employee is a member of the San Francisco Police Department or San
8 Francisco Sheriff's Department, or an employee of the San Francisco Water Department, San
9 Francisco Department of Public Works, San Francisco Department of Sanitation and Streets, San
10 Francisco Department of Emergency Services, San Francisco Department of Police
11 Accountability or San Francisco District Attorney's Office, and has the prior written permission
12 of the department head to use a vehicle equipped with emergency equipment for such
13 purpose, subject to such restrictions and regulations as the Chief of Police, Sheriff, Director of
14 Emergency Services, Director of the Department of Police Accountability or District Attorney
15 may provide for the respective departments. The departments shall keep detailed records of
16 all vehicles used pursuant to this paragraph; said records shall be open to inspection by the
17 Office of the Mayor and the Board of Supervisors; and provided further that the number of
18 vehicles so exempted shall not exceed:

19

20

21

22

23

24

25

San Francisco Water Department	42
San Francisco Police Department	33
San Francisco Sheriff's Department	5
San Francisco Department of Emergency Services	2
San Francisco Department of Public Works	<u>547</u>
<u>Department of Sanitation and Streets</u>	<u>12</u>

1	San Francisco Department of Police Accountability	4
2	San Francisco District Attorney's Office	8

3 * * * *

4

5 **SEC. 5.18-1. GRAFFITI ADVISORY BOARD – ESTABLISHED.**

6 (a) There shall be a Graffiti Advisory Board (“Advisory Board”) consisting of 25 voting
7 members, as set forth in this Section 5.18-1. This Board shall be advisory to the Board of
8 Supervisors about the problem of graffiti in neighborhoods and the downtown area of San
9 Francisco. The Advisory Board shall also advise the Mayor and the Board of Supervisors
10 about graffiti enforcement, cleanup, and prevention strategies.

11 (b) There shall be 25 voting members of the Advisory Board, who shall be appointed
12 as follows:

13 (1) The Mayor, or his or her designee;

14 (2) Eleven persons appointed by individual Members of the Board of
15 Supervisors, with each Member of the Board of Supervisors making one appointment, to
16 serve a term of two years. These appointments shall be effective when written notice of the
17 appointment is received by the Clerk of the Board of Supervisors;

18 (3) The Board of Supervisors shall appoint the following members, who shall
19 serve a term of two years:

20 * * * *

21 (4) The following officials and organizations shall each appoint one member,
22 who shall serve a term of two years:

23 (A) The Director of Transportation of the Municipal Transportation
24 Agency,

25 (B) The Director of Sanitation and Streets~~Public Works~~,

1 (C) The General Manager of the Recreation and Park Department,
2 (D) The District Attorney,
3 (E) The Chief of Police, and
4 (F) The Board of Education of the San Francisco Unified School District
5 may appoint one member. If the Board of Education fails to appoint a member within 60 days
6 of a vacancy, the Board of Supervisors shall appoint a student, teacher, or member of the San
7 Francisco Unified School District academic branch.

8 Each member of the Advisory Board shall serve at the pleasure of the member's
9 appointing authority and may be removed by the appointing authority at any time.

10 * * * *

11

12 **SEC. 5.18-4. STAFFING FOR THE GRAFFITI ADVISORY BOARD.**

13 The Department of Sanitation and Streets~~Public Works~~ shall provide in-kind professional
14 and administrative staff to the Advisory Board.

15

16 **SEC. 5.23-4. DUTIES OF COMMITTEE.**

17 The Advisory Committee shall be the central City-sponsored community advisory body
18 charged with providing input to the MTA, the Department of Sanitation and Streets~~Public Works~~,
19 and the Police Department ("Other City Departments") and decision-makers regarding
20 allocation of monies in the Mission Bay Transportation Improvement Fund (the "Fund"),
21 established in Administrative Code Section 10.100-364, for Required Uses, as defined in that
22 section. The Advisory Committee shall be advisory, as appropriate, to the MTA and the Board
23 of Supervisors. The Advisory Committee shall perform the following functions as needed:

24 * * * *

25

1 **SEC. 6.1. DEFINITIONS.**

2 * * * *

3 **Award.** The action taken by the City in conformance with the Administrative Code and
4 the Charter to enter into a Contract pursuant to this Chapter 6. For Contracts in excess of the
5 Threshold Amount, a Contract is awarded by the City when ~~the following events have occurred:~~

6 ~~(1) For departments under the Mayor, (a) the Mayor has approved the Contract for~~
7 ~~Award and (b) the Department Head has then issued an order of Award;~~

8 ~~(2) For departments empowered to contract for Public Works or Improvements with~~
9 ~~boards or commissions, (a) the Department Head has recommended to the board or~~
10 ~~commission concerned a Contract for Award and (b) such board or commission has then~~
11 ~~adopted a resolution awarding the Contract.~~

12 For Contracts less than or equal to the Threshold Amount, a Contract is awarded when
13 the Department Head either signs the Contract or issues an order of Award, whichever occurs
14 first. Pursuant to Charter Section 3.105, all Contract Awards are subject to certification by the
15 Controller as to the availability of funds.

16 * * * *

17 ~~**Mayor.** The Mayor of the City and County of San Francisco or Mayor's designee, provided~~
18 ~~that the designee is not the Department Head of the department concerned in the particular matter that~~
19 ~~the Mayor is responsible for reviewing.~~

20 * * * *

21
22 **SEC. 6.3. CONTRACTING POWERS AND PROCEDURE.**

23 **(a) Public Work or Professional Service Contracts Less Than or Equal to the**
24 **Threshold Amount.** The Department Head may award any construction Contract or

1 professional services Contract of less than or equal to the Threshold Amount. For such
2 Contracts, approval of the ~~Mayor~~, commission or board concerned is not required.

3 (b) **Public Work or Professional Service Contracts in Excess of the Threshold**
4 **Amount.**

5 ~~(1) Departments Under the Mayor. For departments under the Mayor, the Mayor shall~~
6 ~~approve for Award all Public Work and professional service Contracts in excess of the Threshold~~
7 ~~Amount and the Department Head may then issue an order of Award.~~

8 ~~(2) Departments Under Boards or Commissions. For departments empowered to~~
9 ~~contract for Public Works or Improvements, the~~The Department Head shall recommend to the
10 board or commission concerned the Award of all Public Work and professional service
11 Contracts in excess of the Threshold Amount and such board or commission may then adopt
12 a resolution awarding the Contract.

13 * * * *

14
15 **SEC. 6.6. FEDERALLY-FUNDED OR STATE-FUNDED CONTRACTS.**

16 (a) **Time for Award.** For all Contracts that are fully or partially funded by Federal or
17 State grants, loans or other governmental source, the department concerned shall not be
18 required to award such Contracts until 120 days from the date Bids are received. Such time
19 may only be extended prior to award of the Contract and only upon (1) written agreement of
20 the apparent Responsible Bidder with the lowest Responsive Bid; (2) approval ~~by the Mayor or~~
21 by resolution of the board or commission concerned; and (3) any necessary approvals of the
22 Federal, State or other governmental funding agency.

23 * * * *

1 **SEC. 6.21. REQUIREMENTS FOR BIDS AND QUOTES.**

2 (a) **Bids.** All Advertisements For Bids for construction Contracts in excess of the
3 Threshold Amount shall conform to and at a minimum require the following:

4 (1) **Published Advertisement.** The Department Head shall advertise for
5 competitive Bids in at least one local newspaper, periodical of general circulation, or on a
6 ~~publically~~publicly available website of the City's Office of Contract Administration and the
7 department concerned. Such advertisement shall be published not fewer than 10 days prior
8 to Bid opening. The department may, in its discretion, include in the published advertisement
9 the amount of the engineer's estimate for the work to be performed.

10 (2) **Award and Certification Required.** All published advertisements and
11 Advertisements For Bid shall contain the following language [wording in brackets should be
12 chosen as appropriate to the department]:

13 In accordance with San Francisco Administrative Code Chapter 6, no
14 Bid is accepted and no contract in excess of [the Threshold Amount] is
15 awarded by the City and County of San Francisco until such time as [~~+~~
16 ~~for departments with boards or commissions,~~ (a) the Department Head
17 recommends the contract for award and (b) the board or commission then
18 adopts a resolution awarding the contract]; ~~or [(2) for departments under the~~
19 ~~Mayor, (a) the Mayor approves the contract for award and (b) the Department~~
20 ~~Head then issues an order of award.] Pursuant to Charter Section 3.105, all
21 contract awards are subject to certification by the Controller as to the
22 availability of funds.~~

23 Failure of a department to include such language in a published advertisement or
24 Advertisement For Bids does not give rise to a contract right by a Bidder or Contractor outside
25 of the requirements of the Charter or Administrative Code.

1 * * * *

2
3 **SEC. 6.22. PUBLIC WORK CONSTRUCTION CONTRACT TERMS AND WORKING**
4 **CONDITIONS.**

5 All construction Contracts awarded under this Chapter 6 by the City shall contain the
6 following minimum terms and conditions:

7 * * * *

8 (d) **Assignment.** No Contract shall be assigned except upon the recommendation of
9 the Department Head concerned and with ~~the approval of the Mayor, relative to the department~~
10 ~~under the Mayor's jurisdiction, or~~ the approval of the board or commission concerned ~~for~~
11 ~~departments not under the Mayor.~~

12 * * * *

13 (h) **Modifications - Requirements.** If it becomes necessary in the prosecution of any
14 Public Work or Improvement Contract to make alterations or modifications or to provide for
15 extras, such alterations, modifications or extras shall be made only on written
16 recommendation of the Department Head responsible for the supervision of the Contract,
17 together with the approval of the ~~Mayor or the~~ board or commission, ~~as appropriate to the~~
18 ~~department,~~ and also the approval of the Controller, except as hereafter provided. The ~~Mayor~~
19 ~~or the~~ board or commission, ~~as appropriate to the department,~~ may delegate in writing the
20 authority to approve such alterations, modifications or extras to the Department Head, except
21 as provided below. The Controller may delegate in writing the authority to encumber funds
22 from prior appropriations for such alterations, modifications or extras to the Department Head
23 prior to the certification for payment. Such authority, when granted, will clearly state the
24 limitations of the changes to be encompassed.

1 (1) **Increasing or Decreasing Price.** Alterations, modifications, or extras in
2 any Contract, which will increase or decrease the Contract cost or scope, may be made or
3 allowed only on the written recommendation of the Department Head responsible for the
4 supervision of the Contract stating the amount and basis for such increase or decrease. For
5 any cumulative increase or decrease in price in excess of 10% of the original Contract price or
6 scope, the Department Head shall obtain the approval of ~~the Mayor or~~ the board or
7 commission ~~as appropriate~~ and also the approval of the Controller notwithstanding any
8 delegation provided for above.

9 (2) **Extensions of Time.** Upon finding that work under a construction Contract
10 cannot be completed within the specified time because of an unavoidable delay as defined in
11 the Contract, the Department Head may extend the time for completion of the work. If the
12 cumulative extensions of time exceeds 10% of the original Contract duration, the Department
13 Head shall obtain the approval of the ~~Mayor, board or commission, as appropriate to the~~
14 ~~department~~ notwithstanding any delegation provided for above. The Department Head may
15 seek such approval after completion of the work if the Department Head makes a written
16 finding in the time extension that no basis exists to assess liquidated damages for delay
17 against the Contractor. All time extensions shall be in writing, but in no event shall any
18 extension be granted subsequent to the issuance of a certificate of final acceptance.

19 (A) **Time Extension Not Waiver of City's Rights.** The granting of an
20 extension of time because of unavoidable delays shall in no way operate as a waiver on the
21 part of the City or the Department Head, ~~Mayor, or,~~ board or commission of the right to collect
22 liquidated damages for other delays or of the right to collect other damages or of any other
23 rights to which the City is entitled.

24 * * * *

1 (l) **Termination for Convenience.** In all Contracts for the construction of any Public
2 Work or Improvement, the Department Head may include in the specifications setting forth the
3 terms and conditions for the performance of the Contract a provision that the City may
4 terminate the performance of work under the Contract whenever the Department Head shall
5 determine, with the approval of the ~~Mayor or the~~ board or commission concerned, that such
6 termination is in the best interest of the City. Any such termination shall be effected by
7 delivery to the Contractor of a notice of termination specifying the extent to which performance
8 of work under the Contract is terminated and the date upon which such termination becomes
9 effective. The Department Head is hereby authorized to include within such construction
10 Contract the appropriate language to implement this subsection 6.22(l).

11 * * * *

12
13 **SEC. 6.23. PUBLIC WORKS TO BE PERFORMED BY THE CITY; BIDS BY CITY**
14 **DEPARTMENTS; PROCEDURE UPON REJECTION OR FAILURE OF BIDS.**

15 * * * *

16 (c) **Procedure Upon Rejection or Failure of Bids.** When Bids have been advertised
17 pursuant to the required procedures and a department receives no Bids, or only one
18 Responsive Bid from a Responsible Bidder, the Department Head shall take the following
19 actions, as appropriate:

20 (1) **No Bids Received.** If no Bids are received, the Department Head shall
21 determine (A) whether further outreach efforts would result in Contractors submitting Bids
22 and/or (B) whether removal or modification of certain requirements in the Contract would
23 result in Contractors submitting Bids, provided that such requirements are not required by
24 statute or law and their removal or modification would not compromise the interests of the
25 City. If the Department Head determines that steps (A) and/or (B), above, would likely result

1 in Contractors submitting Bids, then the Department Head shall re-bid the work. If the
2 Department Head determines that neither step (A) nor (B), above, would likely result in
3 Contractors submitting Bids, then the Department Head, with the approval ~~of the Mayor or the~~
4 board or commission concerned, ~~as appropriate,~~ may negotiate with any qualified Contractor or
5 may order the work to be executed by the City.

6 (2) **One Responsive Bid Received; No Other Bids Received.** If only one
7 Responsive Bid is received from a Responsible Bidder, and no other Bids are submitted for
8 the same work, the Department Head may recommend the Award of a Contract to the sole
9 Bidder at the bid price received, provided that the bid price does not exceed the engineer's
10 estimate for the work. If the bid price received exceeds the engineer's estimate, the
11 Department Head shall determine (A) whether further outreach efforts would result in more
12 than one Bid and/or (B) whether removal or modification of certain requirements in the
13 Contract would result in more than one Bid, provided that such requirements are not required
14 by statute or law and their removal or modification would not compromise the interests of the
15 City. If the Department Head determines that steps (A) and/or (B), above, would likely result in
16 more than one Bid at bid prices substantially lower than the bid price received, then the
17 Department Head shall re-bid the work. If the Department Head determines that neither step
18 (A) nor (B), above, would likely result in more than one Bid at bid prices substantially lower
19 than the bid price received, then the Department Head, with the approval of the ~~Mayor or the~~
20 board or commission for the department concerned, ~~as appropriate,~~ may negotiate with the
21 sole Bidder or any qualified Contractor, or may order the work to be executed by the City.
22 The cost of negotiated work or the cost of work executed by the City shall not exceed any bid
23 price received for the same work.

