

FILE NO. 001261

ORDINANCE NO. 234-00

1 [Advertising Vehicles]

2 AMENDING SECTION 680 OF THE POLICE CODE, RELATING TO THE OPERATION OF  
 3 COMMERCIAL ADVERTISING VEHICLES ON PUBLIC STREETS, TO SPECIFY THE  
 4 PURPOSES OF THAT SECTION, TO CLARIFY THE CIRCUMSTANCES IN WHICH THAT  
 5 SECTION APPLIES, AND TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT OF  
 6 THAT SECTION BY WAY OF INJUNCTIVE RELIEF AND THE IMPOSITION OF SPECIFIED  
 7 CIVIL PENALTIES

8 Note: Additions are underlined; deletions are in ((double parentheses)).

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

10 Section 1. Article 10 of the San Francisco Police Code is hereby amended by  
 11 amending Section 680 thereof, to read as follows:

12 **SEC. 680. ADVERTISING VEHICLES PROHIBITED ON CITY STREETS.**

13 (a) **Findings and Purpose.** The inherent primary purpose of commercial  
 14 advertising vehicles is to display commercial advertising on public streets. By their nature,  
 15 commercial advertising vehicles are intended to distract, and aim to capture and hold the  
 16 attention of, members of the public on or adjoining public streets, including drivers,  
 17 pedestrians, bicyclists, and others. Moreover, such vehicles display commercial advertising  
 18 from a mobile platform, including while the vehicle is moving within the flow of traffic,  
 19 potentially stopping, starting, or turning abruptly, accentuating the inherent tendency of such  
 20 advertising to seize attention and to distract. Additionally, the use of motor vehicles to display  
 21 commercial advertising creates exhaust emissions. For these reasons, the Board of  
 22 Supervisors finds that commercial advertising vehicles create aesthetic blight and visual  
 23 clutter and create potential and actual traffic and health and safety hazards. The purposes of  
 24 this section are (1) to promote the public health, safety and welfare of motorists, pedestrians,  
 25 bicyclists, and others using the City's public streets and roadways and adjoining areas, by

SUPERVISOR KATZ  
 BOARD OF SUPERVISORS

1 eliminating the aesthetic blight and visual clutter and traffic and safety hazards caused by the  
2 operation of commercial advertising vehicles on the City's streets; (2) to reduce congestion on  
3 the City's streets; (3) to reduce exhaust emissions, by eliminating as an emissions source a  
4 type of commercial advertising display whose use may require continuous or extensive  
5 operation of motor vehicle engines; (4) to protect public investment in and the character and  
6 dignity of the City's streets; and (5) to aid in the attraction of tourists and other visitors who are  
7 so important to the economy of the City. This section is not intended to regulate any non-  
8 commercial speech, including non-commercial advertising or signage.

9 (b) **Prohibition.** No person may operate any commercial advertising vehicle  
10 ((exhibit, post or carry any banner, placard, poster, card, picture, sign or advertising display  
11 that proposes a commercial transaction on or by means of a motor vehicle)) in or on any  
12 public street in the City and County of San Francisco,((, unless the vehicle is being used  
13 primarily to transport passengers or goods.))

14 (c) **Definitions.** As used in this Section, the following terms shall have the following  
15 meanings:

16 (1) "City" means the City and County of San Francisco.

17 (2) "Commercial advertising vehicle" means a motor vehicle that is carrying,  
18 towing, or otherwise displaying any commercial advertising sign, unless the vehicle is used  
19 primarily to transport passengers or goods.

20 (3) "Commercial advertising sign" means a banner, placard, poster, card,  
21 picture, sign or display that does no more than propose a commercial transaction.

