

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

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

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

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

17 Section 1. Background and Findings.

18 (a) On November 8, 2022, the voters approved Proposition B (“Proposition B 2022”),
19 which amended the Charter to eliminate the Department of Sanitation and Streets (“SAS”) and
20 transfer its responsibilities to the Department of Public Works (the “Department”); to remove
21 special qualifications for members of the Sanitation and Streets Commission and Public
22 Works Commission (“Public Works Commission”) and the Sanitation and Streets Commission
23 (“SAS Commission”) and for the Director of Public Works; to limit the duties of the SAS
24 Commission to holding hearings, reviewing data, and setting policies for the Department
25 regarding sanitation standards and protocols and maintenance of the public right of way; and

1 to provide that the Public Works Commission shall oversee all other aspects of the
2 Department.

3 (b) As amended by Proposition B 2022, Charter Section 4.139(c)(2) requires the
4 Director of the Department to submit to the Board of Supervisors a proposed ordinance
5 amending the Municipal Code to conform to Charter Sections 4.139, 4.1490, and 4.141 and
6 the repeal of Charter Section 4.138 no later than June 30, 2023.

7 (c) This ordinance satisfies the requirements of Charter Section 4.139(c)(2) and
8 includes other proposed amendments to modernize and update the Municipal Code to reflect
9 City operations more accurately and to enable the Department to operate more effectively.

10 (d) The Planning Department has determined that the actions contemplated in this
11 ordinance comply with the California Environmental Quality Act (California Public Resources
12 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
13 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
14 determination.

15
16 Section 2. California Health and Safety Code Section 17958.7.

17 No local findings are required under California Health and Safety Code Section
18 17958.7 because the amendments to the Building Code contained in this ordinance do not
19 regulate materials or manner of construction or repair, and instead relate in their entirety to
20 administrative procedures for implementing the code and remedies available for enforcing
21 code violations, which are expressly excluded from the definition of a “building standard” by
22 California Health and Safety Code Section 18909(c).

23
24 Section 3. The Public Works Code is hereby amended by revising Sections 2.1.1, 5.9-
25 2, 102, 103.1, 104, 104.1, 104.2, 105, 106, 116.1, 117, 150.1, 155, 170, 170.1, 172, 173,

1 174.1, 176.6A, 183-4, 184.53, 184.56, 184.63, 184.67, 184.69, 184.73, 184.74, 184.75,
2 184.78, 184.85, 192, 200, 201, 205, 209, 214, 215, 216, 217, 229, 240, 241, 242, 250.152,
3 250.242, 250.260, 250.315, 250.354, 250.391, 263, 264, 265, 266, 267, 268, 270, 400, 400.2,
4 400.3, 400.4, 400.5, 400.6, 400.7, 400.8, 400.9, 401, 405, 407, 413, 416, 704, 709, 715, 716,
5 717, 718, 719, 723, 723.2, 723.3, 723.5, 724.4, 724.6, 724.9, 725.10, 726.6, 726.7, 735, 776,
6 777, 778, 779, 780, 786, 786.2, 786.7, 786.8, 789.2, 789.5, 790, 791, 792, 793, 793.4, 794,
7 802, 802.1, 803, 806, 807, 808, 809, 810, 810A, 828, 851, 859, 865, 1401, 1403, 1506, 1602,
8 2000, 2001, 2301, 2302, 2305, 2306, 2307.6, 2710, and 2721, to read as follows:

9
10 **SEC. 2.1.1. FEES AND ASSESSMENTS.**

11 Notwithstanding the permit fee provisions listed elsewhere in this Code, *this Section*
12 *2.1.1 sets forth* the permit fee and assessment schedule for the *enumerated* permit categories
13 and uses ~~specifically listed below shall be:~~ *The annual public right-of-way occupancy assessment*
14 *fees in this Section 2.1.1 constitute financial obligations owed to the City, which are subject to the*
15 *imposition of liens pursuant to the procedures set forth in Article XX of Chapter 10 of the*
16 *Administrative Code.*

17 * * * *

18 (h) Minor Sidewalk Encroachment Permit (also known as a Minor Encroachment
19 Permit) pursuant to Section 723.2

20 (i) Standard Permit: \$938.39 permit fee, and, if applicable pursuant to Section
21 723.2(~~km~~), the annual public right-of-way occupancy assessment fee;

22 * * * *

23
24 **SEC. 5.9-2. DEFINITIONS.**

25 * * * *

1 Merchandise. Any item that is not Food, or unpackaged food or food that is cooked
2 prepared onsite, and that is not an art or craft regulated under Article 24 (Regulating Street
3 Artists) of the Police Code.

4 * * * *

5
6 **Article 4: SEWERS AND WATER**

7 **SEC. 102. DEFINITIONS.**

8 (a) Nuisance. The discharge of sewage by any person onto the surface of any public
9 street, alley or place including sidewalks, or the violation by any person of any rule or regulation
10 adopted by the San Francisco Public Utilities Commission governing the connection to, discharge on
11 or into, or use of, its sewer and water systems, is a nuisance.

12 * * * *

13 (h) ~~Director. The Director of Public Works of the City and County of San Francisco.~~ Person.
14 Any individual person, firm, partnership, association, corporation, company, organization, society,
15 group, or legal entity of any kind. For purposes of this Article 4, person shall exclude the City and
16 County of San Francisco, its departments, department heads, employees acting in their official
17 capacity, and policy bodies.

18 (i) Sewer and Water Systems. The systems of sewer and water facilities, infrastructure, real
19 property, equipment, and tangible and intangible assets owned, operated, and maintained by, or
20 otherwise within the jurisdiction of, the San Francisco Public Utilities Commission for the purpose of
21 providing sewer and water service.

22
23 **SEC. 103.1. SIDE SEWER REPAIR.**

24 When the ~~Department of Public Works~~ San Francisco Public Utilities Commission
25 determines that a repair must be made to a side sewer located in a public roadway or

1 property, or connected to a sewer main located in an easement on private property, the repair
2 shall be made by the ~~Department of Public Works~~ San Francisco Public Utilities Commission.

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

9 In the event the condition of a side sewer cannot be determined due to the lack of an
10 appropriate side sewer air inlet, vent or vented trap the ~~Department of Public Works~~the San
11 Francisco Public Utilities Commission shall require the owner or owners to install such an inlet
12 ~~vent or vented trap~~ before making any repair under this Section 103.1.

13 The ~~San Francisco Public Utilities Commission~~Department of Public Works shall include a
14 provision in the annual budget to cover the estimated costs of making repairs to side sewers
15 as set forth herein in lieu of all fees or deposits as required by Sections 108 and 109 of this
16 Article.

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

19
20 **SEC. 104. ~~DIRECTOR TO ABATE~~ SEWER AND WATER-RELATED NUISANCE OR**
21 **HAZARD ABATEMENT; ADMINISTRATIVE PENALTIES.**

22 ~~Notwithstanding any other provisions of the San Francisco Municipal Code it shall be the duty~~
23 ~~of~~ The Director of the Department of Building Inspection, the Director of Public Works, and/or the
24 General Manager of the San Francisco Public Utilities Commission, may ~~to~~ cause the abatement of
25 a sewer-related or water-related nuisance or hazard as provided in this Section 104.

1 (a) When the source of a sewer-related or water-related nuisance or hazard is in or on
2 private property the Director ~~shall direct the Superintendent~~ of the ~~Department~~Bureau of Building
3 Inspection, ~~to abate the source of such nuisance or hazard in accordance with the provisions of Part~~
4 ~~H, Chapter VII of the San Francisco Municipal Code (Plumbing Code). The Director shall also notify~~
5 the Director of Public Health, and/or the General Manager of the San Francisco Public Utilities
6 Commission shall be authorized to cause the abatement of any such nuisance or hazard. The
7 Director of Public Works and/or the General Manager of the San Francisco Public Utilities
8 Commission shall also cause the abatement of any such hazard by work in or on public property
9 and/or within a public right-of-way~~in accordance with the provisions of Section 104(b) for other~~
10 ~~sources.~~

11 (b) When the source of a nuisance or hazard is ~~any side sewer, private sewer, or utility~~
12 ~~drain~~ the violation of any rule or regulation adopted by the San Francisco Public Utilities Commission
13 governing the connection to, discharge on or into, or use of, its sewer and water systems, or any other
14 unlawful activity subject to the jurisdiction of the San Francisco Public Utilities Commission, the
15 General Manager of the San Francisco Public Utilities Commission~~Director~~ shall give written notice
16 to abate. The General Manager shall serve n~~Notice shall be served~~ on each person the General
17 Manager has determined has caused or is otherwise responsible for creating or abating the nuisance.
18 The General Manager may serve notice by means of personal service, by mailing said notice to the
19 last known address of each person named in the notice ~~to the owner or owners of record of property~~
20 ~~tributary to a side sewer or private sewer or to the business office in the City and County of San~~
21 ~~Francisco of the owner of a utility drain. In the case of a side sewer or private sewer, or public notice~~
22 ~~shall be provided by publicly posting one of copies~~ of said notice in the vicinity of said nuisance
23 or hazard.

24 The notice shall describe said nuisance or hazard, shall direct the owner or owners to
25 abate the nuisance or hazard within the time specified in the mailed ~~10 days of the mailing of~~

1 notice, and shall advise that the San Francisco Public Utilities Commission~~Director~~ will cause the
2 ~~abate~~ the nuisance or hazard to be abated if the owner or owners fail to do so.

3 The San Francisco Public Utilities Commission~~Director~~, or its General Manager, may adopt
4 additional procedures in its applicable rules that govern the ~~will~~ abatement of a ~~the~~ nuisance or
5 hazard ~~on failure of the owner or owners to do so within the 10 days.~~

6 (c) In addition to any other remedies that may be available, a violation of this Article 4 may be
7 punishable by an administrative fine, which may be assessed by an administrative citation issued by the
8 applicable City department or agency with primary jurisdiction for enforcing the relevant section of
9 this Article. The amount of the administrative fine for a violation of this Article shall be \$100 for a first
10 violation of any section of this Article, \$200 for a second violation of such section within one year of
11 the first violation, and \$500 for each additional violation of such section within one year of the first
12 violation.

13 (d) Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative
14 Fines," as may be amended from time to time, is hereby incorporated and shall govern the procedure
15 for the imposition, enforcement, collection, and administrative review of administrative citations issued
16 to enforce this Article, except where a rule or regulation adopted by the San Francisco Public Utilities
17 Commission specifies a different procedure, in which case, the procedure adopted by the San Francisco
18 Public Utilities Commission shall govern to the extent it is inconsistent with any procedure set forth in
19 Administrative Code Chapter 100.

20
21 **SEC. 104.1. RECOVERY OF ABATEMENT COSTS.**

22 (a) Each notice provided in Section 104 of this Article ~~4~~ shall advise the owner or
23 owners of responsibility for the expense of abatement of a nuisance or hazard. Any costs and
24 charges, including reasonable attorneys' fees, incurred by the City by reason of abatement of a
25 nuisance or hazard by ~~the Director~~ any City department or agency shall be an obligation to the

1 City ~~owed~~^{ing} by the owner or owners of tributary property. The ~~Director~~^{applicable City}
2 ~~department or agency~~ shall mail to the owner(s) of the tributary property a notice of the amount
3 due and a warning that lien proceedings will be initiated against the property if the amounts
4 due are not paid within 30 days after mailing of the notice.

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

9 (1) For a side sewer in the roadway of any public street, alley, or place, a fee of
10 \$200 for each tributary property.

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

13
14 **SEC. 104.2. ABATEMENT FUNDS.**

15 Whenever the ~~City~~^{Director} abates a nuisance or hazard at City expense the
16 ~~City~~^{Director} shall use any eligible~~available~~ fund. Any cost recovery under Section 104.1 shall
17 be deposited to the credit of the fund from which City expense was made for such abatement.

18
19 **SEC. 105. PERMISSION TO PERFORM SIDE SEWER WORK~~BY PERMITS~~.**

20 It shall be unlawful for any person to make, or to cause, or to permit to be made, any
21 excavation in or under the surface of the roadway of any public street in the City and County
22 of San Francisco for the purpose of constructing, reconstructing or repairing any side sewer or
23 drain therein, or to construct in or under the roadway of any public street any such side sewer
24 or drain or to connect the same with any public sewer or to reconstruct or repair any such side
25 sewer or drain heretofore constructed in or under the roadway of any public street and

1 connected with the public sewer, without first obtaining permission from the San Francisco Public
2 Utilities Commission and, if applicable, ~~permits~~ any permit required under Article 2.4 of the Public
3 Works Code and/or a side sewer permit.

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

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

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

12 13 **SEC. 106. CONNECTION TO PUBLIC SEWER IN OFF-STREET LOCATION.**

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

18 19 **SEC. 116.1. CONNECTION TO SEWERS CONSTRUCTED FROM PUBLIC FUNDS-** 20 **CONNECTION TO.**

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

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

7
8 **SEC. 117. MATERIALS AND CONSTRUCTION REQUIREMENTS.**

9 Public sewers and side sewers shall be constructed in accordance with current
10 Standard Specifications and Plans of the San Francisco Public Utilities Commission and/or the
11 Bureau of Engineering, Department of Public Works, and such other regulations of the
12 ~~B~~Bureau as may be applicable.

13
14 **SEC. 150.1. DEFINITIONS.**

15 Unless the context otherwise specifies or requires, the terms defined in this Section
16 150.1 shall, for all purposes of this ~~a~~Article 4.3, have the meanings herein specified, the
17 following definitions to be equally applicable to both the singular and plural forms of any of the
18 terms herein defined:

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

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

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

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

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

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

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

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

15 ~~(h)~~ The phrase "Bureau of Delinquent Revenue" means the Bureau of Delinquent
16 Revenue Collection within the Tax Collector's Office, as set forth in ~~San Francisco~~
17 Administrative Code Section 10.37.

18
19 **SEC. 155. DESIGNATION OF LOCATIONS—~~PROVISO.~~**

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

23 * * * *

24 ~~***The Post Street Flower Market***~~

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

3 * * * *

4
5 **SEC. 170. GARBAGE RECEPTACLES.**

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

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

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

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

5 (4) In addition to the requirements set forth in this Section 170, the Director of
6 Public Works, after a public hearing, may adopt such orders, policies, regulations, rules, or
7 standard plans and specifications as ~~he or she~~ the Director deems necessary in order to
8 preserve and maintain the public health, safety, welfare, and convenience.

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

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

21
22 **SEC. 170.1. ANTI-LITTER RECEPTACLES PERMITS.**

23 The Director Public Works is hereby authorized and empowered to issue permits for
24 the placement and maintenance of anti-litter receptacles at locations in the financial and
25 business districts of the City and County of San Francisco to be determined or approved by

1 the Director. The receptacles and the placement thereof shall involve no cost to the City and
2 County.

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

5
6 **SEC. 172. FORM OF APPLICATION.**

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

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

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

15 * * * *

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

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

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

3
4 **SEC. 176.6A. ENFORCEMENT ASSISTANCE BY DEPARTMENT OF PUBLIC**
5 **HEALTH.**

6 In addition to the Director of the Department of Public Works, the Director of the
7 Department of Public Health may determine when a permittee violates any of the restrictions
8 and conditions set forth in Section 176.5 of this Article 5.2, or any rule or regulation of the
9 Director of the Department of Public Works adopted in pursuance of the provisions of this
10 Article. When the Director of the Department of Public Health makes such a determination, ~~he~~
11 ~~or she~~ the Director shall forward such determination to the Department of Public Works for
12 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 ensure 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 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
21 Environmental Services of the Department of 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. The Department of Public Works shall have authority to enforce*
8 *provisions of this Article 5.6 unless otherwise expressly prohibited pursuant to the Municipal Code.*

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

14
15 **SEC. 184.69. DEFINITIONS.**

16 For the purposes of this Article 5.7:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13
14 **SEC. 184.75. RULEMAKING AND ENFORCEMENT AUTHORITY REGARDING**
15 **HANDBILL DISTRIBUTION TO MAKE RULES, ETC.**

16 (a) Enforcement Authority. The Department of Public Works shall have authority to enforce
17 provisions of this Article 5.7 unless otherwise expressly prohibited pursuant to the Municipal Code.

18 (b) Rulemaking Authority. Consistent with this Article 5.7, ~~t~~The Director or the Director's
19 designee is empowered to adopt rules, regulations, and interpretations of this ~~Ordinance~~ Article
20 as ~~he or she~~ the Director or designee may deem necessary and proper to interpret and
21 administer the provisions of this Article, provided that the rules, regulations, and
22 interpretations shall not be inconsistent with any of the provisions of this Article.