24 (3) **One Responsive Bid Received; Other Nonresponsive Bids Received.** If
25 only one Responsive Bid is received from a Responsible Bidder and other, nonresponsive

1 Bids and/or Bids by nonresponsible Bidders are submitted for the same work, the Department
2 Head may recommend the Award of a Contract to the sole Responsive, Responsible Bidder at
3 the bid price received, provided that the bid price does not exceed the engineer's estimate for
4 the work. If the Responsive bid price received exceeds the engineer's estimate, the
5 Department Head shall determine (A) whether the qualifications for Bidders were too onerous
6 and not necessary for the work and/or (B) whether one or more of the nonresponsive Bids
7 could be easily cured and whether the Bidders that submitted such Bids are still interested in
8 bidding on the work. If the Department Head determines that steps (A) and/or (B), above,
9 would likely result in more than one Responsive Bid by Responsible Bidders, at bid prices
10 substantially lower than the bid price received, then the Department Head shall re-bid the
11 work. If the Department Head determines that neither step (A) nor (B), above, would result in
12 more than one Responsive Bid by Responsible Bidders at bid prices substantially lower than
13 the bid price received, then the Department Head, with the approval of the ~~Mayor or the~~ board
14 or commission concerned, ~~as appropriate,~~ may negotiate with the sole Responsible Bidder or
15 any qualified Contractor, or may order the work to be executed by the City. The cost of
16 negotiated work or the cost of work executed by the City shall not exceed any bid price
17 received for the same work.

18 (4) All Contracts awarded under this subsection 6.23(c), including negotiated
19 Contracts, shall require that the substitution of subcontractors be in accordance with California
20 Public Contract Code Section 4107.

21

22 **SEC. 6.40. COMPETITIVE PROCUREMENT OF PROFESSIONAL SERVICES FOR**
23 **PUBLIC WORK PROJECTS.**

24 Notwithstanding any other provision of this Administrative Code, when a department is
25 seeking outside temporary professional design, consultant or Construction Management

1 services for a Public Work or Improvement project, where the fee for such services shall
2 exceed the Minimum Competitive Amount, as defined below, the department shall procure
3 such services through a competitive process based primarily on qualifications.

4 * * * *

5 (c) **Negotiation.** Following the selection process outlined above, and should the
6 department concerned desire to enter into a Contract, the Department Head shall invite the
7 highest-ranked qualified respondent to negotiate a Contract to the extent provided for in the
8 request for proposals. In the event that the Department Head determines, in the Department
9 Head's sole discretion, that negotiations are unfruitful, the Department Head shall terminate
10 negotiations in writing and may then invite the next highest-ranked respondent to negotiate a
11 Contract. In such event, the Department Head shall as soon as practicable make a report to
12 the ~~Mayor,~~ board or commission as appropriate to the department.

13 (d) **Procedure Upon Rejection or Failure of Proposals.** If no Responsive proposals
14 are received from qualified proposers, the Department Head shall determine (1) whether
15 further outreach efforts would result in respondents submitting proposals and/or (2) whether
16 removal or modification of certain requirements in the Contract or request for proposals or
17 qualifications would result in respondents submitting responsive proposals, provided that such
18 requirements are not required by law and their removal or modification would not compromise
19 the interests of the City. If the Department Head determines that steps (1) and/or (2), above,
20 would likely result in respondents submitting Responsive proposals, then the Department
21 Head shall reissue the request for proposals or qualifications. If the Department Head
22 determines that neither step (1) nor (2) above, would likely result in respondents submitting
23 Responsive proposals, then the Department Head, with the approval of the ~~Mayor or the~~ board
24 or commission concerned, as appropriate, may negotiate with any qualified Contractor for the
25 professional services sought by the request for proposals or qualifications.

1 (e) **Procedure Upon Contractor's Failure to Deliver.** When a Contractor fails to
2 deliver a service of the quality, in the quantity, or in the manner specified in the Contract within
3 the time specified in the Contract, the department may terminate the Contract and/or procure
4 such service from any source. The department's authority to procure services from other
5 sources as specified in this subsection 6.40(e) shall not preclude the City's exercise of any
6 other remedies, including termination of the Contract.

7
8 **SEC. 6.41. REQUESTS FOR COMPETITIVE PROPOSALS OR QUALIFICATIONS.**

9 All requests for competitive proposals or qualifications for temporary design,
10 consultant, or Construction Management services shall conform to and at a minimum require
11 the following:

12 * * * *

13 (b) **Reservation of Rights to Reject or Cancel the Request for Proposals in Whole**
14 **or Part.** The Department Head, upon approval of ~~the Mayor or~~ the board or commission, as
15 appropriate, may reject any or all proposals, in whole or in part, received in response to a
16 request for proposals or qualifications. The right to reject shall be reserved in any request for
17 proposals or qualifications, but the failure to include such reservation shall not abrogate the
18 rights of the Department Head under this Section 6.41 or give rise to any right by any
19 respondent.

20 (c) **Award and Certification Required.** All requests for proposals or qualifications
21 shall contain the following language [wording in brackets should be chosen as appropriate to
22 the department]:

23 In accordance with San Francisco Administrative Code Chapter 6,
24 no proposal is accepted and no contract in excess of [the Threshold
25 Amount] is awarded by the City until such time as ~~[(1) for departments with~~

1 ~~boards or commissions,~~ (a) the Department Head recommends the contract
2 for award and (b) the [board or commission] then adopts a resolution
3 awarding the contract; ~~or [(2) for departments under the Mayor, (a) the Mayor~~
4 ~~approves the contract for award and (b) the Department Head then issues and~~
5 ~~order of award].~~ Pursuant to Charter Section 3.105, all contract awards are
6 subject to certification by the Controller as to the availability of funds.

7 Failure of a department to include such language in a request for proposals or
8 qualifications does not give rise to a contract right by a respondent or Contractor outside of
9 the requirements of the Charter or Administrative Code.

10
11 **SEC. 6.42. PROFESSIONAL SERVICES CONTRACT TERMS.**

12 All Contracts for temporary design, consultant, and Construction Management services
13 are professional services Contracts, which shall contain the following minimum terms and
14 conditions:

15 (a) **Guaranteed Maximum Costs.** Professional service Contracts shall provide for a
16 Guaranteed Maximum Cost, including fees, travel and related expenses as necessitated by
17 the project. Any modification to the Guaranteed Maximum Cost must be approved by the
18 Department Head in writing and approved by ~~the Mayor or~~ the board or commission
19 concerned, as appropriate, and the Controller.

20 * * * *

21 (d) **Assignment.** No Contract shall be assigned except upon the recommendation of
22 the Department Head concerned and with ~~the approval of the Mayor, relative to the department~~
23 ~~under the Mayor's jurisdiction or~~ the approval of the board or commission concerned ~~for~~
24 ~~departments not under the Mayor.~~

25 * * * *

1 **SEC. 6.60. EMERGENCY REPAIRS, WORK AND CONTRACTS.**

2 * * * *

3 (d) **Approvals Required for Determination of Emergency.** If the estimated cost of
4 the emergency work is less than or equal to \$250,000 the Department Head may proceed
5 with the work without additional approvals. If the estimated cost of the emergency work
6 exceeds \$250,000, the Department Head prior to authorizing the commencement of the work,
7 must first secure the approval in writing of ~~the Mayor or~~ the president of the board or
8 commission concerned as appropriate to the department. For all cases where the cost of the
9 emergency work exceeds \$250,000, the Department Head shall also obtain the approval of
10 the Board of Supervisors.

11 * * * *

12
13 **SEC. 6.61. DESIGN-BUILD.**

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

20 (a) Before the request for qualifications is issued, the Department Head shall
21 determine that a design-build delivery method is necessary or appropriate to achieve
22 anticipated cost savings or time efficiencies, or both, and that such a delivery method is in the
23 public's best interest. For projects involving financing of Public Work or Improvements
24 provided by the Design-Builder, the Department Head must first seek the approval of the
25 board or commission ~~if the department is under the jurisdiction of a board or commission, or the City~~

1 ~~Administrator, if the department is under the jurisdiction of the Mayor.~~ The Department Head shall
2 consult with the Office of the Controller to establish criteria for evaluating private financing
3 proposals.

4 * * * *

5 (g) All Contracts procured under this Section 6.61 are subject to the award provisions
6 of Section 6.3. If the proposed Contract involves a financing program, the City Capital
7 Planning Committee must review and report on the proposed project before the board or
8 commission, ~~Mayor or his/her designee~~ takes any action with respect to award of the Contract.

9 * * * *

11 **SEC. 6.73. OTHER PROCUREMENTS.**

12 Notwithstanding any other provision of this Code, a department may contract for works
13 or services governed by this Chapter 6 other than through open and full competition (“Sole
14 Source”), subject to the requirements of this provision. None of the requirements of applicable
15 provisions of the Municipal Code, including but not limited to requirements of Chapters 12B,
16 12C or 14B of the Administrative Code, are waived for Sole Source Contracts.

17 (a) **Approval.** For departments under the jurisdiction of a commission or a board, the
18 Department Head shall recommend to the commission or board concerned the approval and
19 award of a Sole Source Contract and such commission or board may then adopt a resolution
20 approving the justification of the Sole Source and awarding the Contract. ~~For departments with~~
21 ~~no commission or board, the Department Head, with the approval of the Mayor, may award a Sole~~
22 ~~Source Contract.~~ The Department Head's recommendation must provide specific and
23 comprehensive information, as provided under Section 6.73(d) below, justifying the necessity
24 of a Sole Source Contract.

25 * * * *

1 **SEC. 10.100-227. ~~PUBLIC WORKS~~ ADOPT-A-TREE FUND.**

2 (a) Establishment and Use of Fund. The ~~Public Works~~ Adopt-A-Tree Fund is
3 established as a category eight fund to receive all monetary donations, administrative fees,
4 permit fees, fines, liens, and in-lieu fees pursuant to Article 16 of the Public Works Code
5 which may be offered to or collected by the City and County for the planting and maintenance
6 of trees by the Department of ~~Sanitation and Streets~~~~Public Works~~.

7 (b) Use of Fund. The fund shall be expended solely for the purposes of planting and
8 maintaining trees under the jurisdiction of the Department of ~~Sanitation and Streets~~~~Public Works~~.

9 (c) Administration of Fund. The Department of ~~Sanitation and Streets~~~~Public Works~~ shall
10 submit to the Board of Supervisors on a quarterly basis a written report of revenues to and
11 expenditures from the fund.

12
13 **SEC. 10.100-233. SANITATION AND STREETS~~PUBLIC WORKS~~ LITTER CONTROL**
14 **FUND.**

15 (a) Establishment of Fund. The ~~Sanitation and Streets~~~~Public Works~~ Litter Control Fund is
16 hereby established as a category six fund for the purpose of receiving all cash gifts, donations
17 and contributions of money that may from time to time be offered to the City and County
18 through any of its officers, boards or commissions for litter control.

19 (b) Use of Fund. All monies deposited into the fund shall, consistent with the gift,
20 donation, or contribution, be expended for litter control.

21 (c) Exceptions to Fund Category. All expenditures from the fund shall be made upon
22 the recommendation of the Director of ~~the Department of Sanitation and Streets~~~~Public Works~~ and
23 subject to the approval of the ~~Sanitation and Streets Commission~~~~Mayor or the Mayor's designee,~~
24 ~~provided that the Mayor's designee is not the Director of Public Works or an employee in the~~
25 ~~Department of Public Works.~~

1 **SEC. 10.100-234. SANITATION AND STREETS~~PUBLIC WORKS~~ LITTERING,**
2 **NUISANCE AND GRAFFITI VIOLATION REWARD FUND.**

3 (a) Establishment of Fund. The Sanitation and Streets~~Public Works~~ Littering, Nuisance
4 and Graffiti Violation Reward Fund (the "Reward Fund") is established as a category six fund
5 to receive the administrative penalties authorized and collected pursuant to Police Code
6 Sections 37(c), 38, 39, 39-1, Health Code Sections 283.1, 287, and 600, and Public Works
7 Code Sections 174.12 and 2307.6 (the "Applicable Codes").

8 (b) Use of Fund. Monies in the fund shall be used exclusively by the Director of
9 Sanitation and Streets~~Public Works~~ ("the Director") to reward citizens in the following manner:

10 (1) Any person or persons providing information that leads, in the judgment of
11 the Director, to the imposition of administrative penalties under the Applicable Codes~~Police Code~~
12 ~~Section 37(c), Health Code Sections 283.1, 287, and 600, and Public Works Code Section 174.2,~~ shall
13 receive 50 percent of the administrative penalties collected through that information pursuant
14 to any of those sections, provided that the person or persons apply for the reward within 90
15 days of the imposition of the penalty. Administrative penalties that are not collected as a result
16 of information provided by private persons, or not timely claimed for reward in accordance
17 with this section, shall be used by the Department of Sanitation and Streets~~Public Works~~ to
18 defray administrative and clean-up costs associated with litter and nuisance abatement and
19 for any rewards specified in subparagraph (b)(2) of this Section.

20 (2) Any person or persons providing information that leads, in the judgment of
21 the Director, to the arrest and conviction of a person who defaces public or private property
22 with graffiti or other inscribed material in violation of California Penal Code Section 594(a)(1)
23 shall receive \$250 from this Reward Fund, provided that the person or persons apply for the
24 reward within 90 days of the arrest and conviction.

1 **SEC. 10.100-236. SANITATION AND STREETS~~PUBLIC WORKS~~ NUISANCE**
2 **ABATEMENT AND REMOVAL FUND.**

3 (a) Establishment of Fund. The Sanitation and Streets~~Public Works~~ Nuisance Abatement
4 and Removal Fund is established as a category six fund for the purpose of abating and
5 removing nuisances in accordance with San Francisco Public Works Code Sections 174-
6 174.13, 945, 1108, and 1206.1 (the "Applicable Codes"). Any monies appropriated by the Board
7 of Supervisors or collected by the Director of Sanitation and Streets~~Public Works~~ for this purpose
8 and sums received in consideration of the release of liens and payment of special
9 assessments shall be deposited in the special fund.

10 (b) Use of Fund. The fund shall be expended exclusively to pay for the abatement
11 and removal of nuisances as provided under the Applicable Codes~~by Public Works Code Sections~~
12 ~~174-174.13~~ and to pay for costs which may be incurred by the Department of Sanitation and
13 Streets~~Public Works~~ in administering its duties pursuant to such code sections.

14
15 **SEC. 10.100-299. SAN FRANCISCO GAS TAX STREET IMPROVEMENT FUND.**

16 (a) Establishment of Fund. The San Francisco Gas Tax Street Improvement Fund is
17 established as a category four fund to comply with the provisions of ~~Sections 180 to 207, and in~~
18 ~~particular,~~ Section 2113~~196~~ of the Streets and Highways Code, State of California. The fund is
19 established to receive all moneys received by the City and County from the State under the
20 provisions of the Streets and Highways Code, State of California, for the acquisition of real
21 property or interests therein for, or the construction, maintenance or improvement of streets or
22 highways, other than state highways.

23 * * * *

1 **SEC. 10.100-364. MISSION BAY TRANSPORTATION IMPROVEMENT FUND.**

2 (a) Establishment and Purpose of the Fund. The Mission Bay Transportation
3 Improvement Fund (the “Fund”) is established as a category four fund, for the purpose of
4 safeguarding monies in the General Fund to pay for: City services and capital improvements
5 to address transportation and other needs of the community in connection with Warriors
6 basketball games and other events (collectively, “Events”) at the Golden State Warriors Event
7 Center and Mixed Use Project (the “Event Center”) on Blocks 29-32 in Mission Bay South (the
8 “Project Site”), including, but not limited to, measures included in the City's transportation
9 services plan for the Event Center; and enhancements to multi-modal transportation serving
10 Mission Bay South and surrounding areas, including the Potrero Hill and Dogpatch
11 neighborhoods, beyond what is necessary to address the community's needs with regard to
12 Events at the Event Center.