22 (d) **Enforcement.**

23 (1) The Police Department shall issue a written notice of violation concerning,  
24 and requiring the immediate correction of, any violation of this Section to the driver of any  
25 commercial advertising vehicle that is being driven or used in violation of this Section, as well

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1 as to the owner or other person responsible for the vehicle, if the identity of that owner or  
2 other person is known to or readily ascertainable. If issued to the driver of a commercial  
3 advertising vehicle, the notice shall require the driver to inform the owner or other person  
4 responsible for the operation of the commercial advertising vehicle, of the notice and of the  
5 violation to which it relates. Notice to the driver of a commercial advertising vehicle under this  
6 subsection shall be deemed notice to the owner or other person responsible for the operation  
7 of the vehicle.

8 (2) The City Attorney is authorized to enforce this Section by appropriate civil  
9 action. No such action shall be commenced against any person unless and until the Police  
10 Department has issued a notice of violation requiring correction to that person, as specified  
11 above, and that person has failed to comply with this Section and with that notice. In any civil  
12 action brought to enforce this section, the City Attorney may pursue the remedies set forth in  
13 this Section for the violation of this Section that is the subject of the notice, as well as for any  
14 subsequent violations of this Section that have occurred within one year after the issuance of  
15 the notice without regard to the whether the Police Department issued subsequent notices  
16 concerning those subsequent violations.

17 (3) Violation of this Section shall constitute grounds for injunctive relief. In  
18 addition, any person who violates or refuses to comply with the provisions of this Section shall  
19 be liable for a civil penalty which shall be assessed and recovered in a civil action brought in  
20 the name of the People of the City and County of San Francisco in any court of competent  
21 jurisdiction. Each separate display of commercial advertising prohibited by this Section, and  
22 each day that a violation of this Section is committed or permitted to continue, shall constitute  
23 a separate violation. The amount of such civil penalty shall be \$250 for the first violation,  
24 \$350 for the second violation, and \$500 for each subsequent violation of this Section. Any  
25 penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid

1 to the Treasurer of the City and County of San Francisco. The person against whom a  
2 penalty is assessed, or against whom an injunction is obtained, also shall be liable for the  
3 costs and attorney's fees incurred by the City and County of San Francisco in bringing any  
4 civil action to enforce the provisions of this Section.


5 (4) Violation of this Section shall not constitute a criminal offense.

6 (5) In any action brought to enforce this Section, the City Attorney may also  
7 seek any remedies available under state or federal law.

8  
9 APPROVED AS TO FORM:

10 LOUISE H. RENNE, City Attorney

11  
12  
13 By:

  
14 WAYNE K. SNODGRASS  
15 Deputy City Attorney



# City and County of San Francisco

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

## Tails

## Ordinance

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**File Number:** 001261

**Date Passed:**

Ordinance amending Section 680 of the Police Code, relating to the operation of commercial advertising vehicles on public streets, to specify the purposes of that Section, to clarify the circumstances in which that Section applies, and to provide for administration and enforcement of that Section by way of injunctive relief and the imposition of specified civil penalties.

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September 25, 2000 Board of Supervisors — PASSED, ON FIRST READING

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

Absent: 1 - Yaki

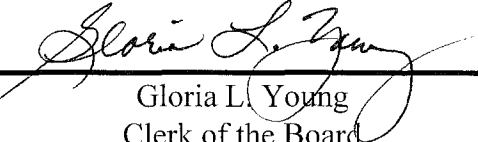
October 2, 2000 Board of Supervisors — FINALLY PASSED

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

Absent: 1 - Katz

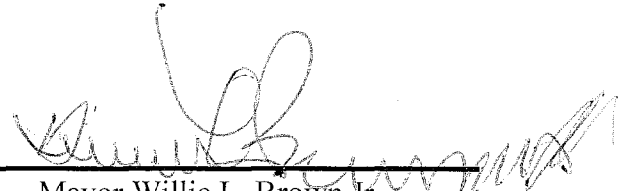
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I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on October 2, 2000  
by the Board of Supervisors of the City and  
County of San Francisco.

  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

OCT 13 2000

\_\_\_\_\_  
Date Approved

  
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Mayor Willie L. Brown Jr.