1 **SEC. 184.78. BANNERS.**

2 * * * *

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

12 * * * *

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

21 (f) Notwithstanding anything in this Code that may be to the contrary, the Director is
22 authorized to permit the posting of banners on the historic lamp posts lining Market Street, an
23 area known as the "Path of Gold," City Landmark #200, and more fully described in Section
24 184.58, for:

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

1 (2) subject to the following conditions:

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

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

7 * * * *

8
9 **SEC. 184.85. REGULATING MOBILE FOOD FACILITY LOCATIONS.**

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

13 * * * *

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

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

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

11 * * * *

12
13 **SEC. 200. NOTICE INVITING BIDS – PROCEDURE.**

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

18 (a) **Time and Place for Receiving Bids.** Said notice shall invite sealed proposals for
19 the contemplated work to be delivered to said Director at the Director's~~his~~ office, or at a place
20 to be designated by the Director ~~him~~ in said notice, on a day and during an hour to be specified
21 therein, which shall be not less than 10 days after the date of last publication of said notice as
22 hereinabove provided and after the first day of said posting of said notice. Said notice shall
23 contain a description of the proposed work substantially similar to that contained in the order
24 of said Director declaring ~~the~~his intention to recommend that the Board of Supervisors order
25 the same to be done. Said notice shall also contain a reservation of the right to reject any and

1 all bids, and shall specify the period of time within which the work is to be completed after the
2 date of execution of the contract therefor and the amount of the bond to be given by the
3 awardee of the contract for faithful performance, public liability, and property damage of the
4 same.

5 Reference to the specifications, or plans and specifications, for the proposed work
6 shall also be incorporated in and notice for further information concerning the details of the
7 proposed work.

8

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

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

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

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

19 On the day and during the hour specified in said notice inviting sealed proposals, ~~said~~
20 ~~Director shall be in his office, or in the place designated by him in said notice, and~~ all bids shall be
21 delivered to the Director's office ~~him~~ within the hour named in said notice. No bid not so
22 delivered ~~to him~~ shall be considered. Each bid as it shall be received shall be numbered and
23 marked "Filed" by said Director and authenticated by the Director's ~~his~~ signature. At the
24 expiration of the hour stated in said notice, said Director shall publicly open, examine, and
25 declare the same and an abstract of each bid shall be recorded in a public register to be kept

1 by said Director for such purpose. Said Director shall immediately compare the bids with the
2 record so made, and shall thereupon or at such other time not exceeding 20 days thereafter
3 award the contract for the work to the lowest reliable and responsible bidder, except as
4 otherwise herein provided. Notice of such award shall be caused to be posted for five days by
5 said Director in some conspicuous place in the office of the Department of Public Works and
6 such notice shall be published once in the official newspaper. Said Director may reject any
7 and all bids and may reject the bid of any bidder who has been delinquent or unfaithful in any
8 former contract with said City and County and must reject all bids other than the bid of the
9 lowest reliable and responsible bidder; and, on accepting said lowest bid, ~~he~~ said Director shall
10 thereupon return to the proper parties the bonds or checks corresponding to the bids so
11 rejected. If all the bids are rejected said Director shall return all the bonds or checks to the
12 proper parties and may again invite sealed proposals for the proposed work as in the first
13 instance.

14 * * * *

15
16 **SEC. 205. CONTRACT – APPROVAL AND EXECUTION.**

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

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

22
23 **SEC. 209. MATERIAL AND LABOR CLAIMS.**

24 Any laborer, material ~~man~~ supplier, person, company, or corporation furnishing any of
25 the items mentioned in Section 208 of this Article 6 used in, upon, for, or about, or contributing

1 to, the performance of the work contracted to be done, and whose claim has not been paid
2 may, at any time within 10 days from the date of recordation of the assessment in the
3 Department of Public Works, file in said department a verified statement of ~~the his or their~~
4 claim, together with a statement that the same or some part thereof has not been paid.

5
6 **SEC. 214. CERTIFICATE OF COMPLETION – SUPERVISION OF DIRECTOR.**

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

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

20
21 **SEC. 215. METHOD OF ASSESSMENT – WORK DONE BY OWNER.**

22 When any work in, upon, or over any public way shall have been completed according
23 to contract, as herein provided for, said Director shall make an assessment to cover the sum
24 due for the work performed and specified in said contract (including all incidental expenses),
25 in conformity with the provisions of this Article 6. The assessment shall briefly refer to the

1 contract, the work contracted for and performed, and shall show the amount to be paid
2 therefor, together with any incidental expenses, the amount of each assessment, the name of
3 the owner of each lot (if known to said Director, and if not known the word "unknown" shall be
4 written opposite the number of the lot and the amount assessed against it), and the number of
5 each lot assessed; and said assessment shall have attached thereto a diagram exhibiting the
6 public ways or public way crossings on, in, or over which the work has been done, and
7 showing the relative location of each distinct lot to the work done, numbered to correspond
8 with the numbers in the assessment. A mistake in the name of the owner shall not invalidate
9 any assessment.

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

12 * * * *

13
14 (b) **Assessment According to Estimate of Benefits.** Immediately after the
15 contractor has fulfilled ~~the~~*this* contract to the satisfaction of said Director, the said Director shall
16 proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as
17 shown by the diagram provided for in Section 195 of this Article, the benefits arising from such
18 work and to be received by each such lot, portion of such lot, piece or subdivision of land, and
19 shall thereupon assess upon and against said lands in said assessment district the total
20 amount of the expense of such work, together with all incidental expenses, and in so doing
21 shall assess said total sum upon the pieces, parcels, lots, or portions of lots, and subdivisions
22 of land, in said district, benefited by said work, to-wit: Upon each respectively in proportion to
23 the benefits received by each of said several lots, portions of lots or subdivisions of land.

24 * * * *

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

22 (e) **Owners May Perform Grading.** Any owner or owners of lots or lands fronting
23 upon any street, the width and grade of which have been established by the Supervisors, may
24 perform at *each owner's* ~~his or their~~ own expense (after obtaining permission from the Director
25 of Public Works ~~so to do~~ *so* but before said Director has made ~~the~~*his* order of intention to

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

1 assessments for the whole of the grading, which are made upon any lots and lands fronting
2 upon said street and belonging to any such certified owners or their successors in interest.

3 * * * *

4
5 **SEC. 216. WARRANT – FORM – RECORDATION – LIEN.**

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

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

13 Date

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

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

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

23 * * * *

1 **SEC. 217. OBJECTION TO ASSESSMENT.**

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

7 Upon the ~~filing recordation~~ in the office of the Department of Public Works and
8 recordation in the office of the Assessor-Recorder of an assessment, diagram, and warrant, as in
9 this Article 6 provided for, said Director shall cause notice of the recordation of the
10 assessment, diagram, and warrant to be given. Said notice shall also specify the time and
11 place, to be fixed by said Director, when and where the protests of all persons interested in
12 the work done or in the assessment, diagram, or warrant for payment of the cost of the same,
13 or in any property affected thereby, will be heard by the Board of Supervisors, and shall also
14 state that said assessment, diagram, and warrant will be open to public inspection at the office
15 of the Department of Public Works during business hours. Such notice shall be posted in the
16 office of said Department of Public Works for not less than 10 days before the time of hearing
17 therein mentioned, and shall be published once in the official newspaper of said City and
18 County not less than 10 days before the time fixed for such hearing. Such notice shall also be
19 posted in the manner provided for in Section 193 of this Article at least 10 days before such
20 hearing. All of the provisions of Section 193 shall be applicable to such posting. In said notice,
21 reference shall be made to the order of said Director declaring his intention, for a description
22 of the work done and no other description thereof shall be necessary. Said notice shall also
23 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 ~~his~~ 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
16 (l) **Budget-Contents:** The ~~Municipal Transportation Agency~~*Parking Authority*, the Public
17 Utilities Commission, or other responsible agency, whichever is appropriate, shall annually
18 cause to be prepared a budget for the costs and expenses of maintaining and operating any
19 or all of said public improvements or facilities of a local nature or benefit during the ensuing
20 fiscal year which shall at least include the following:

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

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

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

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

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

7 * * * *

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

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

18
19 **SEC. 250.354. HEARING.**

20 All objections shall be made in writing and signed by the protestant, and any grounds
21 not stated therein and filed at or before the time fixed for hearing shall be deemed waived.
22 The contractor or *the contractor's* assigns, and any other person or persons interested in
23 said matter, may appear and be heard upon any of the matters referred to in said notice. The
24 Board may confirm, amend, alter, modify, or correct the report in such manner as it shall
25

1 deem just, and require the work to be completed according to its directions or those of the
2 person designated by it therefor.

3
4 **SEC. 250.391. BUDGET _ CONTENTS.**

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

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

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

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

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

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

22 (6) The balance of the amount remaining for each part 1 and 2 of this Section.
23
24
25

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

2 The Director may make an order declaring *the Director's his* intention to recommend to
3 the Board that they order a maintenance district formed.

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

9 * * * *

10
11 **SEC. 264. DESIGNATION OF DISTRICT BENEFITED_-ALLOCATION OF BENEFIT.**

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

16 In the order declaring *his the Director's* intention, the Director shall describe the district,
17 declare it to be the district which will be benefited, and describe the benefit formula to be
18 applied.

19 Such district may be described in the order by stating the exterior boundaries thereof,
20 or by giving a description thereof according to any official or recorded map or maps, or by
21 referring to the maps or block books customarily used by the Assessor and Tax Collector for
22 City and County assessment or tax collection purposes, or by referring to a plat or map which
23 shall be on file in the office of the Director at the time of making the order declaring *the his*
24 *Director's* intention: said last-mentioned plat or map shall indicate by a boundary line the
25

1 extent of the territory included in the proposed district, and, if referred to as hereinabove
2 provided for, shall govern for all details as to the extent of such district.

3
4 **SEC. 265. ORDER DECLARING INTENTION - PROCEEDINGS.**

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

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

1 be postponed. The day, hour, and place fixed in said order for action thereon shall also be
2 indicated in said notices.

3 * * * *

4
5 **SEC. 266. PROTESTS - DECISION OF DIRECTOR.**

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

1 **SEC. 267. ACTION ON PROTEST, RECOMMENDATION, DIAGRAM.**

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

7 * * * *

8
9 **SEC. 268. RECOMMENDATION THAT MAINTENANCE DISTRICT BE FORMED.**

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

15 * * * *

16
17 **SEC. 270. ABANDONMENT OF PROCEEDINGS, RENEWAL.**

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

1 * * * *

2 The Director, from time to time after ~~he has abandon~~ing any proceedings for any
3 proposed maintenance district pursuant to this Article 7, may institute and continue
4 proceedings hereunder for the maintenance district theretofore proposed and abandoned, or
5 for such district or modified maintenance district as the Director~~he~~ may determine the public
6 interest or convenience requires, all in accordance with the procedure prescribed in this
7 Article.

8
9 **SEC. 400. OWNERS OF FRONTAGE RESPONSIBLE TO REPAIR PUBLIC RIGHT-**
10 **OF-WAY NOTICE TO REPAIR.**

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

21 (b) If the responsible property owner(s) notified pursuant to ~~S~~subsection (a) is
22 inaccessible or fails, neglects, or refuses to diligently prosecute to completion the remedial
23 work in the manner and time period specified by the Director, then the Director may undertake
24 all necessary actions to remedy the condition. All costs expended by the Director shall be an
25 obligation of the responsible property owner(s) owing to the City and County of San

1 Francisco. Such costs shall include, but are not limited to, those costs associated with the
2 administration, construction, consultants, equipment, inspection, notification, remediation,
3 repair, restoration, or any other actual costs incurred by the Director or other agencies,
4 boards, commissions, or departments of the City and County of San Francisco that were
5 made necessary by reason of the Director's remediation.

6 (c) In order to enforce an obligation imposed pursuant to ~~§~~ subsection (b), the Director
7 is authorized to institute the lien procedures that are set forth in this Code, Article 15, Sections
8 706.4 through 707.1.

9

10 **SEC. 400.2. DIRECTOR OF PUBLIC WORKS AUTHORIZED TO NOTIFY OWNERS**
11 **TO REMOVE RUBBISH OR DEBRIS.**

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

22

23 **SEC. 400.3. NOTICE TO OWNER.**

24 The notice shall be written and may be given by delivery personally or by mailing a
25 notice, either by letter or postal card, postage prepaid, to the owner's last known address, as

1 the same appears on the last assessment rolls of the City and County of San Francisco.
2 Immediately after mailing any such notice, the Director of ~~Public Works~~ shall cause a copy
3 thereof, printed or pasted on a card of not less than eight inches by 10 inches in size, to be
4 posted in a conspicuous place on said property.

5
6 **SEC. 400.4. CONTENTS OF NOTICE.**

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

15
16 **SEC. 400.5. DIRECTOR OF PUBLIC WORKS TO REMOVE RUBBISH OR DEBRIS
17 IF OWNER FAILS TO DO SO.**

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

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

2 Upon completion of the work of removing the rubbish or debris, the Director ~~of Public~~
3 ~~Works~~ shall ascertain the cost thereof, apportioning the same if the area from which the
4 rubbish or debris is removed is next adjacent to more than one lot of land. The owner of such
5 lot of land shall thereupon be obligated to the City and County of San Francisco in the amount
6 of such cost of removal of rubbish or debris and the City and County shall thereupon have a
7 lien for such cost of removal of rubbish or debris upon any such lot of land until payment
8 thereof. On ascertaining the cost of removal of rubbish or debris as aforesaid, the Director ~~of~~
9 ~~Public Works~~ shall cause notice thereof to be mailed in the manner herein provided for mailing
10 notice to remove rubbish or debris, which notice shall demand payment thereof to the Director
11 ~~of Public Works~~, and shall give notice that a lien therefor has been recorded.

12
13 **SEC. 400.7. RECORDING OF LIEN.**

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

21
22 **SEC. 400.8. COLLECTION BY BUREAU OF DELINQUENT REVENUE.**

23 Ninety days after the mailing of the notice described in Section 400.6 ~~hereof~~, the
24 Director ~~of Public Works~~ shall transmit to the Bureau of Delinquent Revenue a statement of
25 each unpaid cost of removing rubbish or debris. The Bureau shall endeavor diligently to

1 collect the same on behalf of the City and County by foreclosure of the lien therefor or
2 otherwise. Any and all amounts paid or collected shall replenish the revolving fund hereinafter
3 provided.

4

5 **SEC. 400.9. RELEASE OF LIEN.**

6 On payment of any such claim of lien, the Director ~~of Public Works~~ shall release such
7 claim of lien and cause the release to be recorded ~~file the release~~ in the Office of the Assessor-
8 Recorder of the City and County of San Francisco.

9

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

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

15

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

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

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

2 Where the construction of a main sewer is deemed by the General Manager of the San
3 Francisco Public Utilities Commission ~~Director of Public Works and the City Engineer~~ to be
4 necessary in any block proposed to be improved by private contract, then and in such case no
5 work, except grading, involving the construction of a pavement on such block, shall be
6 permitted to be done until such main sewer shall have been constructed with side sewers and
7 other appurtenances as in this Section 407 hereinafter provided for and regulated.

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

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

20
21 **SEC. 413. SURETY BOND OR CERTIFIED CHECK REQUIRED.**

22 No permission for doing any street work by private contract under and pursuant to the
23 provisions of this Article 9 shall become effective until the contractor covenanting to perform
24 the same shall have executed to the City and County of San Francisco, and delivered to the
25 ~~Secretary of the~~ Department of Public Works a bond in such amount as may have been fixed in

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

18

19 **SEC. 416. IMPROVEMENT BY INDIVIDUAL OWNER.**

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

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

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

6
7 **SEC. 704. ASPHALT SIDEWALKS.**

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

22 The Director of Public Works is hereby authorized to order the owner of the fronting
23 property to remove a temporary asphaltic concrete sidewalk and to construct a cement
24 concrete sidewalk in accordance with the provisions of Section 703 *hereof*, when in the
25

1 judgment of said Director public interest and convenience require such removal and
2 reconstruction.

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

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

9

10 **SEC. 709. EMERGENCY ORDERS; ACCEPTED AND UNACCEPTED PUBLIC**
11 **RIGHT-OF- WAY.**

12 (a) If, in the judgment of the Director, the condition of an accepted or unaccepted
13 public right-of-way within the jurisdiction of the Department of Public Works constitutes a
14 public emergency or other imminent threat to the public health, safety, or welfare that requires
15 immediate action, Director, by written, telephonic, or facsimile communication, may order the
16 responsible property owner(s) to remedy the condition in such a manner as the Director
17 deems expedient and appropriate subject to the limitations set forth in this Article 15 or Article
18 9.

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

1 repair, restoration, or any other actual costs incurred by the Director or other agencies,
2 boards, commissions, or departments of the City and County of San Francisco that were
3 made necessary by reason of the Director's remediation.