13 * * * *

14 (c) **Deposits to the Fund.** Deposits to the Fund shall be determined through the
15 process set out below, and appropriated under the Charter's budgetary and fiscal provisions:

16 (1) Beginning in fiscal year 2016-2017, and subject to approval from its Board of
17 Directors in accordance with the public hearing process described in subsection (d)(3) below,
18 the MTA will prepare and submit to the Mayor budgets to pay for all measures that are part of
19 MTA's transportation services plan for the Event Center and all transportation improvement
20 measures, consistent with its two-year budget process under the Charter and MTA Board
21 Resolution No. 15-154 (the “MTA Resolution”). The budget proposal will include two
22 components. In one component, the MTA will provide for expenditure for Required Uses of
23 City revenues and development impact fees from the Project Site or Events at the Event
24 Center that are dedicated under the City Charter or otherwise by operation of law to the
25 MTA's Municipal Transportation Fund (collectively, “MTA Dedicated Funds”). In the other

1 component of its budget proposal, the MTA will propose how the remaining costs (net of those
2 to be paid from MTA Dedicated Funds) for the Required Uses for the upcoming budget cycle
3 will be paid for from the Fund. In any fiscal year before the fiscal year in which the Controller
4 anticipates that the Event Center will open, the MTA budget will include any funds then
5 required to finance capital expenditures, including hard and soft costs, not to exceed the sum
6 of discretionary, unrestricted General Fund revenues and MTA Dedicated Funds that the
7 Controller determines that the Event Center has generated or will likely generate for that fiscal
8 year. Also, beginning with the fiscal year in which the Controller anticipates that the Event
9 Center will open, the Department of Sanitation and Streets~~Public Works~~ and the Police
10 Department, shall prepare budget proposals to pay for those expenditures for City services
11 and capital improvements related to the Event Center that qualify as Required Uses under
12 subsection (b), and, no later than March 1 of each year, submit those budgets to the Mayor
13 and Board of Supervisors. The budgets that such departments prepare shall be sufficient to
14 cover all the costs of the department's respective services to address community needs
15 relating to the use and operation of the Event Center and pay for Required Uses consistent
16 with the purpose of the Fund.

17 * * * *

18 (d) Reports, Public Review, and Accountability.

19 * * * *

20 (2) In developing the proposed annual budgets for uses of the Fund, the MTA,
21 in coordination with the Department of Sanitation and Streets~~Public Works~~ and the Police
22 Department, will seek the input and recommendations from the Warriors Event Center
23 Community Improvement Measures Fund Advisory Committee established in Administrative
24 Code Chapter 5, Article XXIII.

25 * * * *

SEC. 10.132. CASH REVOLVING FUNDS – LIMITS FOR EACH DEPARTMENT.

Cash revolving funds are hereby authorized for the following departments, up to the maximum amounts listed in this Section 10.132, subject to the restrictions and procedures set forth in this Article XV:

Airport; \$10,000

Animal Care and Control; \$2,000

Assessor; \$650

Board of Appeals; \$150

Department of Building Inspection; \$4,500

City Administrator - Real Estate Division; \$7,000

Clerk of the Board of Supervisors; \$100

Controller; \$200

County Clerk; \$500

District Attorney; \$2,200

Ethics Commission; \$100

Farmers' Market; \$400

Fire Department; \$2,000

Human Services Agency; \$100,000

Library; \$3,500

Medical Examiner; \$500

Department of Police Accountability; \$100

Planning Department; \$200

Port of San Francisco; \$5,000

Public Defender; \$200

Department of Public Health; \$43,000

1 Department of Public Health - Community Mental Health Services Vocational
2 Rehabilitation Revolving Fund; \$1,000
3 Department of Public Health - Laguna Honda Hospital; \$1,500
4 Department of Public Health - San Francisco General Hospital; \$10,000
5 Public Utilities Commission; \$5,000
6 Public Utilities Commission - Hetch Hetchy Project; \$10,000
7 Public Utilities Commission - Water Department; \$28,000
8 Department of Public Works; ~~\$105~~,000
9 Recreation and Park Department; \$5,000
10 Recreation and Park Department, Camp Mather; \$750
11 Sanitation and Streets; \$5,000
12 Sheriff; \$8,000
13 Sheriff Inmate Welfare Fund; \$5,000
14 Treasurer-Tax Collector; \$4,500
15 San Francisco Employees' Retirement System; \$500
16 War Memorial; \$1,000

17
18 **SEC. 10.171. CODE ENFORCEMENT.**

19 The Director of Public Works is hereby empowered, authorized and directed, with the
20 approval of the Public Works Commission ~~Mayor or the Mayor's designee (provided that the Mayor's~~
21 ~~designee is not the Director of Public Works or an employee in the Department of Public Works)~~, to do
22 any and all things necessary to plan and carry out any program of concentrated Code
23 enforcement required by contract between the City and County and the Secretary of the
24 Department of Housing and Urban Development of the United States and for the assistance of
25

1 which a Code enforcement grant has been made to the City and County by said secretary
2 pursuant to the provisions of Section 117 of Title I of the Housing Act of 1949, as amended.
3

4 **Sec. 10.172-1. Application and Acceptance of Federal Funds, Special Services**
5 **for Young Intellectually and Developmentally Disabled~~Mentally-Retarded~~ Adults.**

6 The Director of Public Health is authorized to apply to and accept funds from the United
7 States Department of Health, Education and Welfare for the purpose of providing day
8 treatment center services for ~~disturbed~~ young intellectually and developmentally disabled~~mentally~~
9 ~~retarded~~ adults. Utilization of such funds shall be subject to the rules, regulations and
10 operating procedures of the City and County of San Francisco, including approval by the
11 Board of Supervisors through budgetary process. Utilization of such funds shall not be
12 predicated on additional appropriations by the City and County of San Francisco except with
13 the prior approval of the Board of Supervisors. No program authorized by this Section shall
14 be continued beyond the period for which federal funding is provided as hereinabove set forth.
15

16 **CHAPTER 10B: SPECIAL LAW ENFORCEMENT AND STREET CLEANING~~PUBLIC~~**
17 **~~WORKS~~ SERVICES.**

18
19 **SEC. 10B.11. REQUEST FOR STREET-CLEANING AND RELATED SERVICES.**

20 Any person, corporation, firm or organization desiring additional personnel, equipment
21 and materials of the San Francisco Department of Sanitation and Streets~~Public Works~~, for street-
22 cleaning and related services within the City and County of San Francisco, may request the
23 Director of the Department of Sanitation and Streets~~Public Works~~ to provide such personnel to
24 perform such services. If the Director approves the request, he or she may detail such
25

1 personnel for such services in the number he or she determines to be necessary to perform
2 the services.

3 **SEC. 10B.12. PAYMENT FOR SERVICES.**

4 The person, firm or organization desiring such personnel shall pay to the Department
5 such sums of money as the Director of Sanitation and Streets~~Public Works~~ estimates shall be
6 necessary to cover the actual costs of the services to be provided, together with an
7 administrative overhead charge to cover the proportionate percentage of the Department's
8 administrative costs that are attributable in the Department's reasonable discretion to the work
9 performed pursuant to the request. Such person, corporation, firm or organization shall
10 indemnify, hold harmless and defend said City and County of San Francisco, the Department
11 of Sanitation and Streets~~Public Works~~, and all the officers, agents and employees of either, from
12 any and all liability, judgments or claims for personal or bodily injuries, property damage, or
13 other injuries caused by or purportedly caused by such personnel in the rendering of such
14 services.

15
16 **SEC. 10B.20. PAYMENTS IN ARREARS.**

17 (a) The Interdepartmental Staff Committee on Traffic and Transportation, San
18 Francisco Police Department, Department of Public Works, the Department of Sanitation and
19 Streets, and Department of Parking and Traffic, or their successor agencies, shall not approve
20 or issue any street closure permits or any other permits or licenses for any purpose to any
21 person, corporation, firm or organization in arrears for 90 days or more for the payments
22 required under Chapter 10B.

23 (b) No person, corporation, firm, or organization who obtained a street closure permit
24 under Chapter 10B, while being in arrears as described in this section, shall be eligible for any
25 future street closure permit under Article 21 of the Traffic Code for five years from the date the

1 first permit was issued. A person, corporation, firm, or organization denied a permit under this
2 subsection may request a hearing before the Director of Sanitation and Streets~~Public Works~~ or
3 the Director'~~his or her~~ designee to determine whether the permit applicant was in fact in
4 arrears at the time of obtaining the first permit.

5 The Board of Supervisors may by resolution waive or reduce the period of
6 disqualification provided in this subsection.

7

8 **SEC 16.210. ESTABLISHMENT OF BARGAINING UNITS.**

9 * * * *

10 Bargaining Unit # 30

11 (Laborers)

12 Class

13 Class Title

14 * * * *

15 9916

16 Public Service Aide – Sanitation and Streets~~Public Works~~

17

18 * * * *

19

20 **SEC. 20.404. CONTRACT REQUIREMENTS.**

21 (a) All contracts between the City and shelter operators shall include provisions that
22 require shelter operators to:

23 (1) treat all shelter clients equally, with respect and dignity, including in the
24 application of shelter policies and the grievance process;

25 * * * *

1 (c) All contracts between the City and shelter operators shall include provisions for
2 operational standards, which include but are not limited to the following:

3 (1) the extent of on-site management of the facility in terms of staff numbers 24
4 hours a day;

5 (2) a security plan that will be in place during the hours of operation;

6 (3) a sidewalk maintenance plan indicating that the facility staff will maintain the
7 main entrance to the building and all sidewalks abutting the subject property in a safe, clean,
8 and sanitary condition, ~~in compliance with the Department of Public Works Streets and Sidewalk~~
9 ~~Maintenance Standards inconsistent with~~ Section 706 of the Public Works Code;

10 (4) a plan for signage indicating that the facility will display well-lit notices at all
11 entrances to and exits from the establishment urging clients leaving the premises and
12 neighborhood to do so in a quiet, peaceful and orderly fashion and to please not loiter or litter.

13 * * * *

14 (d) The Board of Supervisors recognizes that these amendments will have a
15 material effect on the existing shelters whose contracts with the City require the City to pay
16 the shelter operators a certain negotiated amount for services offered at each shelter. The
17 City and the shelter operators contemplated that the shelters would operate at or near
18 capacity through most of the year. This legislation may reduce the number of beds available in
19 some shelters. In addition, this legislation will impose obligations on shelter operators that
20 exceed their obligations under their existing agreements with the City and therefore increase
21 their operating costs. City officials and shelter operators based their budgetary assumptions
22 and contracting decisions on factors that existed before this legislation existed. Therefore, the
23 Board of Supervisors authorizes each City department overseeing contracts affected by this
24 legislation to negotiate amendments to existing contracts to reflect these changes so long as
25

1 current contract amounts are not reduced; and 32. maximize the space for sleeping in the
2 shelter to the fullest extent possible.

3
4 **SEC. 23.40. SALE OR LEASE OF PARK LAND; USE OF CERTAIN PARK LAND**
5 **FOR THE CONSTRUCTION OF WATER QUALITY AND SEWERAGE FACILITIES.**

6 (a) Whenever lands that are or shall be used or intended for use for parks or squares
7 are no longer needed for park or recreational purposes, the City may dispose of such lands or
8 may abandon or discontinue their use for park purposes, provided that nothing herein shall be
9 construed to authorize the discontinuance or abandonment of the use of such lands, or any
10 change in the use thereof that will cause the reversion of such lands to private ownership, or
11 cause the forfeiture of the ownership thereof in fee by the City, or to authorize the
12 discontinuance of the use of park lands acquired in any proceeding wherein a local
13 assessment based on benefits was or shall be levied to provide funds for such acquisition;
14 and provided further that the general laws of the State of California authorizing municipal
15 corporations to abandon or to discontinue the use of land for park purposes, authorizing the
16 disposition of such lands, and providing procedures therefor and for matters relating thereto,
17 shall be applicable to the City and to all lands held or used by it for park purposes and shall
18 govern and control exclusively in respect thereto. For the purposes of this subsection, all
19 lands, including but not limited to, playgrounds, athletic facilities, and lands purchased with
20 open space acquisition and park renovation funds, but excluding the Great Highway, the land
21 described in Subsection (b) below, and lands administered by the Recreation and Park
22 Department pursuant to agreements with other City departments or entities, placed under the
23 jurisdiction of the Recreation and Park Department shall be deemed used or intended for use
24 for park purposes.

1 (b) Upon approval by the Recreation and Park Commission, that parcel of land south
2 of the Zoo and between the Great Highway Extension and Skyline Boulevard set forth and
3 described in parcel map entitled "Parcel Map Showing Certain Park Land Proposed to be
4 Used Jointly," recorded August 12, 1975 in Parcel Map Book Number One at page 96 in the
5 office of the Recorder of the City and County of San Francisco, may be used for the
6 construction of water quality and sewerage facilities, and any facilities so constructed shall be
7 under the control, management, and direction of the San Francisco Public Utilities
8 Commission~~Department of Public Works~~. Any recreation or zoo facilities constructed on said
9 parcel shall remain under the control, management, and direction of the Recreation and Park
10 Commission.

11
12 **SEC. 32.11. COMMITMENT TO ENFORCE REHABILITATION STANDARDS AND**
13 **IMPLEMENT PLAN FOR PUBLIC IMPROVEMENTS.**

14 Prior to using funds generated by the issuance of bonds pursuant to this Chapter for
15 financing residential rehabilitation in any residential rehabilitation area, the Board of
16 Supervisors shall adopt a resolution committing the City and County, subject to budgetary and
17 fiscal limitations, to:

18 (a) Enforcement of rehabilitation standards in 95 percent of the structures in the
19 Residential Rehabilitation Area; and

20 (b) Implementation of plan for public improvements in the Residential Rehabilitation
21 Area, which plan has been developed with citizen participation and adopted by the Board of
22 Supervisors after a public hearing.

23 Enforcement of rehabilitation standards shall be deemed to have been completed when
24 a structure has been brought into compliance with rehabilitation standards; when a structure is
25 the subject of litigation directed to requiring compliance with rehabilitation standards; or when

1 the owner of a structure is given a deferred time by the Abatement Appeals Board for
2 compliance with specified rehabilitation standards which do not constitute immediate life
3 hazards as that term is defined by the Director of the Department of Building Inspection~~Public~~
4 ~~Works~~.

5
6 **SEC. 32.20. RESPONSIBILITY FOR ADMINISTRATION OF PROGRAM.**

7 The Chief Administrative Officer shall be responsible for administration of all aspects of
8 the Rehabilitation Assistance Program except those aspects for which responsibility is
9 specifically retained by the Board of Supervisors or assigned by the Board of Supervisors to
10 another City and County agency. The Chief Administrative Officer, and each City and County
11 agency assigned responsibilities by or pursuant to this Chapter, shall have all such authority
12 as may be reasonably necessary to carry out those responsibilities. While retaining overall
13 responsibility for administration of the program, the Chief Administrative Officer shall utilize
14 the services of the Department of Building Inspection~~Public Works~~ in connection with the code
15 enforcement aspects of the program, and the services of the Real Estate Department in
16 connection with the rehabilitation financing aspects of the program. The Chief Administrative
17 Officer may also request the assistance of any other City and County agency in meeting his or
18 her responsibilities under this program.