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

6 (d) In the event of an emergency, Director shall cooperate to the extent practicable
7 with other City and County agencies, boards, commissions, or departments with jurisdiction
8 over affected fixtures, improvements, property, or structures across, adjacent to, along,
9 beneath, in, on, over, under, upon, or within the public right-of-way. The Director may issue an
10 emergency order in conjunction with any other official of the City and County of San Francisco
11 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 can ascertain which department has jurisdiction over
14 the affected fixtures, improvements, property, or structures across, adjacent to, along,
15 beneath, in, on, over, under, upon, or within the public right-of- way, the Director *of Public*
16 *Works*, the Director of the Department of Building Inspection, or both may issue emergency
17 orders to remedy any emergency condition. Notice of the emergency order shall be pursuant
18 to ~~§~~ subsection (a) or according to procedures set forth in the San Francisco Building Code. If
19 the City and County of San Francisco abates the emergency condition, once the Department
20 of Public Works *and the Department of* ~~and~~ Building Inspection have determined which
21 department has jurisdiction over the affected fixtures, improvements, property, or structures
22 across, adjacent to, along, beneath, in, on, over, under, upon, or within the public right-of-way,
23 the procedures for collection of charges and enforcement shall be according to the Municipal
24 Code sections applicable to whichever department assumed the lead role in abating the
25 emergency condition.

1 **SEC. 715. CONSTRUCTION REQUIREMENTS – AUTOMOBILE DRIVEWAYS**

2 **~~RUNWAYS.~~**

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

18
19 **SEC. 716. PERMIT REQUIRED – FEE.**

20 (a) It shall be unlawful for any person, firm, or corporation to commence or proceed
21 with the construction of any such automobile *drivewayrunway* within the City and County of
22 San Francisco, unless a permit therefor shall have been first obtained from the Department of
23 Public Works, unless the Director of Public Works decides that no permit is needed.

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

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

18

19 **SEC. 717. PERMIT ONLY TO OWNER – RESTORATION.**

20 The permit referred to in Section 716 of this Article 15, and required to be first obtained,
21 shall be granted only to the owner of the real property in front of which any such automobile
22 ~~driveway~~~~runway~~ as provided for in this Article is to be constructed and maintained, upon the
23 application of such owner or the authorized agent thereof, and such owner, or the successor
24 of such owner in or the ownership of such property, shall be obligated, in case such
25 automobile ~~driveway~~~~runway~~ be discontinued in the use thereof, or abandoned as to such use,

1 to restore to its former or original condition the portion of the street altered or changed in
2 consequence of the construction of such automobile ~~driveway~~~~runway~~.

3
4 **SEC. 718. EXISTING DRIVEWAYS~~SRUNWAYS~~.**

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

14
15 **SEC. 719. DRIVEWAY~~RUNWAY~~ RECONSTRUCTION.**

16 Whenever street work is performed by the City on accepted streets, and such work
17 alters the street surface elevation fronting on an existing ~~runway~~~~driveway~~ which has been
18 constructed and is being maintained in accordance with the provisions of this Article 15, such
19 portion of said existing ~~driveway~~~~runway~~ which requires reconstruction to conform to the altered
20 street surface elevation shall be included in the work and the cost thereof shall be borne by
21 the City, provided that no ~~driveway~~~~runway~~ work shall extend further than four feet from the curb
22 line.

1 **SEC. 723. OBSTRUCTION OF PUBLIC RIGHT-OF-WAY PROHIBITED.**

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

9 * * * *

10
11 **SEC. 723.2. MINOR SIDEWALK ENCROACHMENTS.**

12 * * * *

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

19 * * * *

20 (m) Administrative Penalties and Costs.

21 (1) Notice of Violation. Except as specified in subsections (A) through (B) below, in
22 the event that the Director determines a permit issued under this Section 723.2, or any conditions of
23 such permit, have been violated, the Director shall notify the permittee that the permittee has 72 hours
24 to correct or otherwise remedy the violation after which the permittee shall be subject to the imposition

1 of administrative penalties. The Director's notice of violation shall be a written, electronic, or
2 facsimile communication and shall specify the manner in which the violation shall be remedied.

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

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

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

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

23 (4) Accrual of Penalties and Costs. Penalties and costs assessed under this Section
24 723.2 shall continue to accrue against the permittee until the violation of this Section is corrected or
25 otherwise remedied in the judgment of the Director, or the permittee pays the assessed penalties and

1 costs. If such penalties and costs are the subject of a request for administrative review or an appeal,
2 then the accrual of such penalties and costs shall be stayed until the determination concerning the
3 administrative penalties is final.

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

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

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

22 (8) Notice for and Scheduling of Administrative Hearing. Whenever an administrative
23 review hearing is requested pursuant to subsection (7), the Director, within 10 calendar days of the
24 date of receipt of the request, shall notify the affected parties of the date, time, and place of the hearing
25 by certified mail. Such hearing shall be held no later than 30 calendar days after the Director received

1 the request for administrative review, unless extended by mutual agreement of the affected parties. The
2 Director shall appoint a hearing officer for such hearing.

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

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

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

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

24 (n) Liens. The annual public right-of-way occupancy assessment fees and any administrative
25 penalties and costs imposed pursuant to this Section 723.2 shall constitute financial obligations owed

1 to the City, which are subject to the imposition of liens pursuant to the procedures set forth in Article
2 XX of Chapter 10 of the Administrative Code.

3
4 **SEC. 723.3. UNPERMITTED SUBSIDEWALK ENCROACHMENT INTO THE**
5 **PUBLIC RIGHT-OF-WAY ~~ALONG THE CENTRAL SUBWAY CORRIDOR.~~**

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

8 (1) "Property Owner" means the record owner of the Property.

9 (2) "Property" means the real property immediately abutting, adjacent to, or
10 otherwise connected to an unpermitted subsidewalk obstruction or other encroachment into
11 the public right-of-way.

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

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

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

6 (c) Notice to abate nuisance.

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

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

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

24 Service of the notice is effective on the date of mailing.
25

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

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

14 NOTICE OF HEARING TO ABATE NUISANCE - UNPERMITTED SUBSIDEWALK
15 ENCROACHMENT

16 _____, the owner(s)/occupant(s) of real property located at _____, is
17 notified to appear before the designee of the Director of ~~Public Works~~Transportation, or the
18 applicable Enforcement Agency, ~~his or her designee,~~ at a hearing to be held on _____,
19 20____, at _____ o'clock, at _____ [insert location of and/or website link to the
20 hearing], and show cause, ~~if any he or she has,~~ why the nuisance should not be abated and the
21 cost of abatement of the nuisance on that parcel of land should not be made a special
22 assessment against the parcel. A notice to you previously sent on _____ 20____, is
23 attached for further details regarding the nuisance.

24 (e) Hearing. At the time fixed in the notice, the Director ~~of Transportation,~~ or the
25 Director's ~~his or her~~ designee, shall hear the testimony of all interested persons desiring to

1 testify respecting the condition constituting the nuisance, including the estimated cost of its
2 abatement and any other matter which may be pertinent. Following the conclusion of the
3 hearing, the Director ~~of Transportation~~, or the Director's ~~his or her~~ designee may, by written
4 statement, declare ~~his or her~~ findings. The Director ~~of Transportation~~, or the Director's ~~his or her~~
5 designee, may order the Property Owner to abate the nuisance within a specific time, which is
6 reasonable under the circumstances, after the date of serving the notice of the written
7 statement.

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

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

13 (1) A recoverable expense shall include but not be limited to the following:
14 (a) The hourly rates for personnel time in (i) preparing for and
15 attending all inspections, (ii) preparing all written reports and memos, (iii) preparing for and
16 attending all meetings at which the enforcement actions against the property being charged
17 with the expense is the subject, (iv) preparing for and attending all official enforcement
18 proceedings, ~~including but not limited to proceedings before the Director of Transportation, or his or~~
19 ~~her designee~~, and (v) preparing for and attending civil or criminal proceedings instituted in state
20 or federal court; and

21 (b) The cost of services rendered by third parties such as the
22 preparation of title reports, investigative services, process servers, and consulting services
23 (including costs of estimates, appraisals, work, and abatement).

24 (c) Attorneys' fees incurred due to any enforcement proceedings
25 commenced by the City pursuant to this eCode shall be awarded to the prevailing party. The

1 proceedings shall be considered to have commenced upon the Ccity's initial inspection of the
2 property that is the subject of the proceeding. If the Property Owner against whom the
3 enforcement proceeding is pursued is found to be in violation of this Section 723.3, the Ccity
4 shall be deemed to be the prevailing party. In no action, administrative proceeding, or special
5 proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of
6 attorneys' fees incurred by the Ccity in the action or proceeding. Any award to the Ccity of its
7 attorneys' fees shall be collectable as a recoverable expense and shall be included in the
8 statement of expense and provided for hereunder.

9 (h) Statement of expenses. The Department of Public Works or the Municipal
10 Transportation Agency, the applicable Enforcement Agency, shall keep an itemized account of its
11 expenses involved in abating the nuisance. After completing abatement of the nuisance, the
12 Department of Public Works or the applicable Enforcement~~Municipal Transportation~~ Agency shall
13 mail to the Property Owner a statement including:

- 14 (1) What abatement action has been taken;
- 15 (2) ~~A statement of all~~ removal, administrative, and other expenses incurred;
- 16 (3) That the expenses are due and payable within 45 days from the date of the~~is~~
17 notice;
- 18 (4) That if the Property Owner fails to make payment within 45 days, the
19 amount will be charged to the owner on the next regular tax bill and recorded as a lien against
20 the Property;
- 21 (5) The date, time, and place for a hearing before the Board of Supervisors at
22 which the Property Owner may contest the amount charged.

23 (i) Hearing on statement of expenses. At the time fixed for the hearing of the statement
24 of expenses, the Board of Supervisors shall consider the statement and protests or objections
25

1 raised by the Property Owner. The Board of Supervisors may correct or modify the statement
2 as it considers just and thereafter shall finally determine the amount due by written resolution.

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

12 (k) Notice of special assessment.

13 (1) When a special assessment is charged against property as provided in this
14 Section 723.3, the Department of Public Works or the Applicable Enforcement~~Municipal~~
15 ~~Transportation~~ Agency shall mail, by certified mail, to the Property Owner and file in the Office
16 of the Assessor-Recorder of the City and County of San Francisco a certificate substantially in
17 the following form:

18 **NOTICE OF SPECIAL ASSESSMENT**

19 On _____ 20____, the City and County of San Francisco abated a nuisance
20 on the property located at _____ (Assessor's Parcel No. _____). This
21 property is owned by _____. The abatement was done under the authority of
22 California Government Code Section 38773.5 and San Francisco Public Works Code Section
23 723.3.

24 The City and County of San Francisco claims a special assessment on the real
25 property for the costs of the abatement in the amount of \$_____. This amount is a

1 special assessment against the real property until paid with interest at the legal rate of
2 _____ and discharged of record. This property may be sold after three (3) years by
3 the tax collector for unpaid delinquent assessments.

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

7 Dated: _____ 20 _____

8 City *and County* of San Francisco

9 By: _____

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

20

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

23 (a) **Purpose.** The purpose of this Section 723.5 is to establish a Pilot Permit program
24 to regulate and temporarily authorize the physical operation, testing, and/or placement of
25 certain Emerging Technologies Devices upon, above, or below City sidewalks, public right-of-

1 ways, and property within the jurisdiction of Public Works. This Section 723.5 shall not govern
2 the operation of Emerging Technology Devices on the portions of City streets and highways or
3 public property subject to the sole jurisdiction of one or more Special Jurisdiction Agencies,
4 unless such agencies authorize the application of this Section to said portions of streets,
5 highways, or public property.

6 (b) **Definitions.**

7 * * * *

8 "Pilot Project" *has the same meaning as in Administrative Code Section 22G.2.*

9 * * * *

10
11 **SEC. 724.4. CONSTRUCTION AND DEMOLITION SITES; DEPARTMENTAL**
12 **ORDERS AND REGULATIONS.**

13 * * * *

14 (b) In addition to the requirements set forth in this Section 724.4, the Director may
15 adopt such orders, policies, regulations, rules, or standard plans and specifications as *the*
16 *Director he or she* deems necessary in order to preserve and maintain the public health, safety,
17 welfare, and convenience. Such orders, policies, regulations, or rules may include, but are
18 not limited to, permit application materials, placement of placards and signs, implementation
19 of the good neighbor policy, site conditions, *and* accessibility of sidewalks and streets. When
20 such orders, policies, regulations, or rules will affect the operations and enforcement of the
21 Municipal Transportation Agency, the Director of the Department of Public Works shall consult
22 with and provide an opportunity to comment to the Municipal Transportation Agency prior to
23 adoption of such orders, policies, regulations, or rules.

1 **SEC. 724.6. UNPAID FEES AND FAILURE TO RESTORE PAVEMENT; WILFUL**
2 **NONCOMPLIANCE.**

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

14
15 **SEC. 724.9. TEMPORARY OCCUPANCY OF STREET – PERMITTEE TO DEFEND**
16 **AND INDEMNIFY CITY AND COUNTY.**

17 * * * *

18 (b) Upon the request of San Francisco, the permittee, at no cost or expense to San
19 Francisco, must indemnify, defend, and hold harmless San Francisco against any claims,
20 regardless of the alleged negligence of San Francisco or any other party, except only for
21 claims resulting directly from the sole negligence or wilful misconduct of San Francisco. Each
22 permittee specifically acknowledges and agrees that it has an immediate and independent
23 obligation to defend San Francisco from any claims which actually or potentially fall within the
24 indemnity provision, even if the allegations are or may be groundless, false, or fraudulent,
25 which obligation arises at the time such claim is tendered to permittee by San Francisco and

1 continues at all times thereafter. In addition, San Francisco shall have a cause of action for
2 indemnity against each permittee for any costs San Francisco may be required to pay as a
3 result of defending or satisfying any claims that arise from or in connection with the permit,
4 except only for claims resulting directly from the sole negligence or wilful misconduct of San
5 Francisco. Permittee agrees that the indemnification obligations assumed under the permit
6 shall survive expiration of the permit.

7
8 **SEC. 725.10. REMOVAL OF DEBRIS BOXES.**

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

- 14 (1) The condition(s) violated;
- 15 (2) The date and time of posting;
- 16 (3) The location of the debris box;
- 17 (4) The identify of the person giving the notice; *and*
- 18 (5) A statement giving notice of 48 hours to remedy the violation(s).

19 * * * *

20
21 **SEC. 726.6. ADDITIONAL REQUIREMENTS.**

22 * * * *

23 (e) A person who is in wilful noncompliance with Sections 726 et seq. shall not apply
24 for nor be issued an annual mobile storage container permit or an individual location permit
25 unless the Director, by written authorization, grants a waiver to this prohibition. Wilful

1 noncompliance shall include, without limitation, deliberate acts that result in failure to: (1)
2 satisfy any requirements, terms, or conditions of Sections 726 et seq., or the orders, policies,
3 regulations, rules, or standard plans and specifications of the Department or (2) pay any
4 outstanding assessments, fees, or penalties set forth in Sections 726 et seq. that have been
5 finally determined by the City or a court of competent jurisdiction.

6
7 **SEC. 726.7. ORDERS AND REGULATIONS.**

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

18
19 **SEC. 735. BLIGHTED VACANT LOTS AS CONSTITUTING PUBLIC NUISANCE.**

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

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

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

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

7 (2) "City" means the City and County of San Francisco.

8 (3) "Director" means the Director of Public Works or the Director's ~~his or her~~
9 designee.

10 (4) "Property Owner" means the owner of record of the property as set forth in
11 the most current records of the Tax Assessor, or the owner's authorized agent.

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

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

19
20 **SEC. 776. BLASTING – PERMIT REQUIRED.**

21 It shall be unlawful for any person, firm, or corporation to explode or cause to be
22 exploded any dynamite, gunpowder, or other explosive material for the purpose of breaking
23 up earth, rock, concrete, or other material by means of blasting; or drill a hole or make a
24 crevice for the purpose of inserting any explosive material for the purpose of blasting, without
25 first obtaining all necessary permits, including but not limited to a permit from the Department of

1 Public Works for work to be performed on the public right-of-way and/or a permit from the
2 Department of Building Inspections for work to be performed within a real property parcel or lot ~~to do~~
3 ~~so~~.

4
5 **SEC. 777. BLASTING – APPLICATION FOR PERMIT.**

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

9
10 **SEC. 778. BLASTING – FEE TO BE PAID; INSURANCE TO BE CARRIED.**

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

16 (a) **Fee.** The amount of the fee and deposit which shall be paid by an applicant will be
17 determined by the Department of Public Works and/or the Department of Building Inspection, as
18 applicable, and will be based upon an estimate of the total cost of processing the application
19 and inspecting the work, including salary and overhead costs. A fee of \$40 will be charged for
20 processing the application, which amount will be retained by the applicable Department in all
21 cases. In addition to this fee an amount shall be deposited which will be sufficient to cover the
22 estimated total cost of inspection services, including salary and overhead. At the termination
23 of the blasting work, if the cost of inspection is less than the amount which was deposited for
24 that purpose, the surplus shall be refunded to the permittee; and if the inspection costs

1 exceed the amount deposited, the permittee shall be indebted to the applicable Department of
2 ~~Public Works~~ for this amount.

3 (b) **Insurance.** The applicant shall procure and maintain during the life of the permit a
4 policy or policies of public liability and property damage insurance issued by an insurer or
5 insurers satisfactory to the applicable Department Director(s) of Public Works, as determined in
6 consultation with the City's Risk Management Division, and in form approved by the City Attorney.