19
20 **SEC. 32.21. RULES AND REGULATIONS.**

21 The Chief Administrative Officer shall promulgate such rules and regulations as he or
22 she may deem appropriate to carry out the provisions of this Chapter. These rules and
23 regulations shall be developed with the participation of the Citizen Advisory Committees and
24 the Rent Board. A copy of all such rules and regulations shall be available for review by the
25 public during regular business hours in the office of the Chief Administrative Officer, the office

1 of the Clerk of the Board of Supervisors, the Department of Building Inspection~~Public Works~~,
2 and in every other office established for the purpose of carrying out this program.

3
4 **SEC. 40.7. RESPONSIBILITY FOR ADMINISTRATION OF THE PROGRAM.**

5 The Chief Administrative Officer shall be responsible for administration of all aspects of
6 the Housing Code Enforcement Loan Program except those aspects for which responsibility is
7 specifically retained by the Board of Supervisors or assigned by the Board of Supervisors to
8 another City and County agency. The Chief Administrative Officer, and each City and County
9 agency assigned responsibilities by or pursuant to this Chapter, shall have all such authority
10 as may be reasonably necessary to carry out those responsibilities. While retaining overall
11 responsibility for administration of the program, the Chief Administrative Officer shall utilize
12 the services of the ~~Bureau of Building Inspection of the~~ Department of Building Inspection~~Public~~
13 ~~Works~~ in connection with the code enforcement aspects of the program; and the services of
14 the Real Estate Department in connection with the rehabilitation financing aspects of the
15 program. The Chief Administrative Officer may also request the assistance of any other City
16 and County agency in meeting his or her responsibilities under this program.

17
18 **SEC. 40.10. RULES AND REGULATIONS.**

19 (a) The Chief Administrative Officer shall adopt such rules and regulations as he or
20 she may deem appropriate to carry out the provisions of this Chapter. A copy of all such rules
21 and regulations shall be available for review by the public during regular business hours in the
22 office of the Chief Administrative Officer, the office of the Clerk of the Board of Supervisors,
23 the Department of Building Inspection~~Public Works~~, and in every other office established for the
24 purpose of carrying out this program.

25 * * * *

1 **SEC. 41.7. STATEMENTS OF EXEMPTION; APPLICABILITY OF THIS CHAPTER.**

2 * * * *

3 (c) Claim of Exemption Based on Partially Completed Conversion. A claim of
4 exemption based on partially completed conversion shall not be approved until and unless
5 owner or operator shows that all of the following requirements are met:

6 (1) An application for partially completed conversion was filed no later than 60
7 calendar days after the effective date of this ordinance;

8 (2) The owner or operator has commenced work on extensive Capital
9 Improvements and Rehabilitation Work prior to November 23, 1979, as defined in Section
10 37.2 of the San Francisco Administrative Code (the San Francisco Rent Stabilization and
11 Arbitration Ordinance) and has completed such work on at least 35 percent of the units
12 intended to be converted or has expended 40 percent of the total sum budgeted for said work;

13 (3) The owner or operator or previous owner or operator shall have clearly
14 demonstrated his/her intention to convert all of the residential units in the subject building to
15 tourist units as of November 23, 1979. Satisfactory evidence of intention to convert may be
16 demonstrated by the following factors, including but not limited to:

17 * * * *

18 (5) For each vacant residential unit converted, but not occupied by a permanent
19 resident, a sum of \$250 per unit not to exceed a total of \$10,000 shall be deposited in the San
20 Francisco Residential Hotel Preservation Account of the Repair and Demolition Fund
21 established pursuant to Section 203.1 of the San Francisco Building Code (being Chapter 1,
22 Article 2, Part II of the San Francisco Municipal Code) to be used exclusively for the repair,
23 purchase and rehabilitation of residential hotel units by agencies of the City and County of
24 San Francisco and to be administered by the Department of Building Inspection~~Public Works~~.

25 * * * *

1 **SEC. 41.18. DEMOLITION.**

2 (a) This section shall apply only to demolition of residential hotel buildings pursuant to
3 an abatement order of the Director of Building Inspection~~Public Works~~ or the Superior Court of
4 the State of California, or demolition necessitated by major fires, natural causes or accidents
5 where the cost of repair exceeds 50 percent of the replacement value of the building.

6 * * * *

7
8 **SEC. 41.19. TEMPORARY CHANGE OF OCCUPANCY.**

9 (a) Temporary Change of Occupancy.

10 (1) A tourist unit may be rented to a permanent resident, until voluntary vacation
11 of that unit by the permanent resident or upon eviction for cause, without changing the legal
12 status of that unit as a tourist unit.

13 * * * *

14 (c) Winter Rentals. A residential unit which is vacant at any time during the period
15 commencing on October 1st and ending on April 30th annually may be rented as a tourist unit,
16 provided that:

17 (1) Such owner or operator has been permitted to rent residential units as
18 tourist units in excess of 25 percent of the residential units pursuant to Section 41.19(a)(3)
19 above;

20 (2) The owner or operator has not committed unlawful action as defined in this
21 Chapter within 12 months prior to the time of this request;

22 (3) A residential hotel may not rent in excess of 33 percent of the total number
23 of residential units or 20 residential units, whichever is less, pursuant to this subsection;
24
25

1 (4) Applicants to temporarily convert residential units pursuant to this
2 subsection shall submit applications to the Department of Building Inspection~~Public Works~~, in
3 accordance with rules and regulations promulgated by the Department of Building Inspection;

4 (5) A maximum of 60 residential units may be approved per year to be rented
5 as tourist units or non-residential units pursuant to this Subsection 41.19(c). In the event that
6 the number of such applications exceeds 60 residential units, the Department of Building
7 Inspection~~Public Works~~ shall establish a lottery system based on priority ranking where
8 preference shall be accorded to residential hotel owner who have been eligible more
9 frequently than other hotel owners for temporary conversion pursuant to Subsection
10 41.19(a)(3) above;

11 (6) Such nonresidential use is permitted by the zoning for such residential hotel;
12 and

13 (7) No application for such temporary conversion shall be approved by the
14 Department of Building Inspection~~Public Works~~ to fill the unused portion of the 60 residential
15 unit limitation for the previous year.

16
17 **SEC. 50.10. DUTIES OF CITY AND COUNTY AGENCIES.**

18 The Director shall be responsible for administration of all aspects of the Nonprofit
19 Performing Arts Loan Program. The Director and each City and County agency assigned
20 responsibilities under this Chapter shall have all such authority as may be reasonably
21 necessary to carry out those responsibilities, including the authority to enter into or amend any
22 agreements that the Director deems necessary to help administer the Nonprofit Performing
23 Arts Loan Program, including but not limited to, agreements with loan servicing agencies.
24 While retaining the overall responsibility for the administration of the program, the Director
25 may utilize the services of the Department of Public Works, the Department of Building

1 Inspection, and the Fire Department in connection with the code enforcement aspects of the
2 program, and the services of the Mayor's Office, Department of Administrative Services,
3 Department of Building Inspection and Real Estate Department in connection with the loan
4 financing aspects of the program. The Director may also request the assistance of any other
5 City and County agency in meeting his or her responsibilities under this program. With respect
6 to funds previously sent through interdepartmental work order from Grants for the Arts to the
7 Non Profit Performing Arts Loan Program to supplement the original \$500,000 in the Fund,
8 the Director shall have the discretion to convert such funds for use in making capital grants.
9

10 **SEC. 50.11. RULES AND REGULATIONS.**

11 The Director shall promulgate such rules and regulations as he or she may deem
12 appropriate to carry out the provisions of this Chapter, including rules and regulations for
13 general payment schedule adjustments, individualized payment schedule adjustments and
14 criteria for loan forgiveness where the Director, in consultation with the Controller's Office,
15 deems such provisions are necessary in order to recoup outstanding loans or to ensure the
16 ongoing effectiveness of the program by assisting the economic viability of the borrowers and
17 helping to alleviate debt-related or other financial hardships. Said rules and regulations shall
18 be developed in consultation with pertinent City and County agencies and any other
19 appropriate organizations which the Director in his or her discretion may choose to consult.
20 The Board of Supervisors shall by resolution approve all such rules and regulations prior to
21 their effective date. A copy of all such rules and regulations shall be available for review by
22 the public during regular business hours in the office of the Director, the office of the Clerk of
23 the Board of Supervisors, the Fire Prevention Bureau of the Fire Department, the Department of
24 Building Inspection, Public Works and in every other office which is assigned responsibilities for
25 carrying out this program. Within the first six (6) months following the effective date of this

1 Ordinance, the Director shall submit, for review and consideration at a public hearing, a report
2 to the Board of Supervisors containing the financial status on each of the loans in the NPALP
3 portfolio, setting forth (a) any specific criteria for loan adjustments or forgiveness, (b) a plan of
4 action for collection of all remaining delinquent and future loans, and (c) a proposed plan
5 regarding whether NPALP loan recipients may use any portion of their annual City grant funds
6 for NPALP loan repayment purposes.

7
8 **SEC. 50.20. APPLICANT'S PLAN FOR FACILITIES MAINTENANCE AND CAPITAL**
9 **IMPROVEMENTS.**

10 Each loan applicant shall submit a proposed plan for facilities maintenance and
11 capital improvements or acquisition as part of the loan application process. The proposed plan
12 shall include provisions designed to correct all code violations and incipient code violations of
13 applicable City and State fire, building, earthquake and other safety codes, and any other
14 provisions which the Director in his or her discretion may require. In consultation with the
15 Department of Building Inspection~~Public Works~~, the Fire Department and other relevant City and
16 County agencies, the Director shall review the proposed plan to ensure that it meets all
17 applicable code requirements for the subject property.

18
19 **SEC. 53.3. URBAN AGRICULTURE PROGRAM.**

20 (a) Establishment. There is hereby created an Urban Agriculture Program for the City
21 and County of San Francisco.

22 (b) Duties. The Urban Agriculture Program shall:

23 (1) Coordinate Urban Agriculture efforts with other public agencies operating in
24 the City, including, but not limited to, the Recreation and Park Department, Public Utilities
25 Commission, Department of Sanitation and Streets~~Public Works~~, Department of Public Health,

1 Department of the Environment, Planning Department, Department of Building Inspection, the
2 San Francisco Food Security Task Force, County Agricultural Commissioner, Department of
3 Real Estate, Public Library, Mayor's Office of Neighborhood Services, City Administrator, Port,
4 and Airport, and the San Francisco Unified School District, City College of San Francisco,
5 California Department of Parks and Recreation, United States National Park Service Golden
6 Gate Recreation Area, and the University of California Cooperative Extension;

7 * * * *

8
9 **SEC. 63.3. DEFINITIONS.**

10 The terms used in this Chapter 63 have the meanings set forth below:

11 * * * *

12 Low water use plants or climate appropriate plants: plants, shrubs, groundcovers or
13 tree species that meet at least one of the following conditions:

14 (1) The species has a water use ranking of "low" or "very low" in Region 1
15 (North-Central Coast) as established in the California Department of Water Resources 2014
16 publication "Water Use Classification of Landscape Species" or subsequent editions as it may
17 be updated.

18 (2) The species has a water use ranking of "no water," "little water," or "little to
19 moderate water" in the climate zone for the planting location as established in the Sunset
20 Western Garden Book, Ninth Edition, published by Oxmoor House on February 7, 2012 or
21 subsequent editions as it may be updated.

22 (3) The plantings are part of an engineered stormwater management feature
23 approved by the General Manager pursuant to the San Francisco Stormwater Management
24 Requirements and Design Guidelines established by the Public Utilities Commission;

1 (4) The Department of Sanitation and Streets~~Public Works~~, the Recreation and
2 Park Department, or the General Manager has determined that the species, when watered for
3 sufficient plant health and appearance, is low water use based on the agency's experience
4 with the species, and the agency has added the species to the Low Water Use and Climate
5 Appropriate Plant List maintained by the General Manager;

6 (5) The species appears on the San Francisco Street Tree Species List
7 established by the Department of Sanitation and Streets~~Public Works~~ Bureau of Urban Forestry;

8 (6) The planting is part of a species test approved by the Department of
9 Sanitation and Streets~~Public Works~~ or the Recreation and Park Department; or

10 (7) The species has been permitted at the site by the Department of Sanitation
11 and Streets~~Public Works~~ or the General Manager based on wet soil conditions stemming from
12 proximity to naturally occurring water features such as a high water table, springs, ponds,
13 lakes, creeks, and wetlands.

14 * * * *

15
16 **SEC. 80.3. ADMINISTRATIVE ENFORCEMENT PROCEDURES.**

17 (a) Purpose. The Board of Supervisors finds that enforcement of anti-blight provisions
18 of the Municipal Code is vital to ensuring Quality of life in San Francisco's neighborhoods and
19 in the City and County as a whole. A centralized administrative enforcement program with
20 staff will promote coordination of anti-blight efforts across City departments, including, but not
21 limited to, the Department of Public Worlds, the Planning Department, the Department of
22 Building Inspections, and the Department of Public Health. This Chapter is intended to
23 promote the general health, safety and welfare of the people of the City by promoting uniform,
24 fair, and efficient enforcement of anti-blight provisions of the Municipal Code and related
25 departmental regulations.

1 The Director of Sanitation and Streets~~Public Works~~ is authorized to administer and
2 enforce the provisions of this Chapter. All staff to whom the Director has delegated
3 enforcement responsibilities are authorized to inspect property and to take any other
4 enforcement actions as may be required or appropriate to administer or enforce the provisions
5 of this Chapter.

6 Nothing in this Chapter shall be construed to limit any right or remedy otherwise
7 available in law or equity to any party harmed by a blighted property, nor shall this Chapter in
8 any way limit the City's right to enforcement under any other provision of the Municipal Code
9 or state law or create a duty or obligation on the part of the City to enforce this Chapter.

10 (b) Definitions.

11 “Blight.” The presence of any one or more of the following conditions on property
12 constitutes property blight: (i) any condition that constitutes a public nuisance as defined in
13 California Civil Code Sections 3479- 3480, including but not limited to the conditions defined
14 in San Francisco Public Works Code Section 174; (ii) any condition of deterioration or
15 disrepair that creates a substantial adverse impact on neighboring properties, including but
16 not limited, to the conditions defined in San Francisco Public Works Code Section 735; or (iii)
17 any violation of the San Francisco Municipal Code that is visible from the public way and
18 creates a substantial adverse impact on neighboring properties. Notwithstanding the above
19 definition, public nuisances pertaining to unsafe buildings, structures, or property conditions,
20 as defined by Section 102A of the Building Code, shall not constitute blight for purposes of
21 this Chapter and shall remain within the exclusive enforcement authority of the Department of
22 Building Inspection to the extent required by state and local law. Blight includes, but is not
23 limited to, the following enumerated conditions:

24 * * * *

25

1 Notwithstanding the foregoing, this Chapter shall not apply to building, structural, or
2 property conditions that present public safety risks under the San Francisco Building Code
3 and construction codes. The Department of Building Inspection and the Fire Department
4 retain their respective jurisdiction over such conditions pursuant to applicable state and local
5 law.

6 “Director.” The Director of Sanitation and Streets~~Public Works~~ or the Director's designee,
7 including any Enforcement Officer staff so designated by the Director to carry out
8 responsibilities under this Chapter.