7 The insurance policy or policies shall insure the applicant, the owners of the premises upon
8 which the blasting is to take place, the contractor who shall actually engage in the blasting,
9 and the officers, agents, and employees of all such persons, ~~and the Director of Public Works,~~
10 the City and County of San Francisco and its officers, employees, and agents in their
11 respective capacities. Said policy or policies shall insure against liability for damages or bodily
12 injury, wrongful death, and property damage, directly or indirectly resulting from the nature of
13 the work authorized under the permit, the blasting operations conducted under said permit, or
14 the acts, omissions, operations, or conduct of the applicant, the contractor, the owners of the
15 premises upon which the blasting is to take place, ~~the Director of Public Works,~~ the City and
16 County of San Francisco, and the acts or omissions, operations, or conduct of the officers,
17 employees, and agents of any of the foregoing, directly or indirectly related to the work
18 authorized by the permit and the blasting operations conducted thereunder, irrespective of
19 whether fault is the basis of liability, and irrespective of whether any act, omission, or conduct
20 of ~~the Director of Public Works,~~ the City and County of San Francisco, its officers, agents, and
21 employees, connected or unconnected with the permit, the work, or blasting operations
22 authorized thereunder, is a condition or cause, contributory or otherwise, of the accident,
23 injury, death, or damage. Provided further, that said policy or policies of insurance shall
24 insure against liability irrespective of whether the act, omission, conduct, or operations of the
25

1 applicant, the contractor, or the owner of the premises upon which the blasting is to take
2 place, is merely a condition rather than a cause of the accident, injury, death, or damage.

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

6 Each policy shall contain a paragraph reading as follows:

7 "This policy is issued to comply, and it does comply, with the provisions of Section
8 778(b) of the San Francisco ~~Municipal~~ Public Works Code, ~~Part II, Chapter X,~~ Article 15. If any
9 question shall hereafter arise concerning the risks intended to be insured against by this
10 policy, said question shall be determined by reference to the language of said Section 778(b),
11 which said provisions are hereby made part of this contract of insurance by reference thereto
12 and incorporated herein as if fully set forth."

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

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

24 (c) **Indemnification.** The applicant shall take and assume all responsibility for the
25 work and the blasting operations authorized by the permit. As between the applicant and the

1 City and County of San Francisco, the applicant shall bear all losses and damages directly or
2 indirectly resulting to the City or others on account of the character or performance of the work
3 and the blasting operations authorized by the permit, unforeseen difficulties, accidents, or any
4 other causes ~~whatsoever~~.

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

18
19 **SEC. 779. BLASTING – USE OF EXPLOSIVES.**

20 In addition to the applicable requirements of the California Health and Safety Code, the
21 Safety Orders issued by the Division of Industrial Safety, Department of Industrial Relations of
22 California, or any other applicable State or City and County laws or regulations, the following
23 regulations shall be complied with:
24
25

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

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

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

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

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

12
13 **SEC. 780. BLASTING – MONEY DEPOSITED TO DEFRAID INSPECTION COSTS.**

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

17
18 **SEC. 786. STREET (MAJOR) ENCROACHMENT PERMIT.**

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

1 obligations under the permit, including maintenance of the encroachment, and establishes the
2 regulatory relationship between Public Works and the permittee for implementation of the
3 permit. The encroachment agreement also shall include a permittee maintenance monitoring
4 and reporting program for Public Works' use in determining compliance with the permit terms.
5 There is no appeal of the Board of Supervisors decision on such permits.

6 * * * *

7 (k) Administrative Penalties and Costs.

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

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

19 (B) For a permit violation that is hazardous or constitutes a public nuisance,
20 public emergency, or other imminent danger to public health, safety, or welfare that requires
21 immediate action, remediation, or abatement, the Director shall notify the permittee and require the
22 permittee to immediately remedy or abate the violation. If the permittee fails to remedy or abate the
23 violation within twenty-four (24) hours, the permittee shall be subject to the imposition of
24 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, and ~~to~~ the City Engineer. The Public Works Director shall request a report
25 from each of the listed departments concerning the effect of the proposed encroachment in

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

5
6 **SEC. 786.7. PUBLIC RIGHT-OF-WAY OCCUPANCY ASSESSMENT FEE FOR**
7 **STREET ENCROACHMENTS.**

8 * * * *

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

15
16 **SEC. 786.8. MAINTENANCE ENDOWMENT FOR STREET ENCROACHMENT**
17 **PERMITS WHERE THE PERMITTEE IS NOT THE OWNER OF ADJACENT PROPERTY.**

18 * * * *

19 (g) This Section 786.8 shall not apply to a street encroachment permit: (1) where the
20 Board of Supervisors authorizes or approves the transfer or assignment of the permit from the
21 original permittee to an individual or entity that is the successor owner(s) of real property
22 adjacent to the street encroachment permit and the permit is recorded against the successor
23 owner(s) real property, or (2) ~~that the Board issues in accordance with the terms of Section 786(b)~~
24 ~~for a master encroachment permit, or (3)~~ that the Board issues for a street plaza in accordance
25 with Section 792 where the street plaza permittee is a different individual or entity than the

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

6 * * * *

7
8 **SEC. 789.2. COMMEMORATIVE STREET PLAQUE APPLICATION, DESIGN,**
9 **PLACEMENT, AND INSTALLATION PROCEDURES.**

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

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

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

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 ~~of Department 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 officials designated in*
13 *Section 38 of the Police Code. Administrative Code Chapter 100, "Procedures Governing the*
14 *Imposition of Administrative Fines," as may be amended from time to time, is hereby incorporated and*
15 *shall govern the procedure for the imposition, enforcement, collection, and administrative review of*
16 *administrative citations issued to enforce this Section 790, except that the amount of the administrative*
17 *fine shall be \$100 for a first violation of any section of this Article, \$200 for a second violation of such*
18 *section within one year of the first violation, and \$500 for each additional violation of such section*
19 *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, the Director of the Department of Public Works shall consult
17 with and provide an opportunity to comment to the Municipal Transportation Agency prior to
18 adoption of such orders, policies, regulations, or rules.

19
20 **SEC. 792. STREET PLAZAS.**

21 * * * *

22 (g) **Regulations and Orders.** The Director may adopt such orders, policies,
23 regulations, rules, or standard plans and specifications as ~~he or she~~ the Director deems
24 necessary to preserve and maintain the public health, safety, welfare, and convenience
25 (“Regulations”). Such Regulations may include, but are not limited to, permit application

1 materials, placement of and information contained on signs, site conditions, and accessibility
2 of sidewalks and streets. When such Regulations may affect the operations and enforcement
3 of the Municipal Transportation Agency, the Director of the Department of Public Works shall
4 consult with and provide an opportunity to comment to the General Manager of the Municipal
5 Transportation Agency prior to adoption of such Regulations.

6
7 **SEC. 793. THE SHARED SPACES PROGRAM – SHARED SPACES IN THE**
8 **PUBLIC RIGHT-OF-WAY.**

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

15 The Shared Spaces Program is a joint effort by the Planning Department, Public
16 Works, the Municipal Transportation Agency, the Real Estate Division, and the Entertainment
17 Commission (defined in Section 94A.2 of the Administrative Code as the “Core City
18 Agencies”) to coordinate their review and approval of a Shared Space and streamline the
19 permit process. The Program responsibilities of the Core City Agencies in the coordination
20 process are set forth in Section 94A.4 of the Administrative 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 determines that it is practicable to do so, the Department
25 ~~Public Works~~ shall retain any seized structures. As a condition of recovering any structure

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

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

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

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

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

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

3 (b) **Rules and Regulations; Director’s Orders.** The Director of Public Works may
4 adopt such orders, rules, policies, procedures, regulations, rules, or standards as the Director
5 considers appropriate in order to:

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

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

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

14 * * * *

15
16 **SEC. 794. AUTONOMOUS DELIVERY DEVICES ON SIDEWALKS - PERMIT**
17 **REQUIRED.**

18 * * * *

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

20 (1) **Conditions of Approval.** The Public Works Director, in consultation with
21 the SFMTA and any appropriate City Department, shall impose any conditions of approval
22 that the Director deems necessary to protect the public health, safety, and welfare of
23 pedestrians and other users of the sidewalks and public right-of-ways. The Public Works
24 Director shall have the authority to add conditions of approval to, modify, or suspend the
25 Autonomous Delivery Device permit to address public health, safety, and welfare issues

1 arising from the Testing. Failure to comply with the Director’s conditions of approval may
2 result in immediate revocation of the permit. If the failure to comply with the Director’s
3 conditions of approval also creates a significant risk to public safety, the Director shall
4 immediately revoke the permit. If the Director revokes a permit under this subsection (h)(1),
5 the permittee shall be ineligible for any future Autonomous Delivery Device permits. Any such
6 revocation may be appealed to the Board of Supervisors under subsection (g)(2).

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

10 * * * *

11
12 **SEC. 802. DEFINITIONS.**

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

14 * * * *

15 “Department” shall mean the Department of Public Works.

16 “Director” shall mean the Director of the Department ~~Public Works~~ or the Director's
17 designee, which shall include the Urban Forester or other departmental staff.

18 * * * *

19
20 **SEC. 802.1. ADDITIONAL DEFINITIONS.**

21 Unless the context specifically indicates otherwise:;

22 * * * *

23
24 **SEC. 803. URBAN FORESTRY COUNCIL; ADDITIONAL POWERS AND DUTIES.**

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

5 * * * *

6 (10) Reviewing the Annual Report prepared by the Department of Public Works
7 Bureau of Urban Forestry.

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

10
11 **SEC. 806. PLANTING AND REMOVAL OF STREET TREES.**

12 * * * *

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

19 * * * *

20
21 **SEC. 807. DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM;**
22 **POWERS AND DUTIES.**

23 * * * *

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

4 (f) **In-Lieu Planting Program.** The Department shall develop and implement an In-
5 Lieu Planting Program to offset the loss of street trees, significant trees, and landmark trees
6 due to removal, destruction, or death. The In-Lieu Planting Program also shall compensate
7 for the loss of trees required to be planted by Section 806(d), unless the Director has modified
8 or waived such requirements under ~~sub~~Section 806(d)(4). The Department shall impose an
9 in-lieu fee in accordance with a fee schedule adopted by the Director where a street tree is
10 destroyed, removed, or is excused from planting where otherwise required by Section 806(d).
11 The Department also shall assess an in-lieu fee or such other penalty as set forth in Section
12 811 as mitigation for violation of the requirements of this Article 16. The Department shall
13 follow the requirements set forth herein for payment of an in-lieu fee unless it makes written
14 findings detailing the basis for waiving said requirements. As set forth in Section 811, in lieu
15 fees shall be deposited in the ~~Public Works~~ Adopt-A-Tree Fund.

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

20
21 **SEC. 808. PROTECTION OF TREES AND LANDSCAPE MATERIAL.**

22 * * * *

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

24 * * * *

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

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

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

14 * * * *

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

18 (7) An applicant's or permittee's failure to obtain a Director- approved Tree
19 protection plan pursuant to ~~S~~subsections (2) or (3) above, shall be deemed in violation of the
20 subject permit. ~~In the case of a~~ The Director may enforce such a violation under the terms of the
21 ~~relevant~~ Public Works permit, the Director shall initiate an enforcement action under the Public
22 Works Code, including a requirement that all work stop until the applicant or permittee complies
23 with this Section 808. In the case of a Department of Building Inspection building or site
24 permit, the Director shall request that the Director of Building Inspection ~~to~~ initiate an
25

1 enforcement action under the Building Code, including a requirement that all work stop until
2 the applicant or permittee complies with this Section.

3
4 **SEC. 809. HAZARD TREES; ABATEMENT.**

5 * * * *

6 (b) **Director of Public Works to Abate Hazard if Owner Fails to Do So.** If the
7 responsible party does not undertake in a timely manner the abatement action, as required by
8 said notice, the Director may perform necessary work to abate the hazard. The cost of such
9 abatement, including labor, equipment, materials, inspection services, and administrative
10 costs, shall be an obligation owing by the responsible party to the City.

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

22
23 **SEC. 810. LANDMARK TREES.**

24 * * * *

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

1 * * * *

2 **(6) Emergency Removal on City-owned Property.** In the case of
3 manifest danger and immediate necessity, as determined by the director or general manager
4 of the subject agency, commission, or department, the subject agency, commission, or
5 department may remove a landmark tree within its jurisdiction immediately. After such
6 emergency removal, the subject agency, department, or commission shall provide written
7 notice of the necessity of such action to the Board of Supervisors, Urban Forestry Council,
8 and Department of Public Works and shall also provide such notice to all interested San
9 Francisco organization_s and, to the extent practical, the owners and occupants of properties
10 that are on or across from the block face where the affected tree was removed. Removal of a
11 landmark tree pursuant to this ~~S~~ subsection (f)(6) is not subject to Section 810(f)(4) above.

12 * * * *

13
14 **SEC. 810A. SIGNIFICANT TREES.**

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

24 * * * *

1 **SEC. 828. APPLICATION WITH OTHER LAWS.**

2 Nothing in this ~~Article 16.1 ordinance~~ shall be construed to affect, diminish, or replace the
3 duties and authority of the Director of Public Works set forth in Article 16 of the Public Works
4 Code.

5
6 **SEC. 851. PERMITS AND APPROVALS REQUIRED TO OPERATE DUMP.**

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

13 * * * *

14
15 **SEC. 859. PROCESSING AND GRANTING OF PERMITS.**

16 Each application under this Article ~~17 for a conditional use permit, or for the renewal of a~~
17 ~~permit,~~ shall be referred by the Department of Building Inspection~~Central Permit Bureau~~ for
18 approval to all applicable City departments and agencies including the Bureau of Engineering in the
19 Department of Public Works, ~~which Bureau shall refer the application for approval to the~~
20 Department of City Planning, the Bureau of Fire Prevention and Public Safety, and the
21 Department of Public Health.

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

1 * * * *

2
3 **SEC. 865. ENFORCEMENT.**

4 The Director shall enforce and administer all provisions of this Article 17, and for such
5 purpose only, ~~the Director or the Director's designee~~~~he or any member of his enforcement staff~~ may
6 enter upon, investigate and inspect any dump.

7 The Chief of the Fire Department, or ~~the Chief's~~ duly authorized representative, is
8 hereby empowered to enter upon and make inspection of any dump, and exercise ~~the~~
9 ~~Chief's~~ authority relative to fire prevention, fire protection, fire spread control, and the
10 protection of persons and property from fire.

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

14
15 **SEC. ~~12~~000. PURPOSE AND FINDINGS.**

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

22 * * * *

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

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

- 5 (1) five or more bicycles;
- 6 (2) a bicycle frame with the gear cables or brake cables cut;
- 7 (3) three or more bicycles with missing parts (the term "parts" shall mean
8 handlebars, wheels, forks, pedals, cranks, seats, or chain(s);
- 9 (4) five or more bicycle parts;

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

- 11 (1) The person is operating under a valid business license or permit.
- 12 (2) The owner of a bicycle or bicycle part is present during the repair of *the*
13 *owner's*~~his or her~~ single bicycle or bicycle part.
- 14 (3) The items are being used in connection with an event held by an

15 organization with tax exempt status under 26 United States Code Section 501(c)(3) or
16 501(c)(4).

17 * * * *

18
19 **SEC. 1401. DEFINITIONS.**

20 (a) "Director" means the Director of the Department ~~of Public Works~~, or *the Director's*
21 ~~or her~~ designee.

22 * * * *

23
24 **SEC. 1403. IMPOUNDMENT.**

25 * * * *

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(d) The Director can comply with the notice requirements imposed by this ~~§~~Section 1403 by placing a telephone call during regular business hours to the owner or owner’s representative designated pursuant to ~~paragraph~~subsection (c) of this section, or on the shopping cart. Where no such person is designated, the Director shall call the owner at a number listed in the San Francisco telephone book or contact the owner by telephone, email, or other method available on the owner’s website. In addition, the Director shall give mailed notice to the address designated by the owner pursuant to ~~paragraph~~subsection (c) of this section, or in the absence of such a designation, to the address indicated on the shopping cart, or in the absence of such an address, to the address listed for the owner in the San Francisco telephone book.

* * * *

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

* * * *

SEC. 1506. STREET TREE.

(a) **Condition of Approval.** When reviewing an application for a Personal Wireless Service Facility Site Permit, the Department, the Planning Department, and/or Recreation and Park Department (as appropriate) may require as a Condition of approval that the Permittee

1 plant and maintain an appropriate street tree adjacent to the Utility Pole so as to provide a
2 screen for a permitted Personal Wireless Service Facility Site Permit.

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

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

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

16 * * * *

17
18 **SEC. 1602. DEFINITIONS.**

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

21 * * * *

22
23 “Department” means the Department ~~of Public Works~~.

24 “Director” means the Director of the Department ~~of Public Works~~ or the Director’s
25 designee.

1 * * * *

2
3 **SEC. 2301. PURPOSE AND INTENT.**

4 The Board of Supervisors hereby finds and declares that:

5 (a) Graffiti is detrimental to the health, safety, and welfare of the community in that it
6 promotes a perception in the community that the laws protecting public and private property
7 can be disregarded with impunity. This perception fosters a sense of disrespect for the law
8 that results in an increase in crime; degrades the community and leads to urban blight; is
9 detrimental to property values, business opportunities, and the enjoyment of life; is
10 inconsistent with the City's property maintenance goals and aesthetic standards; and results
11 in additional graffiti and in other properties becoming the target of graffiti unless it is quickly
12 removed from public and private property.

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

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

22 (d) Graffiti also is used in guerilla marketing campaigns to promote or publicize, for
23 commercial or non-commercial purposes, goods, products, and services in lieu of or to
24 supplement conventional advertising techniques. This type of graffiti must be abated as
25

1 quickly as possible to avoid detrimental impacts on the City and its residents, and to prevent
2 the further spread of graffiti.

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

6
7 * * * *

8
9 **SEC. 2302. DEFINITIONS.**

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

11 * * * *

12 **Director.** "Director" means the Director of the Department of Public Works or *the*
13 Director ~~'his or her'~~ designee.

14 * * * *

15
16 **SEC. 2305. REQUEST FOR HEARING; HEARING.**

17 * * * *

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

21 * * * *

22
23 **SEC. 2306. ABATEMENT BY DIRECTOR.**

24 (a) Following the hearing if the City sustains its burden of proof, or if the property
25 owner and/or any Offending Party does not request a hearing and fails to remove the graffiti

1 within 30 calendar days from the date of the notice of violation, the Director may immediately
2 order that the graffiti be abated. Unless the Director has obtained written consent from the
3 property owner to enter the property and remove the graffiti, before initiating abatement the
4 Director shall obtain a court order authorizing the Department ~~of Public Works~~ to enter upon
5 the property and remove the graffiti and give written notice of the abatement (Abatement
6 Order) served in accordance with Section 2304(a). The Director may not order a graffiti
7 abatement action that may violate the California Art Preservation Act (California Civil Code
8 Sections 987 et seq.) or the Federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 101 et
9 seq.) without first consulting with the City Attorney.

10 * * * *

11
12 **SEC. 2307.6. ADMINISTRATIVE PENALTIES.**

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

21 (b) All monies received by the City in payment of administrative fines for violation of
22 this Article 23 shall be deposited to the credit of ~~the Department of~~Public Works to be used for
23 the graffiti removal, abatement, education, and enforcement activities of the Department and
24 other City departments, including the City Attorney's Office. Balances remaining from the fine
25 collection at the close of any fiscal year shall have been deemed to have been provided for a

1 specific purpose within the meaning of Section 9.113 of the Charter, and shall be carried
2 forward and accumulated for the purposes recited in this subsection (b). The monies received
3 through payment of such fines are hereby appropriated exclusively for those purposes.
4

5 **SEC. 2710. STREET TREE.**

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

10 (b) “In-Lieu” Fee.

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

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

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

23 * * * *

1 **SEC. 2721. ADDITIONAL PERMIT REQUIREMENTS.**

2 * * * *

3 (b) Removal or Relocation. When made necessary by any work to be performed
4 under the governmental authority of the City (including but not limited to any lawful change of
5 grade, alignment or width of any street, or construction of City facilities of any kind), or when
6 necessary to protect the public health, safety or welfare, a Permittee shall at its own cost and
7 expense temporarily or permanently remove, relocate, adjust, and/or support a Surface-
8 Mounted Facility or any part thereof, to such other locations in the Public Right-of-Ways, in
9 such manner as appropriate and as may be approved by the City in writing and in advance, or
10 otherwise required by the City. The City may not unreasonably withhold its approval of any
11 plan for removal, relocation, adjustment, and/or support of a Surface-Mounted Facility ordered
12 pursuant to this Section. Such removal, relocation, adjustment, and/or support shall be
13 completed within the time and manner prescribed by the City; however, where feasible the
14 City may require the Permittee to follow the procedures set forth in this Article 27 to obtain a
15 new site for the Surface-Mounted Facility.

16 * * * *

17
18 Section 4. The Public Works Code is hereby amended by adding Sections 2, 2.1.5,
19 945, 1108, and 1206.1 to read as follows:

20
21 **SEC. 2. ENFORCEMENT AUTHORITY.**

22 *The Department of Public Works and the San Francisco Public Utilities Commission are*
23 *authorized to enforce and implement the Public Works Code as specified herein. The Department of*
24 *Public Works and the San Francisco Public Utilities Commission are authorized to adopt regulations*
25 *regarding the enforcement of provisions of the Public Works Code that are within the jurisdiction of the*

1 respective department and the departments shall consult the applicable City agency regarding
2 regulations proposed according to this Section 2 that would apply to any matter that is within the
3 regulatory jurisdiction of another City agency.

4
5 **SEC. 2.1.5. CITY MAY IMPOSE ADMINISTRATIVE PENALTIES FOR FAILURE TO**
6 **PAY FEES AND ASSESSMENTS.**

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

12
13 **SEC. 945. ALTERNATIVE REMEDIES - ADMINISTRATIVE FINES.** In addition to any
14 other applicable remedies under the Public Works Code or any Public Works regulations, procedures,
15 or orders, a violation of Article 18 may be punishable by an administrative fine, which may be assessed
16 by an administrative citation issued by Department of Public Works officials designated in Section 38
17 of the 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 18, 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. 1108. ALTERNATIVE REMEDIES - ADMINISTRATIVE FINES.** *In addition to any*
2 *other applicable remedies under the Public Works Code or any Public Works regulations, procedures,*
3 *or orders, a violation of this Article 21 may be punishable by an administrative fine, which may be*
4 *assessed by an administrative citation issued by Department of Public Works officials designated in*
5 *Section 38 of the Police Code. Administrative Code Chapter 100, “Procedures Governing the*
6 *Imposition 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 review of*
8 *administrative citations issued to enforce Article 21, except that the amount of the administrative fine*
9 *shall be \$100 for a first violation of any section of this Article, \$200 for a second violation of such*
10 *section within one year of the first violation, and \$500 for each additional violation of such section*
11 *within one year of the first violation.*

12
13 **SEC. 1206.1 ALTERNATIVE REMEDIES - ADMINISTRATIVE FINES.** *In addition to*
14 *any other applicable remedies under the Public Works Code or any Public Works regulations,*
15 *procedures, or orders, a violation of this Article 22 may be punishable by an administrative fine, which*
16 *may be assessed by an administrative citation issued by Department of Public Works officials*
17 *designated in Section 38 of the Police Code. Administrative Code Chapter 100, “Procedures*
18 *Governing the Imposition of Administrative Fines,” as may be amended from time to time, is hereby*
19 *incorporated and shall govern the procedure for the imposition, enforcement, collection, and*
20 *administrative review of administrative citations issued to enforce Article 22, except that the amount of*
21 *the administrative fine shall be \$100 for a first violation of any section of this Article, \$200 for a*
22 *second violation of such section within one year of the first violation, and \$500 for each additional*
23 *violation of such section within one year of the first violation.*

1 Section 5. The Administrative Code is hereby amended by deleting Section 2A.440,
2 and revising Sections 2A.95, 2A.241, 2A.440, 3.2, 3.3, 6.1, 6.3, 6.6, 6.21, 6.22, 6.23, 6.40,
3 6.41, 6.42, 6.60, 6.61, 6.73, 10.100-227, 10.100-233, 10.100-234, 10.100-236, 10.100-299,
4 10.171, 10.172-1, 10B (chapter heading), 10B.11, 10B.12, 10B.20, 20.404, 23.40, 32.11,
5 32.20, 32.21, 40.7, 40.10, 41.7, 41.18, 41.19, 50.10, 50.11, 50.20, 94A.4, 94A.6, and 105.3 to
6 read as follows:

7
8 **~~SEC. 2A.440. DEPARTMENT OF SANITATION AND STREETS.~~**

9 ~~(a) In accordance with Charter Section 4.138, there shall be a Department of Sanitation and~~
10 ~~Streets, which shall come into existence on October 1, 2022. The Department shall be headed by the~~
11 ~~Director of Sanitation and Streets, in accordance with Charter Section 4.138.~~

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

21
22 **SEC. 2A.95. FIRE PREVENTION.**

23 The Chief of Department shall have jurisdiction, under the supervision of the Fire
24 Commission, of the Division of Fire Prevention and Investigation consisting of the Bureau of
25 Fire Prevention and Public Safety and the Bureau of Fire Investigation. The Chief of

1 Department shall hold the Assistant Chief of Department, Division of Fire Prevention and
2 Investigation, to the responsibility and authority for enforcement of laws and statutes of the
3 State of California, and the Charter and ordinances of the City and County of San Francisco,
4 pertaining to matters of fire prevention and fire investigation.

5 The Bureau of Fire Prevention and Public Safety shall inspect all hospitals, schools,
6 places of public assemblage, and other premises regulated by Title 19 of the California
7 Administrative Code, flammable liquid storage facilities, other hazardous occupancies as
8 defined by the Building Code, and all occupied or vacated structures and premises to
9 determine whether or not compliance is being had with statutes, regulations, and ordinances
10 relative to fire prevention, fire protection and firespread control, and the protection of persons
11 and property from fire. It shall enforce said statutes, regulations, and ordinances and shall
12 report violations to other departments having jurisdiction.

13 The Bureau of Fire Prevention and Public Safety shall examine the application, plans
14 and specifications for the erection, and for alterations or repairs estimated to exceed \$1,000 in
15 cost, of any hospital, school, place of public assemblage as defined in the Building Code,
16 other premises regulated by Title 19 of the California Administrative Code, flammable liquid
17 storage facility, or other hazardous occupancy as defined by the Building Code, subject to the
18 statutes, regulations, and ordinances referred to in this Section 2A.95, and shall also examine
19 the applications, plans and specifications for all structures and premises insofar as they
20 involve the location of standpipes. The Bureau of Fire Prevention and Public Safety shall by
21 written report, filed with the Director of Building Inspection~~Public Works~~, approve such plans and
22 specifications, or report to ~~thesaid~~ Director of Building Inspection~~Public Works~~, the particulars
23 wherein noncompliance exists, and upon modification of the application, plans, and
24 specifications to comply therewith, the Bureau shall inform ~~thesaid~~ Director of Building
25 Inspection of its approval. No permit for alteration or repair exceeding \$1,000 in cost of any

1 hospital, school, place of public assemblage as defined in the Building Code, other premises
2 regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or
3 other hazardous occupancy as defined by the Building Code, or for the erection thereof, or
4 involving the location of standpipes, shall be issued unless said approval is given.

5 * * * *

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

10 The Fire Department shall make recommendations to the Director of Building
11 Inspection~~Public Works~~ for possible revisions to the Building Code and Housing Code on
12 matters of fire safety.

13
14 **SEC. 2A.241. OFFICE OF SMALL BUSINESS.**

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

19 * * * *

20 (b) Assistance and Support from Other Departments. The following City departments
21 shall provide information and staff assistance to the Office of Small Business regarding
22 compliance with the laws and regulations administered by their departments that impact small
23 businesses: Assessor, Building Inspection, Environment, Fire, Human Rights Commission,
24 Mayor's Office of Community Development, Municipal Transportation Agency, Office of Labor
25 Standards Enforcement, Parking and Traffic, Planning, Police, Public Health, Public Works,

1 Purchasing, Treasurer/Tax Collector, and such other departments as directed by the Mayor.
2 Within four months of the initial hiring of any new staff, the Office of Small Business shall
3 issue a report that analyzes the existing laws, regulations, roles, procedures, and
4 responsibilities of all city departments that impact small businesses and makes
5 recommendations regarding the streamlining and consolidation of such departmental
6 functions under the Office of Small Business.

7 * * * *

8

9 **SEC. 3.2. DEFINITIONS.**

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

11 * * * *

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

18

19 **SEC. 3.3. BUDGET TIMETABLE.**

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

25 * * * *

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

12 * * * *

13 (3) The City Administrator shall hold ~~a separate public meeting under subsection~~
14 ~~(c)(2) regarding the budget of the Department of Public Works and~~ a separate public meeting under
15 subsection (c)(2) regarding the budget of the Department of Technology. For all other
16 agencies under the direction of the City Administrator, the City Administrator may hold a
17 single public meeting under subsection (c)(2) to receive input on all such agencies or, in the
18 City Administrator's discretion, may hold separate public meetings to receive input on one or
19 more specific agencies.

20 * * * *

21
22 **SEC. 6.1. DEFINITIONS.**

23 * * * *

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

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

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

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

14 * * * *

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

18 * * * *

19
20 **SEC. 6.3. CONTRACTING POWERS AND PROCEDURE.**

21 **(a) Public Work or Professional Service Contracts Less Than or Equal to the**
22 **Threshold Amount.** The Department Head may award any construction Contract or
23 professional services Contract of less than or equal to the Threshold Amount. For such
24 Contracts, approval of the ~~Mayor,~~ commission or board concerned is not required.

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

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

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

11 * * * *

12
13 **SEC. 6.6. FEDERALLY-FUNDED OR STATE-FUNDED CONTRACTS.**

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

21 * * * *

22
23 **SEC. 6.21. REQUIREMENTS FOR BIDS AND QUOTES.**

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

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

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

10 In accordance with San Francisco Administrative Code Chapter 6, no
11 Bid is accepted and no contract in excess of [the Threshold Amount] is
12 awarded by the City and County of San Francisco until such time as [~~(1)~~
13 ~~for departments with boards or commissions,~~ (a) the Department Head
14 recommends the contract for award and (b) the board or commission then
15 adopts a resolution awarding the contract]; ~~or [(2) for departments under the~~
16 ~~Mayor, (a) the Mayor approves the contract for award and (b) the Department~~
17 ~~Head then issues an order of award.] Pursuant to Charter Section 3.105, all
18 contract awards are subject to certification by the Controller as to the
19 availability of funds.~~

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

23 * * * *

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

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

5 * * * *

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

10 * * * *

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

23 (1) **Increasing or Decreasing Price.** Alterations, modifications, or extras in
24 any Contract, which will increase or decrease the Contract cost or scope, may be made or
25 allowed only on the written recommendation of the Department Head responsible for the

1 supervision of the Contract stating the amount and basis for such increase or decrease. For
2 any cumulative increase or decrease in price in excess of 10% of the original Contract price or
3 scope, the Department Head shall obtain the approval of ~~the Mayor or~~ the board or
4 commission ~~as appropriate~~ and also the approval of the Controller notwithstanding any
5 delegation provided for above.

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

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

21 * * * *

22 (I) **Termination for Convenience.** In all Contracts for the construction of any Public
23 Work or Improvement, the Department Head may include in the specifications setting forth the
24 terms and conditions for the performance of the Contract a provision that the City may
25 terminate the performance of work under the Contract whenever the Department Head shall

1 determine, with the approval of the ~~Mayor or the~~ board or commission concerned, that such
2 termination is in the best interest of the City. Any such termination shall be effected by
3 delivery to the Contractor of a notice of termination specifying the extent to which performance
4 of work under the Contract is terminated and the date upon which such termination becomes
5 effective. The Department Head is hereby authorized to include within such construction
6 Contract the appropriate language to implement this subsection 6.22(l).

7 * * * *

8
9 **SEC. 6.23. PUBLIC WORKS TO BE PERFORMED BY THE CITY; BIDS BY CITY**
10 **DEPARTMENTS; PROCEDURE UPON REJECTION OR FAILURE OF BIDS.**

11 * * * *

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

16 (1) **No Bids Received.** If no Bids are received, the Department Head shall
17 determine (A) whether further outreach efforts would result in Contractors submitting Bids
18 and/or (B) whether removal or modification of certain requirements in the Contract would
19 result in Contractors submitting Bids, provided that such requirements are not required by
20 statute or law and their removal or modification would not compromise the interests of the
21 City. If the Department Head determines that steps (A) and/or (B), above, would likely result
22 in Contractors submitting Bids, then the Department Head shall re-bid the work. If the
23 Department Head determines that neither step (A) nor (B), above, would likely result in
24 Contractors submitting Bids, then the Department Head, with the approval ~~of the Mayor or the~~

1 board or commission concerned, ~~as appropriate,~~ may negotiate with any qualified Contractor or
2 may order the work to be executed by the City.

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

21 **(3) One Responsive Bid Received; Other Nonresponsive Bids Received.** If
22 only one Responsive Bid is received from a Responsible Bidder and other, nonresponsive
23 Bids and/or Bids by nonresponsible Bidders are submitted for the same work, the Department
24 Head may recommend the Award of a Contract to the sole Responsive, Responsible Bidder at
25 the bid price received, provided that the bid price does not exceed the engineer's estimate for

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

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

18

19 **SEC. 6.40. COMPETITIVE PROCUREMENT OF PROFESSIONAL SERVICES FOR**
20 **PUBLIC WORK PROJECTS.**

21 Notwithstanding any other provision of this Administrative Code, when a department is
22 seeking outside temporary professional design, consultant or Construction Management
23 services for a Public Work or Improvement project, where the fee for such services shall
24 exceed the Minimum Competitive Amount, as defined below, the department shall procure
25 such services through a competitive process based primarily on qualifications.