9 * * * *

10
11 **SEC. 80.5. GENERAL PROVISIONS – NOTICE.**

12 (a) Notice of Violation.

13 (1) Where the Director determines that any condition constitutes a blighted
14 property in violation of this Chapter, and that said conditions do not warrant summary
15 abatement procedures, the Director shall issue a notice of violation to the property owner. At
16 the time the notice of violation is issued, the Director shall take one or more photographs of
17 the property showing the blighted conditions, and shall make copies of the photographs
18 available to the recipient of the notice upon request. The photographs shall be dated and
19 retained as a part of the file for the violation. The notice shall generally describe the violation,
20 give the owner 15 calendar days from the date of the service of the notice to either commence
21 abatement of the violation or request a hearing on the notice of violation, and shall set forth
22 the procedure for requesting a hearing on the violation. The notice shall also inform the
23 property owner of his or her right to request an extension of time pursuant to paragraph (a)(2)
24 of this Section in order to abate the violation, and further inform the owner that where the
25 owner fails to either commence abatement of the violation or request a hearing within 15

1 calendar days (plus an extension if applicable) from the date of service of the notice, the
2 Director may initiate proceedings in accordance with Section 80.4 to enter upon the owner's
3 property and abate the violation at the owner's expense, and/or may impose an administrative
4 penalty under Administrative Code Chapter 100 for failure to abate the violations, and/or may
5 refer the matter to the City Attorney for further enforcement action, as appropriate. In addition,
6 the notice shall inform the owner that the minimum charge for City abatement of the violation
7 is the greater of \$400 or the actual cost to the City, (including overhead and administrative
8 costs, as well as attorneys' fees where the Director has elected to seek recovery of attorneys'
9 fees), and that the City 's cost of preparation for and appearance at the hearing required by
10 Section 80.5 and all prior and subsequent attendant costs (including enforcement fees and
11 costs incurred and penalties assessed in ascertaining violations) shall be assessed upon the
12 property owner. Said violations will not be deemed legally abated until the property owner
13 makes full payment of the assessment of costs to the Department.

14 * * * *

15
16 (g) Hearing.

17 * * * *

18
19 (3) Hearing Procedure. The hearing shall be conducted by a neutral Hearing
20 Officer from a City office or department outside the Department of Sanitation and Streets~~Public~~
21 ~~Works, appointed by the City Administrator~~. The burden of proof to establish that the property is
22 blighted shall be on the City. The owner shall be entitled to present evidence and
23 demonstrate that his or her property is not blighted. The property owner shall also be entitled
24 to present evidence and demonstrate that requiring the owner to abate the violations at her
25 own expense would result in an unfair extreme hardship. All testimony shall be under oath,

1 and witnesses may be cross-examined. The ~~H~~earing ~~O~~fficer may consider any relevant
2 evidence submitted by the parties, including evidence that might be excluded from a court
3 hearing because it may constitute hearsay. The Hearing Officer shall ensure that a record of
4 the proceedings is maintained. The determination of the hearing officer after the hearing shall
5 be final and not appealable.

6 * * * *

7
8 **SEC. 94A.4. INTERAGENCY COORDINATION.**

9 In coordinating their activities under the Program, the Core City Agencies shall have
10 the responsibilities set forth below.

11 (a) **Planning Department; General Coordination of Program Activities.** After a
12 prospective Permittee submits an application for a Shared Space, Planning will ensure review
13 and approval of the application. Specifically, Planning will:

14 (1) Receive a People Place Proposal submitted by a prospective Steward
15 pursuant to Section 94A.5 and review the Proposal for completeness and compliance with
16 Program requirements.

17 (2) If the People Place Proposal is determined to be complete and in
18 compliance with Program requirements, ~~e~~Ensure that the application is routed to all Core City
19 Agencies with jurisdiction over the proposed Shared Space for review and provide wholistic
20 coordination of the program, taking into account land use, transportation, public space and
21 urban design considerations.

22 (3) Collaborate with the appropriate Core City Agency in the review and
23 approval of a Shared Space permit, and guide strategic change management of the program
24 to ensure continued equity and accessibility by all intended users.

1 (~~43~~) *Shared Spaces*—Oversee cross-departmental tracking systems to ensure
2 comprehensive impact reporting and accountability, and support the monitoring of Permittee's
3 compliance with any terms and conditions in the Shared Space Permit, report any
4 noncompliance known to Planning to the applicable Core City Agency with jurisdiction for
5 enforcement.

6 (~~54~~) Coordinate Core City Agency outreach to prospective Permittees. Such
7 outreach shall be performed in multiple languages and include small businesses located in
8 communities suffering from economic, health and environmental burdens. Ensure quality
9 public education, marketing and community engagement for the program as a whole.

10 In performing the coordination role described in subsections (a)(1) - (4), Planning shall,
11 if necessary, obtain the recommendations of staff of the other Core City Agencies, including,
12 among others: the Director of Public Works, the Director of the Department of Sanitation and
13 Streets, the Director of Transportation, the Director of the Real Estate Division, the Director of
14 Health, and/or the Executive Director of the Entertainment Commission.

15 (b) **Director of Real Estate; City Lot Shared Spaces.** The Director of Real Estate
16 will administer Shared Spaces that are solely on a City-owned lot, pursuant to Section 94A.7.

17 (c) **Entertainment Commission; Shared Spaces with Entertainment Activities.**
18 The Entertainment Commission will review and consider any application for a Shared Space
19 Permit that proposes an activity or activities within the jurisdiction of the Entertainment
20 Commission, consistent with Police Code, Section 1060 but, as applied to a Shared Space,
21 the proposed activity or activities may include the service of food and beverages for
22 consumption on the premises. The Commission may approve an application that satisfies all
23 the applicable requirements for creation of a Limited Live Performance Locale and authorize
24 issuance of a Shared Space Permit subject to the requirements stated in Police Code Section
25 1060.

1 (d) **Planning, MTA, Sanitation and Streets, and Public Works; Shared Spaces in the**
2 **Public Right-of-Way.**

3 (1) **Curbside Shared Spaces.**

4 (A) Planning will review the overall concept of the application, approve
5 the Permittee's proposed program of offerings and events that will activate the Shared Space,
6 and participate in the design review of all proposed physical treatments or improvements.

7 (B) MTA will approve or deny the proposed closure of the curbside lane
8 pursuant to Section 204 of Division II of the Transportation Code, including permit terms and
9 conditions as established by the Director of Transportation, and participate, as applicable, in
10 design review of all physical treatments or improvements proposed by a Permittee and, at the
11 MTA's discretion, implement any approved (i) restriping of travel and parking lanes, (ii) ground
12 surface treatments to delineate right-of-ways temporarily converted for the project, (iii)
13 placement of upright bollards and other traffic control devices, and (iv) other reversible site
14 improvements not included within subsection (d)(1)(C) below that are needed for the project.

15 (C) Public Works will, pursuant to the process set forth in Sections 793 et seq.
16 of the Public Works Code, (i) ~~(i)~~ participate in the design review and approval of physical
17 treatments or improvements proposed by a Permittee, (ii) participate in the review and
18 approval of the Permittee's proposed program of events intended to activate the Shared
19 Space, (iii) consult with additional City agencies such as the Public Utilities Commission and
20 the Fire Department regarding the design and construction of any proposed structure
21 proposed to occupy the right-of-way as part of a Shared Space, (iv) ~~provide~~ provide approval for the
22 Shared Space Permit along with the other Core City Agencies with jurisdiction over the
23 proposed Shared Space, and (v) ~~issue~~ issue the Curbside Shared Space permit. The Director of
24 Public Works, consistent with Sections 793 et seq. of the Public Works Code, shall issue
25 regulations setting forth standard design and operating requirements for any Curbside Shared

1 Space. In addition, Public Works, in its sole discretion, may install reversible site
2 improvements (planters, furnishings, etc.) associated with the project.

3 (D) The Core City Agencies shall review the proposed Curbside Shared Space
4 for potential conflicts with future City projects, such as streetscape initiatives (including
5 streetscape redesigns, paving projects, transit improvements), on-going maintenance needs,
6 and planned improvements. Core City Agencies shall also review the proposed Curbside
7 Shared Space for potential conflicts with City projects completed in the 10 years prior to the
8 application to reduce conflicts with the purposes of those projects, including but not limited to
9 review to ensure that the Shared Space would enhance rather than undermine the City's
10 Vision Zero, Transit-First, and Better Streets Policies.

11 (E) A Permittee's right to occupy the Curbside Shared Space shall be
12 conditioned upon the obligation to remove or modify the Curbside Shared Space at any time,
13 as necessary for any City project or maintenance work, which necessity shall be determined
14 solely by the City Agency that issued the Shared Space Permit. The Permittee shall be
15 obligated to remove or modify the Curbside Shared Space at the Permittee's cost and return
16 the right-of-way to a condition that the Director of Public Works deems appropriate within 15
17 days of receiving notice from the City, although the Director of Public Works or applicable
18 Core Agency may require removal of the Shared Space in a shorter time period where the
19 Director of Public Works determines that an emergency or other threat to public health or
20 safety exists, or finds that any delay would result in extraordinary cost to the City.

21 * * * *

22
23 **SEC. 94A.6. OPERATIONAL REQUIREMENTS.**

24 * * * *

1 (b) **Operational Requirements.**

2 * * * *

3 (8) Good Neighbor Policies. Permittees of all Shared Space Categories shall
4 manage the Shared Space in accordance with the following good neighbor policies during the
5 times of use set forth in the Shared Space Permit:

6 (A) The safety and cleanliness of the Shared Space and its adjacent
7 area within a 100-foot radius shall be maintained, provided that any Permittee may request,
8 and the Department of Sanitation and Streets~~Public Works~~ shall provide, any necessary assistance
9 with the removal of hazardous waste;

10 (B) Proper and adequate storage and disposal of debris and garbage
11 shall be provided;

12 (C) Noise and odors, unless otherwise permitted, shall be contained
13 within the immediate area of the Shared Space so as not to be a nuisance or annoyance to
14 neighbors;

15 (D) Notices shall be prominently displayed during events that urge
16 patrons to leave the Shared Space premises and neighborhood in a quiet, peaceful, and
17 orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be
18 removed after each event; and,

19 (E) The Permittee or its employees or volunteers shall walk a 100-foot
20 radius from the Shared Space within 30 minutes after programmed events have concluded
21 and/or at the conclusion of its hours of operation, and shall pick up and dispose of any
22 discarded trash left by patrons.

23 * * * *

1 **SEC. 105.3. IMPOSITION OF CIGARETTE LITTER ABATEMENT FEE.**

2 (a) The City hereby imposes a Cigarette Litter Abatement Fee at the rate of \$0.20 per
3 Pack of Cigarettes on the Purchaser for all Cigarette Sales within the geographic limits of the
4 City, subject to adjustment from time to time under subsection (f) below. The Fee shall be
5 imposed on a per-Pack of Cigarettes basis for Cigarette Sales in larger quantities. The Fee is
6 payable at the time of the Cigarette Sale transaction.

7 (b) Each Cigarette Retailer shall collect the Fee from the Purchaser at the time of the
8 Cigarette Sale and remit the collected revenue to the City as provided in Subsection (c).

9 (c) The Cigarette Retailer shall hold the collected Fee revenue in trust for the City and
10 remit such revenue to the Tax Collector each calendar quarter on or before the last day of the
11 month immediately following each respective quarterly period, and in accordance with the Tax
12 Collector's Rules, except that all such amounts shall be due immediately upon the City's
13 suspension of a Cigarette Retailer's Health Code Article 19H tobacco sales permit, or upon a
14 Cigarette Retailer's voluntary surrender of such tobacco sales permit, or upon the transfer of
15 ownership or cessation of a Cigarette Retailer's business for any reason.

16 (d) If the Cigarette Retailer fails to collect and remit the Fee as Subsections (a), (b)
17 and (c) require, the Cigarette Retailer is liable to the City for the full Fee amount.

18 (e) The Tax Collector shall deposit all monies collected pursuant to this Cigarette Litter
19 Abatement Fee Ordinance to the credit of the Environment Cigarette Litter Abatement Fund
20 authorized by San Francisco Administrative Code Section 10.100-70. Said fund shall be used
21 exclusively for the following purposes:

22 (1) Refunds of any overpayments of the Fee imposed hereunder;

23 (2) Costs of the Department of Public Works and/or the Department of Sanitation
24 and Streets incurred in abating cigarette litter from sidewalks, street gutters, and similar outdoor
25 public spaces consistent with the categories of expense items included in the report that the

1 Department of Public Works has submitted to the Board of Supervisors in support of this
2 ordinance and that appears in File No. 101140;

3 (3) Costs of the Tax Collector incurred in the collection and enforcement of the
4 Cigarette Litter Abatement Fee consistent with the categories of expense items included in the
5 report that the Tax Collector has submitted to the Board of Supervisors in support of this
6 ordinance and that appears in File No. 101140; and

7 (4) Costs of public outreach and education to curb improper cigarette litter
8 disposal; ~~and~~.

9 * * * *

10
11 Section 6. The Administrative Code is hereby amended by adding Section 6.77 to read
12 as follows:

13 **SEC. 6.77. DEPARTMENT OF SANITATION AND STREETS PUBLIC WORKS**
14 **CONTRACTING.**

15 The Department of Sanitation and Streets (“Department”) is authorized to enter into Contracts
16 for Public Works or Improvements for the inspection, maintenance, repair, planting, and care of trees
17 and landscaping service and associated incidental work including but not limited to concrete slicing,
18 and concrete sidewalk replacement and repair in conformance with the following procedures:

19 (a) General As-Needed Contracts. The Director of the Department may issue an
20 Advertisement For Bids for work to be assigned by contract service orders based on costs contained in
21 the Bid. The as-needed Contract shall provide for a not-to-exceed amount and an expiration term of
22 not more than five years, including all modifications. The Director shall not issue any new contract
23 service order after four years from the date the Contract is certified by the Controller. Additionally,
24 the cumulative modifications to the as-needed Contract shall result in a contract sum not to exceed
25 150% of the original Contract amount. No contract service order or multiple contract service orders

1 for any single Public Work, whether in one phase or multiple phases, shall cumulatively exceed the
2 Threshold Amount. Notwithstanding the above, the Department may authorize any contract service
3 order(s) to exceed the Threshold Amount only upon review of the Director's written determination
4 establishing the need for the work and the justification for proceeding under this subsection 6.77(a)
5 rather than by formal competitive process.

6 (b) **Master Agreement Contracts.** The Department may award master agreement
7 Contracts on an "if-and-as-needed" basis, to qualified Contractors in conformance with the following
8 procedures:

9 (1) **Contract Award.** The Department may award master agreement Contracts,
10 on an "if-and-as-needed" basis to Contractors who can establish all of the licensing, qualifications,
11 experience, and certifications, as required by the Director. A Contractor may apply for a master
12 agreement under this Section 6.77 by providing the Director with a statement of its experience and
13 qualifications and other information as required by the Director. Within 60 days of receiving such
14 information, the Director shall advise the applicant of its eligibility for an award of a master
15 agreement.

16 (2) **Contract Terms.** Master agreements shall provide for an expiration term of
17 not more than five years from the date of Award, including all modifications. All master agreements
18 shall provide for a maximum total dollar value of work each Contractor is authorized to perform
19 during the contract period. No master agreement may be modified to exceed 150% of the original
20 contract amount. Master agreements shall contain no minimum dollar amount. Master agreements
21 shall provide that the Director may assign work on a task order basis, "if-and-as- needed," through
22 competition among master agreement Contractors.

23 (3) **Task Order Competitive Solicitation.** To assign work under master
24 agreement Contracts, the Director shall solicit Quotations from no fewer than three qualified master
25 agreement Contractors. Solicitations shall conform to Section 6.21, except that neither a published

1 advertisement nor bid security shall be required. Solicitations shall include a description of the
2 proposed task order scope of work, including plans or specifications, if any, and may include
3 provisions for liquidated damages for delay if and as appropriate to the particular project. Responsive
4 Quotations must include subcontractor listing, if any, in conformance with subsection 6.21(a)(9).

5 (4) **Task Order Award.** The Director shall issue a task order for the
6 performance of work under a master agreement to the Contractor submitting the lowest Responsive
7 Quotation. In the event that the Director is unable to obtain three Quotations, the award shall be
8 based on the Quotation or Quotations received. If the Director believes that the public interest would
9 best be served, by accepting other than the lowest Quotation, the Director is hereby authorized to
10 accept the Quotation that in the Director's discretion will best serve the public interest.

11 (5) **Task Order Terms.** No task order or multiple task orders for any single
12 Public Work, whether in one phase or multiple phases, shall cumulatively exceed the Threshold
13 Amount, including all modifications. Notwithstanding the above, the Department may authorize to
14 exceed the foregoing limitation only upon the review of the Director's written determination
15 establishing the urgency of the work and the justification for proceeding under this subsection 6.77(b),
16 rather than through San Francisco Public Works, in conformance with Section 6.2.

17 (c) **Other Procurements.** The Director may enter into emergency and sole source
18 Contracts subject to the provisions of Section 6.60 and 6.73, respectively.

19 (d) **Contract Terms and Conditions.** Except as provided above, Contracts awarded
20 under this Section 6.77 shall conform to the requirements of this Chapter 6 and Administrative Code
21 Chapters 12B, 12C, and 14B, as applicable.

1 Section 7. The Police Code is hereby amended by revising Sections 35(a), 38, 39-1,
2 124.3, 153, 169, 367, 386, 779, 1618, and 4304 to read as follows:

3
4 **SEC. 35(a). USE OF SIDEWALK TRASH OR LITTER RECEPTACLES.**

5 The litter receptacles placed on the sidewalks by the Department of Sanitation and
6 Streets~~Public Works~~ may be used for deposit of casual litter such as food, wrappers and
7 lunchbags. Sweepings from sidewalk cleaning, as specified in Section 34, may also be
8 deposited in such receptacles. It is unlawful for any person to deposit any household garbage,
9 refuse, waste, sweepings, or dirt collected within any residence, flat, apartment house, store,
10 or office building in, on top, or alongside such litter receptacles.

11
12 **SEC. 38. ENFORCEMENT OF LITTER LAWS; DESIGNATED OFFICERS AND**
13 **EMPLOYEES.**

14 The classes of officers or employees of the City and County of San Francisco
15 hereinbelow set forth may have the duty of enforcing those provisions of state law or the San
16 Francisco Municipal Code which relate to abatement of nuisance conditions on public property
17 or the littering of private or public property, including, but not limited to, streets, sidewalks,
18 parks, squares or recreation areas within said City and County, the removal or abatement of
19 any such litter from said private or public property or the unauthorized use of litter receptacles.
20 In addition to any other authority provided by state law or the Municipal Code, each of these
21 classes of officers or employees may also issue citations imposing administrative penalties
22 authorized by Section 39-1.

1	Classification Number	Class Title
2	0922	Manager I (positions assigned to the Recreation and Park Department <u>and the Department of Public Works</u> only)
3		
4	0932	Manager IV (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
5		
6	0933	Manager V (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
7		
8	0941	Manager VI (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
9		
10	0954	Deputy Director (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
11		
12	0964	Director of Public Works <u>and the Director of the Department of Sanitation and Streets</u>
13		
14	1310	Public Relations Assistant (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
15		
16	1312	Public Information Officer (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
17		
18	1314	Public Relations Officer (positions assigned to the Department of Public Works <u>and the Department of Sanitation and Streets</u> only)
19		
20	2716	Custodial Assistant Supervisor
21	2917	Program Support Analyst
22	3234	Harbormaster
23	3292	Assistant Superintendent, Recreation
24	<u>5207</u>	<u>Associate Engineer</u>
25	<u>5241</u>	<u>Engineer</u>

1	6120	Environmental Health Inspector
2	6122	Senior Environmental Health Inspector
3	6124	Principal Environmental Health Inspector
4	6126	Chief, Bureau of Environmental Health Services
5	6127	Assistant Chief, Bureau of Environmental Health Services
6	6230	Street Inspector
7	6231	Senior Street Inspector
8	6232	Street Inspector Supervisor
9	<u>6317</u>	<u>Assistant Construction Inspector</u>
10	<u>6318</u>	<u>Construction Inspector</u>
11	<u>6319</u>	<u>Senior Construction Inspector</u>
12	7215	General Laborer Supervisor I
13	7281	Street Cleaning Supervisor II
14	7514	General Laborer (receiving lead pay only)
15	8208	Park Patrol Officer
16	8210	Head Park Patrol Officer
17	H4	Inspector, Bureau of Fire Prevention and Public Safety
18	H22	Lieutenant, Bureau of Fire Prevention and Public Safety
19	H32	Captain, Bureau of Fire Prevention and Public Safety
20	H40	Battalion Chief, Fire Department
21	H50	Assistant Chief, Fire Department
22		
23		
24		
25		

1 **SEC. 39-1. PROCEDURE FOR ASSESSMENT AND COLLECTION OF**
2 **ADMINISTRATIVE PENALTIES FOR SPECIFIED LITTERING AND NUISANCE**
3 **VIOLATIONS.**

4 (a) This Section 39-1 shall govern the imposition, assessment, and collection of
5 administrative penalties imposed pursuant to Sections 37, 38, and 63 of the Police Code;
6 Sections 41.13, 283.1, 287, 288.1 and 600 of the Health Code; Sections 170, 173, 174, 174.2,
7 723, 723.5, 724.5, 794, and 1606 of the Public Works Code; and Section 22G.4 of the
8 Administrative Code.

9 * * * *

10 (d) Request for Hearing; Hearing.

11 (1) A person or entity that has been issued an administrative citation may
12 request administrative review in order to contest the citation issued in accordance with this
13 section. Administrative review shall be initiated by filing a request for administrative review
14 with the Director of Public Works or the Director of the Department of Sanitation and Streets, as
15 applicable, within 15 City business days from the date of the citation. Failure to request a
16 hearing within the time specified in the citation shall be deemed an admission that the cited
17 person or entity committed the violation identified in the administrative citation.

18 (2) Whenever administrative review is requested pursuant to this Section, the
19 Director of Public Works or the Director of the Department of Sanitation and Streets, as applicable,
20 shall, within five City business days of receipt of the request, notify the requestor of the date,
21 time, and place of the administrative review hearing by certified mail. Such hearing shall be
22 held no later than thirty (30) calendar days after the Director receives the request, unless time
23 is extended by mutual agreement of the affected parties.

24 (3) The administrative review hearing shall be conducted by a neutral hearing
25 officer from outside the Department of Sanitation and Streets~~Public Works~~ and the department

1 whose employee issued the citation. The Director of Public Works~~Administrative Services~~ and
2 the Director of the Department of Sanitation and Streets may issue rules as needed to implement
3 this requirement. The parties may present evidence and testimony to the hearing officer. All
4 testimony shall be under oath. The hearing officer shall ensure that a record of the
5 proceedings is maintained. The burden of proof to uphold the violation shall be on the City,
6 but the administrative citation shall be prima facie evidence of the violation.

7 (4) The hearing officer shall issue a decision including a summary of the issues
8 and the evidence presented, and findings and conclusions, within ten (10) calendar days of
9 the conclusion of the hearing. The hearing officer may uphold the penalty imposed by the
10 citation, reduce the penalty, or dismiss the citation. A copy of the decision shall be served by
11 certified mail upon the person or entity contesting the violation. The decision shall be a final
12 administrative determination. An aggrieved party may seek judicial review of the decision
13 pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

14 (e) Payment and Collection of Penalty.

15 (1) Where a person or entity has not made a timely request for administrative
16 review, the penalty shall be due and payable to the City Treasurer on or before 15 City
17 business days from the date of issuance.

18 (2) Where a person or entity has made a timely request for administrative
19 review, and the penalty has been upheld in whole or in part upon review, any administrative
20 penalty imposed by the hearing officer shall be due and payable not later than ten City
21 business days from the date of the notice of decision issued under subparagraph (d)(4).

22 (3) If a penalty due and payable under paragraphs (1) or (2) remains unpaid
23 after the specified due date, the Director of Public Works or the Director of the Department
24 Sanitation and Streets, as applicable, shall send the violator written notice that the penalty is
25 overdue. Penalties that remain unpaid 30 days after the due date shall be subject to a late

1 payment penalty of ten percent (10%) plus interest at the rate of one percent (1%) per month
2 on the outstanding balance, which shall be added to the penalty amounts from the date that
3 payment is due. Persons and entities against whom administrative penalties are imposed
4 shall also be liable for the costs and attorney's fees incurred by the City and County in
5 bringing any civil action to enforce the provisions of this section, including obtaining a
6 judgment for the amount of the administrative penalty and other costs and charges.

7 (4) Where there is a nexus between the violation and property in the City owned
8 by the violator, the Director of Public Works or the Director of the Department of Sanitation and
9 Streets, as applicable, shall further inform the violator that if the amount due is not paid within 30
10 days from the date of the notice, the Director shall initiate proceedings to make the amount
11 due and all additional authorized costs and charges, including attorneys' fees, a lien on the
12 property. Such liens shall be imposed in accordance with Chapter 10, Article XX of the
13 Administrative Code.

14 (f) The revenues generated by penalties from an administrative citation issued
15 pursuant to this Section may be expended only by the department that is responsible for
16 issuing the administrative citation, except that each department other than Sanitation and
17 Streets~~Public Works~~ that issues administrative citations pursuant to this Section shall reimburse
18 the Department of Sanitation and Streets~~of Public Works~~ for the costs incurred by the Department
19 ~~of Public Works~~ in administering review of those citations issued by the other department. The
20 revenues from administrative citations issued by Class 8280 Environmental Control Officers
21 and 8282 Senior Environmental Control Officers may be expended exclusively by the
22 Department ~~of Public Works~~ for the purpose of funding litter enforcement and abatement except
23 where the use or expenditure of those revenues is specifically directed by law to another
24 program within the Department ~~of Public Works~~.

1 **SEC. 124.3. USE OF TOILET BY MORE THAN ONE PERSON PROHIBITED.**

2 It shall be unlawful for more than one person over the age of thirteen (13) years old to
3 enter or remain in an automatic public toilet at one time, unless the person using the
4 automatic public toilet has a disability that causes the person to require assistance, in which
5 case the person’s assistants may enter and remain in an automatic public toilet with the
6 disabled person. The Department of Sanitation and Streets~~Public Works~~ shall post signs on all
7 automatic public toilets notifying users of the restrictions set forth in this Section.

8
9 **SEC. 153. URINATION AND DEFECATION.**

10 (a) It shall be unlawful for any person to deposit or cause to be deposited any human
11 urine or feces upon any public or private highway or road, including any portion of the right-of-
12 way thereof, or in or upon any private property into or upon which the public is admitted by
13 easement or license, or upon any private property without the consent of the owner, or in or
14 upon any public property other than property designated or set aside for that purpose.

15 (b) Penalty. Any person who shall violate the provisions of this Section shall be guilty
16 of an infraction, the penalty for which shall be a fine which shall be not less than \$50 nor more
17 than \$500.

18 (c) The Department of Sanitation and Streets~~Public Works~~ shall work with other City
19 Departments to post and update on the City's website a list of the locations and hours of
20 operation of all available City-operated restroom facilities.

21 (d) Exemption. Persons who violate this ordinance due to verified medical conditions
22 shall be exempt from the enforcement provisions of this ordinance.

1 **SEC. 169. PROMOTION OF SAFE AND OPEN SIDEWALKS.**

2 (a) Findings.

3 (1) Homeless encampments such as tents on our sidewalks and in our
4 neighborhoods persist and have become a major problem in the City. These encampments
5 are unsafe and unhealthy for the people living in them, and they make our neighborhoods less
6 safe and less healthy for families, residents, and visitors to the City. The City already
7 prohibits encampments in public parks.

8 * * * *

9 (e) Enforcement. The prohibition of subsection (c) may be enforced by: (1) the
10 Department of Public Health, (2) the Department of Sanitation and Streets~~Public Works~~, and (3)
11 the Department of Homelessness and Supportive Housing, if such department exists, or if it
12 does not exist, a department the focus of which is the provision of housing and services to
13 homeless persons. The Department of Homelessness and Supportive Housing may issue
14 regulations or guidelines necessary or appropriate to aid in the enforcement and
15 implementation of this Section 169 and may create any additional procedures consistent with
16 this Section 169 necessary or appropriate to protect the property rights of individuals whose
17 property is seized pursuant to this Section 169. If the Department of Homelessness and
18 Supportive Housing does not exist, the City Administrator, or a department designated by the
19 City Administrator, may issue regulations or guidelines necessary or appropriate to aid in the
20 enforcement and implementation of this Section 169 and may create any additional
21 procedures consistent with this Section 169 necessary or appropriate to protect the property
22 rights of individuals whose property is seized pursuant to this Section 169.

23 * * * *

24 (g) Personal Property. A person residing in an Encampment who is present at the
25 time the City is removing the Encampment may retain his or her Personal Property except that

1 items constituting an immediate threat to the health or safety of the public or items that
2 constitute evidence of a crime or contraband may be seized, as permissible by law. Any
3 Personal Property seized by the City pursuant to the enforcement of subsection (c) shall be
4 stored by the Department of Sanitation and Streets~~Public Works~~ or another City entity for no less
5 than 90 days, with the following exceptions:

6 (1) Items that present a health or safety risk if stored, such as items soiled by
7 bodily fluids, items that are moldy, items infested by insects or vermin, and food, need not be
8 stored and may be discarded; and

9 (2) Items that constitute evidence of a crime or contraband may be seized and
10 discarded, as permissible by law.

11 * * * *

12

13 **SEC. 367. PERMIT REQUIRED; PROCEDURE.**

14 (a) Any person desiring to sponsor a parade on any street of the City and County of
15 San Francisco, excluding streets on property under the jurisdiction of the Recreation and Park
16 Commission, shall first obtain a permit therefor from the Chief of Police.

17 * * * *

18 (j) The Chief of Police shall, as appropriate, transmit copies of any parade permit
19 issued to the Chief of the Fire Department, the Department of Public Works, the Department of
20 Sanitation and Streets, Emergency Hospital Service, Department of Public Health, and the
21 General Manager of the Municipal Railway.

22

23 **SEC. 386. UNLAWFUL TO DIRECT TRAFFIC WITHOUT AUTHORIZATION.**

24 It shall be unlawful for any person other than an officer of the Police Department, a
25 member of the Fire Department, or a person authorized by the provisions of this Article or

1 other applicable laws to direct or attempt to direct traffic by voice, hand or other signal, except
2 for the operation of any manually operated traffic control signal device erected by the
3 ~~Department of Public Works~~Municipal Transportation Agency.