1 * * * *

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

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

23 * * * *

1 **SEC. 6.41. REQUESTS FOR COMPETITIVE PROPOSALS OR QUALIFICATIONS.**

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

5 * * * *

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

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

16 In accordance with San Francisco Administrative Code Chapter 6,
17 no proposal is accepted and no contract in excess of [the Threshold
18 Amount] is awarded by the City until such time as ~~[(1) for departments with~~
19 ~~boards or commissions,~~ (a) the Department Head recommends the contract
20 for award and (b) the [board or commission] then adopts a resolution
21 awarding the contract; ~~or [(2) for departments under the Mayor, (a) the Mayor~~
22 ~~approves the contract for award and (b) the Department Head then issues and~~
23 ~~order of award].~~ Pursuant to Charter Section 3.105, all contract awards are
24 subject to certification by the Controller as to the availability of funds.
25

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

4
5 **SEC. 6.42. PROFESSIONAL SERVICES CONTRACT TERMS.**

6 All Contracts for temporary design, consultant, and Construction Management services
7 are professional services Contracts, which shall contain the following minimum terms and
8 conditions:

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

14 * * * *

15
16 (d) **Assignment.** No Contract shall be assigned except upon the recommendation of
17 the Department Head concerned and with ~~the approval of the Mayor, relative to the department~~
18 ~~under the Mayor's jurisdiction or~~ the approval of the board or commission concerned ~~for~~
19 ~~departments not under the Mayor.~~

20 * * * *

21
22 **SEC. 6.60. EMERGENCY REPAIRS, WORK AND CONTRACTS.**

23 * * * *

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

9 * * * *

10
11 **SEC. 6.61. DESIGN-BUILD.**

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

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

1 consult with the Office of the Controller to establish criteria for evaluating private financing
2 proposals.

3 * * * *

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

8 * * * *

9
10 **SEC. 6.73. OTHER PROCUREMENTS.**

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

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

24 * * * *

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 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 Public Works.

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

12
13 **SEC. 10.100-233. PUBLIC WORKS LITTER CONTROL FUND.**

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

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

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

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

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

8 (b) Use of Fund. Monies in the fund shall be used exclusively by the Director of Public
9 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 Public Works to defray administrative
18 and clean-up costs associated with litter and nuisance abatement and for any rewards
19 specified in ~~subsections~~*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. PUBLIC RIGHT-OF-WAYWORKS NUISANCE ABATEMENT AND**
2 **REMOVAL FUND.**

3 (a) Establishment of Fund. The Public Right-of-WayWorks Nuisance Abatement and
4 Removal Fund is established as a category six fund for the purpose of abating and removing
5 nuisances in accordance with San Francisco Public Works Code Sections 174-174.13, 723.3,
6 945, 1108, and 1206.1 (the "Applicable Codes"). Any monies appropriated by the Board of
7 Supervisors or collected by the Director of Public Works for this purpose and sums received in
8 consideration of the release of liens and payment of special assessments shall be deposited
9 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 Public Works in
13 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 California Streets and Highways Code, ~~State of California~~.
19 The fund is established to receive all moneys received by the City and County from the State
20 under the provisions of the California Streets and Highways Code, ~~State of California~~, for the
21 acquisition of real property or interests therein for, or the construction, maintenance or
22 improvement of streets or highways, other than state highways.

23 * * * *

1 **SEC. 10.171. CODE ENFORCEMENT.**

2 The Director of Public Works is hereby empowered, authorized and directed, *with the*
3 *approval of the Mayor or the Mayor's designee (provided that the Mayor's designee is not the Director*
4 *of Public Works or an employee in the Department of Public Works),* to do any and all things
5 necessary to plan and carry out any program of concentrated Code enforcement required by
6 contract between the City and County and the Secretary of the Department of Housing and
7 Urban Development of the United States and for the assistance of which a Code enforcement
8 grant has been made to the City and County by said secretary pursuant to the provisions of
9 Section 117 of Title I of the Housing Act of 1949, as amended.

10
11 **SEC. 10.172-1. APPLICATION AND ACCEPTANCE OF FEDERAL FUNDS,**
12 **SPECIAL SERVICES FOR YOUNG INTELLECTUALLY AND DEVELOPMENTALLY**
13 **DISABLEDMENTALLY-RETARDED ADULTS.**

14 The Director of Public Health is authorized to apply to and accept funds from the United
15 States Department of Health, Education and Welfare for the purpose of providing day
16 treatment center services for *disturbed* young *intellectually and developmentally disabled*mentally
17 *retarded* adults. Utilization of such funds shall be subject to the rules, regulations and
18 operating procedures of the City and County of San Francisco, including approval by the
19 Board of Supervisors through *the* budgetary process. Utilization of such funds shall not be
20 predicated on additional appropriations by the City and County of San Francisco except with
21 the prior approval of the Board of Supervisors. No program authorized by this Section 10.172-
22 1 shall be continued beyond the period for which federal funding is provided as hereinabove
23 set forth.

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

3
4 **SEC. 10B.11. REQUEST FOR STREET-CLEANING AND RELATED SERVICES.**

5 Any person, corporation, firm, or organization desiring additional personnel, equipment,
6 and materials of the San Francisco Department of Public Works, for street-cleaning and
7 related services within the City and County of San Francisco, may request the Director of the
8 Department of Public Works to provide such personnel to perform such services. If the
9 Director approves the request, the Director ~~he or she~~ may detail such personnel for such
10 services in the number the Director ~~he or she~~ determines to be necessary to perform the
11 services.

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

14 The person, firm, or organization desiring such personnel shall pay to the Department
15 such sums of money as the Director of Public Works estimates shall be necessary to cover
16 the actual costs of the services to be provided, together with an administrative overhead
17 charge to cover the proportionate percentage of the Department's administrative costs that
18 are attributable in the Department's reasonable discretion to the work performed pursuant to
19 the request. Such person, corporation, firm or organization shall indemnify, hold harmless,
20 and defend said City and County of San Francisco, the Department of Public Works, and all
21 the officers, agents, and employees of either, from any and all liability, judgments or claims for
22 personal or bodily injuries, property damage, or other injuries caused by or purportedly
23 caused by such personnel in the rendering of such services.

24
25 **SEC. 10B.20. PAYMENTS IN ARREARS.**

1 (a) The Interdepartmental Staff Committee on Traffic and Transportation, San
2 Francisco Police Department, Department of Public Works, and Department of Parking and
3 Traffic, or their successor agencies, shall not approve or issue any street closure permits or
4 any other permits or licenses for any purpose to any person, corporation, firm, or organization
5 in arrears for 90 days or more for the payments required under this Chapter 10B.

6 (b) No person, corporation, firm, or organization who obtained a street closure permit
7 under this Chapter 10B, while being in arrears as described in this ~~s~~Section 10B.20, shall be
8 eligible for any future street closure permit under Article 21 of the Traffic Code for five years
9 from the date the first permit was issued. A person, corporation, firm, or organization denied a
10 permit under this subsection (b) may request a hearing before the Director of Public Works or
11 the Director's ~~this or her~~ designee to determine whether the permit applicant was in fact in
12 arrears at the time of obtaining the first permit.

13 The Board of Supervisors may by resolution waive or reduce the period of
14 disqualification provided in this subsection (b).

15 * * * *

16
17 **SEC. 20.404. CONTRACT REQUIREMENTS.**

18 * * * *

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

- 21 (1) the extent of on-site management of the facility in terms of staff numbers 24
22 hours a day;
- 23 (2) a security plan that will be in place during the hours of operation;
- 24 (3) a sidewalk maintenance plan indicating that the facility staff will maintain the
25 main entrance to the building and all sidewalks abutting the subject property in a safe, clean,

1 and sanitary condition, ~~in compliance with the Department of Public Works Streets and Sidewalk~~
2 ~~Maintenance Standards inconsistent with~~ Section 706 of the Public Works Code;

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

6 * * * *

7 (d) The Board of Supervisors recognizes that these amendments will have a
8 material effect on the existing shelters whose contracts with the City require the City to pay
9 the shelter operators a certain negotiated amount for services offered at each shelter. The
10 City and the shelter operators contemplated that the shelters would operate at or near
11 capacity through most of the year. This legislation may reduce the number of beds available in
12 some shelters. In addition, this legislation will impose obligations on shelter operators that
13 exceed their obligations under their existing agreements with the City and therefore increase
14 their operating costs. City officials and shelter operators based their budgetary assumptions
15 and contracting decisions on factors that existed before this legislation existed. Therefore, the
16 Board of Supervisors authorizes each City department overseeing contracts affected by this
17 legislation to negotiate amendments to existing contracts to reflect these changes so long as
18 current contract amounts are not reduced; and 32. maximize the space for sleeping in the
19 shelter to the fullest extent possible.

20
21 **SEC. 23.40. SALE OR LEASE OF PARK LAND; USE OF CERTAIN PARK LAND**
22 **FOR THE CONSTRUCTION OF WATER QUALITY AND SEWERAGE FACILITIES.**

23 (a) Whenever lands that are or shall be used or intended for use for parks or squares
24 are no longer needed for park or recreational purposes, the City may dispose of such lands or
25 may abandon or discontinue their use for park purposes, provided that nothing herein shall be

1 construed to authorize the discontinuance or abandonment of the use of such lands, or any
2 change in the use thereof that will cause the reversion of such lands to private ownership, or
3 cause the forfeiture of the ownership thereof in fee by the City, or to authorize the
4 discontinuance of the use of park lands acquired in any proceeding wherein a local
5 assessment based on benefits was or shall be levied to provide funds for such acquisition;
6 and provided further that the general laws of the State of California authorizing municipal
7 corporations to abandon or to discontinue the use of land for park purposes, authorizing the
8 disposition of such lands, and providing procedures therefor and for matters relating thereto,
9 shall be applicable to the City and to all lands held or used by it for park purposes and shall
10 govern and control exclusively in respect thereto. For the purposes of this subsection (a), all
11 lands, including but not limited to, playgrounds, athletic facilities, and lands purchased with
12 open space acquisition and park renovation funds, but excluding the Great Highway, the land
13 described in § subsection (b) below, and lands administered by the Recreation and Park
14 Department pursuant to agreements with other City departments or entities, placed under the
15 jurisdiction of the Recreation and Park Department, shall be deemed used or intended for use
16 for park purposes.

17 (b) Upon approval by the Recreation and Park Commission, that parcel of land south
18 of the Zoo and between the Great Highway Extension and Skyline Boulevard set forth and
19 described in parcel map entitled "Parcel Map Showing Certain Park Land Proposed to be
20 Used Jointly," recorded August 12, 1975 in Parcel Map Book Number One at page 96 in the
21 office of the Recorder of the City and County of San Francisco, may be used for the
22 construction of water quality and sewerage facilities, and any facilities so constructed shall be
23 under the control, management, and direction of the San Francisco Public Utilities
24 Commission~~Department of Public Works~~. Any recreation or zoo facilities constructed on said
25

1 parcel shall remain under the control, management, and direction of the Recreation and Park
2 Commission.

3
4 **SEC. 32.11. COMMITMENT TO ENFORCE REHABILITATION STANDARDS AND**
5 **IMPLEMENT PLAN FOR PUBLIC IMPROVEMENTS.**

6 Prior to using funds generated by the issuance of bonds pursuant to this Chapter 32 for
7 financing residential rehabilitation in any residential rehabilitation area, the Board of
8 Supervisors shall adopt a resolution committing the City and County, subject to budgetary and
9 fiscal limitations, to:

10 (a) Enforcement of rehabilitation standards in ~~95% percent~~ of the structures in the
11 Residential Rehabilitation Area; and

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

15 Enforcement of rehabilitation standards shall be deemed to have been completed when
16 a structure has been brought into compliance with rehabilitation standards; when a structure is
17 the subject of litigation directed to requiring compliance with rehabilitation standards; or when
18 the owner of a structure is given a deferred time by the Abatement Appeals Board for
19 compliance with specified rehabilitation standards which do not constitute immediate life
20 hazards as that term is defined by the Director of the Department of Building Inspection~~Public~~
21 ~~Works~~.

22
23 **SEC. 32.20. RESPONSIBILITY FOR ADMINISTRATION OF PROGRAM.**

24 The Chief Administrative Officer shall be responsible for administration of all aspects of
25 the Rehabilitation Assistance Program except those aspects for which responsibility is

1 specifically retained by the Board of Supervisors or assigned by the Board of Supervisors to
2 another City and County agency. The Chief Administrative Officer, and each City and County
3 agency assigned responsibilities by or pursuant to this Chapter 32, shall have all such
4 authority as may be reasonably necessary to carry out those responsibilities. While retaining
5 overall responsibility for administration of the program, the Chief Administrative Officer shall
6 utilize the services of the Department of Building Inspection~~Public Works~~ in connection with the
7 code enforcement aspects of the program, and the services of the Real Estate Department in
8 connection with the rehabilitation financing aspects of the program. The Chief Administrative
9 Officer may also request the assistance of any other City and County agency in meeting his or
10 her responsibilities under this program.

11

12 **SEC. 32.21. RULES AND REGULATIONS.**

13 The Chief Administrative Officer shall promulgate such rules and regulations as ~~he~~the
14 Chief Administrative Officer ~~or she~~ may deem appropriate to carry out the provisions of this
15 Chapter. These rules and regulations shall be developed with the participation of the Citizen
16 Advisory Committees and the Rent Board. A copy of all such rules and regulations shall be
17 available for review by the public during regular business hours in the office of the Chief
18 Administrative Officer, the office of the Clerk of the Board of Supervisors, the Department of
19 Building Inspection~~Public Works~~, and in every other office established for the purpose of
20 carrying out this program.

21

22 **SEC. 40.7. RESPONSIBILITY FOR ADMINISTRATION OF THE PROGRAM.**

23 The Chief Administrative Officer shall be responsible for administration of all aspects of
24 the Housing Code Enforcement Loan Program except those aspects for which responsibility is
25 specifically retained by the Board of Supervisors or assigned by the Board of Supervisors to

1 another City and County agency. The Chief Administrative Officer, and each City and County
2 agency assigned responsibilities by or pursuant to this Chapter, shall have all such authority
3 as may be reasonably necessary to carry out those responsibilities. While retaining overall
4 responsibility for administration of the program, the Chief Administrative Officer shall utilize
5 the services of the ~~Bureau of Building Inspection of the~~ Department of Building Inspection~~Public~~
6 ~~Works~~ in connection with the code enforcement aspects of the program; and the services of
7 the Real Estate Department in connection with the rehabilitation financing aspects of the
8 program. The Chief Administrative Officer may also request the assistance of any other City
9 and County agency in meeting his or her responsibilities under this program.

10
11 **SEC. 40.10. RULES AND REGULATIONS.**

12 (a) The Chief Administrative Officer shall adopt such rules and regulations as he or
13 she may deem appropriate to carry out the provisions of this Chapter. A copy of all such rules
14 and regulations shall be available for review by the public during regular business hours in the
15 office of the Chief Administrative Officer, the office of the Clerk of the Board of Supervisors,
16 the Department of Building Inspection~~Public Works~~, and in every other office established for the
17 purpose of carrying out this program.

18 * * * *

19
20 **SEC. 41.7. STATEMENTS OF EXEMPTION; APPLICABILITY OF THIS CHAPTER.**

21 * * * *

22
23 (c) Claim of Exemption Based on Partially Completed Conversion. A claim of
24 exemption based on partially completed conversion shall not be approved until and unless the
25 owner or operator shows that all of the following requirements are met:

1 (1) An application for partially completed conversion was filed no later than 60
2 calendar days after the effective date of this ordinance;

3 (2) The owner or operator has commenced work on extensive Capital
4 Improvements and Rehabilitation Work prior to November 23, 1979, as defined in Section
5 37.2 of the San Francisco Administrative Code (the San Francisco Rent Stabilization and
6 Arbitration Ordinance) and has completed such work on at least ~~35%~~*percent* of the units
7 intended to be converted or has expended ~~40%~~*percent* of the total sum budgeted for said
8 work;

9 (3) The owner or operator or previous owner or operator shall have clearly
10 demonstrated ~~the his/her~~ intention to convert all of the residential units in the subject building to
11 tourist units as of November 23, 1979. Satisfactory evidence of intention to convert may be
12 demonstrated by the following factors, including but not limited to:

13 * * * *

14 (5) For each vacant residential unit converted, but not occupied by a permanent
15 resident, a sum of \$250 per unit not to exceed a total of \$10,000 shall be deposited in the San
16 Francisco Residential Hotel Preservation Account of the Repair and Demolition Fund
17 established pursuant to Section 203.1 of the San Francisco Building Code (being Chapter 1,
18 Article 2, Part II of the San Francisco Municipal Code) to be used exclusively for the repair,
19 purchase and rehabilitation of residential hotel units by agencies of the City and County of
20 San Francisco and to be administered by the Department of ~~Building Inspection~~*Public Works*.