4
5 **SEC. 779. CONSTRUCTION PERMIT.**

6 No permit shall be granted by the Police Department until and after applicant has
7 obtained a construction permit from the Director of the Department of Building Inspection~~Public~~
8 ~~Works~~.

9
10 **SEC. 1618. ELIGIBILITY AND OPERATING STANDARDS APPLICABLE TO ALL**
11 **CANNABIS BUSINESSES.**

12 (a) Every Cannabis Business is required to obtain a business license from the City in
13 compliance with Article 2 of the Business and Tax Regulations Code.

14 * * * *

15 (t) Every Cannabis Business is required to keep all garbage, recycling, and compost
16 containers on the Premises and hidden from public view, and placed outside only when being
17 serviced by the disposal company. Trash shall be contained and disposed of pursuant to
18 garbage and recycling receptacle guidelines set forth by the Department of Sanitation and
19 Streets~~Public Works~~.

20 * * * *

21 (w) Every Cannabis Business shall maintain the main entrance to the Premises and all
22 sidewalks abutting the subject property in a clean and sanitary condition in compliance with
23 the ~~Department of Public Works~~'Streets and Sidewalk Maintenance Standards consistent with
24 Section 706 of the Public Works Code.

25 * * * *

1 **SEC. 4304. ENFORCEMENT.**

2 (a) Criminal Enforcement. Any person who violates Section 4303 of this Article 43
3 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by
4 incarceration in the County Jail, fine, or both. Upon a first conviction for violation of Section
5 4303, the person shall be incarcerated in the County Jail for up to three months, or fined up to
6 \$500, or both. Upon a subsequent conviction for violation of Section 4303, the person shall be
7 incarcerated in the County Jail for up to six months, or fined up to \$1000, or both.

8 (b) Civil Enforcement. An aggrieved person may enforce the provisions of this Article
9 43 by means of a civil action. An aggrieved person includes any reproductive health care
10 facility that is the site of a violation of this Article. Any person who violates any of the
11 provisions of this Article or who aids in the violation of this Article shall be liable to the
12 aggrieved person for special and general damages, but in no case less than \$1000 plus
13 attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a
14 proper case.

15 (c) Dispersal Order. A law enforcement official may order the immediate dispersal of a
16 gathering that continues to violate Section 4303 after a verbal warning. A dispersal order
17 issued pursuant to this subsection (c) shall include the following statements: (1) the gathering
18 has substantially impeded access to or departure from the reproductive health care facility; (2)
19 each member of the gathering shall, under the penalty of arrest and prosecution, immediately
20 disperse and cease to stand or be located within at least 25 feet of an entrance or a driveway
21 to the reproductive health care facility; and (3) the order shall remain in place for eight hours
22 or until the close of business of the reproductive health facility, whichever is earlier. This
23 subsection (c) shall apply during the business hours of a reproductive health care facility and
24 up to one hour before the posted business hours.

1 (d) Other Enforcement. Nothing in this Article 43 shall preclude any person from
2 seeking any other remedies, penalties or procedures provided by law.

3 (e) Alternative Remedies - Administrative Fines. In addition to any other remedies that may be
4 available, a violation of this Article 43 may be punishable by an administrative fine, which may be
5 assessed by an administrative citation issued by Department of Public Works and/or Department of
6 Sanitation and Streets officials designated in Section 38 of the Police Code. Administrative Code
7 Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as may be amended
8 from time to time, is hereby incorporated and shall govern the procedure for the imposition,
9 enforcement, collection, and administrative review of administrative citations issued to enforce this
10 Section 790, except that the amount of the administrative fine shall be \$100 for a first violation of any
11 section of this Article, \$200 for a second violation of such section within one year of the first violation,
12 and \$500 for each additional violation of such section within one year of the first violation.

13
14 Section 8. The Health Code is hereby amended by revising Sections 291.1, 291.2,
15 461, 462, 12C.1, 1102, 1132, 1511, 1606, and 1636 to read as follows:

16
17 **SEC. 291.1. OWNER RESPONSIBLE FOR REFUSE COLLECTION SERVICE.**

18 The owner of any dwelling or commercial property shall subscribe to and pay for
19 adequate refuse collection service rendered to such dwelling or commercial property by a
20 collector and shall provide at a location accessible to the collector for an adequate container
21 or containers for deposit of refuse of such capacity as the Director of Sanitation and
22 Streets~~Public Works~~ may prescribe. The necessity for and type of refuse collection service
23 required and the rates charged therefor shall be governed by the Initiative Ordinance, Chapter
24 19 of the Environment Code, and any applicable rules and regulations adopted by the Director
25 of Public Health.

1 Nothing in this Section is intended to prevent an arrangement or the continuance of
2 an existing arrangement, under which payments for refuse collection service are made by a
3 tenant or tenants, or any agent, in behalf of the Owner. However, any such arrangement will
4 not affect the Owner's obligation to the City.

5
6 **SEC. 291.2. FAILURE TO INITIATE SERVICE, MAINTAIN ADEQUATE SERVICE,
7 OR TO PROVIDE SUFFICIENT REFUSE CONTAINERS.**

8 When an owner fails to initiate adequate refuse collection service within 15 days of
9 occupancy of a Dwelling or commercial property by any person, including a business entity, or
10 fails to maintain adequate refuse collection service, the Director will evaluate the need for
11 service and what would constitute adequate service in this context, and, where appropriate,
12 give the Owner an order from the Director that such service or additional service is required.
13 In determining the need for service or additional service, the Director may make use of any
14 relevant information or evidence, including information provided by the Collector regarding the
15 existing level of service. A copy of the Director's order will be sent to the Collector. If the
16 Owner does not arrange with the Collector for service within 15 days from the date of mailing
17 of the order, or request within that time a hearing before the Director to dispute a service or
18 change of service requirement, then the Collector shall, consistent with the Director's order,
19 initiate, maintain, or increase refuse collection service for said dwelling or commercial
20 property.

21 When in the judgment of the Director additional refuse containers are required, they
22 shall be provided by the Owner upon written notification from the Director.

23 The Director, in consultation with the Department of the Environment and after a public
24 notice and hearing, may adopt forms, regulations, and guidelines to ensure the payment and
25 collection of refuse services from any commercial property managers who fail to initiate or

1 maintain sufficient refuse service, including standards and criteria for determining whether a
2 Commercial property has provided for sufficient refuse service, or to otherwise implement and
3 enforce Sections 291 et seq.

4 The Director of Public Health, or his or her designee, may impose administrative fines
5 for violations of Sections 291.1 and 291.2, or any rules or regulations adopted by the Director
6 to implement and enforce Sections 291 et seq. San Francisco Administrative Code Chapter
7 100, "Procedures Governing the Imposition of Administrative Fines," as amended, is hereby
8 incorporated in its entirety and shall govern the imposition, enforcement, collection, and
9 review of administrative citations issued to enforce this Chapter and any rule or regulation
10 adopted pursuant to this Chapter; provided, however, that the Director may adopt regulations
11 providing for lesser penalties than those provided in Administrative Code Section 100.5.
12 Notwithstanding the foregoing, if Director delegates authority to the Department of Sanitation
13 and Streets~~Public Works~~ to implement and enforce Sections 291 et seq., the Department of
14 Sanitation and Streets~~Public Works~~ may elect to assess, enforce, and collect administrative
15 penalties in accordance with Section 39-1 of the Police Code.

16 No person who is the owner, tenant, manager, employee, contractor, or visitor of a
17 multifamily dwelling or of a multi-tenant commercial property shall be subject to fines or
18 penalties for failure to provide adequate refuse collection service, unless and until the Director
19 has adopted specific regulations establishing the responsibilities of such persons under this
20 Article.

21 The fine for any violation at a dwelling or commercial property which generates less
22 than one cubic yard of refuse per week may not initially exceed \$100.

23 In addition to any administrative penalty assessed pursuant to this Article, the Director
24 may assess the responsible Owner the reasonable enforcement costs incurred by the City,
25

1 including reasonable attorneys' fees. The imposition of enforcement costs is within the
2 discretion of the Director.

3
4 **SEC. 461. PERMITS.**

5 It shall be unlawful for any person, firm or corporation to conduct or maintain any such
6 establishment in the City and County of San Francisco without first obtaining a permit therefor
7 from the Department of Public Health. No such permit shall be issued by the Department of
8 Public Health until the issuance of the same has been approved by the Department of Building
9 Inspection~~Public Works~~ and the Bureau of Fire Prevention and Public Safety.

10
11 **SEC. 462. APPLICATION – INVESTIGATION, ETC.**

12 Application for said permit shall be made to the Department of Public Health, which
13 said application shall state the proposed location of said establishment, the character of the
14 building in which the same is proposed to be conducted or maintained, and a detailed plan of
15 the premises contemplated to be occupied by the applicant, as well as the number of patrons
16 to be accommodated at any time in said establishment. Upon receipt of said application the
17 Department of Public Health shall forthwith send copies thereof to the Department of Building
18 Inspection~~Public Works~~ and the Bureau of Fire Prevention and Public Safety. It shall be the
19 duty of each of the said bureaus and departments, upon receipt of said application, to
20 investigate the condition of the premises in which said establishment is proposed to be
21 maintained in so far as said conditions come under the jurisdiction of the said respective
22 bureaus and departments, and, upon the completion of said investigation, to approve or
23 disapprove the granting of said permit. In the event of the disapproval of the application by
24 any of said bureaus or departments, said application for said permit shall be denied.

1 **SEC. 12C.1. PURPOSE AND FINDINGS.**

2 The Board of Supervisors finds that:

3 (a) All California water users are responsible for making effective use of the available
4 water resources.

5 * * * *

6 (e) It shall be City policy that within five years of the effective date of Ordinance No.
7 109-15,~~7~~ adding this subsection (e) to Article 12C, the City shall use only non-potable water
8 for the purpose of irrigating and cleaning parks, streets, and other public spaces. Within two
9 years of the effective date of that ordinance, the City Administrator, in consultation as
10 appropriate with other City departments, boards, and commissions, including, among others,
11 the Recreation and Park Department, Department of Public Works, Department of Sanitation
12 and Streets, Port of San Francisco, San Francisco International Airport, Division of Real Estate,
13 and Capital Planning Committee, shall study what will be required to accomplish this policy,
14 including associated costs, and report the results of the study to the Mayor and Board of
15 Supervisors. Upon receiving this study, the Board of Supervisors intends to evaluate any
16 changes to the law and Capital Plan needed to implement this policy.

17 * * * *

18
19 **SEC. 1102. DEFINITIONS.**

20 In addition to the general definitions applicable to this Code, whenever used in this
21 Article, the following terms shall have the meanings set forth below:

22 * * * *

23 (rr) "Unauthorized release" means any release of any hazardous material that does not
24 conform to the provisions of this Article or is not otherwise authorized by law or a
25 governmental agency, including, but not limited to, the federal Environmental Protection

1 Agency, the California Environmental Protection Agency, the Department of Sanitation and
2 Streets, or the Department of Public Works pursuant to the San Francisco Industrial Waste
3 Ordinance.

4 * * * *

5
6 **SEC. 1132. AUTHORITY OF THE DIRECTOR.**

7 The Director of Health shall have authority to administer and enforce all provisions of
8 this Article. Pursuant to this authority the Director of Health may issue certificates of
9 registration and permits for underground storage tanks; deny, revoke or suspend any permits
10 issued pursuant to this Article; enforce the provisions of this Article by any lawful means
11 available for such purpose; inspect establishments; inspect and monitor hazardous materials
12 release sites; and require persons or businesses operating establishments or USTs to take
13 actions to prevent the release of hazardous materials and to clean up and abate a release of
14 hazardous materials. The Director of Health and officials of the Fire Department, Department
15 of Public Works, Department of Sanitation and Streets, Department of City Planning and other
16 affected departments shall mutually cooperate with each other to carry out the intent of this
17 Article.

18 * * * *

19
20 **SEC. 1511. TREATMENT REQUIREMENTS.**

21 (a) Methods of Treatment for On-Site Treatment Facilities. Any person treating medical
22 waste shall ensure that the medical waste is treated by one of the following methods, thereby
23 rendering it solid waste, which is not otherwise hazardous, prior to disposal:

- 24 (1) Incineration at a permitted medical waste treatment facility in a controlled-
25 air, multichamber incinerator, or other method of incineration approved by the department

1 which provides complete combustion of the waste into carbonized or mineralized ash.
2 Monitoring for release of airborne pathogens from medical waste incinerations shall be
3 conducted as required by the medical waste treatment permit.

4 (2) Discharge to the sewerage system as defined in the San Francisco Public
5 Works Code, if the medical waste is liquid or semiliquid. Any such medical waste discharge
6 shall be consistent with the waste discharge requirements placed on the City and County of
7 San Francisco by state or federal law, and with any pretreatment permit issued by the San
8 Francisco Public Utilities Commission~~Department of Public Works pursuant to the Public Works~~
9 ~~Code~~; provided that such discharge shall not consist of either of the following:

10 * * * *

11
12 **SEC 1606. CITY AGENCY TASK FORCE.**

13 (a) The Director shall convene and coordinate an interdepartmental task force that
14 shall be comprised of representatives from the following City departments: the Department of
15 Public Health, the Department of Public Works, the Department of Building Inspection, the
16 Department of City Planning, the Department of Social Services, the Recreation and Park
17 Department, the Public Library, the Public Utilities Commission (which shall include a
18 representative from the Water Department and the Bureau of Energy Conservation), the
19 Mayor's Office, and the office of the City Administrator. The Director shall also request the
20 participation of the Housing Authority, the Office of Community Investment and
21 Infrastructure~~Redevelopment Agency~~, San Francisco Unified School District, and other
22 governmental agencies and community representatives when additional expertise, resources,
23 or other assistance is deemed necessary by the Director.

24 * * * *

1 **SEC. 1636. ENFORCEMENT.**

2 (a) The Department of Public Health shall be the primary administering and enforcing
3 agency under this Article. The Director is hereby authorized to call upon the Director of Public
4 Works, the Director of the Department of Sanitation and Streets, and the Chief of Police and all
5 other city officers, employees, departments and bureaus to aid and assist him or her in such
6 enforcement, and it shall then be their duty to assist the Director in enforcement of this Article
7 by performing such duties as may come within their respective jurisdictions.

8 * * * *

9
10 Section 9. The Transportation Code is hereby amended by revising Division I, Section
11 6.1 and Division II, Section 801, to read as follows:

12
13 **SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
14 **TRANSPORTATION (ISCOTT).**

15 There is hereby established a committee to be known as the Interdepartmental Staff
16 Committee on Traffic and Transportation (ISCOTT), consisting of the department or their
17 designated representatives from the following departments and agencies: Municipal
18 Transportation Agency, Planning, Sanitation and Streets~~Public Works~~, Police, Fire, Public Health,
19 and Entertainment Commission. The Director of Transportation shall serve as Chair of
20 ISCOTT. The Director of Administrative Services of the City and County of San Francisco or
21 the Director’s designee shall review recycling plans submitted pursuant to Section 6.5 and
22 recommend any conditions to ISCOTT that should be imposed on any applicant. In exercising
23 its powers ISCOTT shall consult with any other City department or agency that could be
24 affected by any temporary use or occupancy of a public street. ISCOTT shall have the
25 authority to take all acts reasonably necessary for it to carry out any duties imposed upon it by

1 law. Before acting on any application for temporary use or occupancy of public streets, street
2 fair or an athletic event, ISCOTT shall conduct a public hearing at a publicly noticed time and
3 place to be determined by ISCOTT.