21 * * * *

22
23 **SEC. 41.18. DEMOLITION.**

24 (a) This ~~s~~Section 41.18 shall apply only to demolition of residential hotel buildings
25 pursuant to an abatement order of the Director of ~~Building Inspection~~*Public Works* or the

1 Superior Court of the State of California, or demolition necessitated by major fires, natural
2 causes or accidents where the cost of repair exceeds 50%~~percent~~ of the replacement value of
3 the building.

4 * * * *

5
6 **SEC. 41.19. TEMPORARY CHANGE OF OCCUPANCY.**

7 (a) Temporary Change of Occupancy.

8 (1) A tourist unit may be rented to a permanent resident, until voluntary vacation
9 of that unit by the permanent resident or upon eviction for cause, without changing the legal
10 status of that unit as a tourist unit.

11 * * * *

12 (c) Winter Rentals. A residential unit which is vacant at any time during the period
13 commencing on October 1st and ending on April 30th annually may be rented as a tourist unit,
14 provided that:

15 (1) Such owner or operator has been permitted to rent residential units as
16 tourist units in excess of 25%~~percent~~ of the residential units pursuant to Section 41.19(a)(3)
17 above;

18 (2) The owner or operator has not committed unlawful action as defined in this
19 Chapter 41 within 12 months prior to the time of this request;

20 (3) A residential hotel may not rent in excess of 33%~~percent~~ of the total number
21 of residential units or 20 residential units, whichever is less, pursuant to this subsection (c);

22 (4) Applicants to temporarily convert residential units pursuant to this
23 subsection shall submit applications to the Department of Building Inspection~~Public Works~~, in
24 accordance with rules and regulations promulgated by the Department of Building Inspection;
25

1 (5) A maximum of 60 residential units may be approved per year to be rented
2 as tourist units or non-residential units pursuant to this ~~§~~subsection 41.19(c). In the event that
3 the number of such applications exceeds 60 residential units, the Department of *Building*
4 *Inspection*~~Public Works~~ shall establish a lottery system based on priority ranking where
5 preference shall be accorded to residential hotel owner who have been eligible more
6 frequently than other hotel owners for temporary conversion pursuant to ~~§~~subsection
7 41.19(a)(3) above;

8 (6) Such nonresidential use is permitted by the zoning for such residential hotel;
9 and

10 (7) No application for such temporary conversion shall be approved by the
11 Department of *Building Inspection*~~Public Works~~ to fill the unused portion of the 60 residential
12 unit limitation for the previous year.

13
14 **SEC. 50.10. DUTIES OF CITY AND COUNTY AGENCIES.**

15 The Director shall be responsible for administration of all aspects of the Nonprofit
16 Performing Arts Loan Program. The Director and each City and County agency assigned
17 responsibilities under this Chapter 50 shall have all such authority as may be reasonably
18 necessary to carry out those responsibilities, including the authority to enter into or amend any
19 agreements that the Director deems necessary to help administer the Nonprofit Performing
20 Arts Loan Program, including but not limited to, agreements with loan servicing agencies.
21 While retaining the overall responsibility for the administration of the program, the Director
22 may utilize the services of the Department of Public Works, *the Department of Building*
23 *Inspection*, and the Fire Department in connection with the code enforcement aspects of the
24 program, and the services of the Mayor's Office, Department of Administrative Services,
25 Department of Building Inspection and Real Estate ~~Division~~*Department* in connection with the

1 loan financing aspects of the program. The Director may also request the assistance of any
2 other City and County agency in meeting the Director's~~his or her~~ responsibilities under this
3 program. With respect to funds previously sent through interdepartmental work order from
4 Grants for the Arts to the Non Profit Performing Arts Loan Program to supplement the original
5 \$500,000 in the Fund, the Director shall have the discretion to convert such funds for use in
6 making capital grants.

7

8 **SEC. 50.11. RULES AND REGULATIONS.**

9 The Director shall promulgate such rules and regulations as the Director~~he or she~~ may
10 deem appropriate to carry out the provisions of this Chapter 50, including rules and
11 regulations for general payment schedule adjustments, individualized payment schedule
12 adjustments and criteria for loan forgiveness where the Director, in consultation with the
13 Controller's Office, deems such provisions are necessary in order to recoup outstanding loans
14 or to ensure the ongoing effectiveness of the program by assisting the economic viability of
15 the borrowers and helping to alleviate debt-related or other financial hardships. Said rules and
16 regulations shall be developed in consultation with pertinent City and County agencies and
17 any other appropriate organizations which the Director in the Director's~~his or her~~ discretion may
18 choose to consult. The Board of Supervisors shall by resolution approve all such rules and
19 regulations prior to their effective date. A copy of all such rules and regulations shall be
20 available for review by the public during regular business hours in the office of the Director,
21 the office of the Clerk of the Board of Supervisors, the Fire Prevention Bureau of the Fire
22 Department, the Department of Building Inspection, Public Works, and in every other office which
23 is assigned responsibilities for carrying out this program. Within the first six (6) months
24 following the effective date of this Ordinance, the Director shall submit, for review and
25 consideration at a public hearing, a report to the Board of Supervisors containing the financial

1 status on each of the loans in the NPALP portfolio, setting forth (a) any specific criteria for
2 loan adjustments or forgiveness, (b) a plan of action for collection of all remaining delinquent
3 and future loans, and (c) a proposed plan regarding whether NPALP loan recipients may use
4 any portion of their annual City grant funds for NPALP loan repayment purposes.

5
6 **SEC. 50.20. APPLICANT'S PLAN FOR FACILITIES MAINTENANCE AND CAPITAL**
7 **IMPROVEMENTS.**

8 Each loan applicant shall submit a proposed plan for facilities maintenance and
9 capital improvements or acquisition as part of the loan application process. The proposed plan
10 shall include provisions designed to correct all code violations and incipient code violations of
11 applicable City and State fire, building, earthquake and other safety codes, and any other
12 provisions which the Director in his or her discretion may require. In consultation with the
13 Department of Building Inspection~~Public Works~~, the Fire Department and other relevant City and
14 County agencies, the Director shall review the proposed plan to ensure that it meets all
15 applicable code requirements for the subject property.

16 * * * *

17
18 **SEC. 94A.4. INTERAGENCY COORDINATION.**

19 In coordinating their activities under the Program, the Core City Agencies shall have
20 the responsibilities set forth below.

21 (a) **Planning Department; General Coordination of Program Activities.** After a
22 prospective Permittee submits an application for a Shared Space, Planning will ensure review
23 and approval of the application. Specifically, Planning will:
24
25

1 (1) Receive a People Place Proposal submitted by a prospective Steward
2 pursuant to Section 94A.5 and review the Proposal for completeness and compliance with
3 Program requirements.

4 (2) If the People Place Proposal is determined to be complete and in
5 compliance with Program requirements, ~~e~~Ensure that the application is routed to all Core City
6 Agencies with jurisdiction over the proposed Shared Space for review and provide wholistic
7 coordination of the program, taking into account land use, transportation, public space and
8 urban design considerations.

9 (~~3~~2) Collaborate with the appropriate Core City Agency in the review and
10 approval of a Shared Space permit, and guide strategic change management of the program
11 to ensure continued equity and accessibility by all intended users.

12 (~~4~~3) ~~Shared Spaces~~ Oversee cross-departmental tracking systems to ensure
13 comprehensive impact reporting and accountability, and support the monitoring of Permittee's
14 compliance with any terms and conditions in the Shared Space Permit, and report any
15 noncompliance known to Planning to the applicable Core City Agency with jurisdiction for
16 enforcement.

17 (~~5~~4) Coordinate Core City Agency outreach to prospective Permittees. Such
18 outreach shall be performed in multiple languages and include small businesses located in
19 communities suffering from economic, health, and environmental burdens. Ensure quality
20 public education, marketing and community engagement for the program as a whole.

21 In performing the coordination role described in subsections (a)(1) - (~~5~~4), Planning
22 shall, if necessary, obtain the recommendations of staff of the other Core City Agencies,
23 including, among others: the Director of Public Works, the Director of Transportation, the
24 Director of the Real Estate Division, the Director of Health, and/or the Executive Director of
25 the Entertainment Commission.

1 (b) **Director of Real Estate; City Lot Shared Spaces.** The Director of Real Estate
2 will administer Shared Spaces that are solely on a City-owned lot, pursuant to Section 94A.7.

3 (c) **Entertainment Commission; Shared Spaces with Entertainment Activities.**
4 The Entertainment Commission will review and consider any application for a Shared Space
5 Permit that proposes an activity or activities within the jurisdiction of the Entertainment
6 Commission, consistent with Police Code, Section 1060, but, as applied to a Shared Space,
7 the proposed activity or activities may include the service of food and beverages for
8 consumption on the premises. The Commission may approve an application that satisfies all
9 the applicable requirements for creation of a Limited Live Performance Locale and authorize
10 issuance of a Shared Space Permit subject to the requirements stated in Police Code Section
11 1060.

12 (d) **Planning, MTA, and Public Works; Shared Spaces in the Public Right-of-Way.**

13 (1) **Curbside Shared Spaces.**

14 (A) Planning will review the overall concept of the application, approve
15 the Permittee's proposed program of offerings and events that will activate the Shared Space,
16 and participate in the design review of all proposed physical treatments or improvements.

17 (B) MTA will approve or deny the proposed closure of the curbside lane
18 pursuant to Section 204 of Division II of the Transportation Code, including permit terms and
19 conditions as established by the Director of Transportation, and participate, as applicable, in
20 design review of all physical treatments or improvements proposed by a Permittee and, at the
21 MTA's discretion, implement any approved (i) restriping of travel and parking lanes, (ii) ground
22 surface treatments to delineate right-of-ways temporarily converted for the project, (iii)
23 placement of upright bollards and other traffic control devices, and (iv) other reversible site
24 improvements not included within subsection (d)(1)(C), below, that are needed for the project.

1 (C) Public Works will, pursuant to the process set forth in Sections 793 et seq.
2 of the Public Works Code, (i) ~~(i)~~ participate in the design review and approval of physical
3 treatments or improvements proposed by a Permittee, (ii) participate in the review and
4 approval of the Permittee's proposed program of events intended to activate the Shared
5 Space, (iii) consult with additional City agencies such as the Public Utilities Commission and
6 the Fire Department regarding the design and construction of any proposed structure
7 proposed to occupy the right-of-way as part of a Shared Space, (iv) ~~provide~~ provide approval for the
8 Shared Space Permit along with the other Core City Agencies with jurisdiction over the
9 proposed Shared Space, and (v) ~~issue~~ issue the Curbside Shared Space permit. The Director of
10 Public Works, consistent with Sections 793 et seq. of the Public Works Code, shall issue
11 regulations setting forth standard design and operating requirements for any Curbside Shared
12 Space. In addition, Public Works, in its sole discretion, may install reversible site
13 improvements (planters, furnishings, etc.) associated with the project.

14 (D) The Core City Agencies shall review the proposed Curbside Shared Space
15 for potential conflicts with future City projects, such as streetscape initiatives (including
16 streetscape redesigns, paving projects, transit improvements), on-going maintenance needs,
17 and planned improvements. Core City Agencies shall also review the proposed Curbside
18 Shared Space for potential conflicts with City projects completed in the 10 years prior to the
19 application to reduce conflicts with the purposes of those projects, including but not limited to
20 review to ensure that the Shared Space would enhance rather than undermine the City's
21 Vision Zero, Transit-First, and Better Streets Policies.

22 (E) A Permittee's right to occupy the Curbside Shared Space shall be
23 conditioned upon the obligation to remove or modify the Curbside Shared Space at any time,
24 as necessary for any City project or maintenance work, which necessity shall be determined
25 solely by the City Agency that issued the Shared Space Permit. The Permittee shall be

1 obligated to remove or modify the Curbside Shared Space at the Permittee’s cost and return
2 the right-of-way to a condition that the Director of Public Works deems appropriate within 15
3 days of receiving notice from the City, although the Director of Public Works or applicable
4 Core Agency may require removal of the Shared Space in a shorter time period where the
5 Director of Public Works determines that an emergency or other threat to public health or
6 safety exists, or finds that any delay would result in extraordinary cost to the City.

7 * * * *

8
9 **SEC. 94A.6. OPERATIONAL REQUIREMENTS.**

10 * * * *

11
12 **(b) Operational Requirements.**

13 * * * *

14 (8) Good Neighbor Policies. Permittees of all Shared Space Categories shall
15 manage the Shared Space in accordance with the following good neighbor policies during the
16 times of use set forth in the Shared Space Permit:

17 (A) The safety and cleanliness of the Shared Space and its adjacent
18 area within a 100-foot radius shall be maintained, provided that any Permittee may request,
19 and Public Works shall provide, any necessary assistance with the removal of hazardous
20 waste;

21 (B) Proper and adequate storage and disposal of debris and garbage
22 shall be provided;

23 (C) Noise and odors, unless otherwise permitted, shall be contained
24 within the immediate area of the Shared Space so as not to be a nuisance or annoyance to
25 neighbors;

1 (D) Notices shall be prominently displayed during events that urge
2 patrons to leave the Shared Space premises and neighborhood in a quiet, peaceful, and
3 orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be
4 removed after each event; and,

5 (E) The Permittee or its employees or volunteers shall walk a 100-foot
6 radius from the Shared Space within 30 minutes after programmed events have concluded
7 and/or at the conclusion of its hours of operation, and shall pick up and dispose of any
8 discarded trash left by patrons.

9 * * * *

10
11 **SEC. 105.3. IMPOSITION OF CIGARETTE LITTER ABATEMENT FEE.**

12 (a) The City hereby imposes a Cigarette Litter Abatement Fee at the rate of \$0.20 per
13 Pack of Cigarettes on the Purchaser for all Cigarette Sales within the geographic limits of the
14 City, subject to adjustment from time to time under subsection (f) below. The Fee shall be
15 imposed on a per-Pack of Cigarettes basis for Cigarette Sales in larger quantities. The Fee is
16 payable at the time of the Cigarette Sale transaction.

17 (b) Each Cigarette Retailer shall collect the Fee from the Purchaser at the time of the
18 Cigarette Sale and remit the collected revenue to the City as provided in ~~S~~subsection (c).

19 (c) The Cigarette Retailer shall hold the collected Fee revenue in trust for the City and
20 remit such revenue to the Tax Collector each calendar quarter on or before the last day of the
21 month immediately following each respective quarterly period, and in accordance with the Tax
22 Collector's Rules, except that all such amounts shall be due immediately upon the City's
23 suspension of a Cigarette Retailer's Health Code Article 19H tobacco sales permit, or upon a
24 Cigarette Retailer's voluntary surrender of such tobacco sales permit, or upon the transfer of
25 ownership or cessation of a Cigarette Retailer's business for any reason.

1 (d) If the Cigarette Retailer fails to collect and remit the Fee as §subsections (a), (b)
2 and (c) require, the Cigarette Retailer is liable to the City for the full Fee amount.

3 (e) The Tax Collector shall deposit all monies collected pursuant to this Cigarette Litter
4 Abatement Fee Ordinance to the credit of the Environment Cigarette Litter Abatement Fund
5 authorized by San Francisco Administrative Code Section 10.100-70. Said fund shall be used
6 exclusively for the following purposes:

7 (1) Refunds of any overpayments of the Fee imposed hereunder;

8 (2) Costs of the Department of Public Works incurred in abating cigarette litter
9 from sidewalks, street gutters, and similar outdoor public spaces consistent with the
10 categories of expense items included in the report that the Department of Public Works has
11 submitted to the Board of Supervisors in support of this ordinance and that appears in File No.
12 101140;

13 (3) Costs of the Tax Collector incurred in the collection and enforcement of the
14 Cigarette Litter Abatement Fee consistent with the categories of expense items included in the
15 report that the Tax Collector has submitted to the Board of Supervisors in support of this
16 ordinance and that appears in File No. 101140; and

17 (4) Costs of public outreach and education to curb improper cigarette litter
18 disposal; ~~and.~~

19 * * * *

20
21 Section 6. The Police Code is hereby amended by revising Sections 38, 39-1, 386,
22 779, 1618, and 4304 to read as follows:

23
24 **SEC. 38. ENFORCEMENT OF LITTER LAWS; DESIGNATED OFFICERS AND**
25 **EMPLOYEES.**

1 The classes of officers or employees of the City and County of San Francisco
 2 hereinbelow set forth may have the duty of enforcing those provisions of state law or the San
 3 Francisco Municipal Code which relate to abatement of nuisance conditions on public property
 4 or the littering of private or public property, including, but not limited to, streets, sidewalks,
 5 parks, squares or recreation areas within said City and County, the removal or abatement of
 6 any such litter from said private or public property or the unauthorized use of litter receptacles.
 7 In addition to any other authority provided by state law or the Municipal Code, each of these
 8 classes of officers or employees may also issue citations imposing administrative penalties
 9 authorized by Section 39-1.

Classification Number	Class Title
0922	Manager I (positions assigned to the Recreation and Park Department <i>and the Department of Public Works</i> only)
<u>0923</u>	<u>Manager II (positions assigned to the Department of Public Works only)</u>
0932	Manager IV (positions assigned to the Department of Public Works only)
0933	Manager V (positions assigned to the Department of Public Works only)
0941	Manager VI (positions assigned to the Department of Public Works only)
0954	Deputy Director (positions assigned to the Department of Public Works only)
0964	Director of Public Works

1	1310	Public Relations Assistant (positions assigned to the Department of Public Works only)
2		
3	1312	Public Information Officer (positions assigned to the Department of Public Works only)
4		
5	1314	Public Relations Officer (positions assigned to the Department of Public Works only)
6		
7	2716	Custodial Assistant Supervisor
8	2917	Program Support Analyst
9	3234	Harbormaster
10	3292	Assistant Superintendent, Recreation
11	<u>3374</u>	<u>Volunteer/Outreach Coordinator</u>
12	<u>5207</u>	<u>Associate Engineer</u>
13	<u>5241</u>	<u>Engineer</u>
14	6120	Environmental Health Inspector
15	6122	Senior Environmental Health Inspector
16	6124	Principal Environmental Health Inspector
17	6126	Chief, Bureau of Environmental Health Services
18	6127	Assistant Chief, Bureau of Environmental Health Services
19	6230	Street Inspector
20	6231	Senior Street Inspector
21	6232	Street Inspector Supervisor
22	<u>6317</u>	<u>Assistant Construction Inspector</u>
23	<u>6318</u>	<u>Construction Inspector</u>
24	<u>6319</u>	<u>Senior Construction Inspector</u>
25	7215	General Laborer Supervisor I

1	7281	Street Cleaning Supervisor II
2	7514	General Laborer (receiving lead pay only)
3	8208	Park Patrol Officer
4	8210	Head Park Patrol Officer
5	H4	Inspector, Bureau of Fire Prevention and Public Safety
6	H22	Lieutenant, Bureau of Fire Prevention and Public Safety
7	H32	Captain, Bureau of Fire Prevention and Public Safety
8	H40	Battalion Chief, Fire Department
9	H50	Assistant Chief, Fire Department

10

11 **SEC. 39-1. PROCEDURE FOR ASSESSMENT AND COLLECTION OF**
12 **ADMINISTRATIVE PENALTIES FOR SPECIFIED LITTERING AND NUISANCE**
13 **VIOLATIONS.**

14 (a) This Section 39-1 shall govern the imposition, assessment, and collection of
15 administrative penalties imposed pursuant to Sections 37, 38, and 63 of the Police Code;
16 Sections 41.13, 283.1, 287, 288.1 and 600 of the Health Code; Sections 170, 173, 174, 174.2,
17 723, 723.5, 724.5, 794, and 1606 of the Public Works Code; and Section 22G.4 of the
18 Administrative Code.

19 * * * *

20 (d) Request for Hearing; Hearing.

21 (1) A person or entity that has been issued an administrative citation may
22 request administrative review in order to contest the citation issued in accordance with this
23 subsection (d). Administrative review shall be initiated by filing a request for administrative
24 review with the Director of Public Works, within 15 City business days from the date of the
25 citation. Failure to request a hearing within the time specified in the citation shall be deemed

1 an admission that the cited person or entity committed the violation identified in the
2 administrative citation.

3 (2) Whenever administrative review is requested pursuant to this ~~sub~~Section,
4 the Director of Public Works shall, within five City business days of receipt of the request,
5 notify the requestor of the date, time, and place of the administrative review hearing by
6 certified mail. Such hearing shall be held no later than thirty (30) calendar days after the
7 Director receives the request, unless time is extended by mutual agreement of the affected
8 parties.

9 (3) The administrative review hearing shall be conducted by a neutral hearing
10 officer from outside the Department of Public Works and the department whose employee
11 issued the citation. The Director of ~~Public Works~~~~Administrative Services~~ may issue rules as
12 needed to implement this requirement. The parties may present evidence and testimony to
13 the hearing officer. All testimony shall be under oath. The hearing officer shall ensure that a
14 record of the proceedings is maintained. The burden of proof to uphold the violation shall be
15 on the City, but the administrative citation shall be prima facie evidence of the violation.

16 (4) The hearing officer shall issue a decision including a summary of the issues
17 and the evidence presented, and findings and conclusions, within ten (10) calendar days of
18 the conclusion of the hearing. The hearing officer may uphold the penalty imposed by the
19 citation, reduce the penalty, or dismiss the citation. A copy of the decision shall be served by
20 certified mail upon the person or entity contesting the violation. The decision shall be a final
21 administrative determination. An aggrieved party may seek judicial review of the decision
22 pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

23 (e) Payment and Collection of Penalty.
24
25

1 (1) Where a person or entity has not made a timely request for administrative
2 review, the penalty shall be due and payable to the City Treasurer on or before 15 City
3 business days from the date of issuance.

4 (2) Where a person or entity has made a timely request for administrative
5 review, and the penalty has been upheld in whole or in part upon review, any administrative
6 penalty imposed by the hearing officer shall be due and payable not later than 10~~ten~~ City
7 business days from the date of the notice of decision issued under subsection~~paragraph~~ (d)(4).

8 (3) If a penalty due and payable under subsections~~paragraphs~~ (d)(1) or (d)(2)
9 remains unpaid after the specified due date, the Director of Public Works shall send the
10 violator written notice that the penalty is overdue. Penalties that remain unpaid 30 days after
11 the due date shall be subject to a late payment penalty of ~~ten percent~~(10%) plus interest at the
12 rate of ~~one percent~~(1%) per month on the outstanding balance, which shall be added to the
13 penalty amounts from the date that payment is due. Persons and entities against whom
14 administrative penalties are imposed shall also be liable for the costs and attorney's fees
15 incurred by the City and County in bringing any civil action to enforce the provisions of this
16 section, including obtaining a judgment for the amount of the administrative penalty and other
17 costs and charges.

18 (4) Where there is a nexus between the violation and property in the City owned
19 by the violator, the Director of Public Works shall further inform the violator that if the amount
20 due is not paid within 30 days from the date of the notice, the Director shall initiate
21 proceedings to make the amount due and all additional authorized costs and charges,
22 including attorneys' fees, a lien on the property. Such liens shall be imposed in accordance
23 with Chapter 10, Article XX of the Administrative Code.

24 (f) The revenues generated by penalties from an administrative citation issued
25 pursuant to this Section 39-1 may be expended only by the department that is responsible for

1 issuing the administrative citation, except that each department other than *the Department of*
2 Public Works that issues administrative citations pursuant to this Section shall reimburse the
3 Department of Public Works for the costs incurred by the Department of Public Works in
4 administering review of those citations issued by the other department. The revenues from
5 administrative citations issued by Class 8280 Environmental Control Officers and 8282 Senior
6 Environmental Control Officers may be expended exclusively by the Department of Public
7 Works for the purpose of funding litter enforcement and abatement except where the use or
8 expenditure of those revenues is specifically directed by law to another program within the
9 Department of Public Works.

10
11 **SEC. 386. UNLAWFUL TO DIRECT TRAFFIC WITHOUT AUTHORIZATION.**

12 It shall be unlawful for any person other than an officer of the Police Department, a
13 member of the Fire Department, or a person authorized by the provisions of this Article 4.5 or
14 other applicable laws to direct or attempt to direct traffic by voice, hand or other signal, except
15 for the operation of any manually operated traffic control signal device erected by the
16 ~~Department of Public Works~~ Municipal Transportation Agency.

17
18 **SEC. 779. CONSTRUCTION PERMIT.**

19 No permit shall be granted by the Police Department until and after applicant has
20 obtained a construction permit from the Director of the Department of Building Inspection ~~Public~~
21 ~~Works~~.

22
23 **SEC. 1618. ELIGIBILITY AND OPERATING STANDARDS APPLICABLE TO ALL**
24 **CANNABIS BUSINESSES.**

25 * * * *

1 (t) Every Cannabis Business is required to keep all garbage, recycling, and compost
2 containers on the Premises and hidden from public view, and placed outside only when being
3 serviced by the disposal company. Trash shall be contained and disposed of pursuant to
4 garbage and recycling receptacle guidelines set forth by the Department of Public Works.

5 * * * *

6 (w) Every Cannabis Business shall maintain the main entrance to the Premises and all
7 sidewalks abutting the subject property in a clean and sanitary condition in compliance with
8 the ~~Department of Public Works'~~ Streets and Sidewalk Maintenance Standards consistent with
9 Section 706 of the Public Works Code.

10 * * * *

11
12 **SEC. 4304. ENFORCEMENT.**

13 (a) Criminal Enforcement. Any person who violates Section 4303 of this Article 43
14 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by
15 incarceration in the County Jail, fine, or both. Upon a first conviction for violation of this
16 Section 4303, the person shall be incarcerated in the County Jail for up to three months, or
17 fined up to \$500, or both. Upon a subsequent conviction for violation of Section 4303, the
18 person shall be incarcerated in the County Jail for up to six months, or fined up to \$1000, or
19 both.

20 (b) Civil Enforcement. An aggrieved person may enforce the provisions of this Article
21 43 by means of a civil action. An aggrieved person includes any reproductive health care
22 facility that is the site of a violation of this Article. Any person who violates any of the
23 provisions of this Article or who aids in the violation of this Article shall be liable to the
24 aggrieved person for special and general damages, but in no case less than \$1000 plus
25

1 attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a
2 proper case.

3 (c) Dispersal Order. A law enforcement official may order the immediate dispersal of a
4 gathering that continues to violate Section 4303 after a verbal warning. A dispersal order
5 issued pursuant to this subsection (c) shall include the following statements: (1) the gathering
6 has substantially impeded access to or departure from the reproductive health care facility; (2)
7 each member of the gathering shall, under the penalty of arrest and prosecution, immediately
8 disperse and cease to stand or be located within at least 25 feet of an entrance or a driveway
9 to the reproductive health care facility; and (3) the order shall remain in place for eight hours
10 or until the close of business of the reproductive health facility, whichever is earlier. This
11 subsection (c) shall apply during the business hours of a reproductive health care facility and
12 up to one hour before the posted business hours.

13 (d) Other Enforcement. Nothing in this Article 43 shall preclude any person from
14 seeking any other remedies, penalties or procedures provided by law.

15 (e) Alternative Remedies - Administrative Fines. In addition to any other remedies that may be
16 available, a violation of this Article 43 may be punishable by an administrative fine, which may be
17 assessed by an administrative citation issued by the Department of Public Works officials designated in
18 Section 38 of the Police Code. Administrative Code Chapter 100, "Procedures Governing the
19 Imposition of Administrative Fines," as may be amended from time to time, is hereby incorporated and
20 shall govern the procedure for the imposition, enforcement, collection, and administrative review of
21 administrative citations issued to enforce this Section 790, except that the amount of the administrative
22 fine shall be \$100 for a first violation of any section of this Article, \$200 for a second violation of such
23 section within one year of the first violation, and \$500 for each additional violation of such section
24 within one year of the first violation.

1 Section 7. The Health Code is hereby amended by revising Sections 461, 462, 12C.1,
2 1511, 1606, and 1636 to read as follows:

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, Port of San Francisco,
12 San Francisco International Airport, Division of Real Estate, and Capital Planning Committee,
13 shall study what will be required to accomplish this policy, including associated costs, and
14 report the results of the study to the Mayor and Board of Supervisors. Upon receiving this
15 study, the Board of Supervisors intends to evaluate any changes to the law and Capital Plan
16 needed to implement this policy.

17 * * * *

18
19 **SEC. 1511. TREATMENT REQUIREMENTS.**

20 (a) Methods of Treatment for On-Site Treatment Facilities. Any person treating medical
21 waste shall ensure that the medical waste is treated by one of the following methods, thereby
22 rendering it solid waste, which is not otherwise hazardous, prior to disposal:

23 (1) Incineration at a permitted medical waste treatment facility in a controlled-
24 air, multichamber incinerator, or other method of incineration approved by the department
25 which provides complete combustion of the waste into carbonized or mineralized ash.

1 Monitoring for release of airborne pathogens from medical waste incinerations shall be
2 conducted as required by the medical waste treatment permit.

3 (2) Discharge to the sewerage system as defined in the San Francisco Public
4 Works Code, if the medical waste is liquid or semiliquid. Any such medical waste discharge
5 shall be consistent with the waste discharge requirements placed on the City and County of
6 San Francisco by state or federal law, and with any pretreatment permit issued by the San
7 Francisco Public Utilities Commission~~Department of Public Works pursuant to the Public Works~~
8 ~~Code~~; provided that such discharge shall not consist of either of the following:

9 * * * *

10
11 **SEC 1606. CITY AGENCY TASK FORCE.**

12 (a) The Director shall convene and coordinate an interdepartmental task force that
13 shall be comprised of representatives from the following City departments: the Department of
14 Public Health, the Department of Public Works, the Department of Building Inspection, the
15 Department of City Planning, the Department of Social Services, the Recreation and Park
16 Department, the Public Library, the Public Utilities Commission (which shall include a
17 representative from the Water Department and the Bureau of Energy Conservation), the
18 Mayor's Office, and the office of the City Administrator. The Director shall also request the
19 participation of the Housing Authority, the Office of Community Investment and
20 Infrastructure~~Redevelopment Agency~~, San Francisco Unified School District, and other
21 governmental agencies and community representatives when additional expertise, resources,
22 or other assistance is deemed necessary by the Director.

23 * * * *

24
25 **SEC. 1636. ENFORCEMENT.**

1 (a) The Department of Public Health shall be the primary administering and enforcing
2 agency under this Article 26. The Director is hereby authorized to call upon the Director of
3 Public Works, and the Chief of Police and all other city officers, employees, departments and
4 bureaus to aid and assist the Director~~him or her~~ in such enforcement, and it shall then be their
5 duty to assist the Director in enforcement of this Article by performing such duties as may
6 come within their respective jurisdictions.

7 * * * *

8
9 Section 8. The Building Code is hereby amended by revising Section 106A to read as
10 follows:

11 **SECTION 106A – PERMITS**

12 * * * *

13
14 **106A.1.3 Permits and fees for subsidewalk space.** A building permit shall be
15 obtained for construction of subsidewalk space. The fee for said permit shall be the fee set for
16 building permits. See Section 110A, Table 1A-F – Specialty Permit Fees – for applicable fees.

17 Permits for the use of subsidewalk space, except for subsurface space used to connect
18 a building, structure or property with the San Francisco Bay Area Rapid Transit district
19 facilities, shall be granted after approval by the Building Official and the City Engineer.
20 Permission for the use of subsurface space to connect with the San Francisco Bay Area
21 Rapid Transit District facilities, shall be granted only as set forth in Section 106A.1.3.1. The
22 City may reserve any part of the subsidewalk space for its own use or the use of the public.
23 The Board of Supervisors reserves the right to suspend or annul the privilege of maintaining
24 such subsidewalk space or to exact a license or rental for the use thereof. The granting of a
25 permit to use the subsidewalk space shall carry with it the right to excavate the space and to

1 build the necessary retaining walls. If the street in front of the building is paved, a deposit will
2 be required of the subsidewalk space. See Section 110A, Table 1A-F – Specialty Permit
3 Fees – for *the* required deposit. The deposit will be refunded to the permittee upon the
4 endorsement of the permit issued therefor and a certificate from the Department of Public
5 Works, Bureau of Engineering, certifying to the satisfactory condition of such roadway at the
6 end of two years after the time the pavement was restored. Should the permittee fail to restore
7 any pavement, the Director of the Department of Public Works may, after 10 days' notice in
8 writing posted on the building, restore the pavement and deduct the cost of such restoration
9 from the deposit. In lieu of the deposit required herein, a bond in the amount of the deposit
10 may be accepted in the manner set forth in Article 2.48 of the San Francisco Public Works
11 Code.

12 No permit shall hereafter be issued by any officer, board or commission of San
13 Francisco to make use of the subsidewalk space within the street lines of Market Street
14 between Steuart Street and Castro Street, except a permit may be granted for the use as
15 subsidewalk space for the following:

16 1. The space lying contiguous to the property line and extending along a line parallel
17 thereto and up to 22 feet distant therefrom wherever such space is located in Market Street
18 between Steuart Street and Van Ness Avenue.

19 2. The space lying contiguous to the property line and extending along a line parallel
20 thereto and up to 10 feet distant therefrom wherever such space is located in Market Street
21 between Van Ness Avenue and Castro Street.

22 Due consideration shall be given to the needs and requirements for the use of
23 subsidewalk space by public utilities.

24 The remainder of the subsidewalk space is hereby expressly reserved for public use.
25

1 Section 9. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor’s veto of the ordinance.

5
6 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the “Note” that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Christopher T. Tom
16 CHRISTOPHER T. TOM
Deputy City Attorney

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