4
5 **SEC. 801. PARKING RESTRICTIONS BY LOCATION.**

6 (a) It shall be a violation of Division I, Section 7.2.42 (Parking Restrictions) for any
7 person to Park any vehicle, whether attended or unattended, in any of the locations listed
8 below during times when Parking is restricted without displaying a valid permit for Parking in
9 that location. A permit issued for Parking pursuant to this Article does not exempt a vehicle
10 from street-cleaning Parking restrictions. These parking restrictions shall not apply to any
11 state, federal, or foreign consulate vehicle parked to carry out official government business.

12 (b) Removal Authorized. Pursuant to the authority of Vehicle Code Section 22651(n)
13 any vehicle Parked in violation of this Section 801 may be removed by the SFMTA or SFPD.

14 (c) Restricted Locations:

15 * * * *

16 (3) 6th Street.

17 (A) Location: The east side of 6th Street, from Jessie Street to 32 feet
18 northerly (32-foot zone).

19 (B) Time: 12:00 p.m. to 9:00 p.m., Monday to Friday.

20 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
21 and Streets vehicles.

22 * * * *

23 (6) 16th Street.

24 (A) Location: The north side of 16th Street, from 95 feet to 117 feet west
25 of Capp Street (22-foot zone. 1 parking meter space).

1 (B) Time: 10:00 a.m. to 7:00 p.m., Monday to Friday.

2 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
3 and Streets vehicles.

4 * * * *

5 (15) Ellis Street.

6 (A) Location: The south side of Ellis Street, from 144 feet to 194 feet
7 west of Taylor Street (50-foot zone, 1 parking meter space).

8 (B) Time: 1:30 p.m. to 10:30 p.m., Monday to Friday.

9 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
10 and Streets vehicles.

11 * * * *

12 (17) Golden Gate Avenue.

13 (A) Location: The south side of Golden Gate Avenue, from 21 feet to 66
14 feet east of Jones Street (45-foot zone, 2 parking meter spaces).

15 (B) Time: 1:00 p.m. to 10:00 p.m., Monday to Friday.

16 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
17 and Streets vehicles.

18 * * * *

19 (21) Haight Street.

20 (A) Location: The south side of Haight Street, from Buena Vista Avenue
21 West to 40 feet easterly (40-foot zone).

22 (B) Time: 11:00 a.m. to 8:00 p.m., Monday to Friday.

23 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
24 and Streets vehicles.

25 * * * *

1 (23) Hyde Street.
2 (A) Location: The east side of Hyde Street, from 44 feet to 72 feet north
3 of Turk Street (28-foot zone).

4 (B) Time: 12:30 p.m. to 9:30 p.m., Monday to Friday.

5 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
6 and Streets vehicles.

7 * * * *

8 (29) Mission Street.

9 (A) Location: The west side of Mission Street, from 23 feet to 41 feet
10 south of Sycamore Street (18-foot zone, 1 parking meter space).

11 (B) Time: 11:30 a.m. to 8:30 p.m., Monday to Friday.

12 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
13 and Streets vehicles.

14 (30) Natoma Street.

15 (A) Location: The south side of Natoma Street, from 9th Street to 63 feet
16 easterly (63-foot zone).

17 (B) Time: 9:30 a.m. to 6:30 p.m., Monday to Friday.

18 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
19 and Streets vehicles.

20 * * * *

21 (39) Valencia Street.

22 (A) Location: The west side of Valencia Street, from 59 feet to 100 feet
23 south of McCoppin Street (41-foot zone, 2 parking meter spaces).

24 (B) Time: 10:30 a.m. to 7:30 p.m., Monday to Friday.

25

1 (C) Exempt Vehicles: (Pit Stop Program) SF Public Works and Sanitation
2 and Streets vehicles.

3 * * * *

4

5 Section 10. The Park Code is hereby amended by revising Section 4.08 to read as
6 follows:

7

8 **SEC. 4.08. INTERFERENCE WITH RECREATION AND PARK EMPLOYEES.**

9 No person shall, with malice, interfere with or in any manner hinder any employee of
10 the Recreation and Park Department, ~~and~~ the Department of Public Works, and the Department
11 of Sanitation and Streets, or a duly authorized contractor while that person is engaged in
12 constructing, repairing, or caring for any portion of the park or is otherwise engaged in the
13 discharge of such employee's duties.

14

15 Section 11. The Building Code is hereby amended by revising Section 106A to read as
16 follows:

17

18 **SECTION 106A – PERMITS**

19 * * * *

20

21 **106A.1.3 Permits and fees for subsidewalk space.** A building permit shall be
22 obtained for construction of subsidewalk space. The fee for said permit shall be the fee set for
23 building permits. See Section 110A, Table 1A-F – Specialty Permit Fees – for applicable fees.

24 Permits for the use of subsidewalk space, except for subsurface space used to connect
25 a building, structure or property with the San Francisco Bay Area Rapid Transit district

1 facilities, shall be granted after approval by the Building Official and the City Engineer.
2 Permission for the use of subsurface space to connect with the San Francisco Bay Area
3 Rapid Transit District facilities, shall be granted only as set forth in Section 106A.1.3.1. The
4 City may reserve any part of the subsidewalk space for its own use or the use of the public.
5 The Board of Supervisors reserves the right to suspend or annul the privilege of maintaining
6 such subsidewalk space or to exact a license or rental for the use thereof. The granting of a
7 permit to use the subsidewalk space shall carry with it the right to excavate the space and to
8 build the necessary retaining walls. If the street in front of the building is paved, a deposit will
9 be required of the subsidewalk space. See Section 110A, Table 1A-F – Specialty Permit
10 Fees – for required deposit. The deposit will be refunded to the permittee upon the
11 endorsement of the permit issued therefor and a certificate from the Department of Public
12 Works, Bureau of Engineering, certifying to the satisfactory condition of such roadway at the
13 end of two years after the time the pavement was restored. Should the permittee fail to restore
14 any pavement, the Director of the Department of Public Works may, after 10 days' notice in
15 writing posted on the building, restore the pavement and deduct the cost of such restoration
16 from the deposit. In lieu of the deposit required herein, a bond in the amount of the deposit
17 may be accepted in the manner set forth in Article 2.48 of the San Francisco Public Works
18 Code.

19 No permit shall hereafter be issued by any officer, board or commission of San
20 Francisco to make use of the subsidewalk space within the street lines of Market Street
21 between Steuart Street and Castro Street, except a permit may be granted for the use as
22 subsidewalk space for the following:

23 1. The space lying contiguous to the property line and extending along a line parallel
24 thereto and up to 22 feet distant therefrom wherever such space is located in Market Street
25 between Steuart Street and Van Ness Avenue.

2. The space lying contiguous to the property line and extending along a line parallel thereto and up to 10 feet distant therefrom wherever such space is located in Market Street between Van Ness Avenue and Castro Street.

Due consideration shall be given to the needs and requirements for the use of subsidewalk space by public utilities.

The remainder of the subsidewalk space is hereby expressly reserved for public use.

Section 12. Article III, Chapter 1 of the Campaign and Governmental Conduct Code is hereby amended by revising Sections 3.1-370, and 3.1-412, to read as follows:

SEC. 3.1-370. PUBLIC WORKS.

Designated Positions	Disclosure Categories
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* * * *

Director's Office

* * * *

~~*Deputy Director of Public Works for Operations*~~ _____ *I*

* * * *

Finance

Finance Bureau Manager	1
Budget Section Manager	1
Accounting Section Manager	1
Accounting Section Assistant Manager	1

1 Contract Administration Section Manager 1

2 * * * *

3

4 **Administration**

5 Administration Bureau Manager 1

6 ~~Contract Administration Section Manager~~ 1

7 Performance Management Section Manager 1

8

9 **Human Resources**

10 Human Resources Bureau Manager 1

11 Employee Labor Relations Section Manager 1

12 Talent Acquisition Section Manager 1

13 Health and Safety Section Manager 1

14 Training Section Manager 1

15 * * * *

16

17 ***Bureau of Building Repair (BBR)***

18 ~~BBR Bureau Superintendent~~ 1

19 ~~BBR Assistant Bureau Superintendent~~ 1

20 ~~BBR Section Manager~~ 1

21 * * * *

22

23 ***Bureau of Environmental Services (BSES)***

24 ~~BSES Bureau Superintendent~~ 1

25 ~~BSES Assistant Bureau Superintendent~~ 1

1	<i>Street Environmental Services Operations Supervisor</i>	<i>1</i>
2	<i>Program Support Analyst</i>	<i>1</i>
3	<i>Outreach and Enforcement Section Manager</i>	<i>1</i>
4	<i>Apprentice Programs Section Manager</i>	<i>1</i>
5	<i>Public Information Officer, Outreach and Enforcement</i>	<i>1</i>
6	<i>Public Relations Assistant, Outreach and Enforcement</i>	<i>1</i>
7		
8	<i>Bureau of Street and Sewer Repair (BSSR)</i>	
9	<i>BSSR Bureau Superintendent</i>	<i>1</i>
10	<i>BSSR Assistant Bureau Superintendent</i>	<i>1</i>
11	<i>Operations Section Manager</i>	<i>1</i>
12	<i>Street Repair Supervisor II</i>	<i>1</i>
13	<i>Sewer Repair Supervisor</i>	<i>1</i>
14	* * * *	
15		
16	<i>Bureau of Urban Forestry (BUF)</i>	
17	<i>BUF Bureau Superintendent</i>	<i>1</i>
18	<i>BUF Assistant Bureau Superintendent</i>	<i>1</i>
19	<i>Cement Finisher Supervisor II</i>	<i>1</i>
20	<i>Urban Forester</i>	<i>1</i>
21	<i>Contract and Grant Manager</i>	<i>1</i>
22	<i>Landscape Supervisor</i>	<i>1</i>
23	<i>Arborist Technician Supervisor II</i>	<i>1</i>
24	<i>Central Operations (CO)</i>	
25	<i>CO Bureau Superintendent</i>	<i>1</i>

1	<i>CO Assistant Superintendent</i>	<i>1</i>
2	<i>Cost Estimator</i>	<i>1</i>
3	<i>Project Manager I</i>	<i>1</i>
4	<i>Program Support Analyst</i>	<i>1</i>
5	<i>Senior Storekeeper</i>	<i>1</i>
6	<i>Storekeeper</i>	<i>1</i>
7	<i>Assistant Storekeeper</i>	<i>1</i>
8	<i>Heavy Equipment Operations Supervisor</i>	<i>1</i>
9	<i>Assistant Heavy Equipment Operations Supervisor</i>	<i>1</i>

10

11 **SEC. 3.1-412. SANITATION AND STREETS.**

12 * * * *

13

14 **Department-wide**

15	<i>Manager I</i>	<i>1</i>
16	<i>Manager II</i>	<i>1</i>
17	<i>Manager III</i>	<i>1</i>
18	<i>Manager IV</i>	<i>1</i>
19	<i>Manager V</i>	<i>1</i>
20	<i>Manager VI</i>	<i>1</i>
21	<i>Manager VII</i>	<i>1</i>
22	<i>Manager VIII</i>	<i>1</i>

23

24 **Director's Office**

25	<i>Director of Sanitation and Streets</i>	<i>1</i>
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1	<i>Deputy Director of Sanitation and Streets</i>	<i>1</i>
2		
3	<u>Bureau of Building Repair (BBR)</u>	
4	<i>BBR Bureau Superintendent</i>	<i>1</i>
5	<i>BBR Assistant Bureau Superintendent</i>	<i>1</i>
6	<i>BBR Section Manager</i>	<i>1</i>
7	<u>Bureau of Environmental Services (BSES)</u>	
8	<i>BSES Bureau Superintendent</i>	<i>1</i>
9	<i>BSES Assistant Bureau Superintendent</i>	<i>1</i>
10	<i>Street Environmental Services Operations Supervisor</i>	<i>1</i>
11	<i>Program Support Analyst</i>	<i>1</i>
12	<i>Outreach and Enforcement Section Manager</i>	<i>1</i>
13	<i>Apprentice Programs Section Manager</i>	<i>1</i>
14	<i>Public Information Officer, Outreach and Enforcement</i>	<i>1</i>
15	<i>Public Relations Assistant, Outreach and Enforcement</i>	<i>1</i>
16		
17	<u>Bureau of Street and Sewer Repair (BSSR)</u>	
18	<i>BSSR Bureau Superintendent</i>	<i>1</i>
19	<i>BSSR Assistant Bureau Superintendent</i>	<i>1</i>
20	<i>Operations Section Manager</i>	<i>1</i>
21	<i>Street Repair Supervisor II</i>	<i>1</i>
22	<i>Sewer Repair Supervisor</i>	<i>1</i>
23		
24	<u>Bureau of Urban Forestry (BUF)</u>	
25	<i>BUF Bureau Superintendent</i>	<i>1</i>

1	<i>BUF Assistant Bureau Superintendent</i>	<i>1</i>
2	<i>Cement Finisher Supervisor II</i>	<i>1</i>
3	<i>Urban Forester</i>	<i>1</i>
4	<i>Contract and Grant Manager</i>	<i>1</i>
5	<i>Landscape Supervisor</i>	<i>1</i>
6	<i>Arborist Technician Supervisor II</i>	<i>1</i>
7		
8	<u>Central Operations (CO)</u>	
9	<i>CO Bureau Superintendent</i>	<i>1</i>
10	<i>CO Assistant Superintendent</i>	<i>1</i>
11	<i>Cost Estimator</i>	<i>1</i>
12	<i>Project Manager I</i>	<i>1</i>
13	<i>Program Support Analyst</i>	<i>1</i>
14	<i>Senior Storekeeper</i>	<i>1</i>
15	<i>Storekeeper</i>	<i>1</i>
16	<i>Assistant Storekeeper</i>	<i>1</i>
17	<i>Heavy Equipment Operations Supervisor</i>	<i>1</i>
18	<i>Assistant Heavy Equipment Operations Supervisor</i>	<i>1</i>

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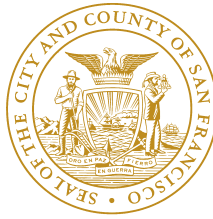
Section 13. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto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

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

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

10 By: /s/ Christopher T. Tom
11 CHRISTOPHER T. TOM
Deputy City Attorney

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MEMORANDUM

To: Angela Calvillo
Clerk of the Board of Supervisors

From: Vivian Po
Director of Communications, Office of the City Administrator

Re: Legislative Introduction

CC: Rachel Alonso
Prop B Project Director, Office of the City Administrator

Date: June 17, 2022

Attached, please find an ordinance amending the Public Works, Administrative, Campaign and Governmental Conduct, Police, Health, Park, Transportation, and Building Codes to reflect the authority to be held by the Department of Sanitation and Streets upon its creation on October 1, 2022 and cleanup other outdated references to San Francisco Public Works. Per charter section 4.138(e), the City Administrator is mandated to submit this ordinance to the Board of Supervisors by July 1, 2022 to conform with Proposition B, approved by voters in the November 3, 2020 election.

Please contact Rachel Alonso, Prop B Project Director of the Office of the City Administrator at Rachel.Alonso@sfgov.org with any questions.

We respectfully request that this matter be scheduled in the Rules Committee, or another appropriate committee, to ensure the new Department of Sanitation and Streets is properly referenced throughout and empowered by the municipal code.