

1 [Enforcement of Sign Regulations.]

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3 **Ordinance amending the San Francisco Planning Code by amending Section 176 and**
4 **adding Section 610 to substantially increase the penalties for violation of regulations**
5 **governing General Advertising Signs; amending Article XIII of the San Francisco**
6 **Administrative Code to add Section 10.100-166 to establish a Planning Code**
7 **Enforcement Fund and authorize the administrative penalties and fees collected**
8 **pursuant to Section 610 and penalties and fees recovered by the City Attorney in a sign**
9 **abatement action to be used to fund sign regulation enforcement activities.**

10 Note: Additions are *italic; Times New Roman*; deletions
11 are ~~*strikethrough italic; Times New Roman*~~
12 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Findings.

15 (a) Objective 4, Policy 14, of the Urban Design Element of the City's General Plan
16 recognizes that signs are a leading cause of street clutter and that the signs often are
17 unrelated to the physical qualities of the buildings on which they are placed. Objective 4,
18 Policy 14 further states that where signs are large, garish and clashing, they lose their value
19 as identification or advertising signs and merely offend the viewer; and while signs have an
20 important place in an urban environment, they should be controlled in their size and location.

21 (b) Article 6 of the Planning Code regulates the size and other elements of a
22 general advertising sign, which is defined as a "sign which directs attention to a business,
23 commodity, industry or other activity which is sold, offered or conducted elsewhere than on
24 the premises upon which the sign is located, or to which it is affixed, and which is sold, offered
25 or conducted on such premises only incidentally if at all."

1 (c) Illegal general advertising signs are proliferating throughout certain parts of the
2 City where they are either prohibited by Article 6, are grossly oversized or in violation of other
3 regulations, and/or have failed to obtain the required permits.

4 (d) The Board of Supervisors finds that because these signs can be installed quickly
5 due to current technology and are so lucrative, additional penalties and enforcement
6 procedures are required to deter these illegal activities.

7 Section 2. Article 1.7 of the San Francisco Planning Code is hereby amended by
8 amending Section 176 to read as follows:

9 Sec. 176. Enforcement Against Violations.

10 (a) Violations Unlawful. Any use, structure, lot feature or condition in violation of
11 this Code is hereby found and declared to be unlawful and a public nuisance. Should any
12 permit or license have been issued that was not then in conformity with the provisions of this
13 Code, such permit or license shall be null and void.

14 (b) Methods of Enforcement. The Zoning Administrator shall have authority to
15 enforce this Code against violations thereof by any of the following actions;

16 (1) Serving notice requiring the cessation, removal or correction of any violation of
17 this Code upon the owner, agent or tenant of the property that is the subject of the violation, or
18 upon the architect, builder, contractor or other person who commits or assists in such
19 violation;

20 (2) Calling upon the City Attorney to maintain an action for injunction to restrain or
21 abatement to cause the correction or removal of any such violation, and for assessment and
22 recovery of a civil penalty for such violation;

23 (3) Calling upon the District Attorney to institute criminal proceedings in
24 enforcement of this Code against any such violation; and
25

1 (4) Calling upon the Chief of Police and authorized agents to assist in the
2 enforcement of this Code

3 (c) Penalties

4 (1) Any individual, firm partnership, corporation, company, association, society,
5 group or other person or legal entity that violates any provision of this Code shall be liable for
6 a civil penalty, not to exceed \$500 for each day such violation is committed or permitted to
7 continue, which penalty shall be assessed and recovered in a civil action brought in the name
8 of the people of the City and County of San Francisco by the City Attorney in any court of
9 competent jurisdiction. Any penalty assessed and recovered in an action brought pursuant to
10 this Paragraph shall be paid to the Treasurer of the City and County of San Francisco.

11 (2) Any individual, firm, partnership, corporation, company, association, society,
12 group or other person or legal entity that violates any provision of this Code shall be deemed
13 guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not
14 exceeding \$500 or be imprisoned for a period not exceeding six months or be both so fined
15 and imprisoned. Each day such violation is committed or permitted to continue shall
16 constitute a separate offense and shall be punishable as such hereunder.

17 (d) Additional methods of Enforcement and Penalties for Violation of Sign
18 Regulations. Violation of the general advertising sign regulations set forth in Article 6 are
19 subject to the administrative penalties and enforcement procedures set forth in section 610 of
20 this Code, in addition to those set forth in this Section 176.

21 Sec. 3. Article 6 of the San Francisco Planning Code is hereby amended by
22 adding Section 610 to read as follows:

23 Sec. 610. Violation of General Advertising Sign Requirements.
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1 (a) General. The penalties and methods of enforcement set forth in this Section
2 610 are in addition to those set forth in section 176 of this Code and in addition to any other
3 penalties or methods of enforcement authorized by law.

4 | (b) Administrative Penalties. The Director of Planning may impose administrative
5 penalties for violations of the regulations governing general advertising signs set forth in this
6 Article, in accordance with the following procedure:

7 (1) Notice. Upon the Planning Department's determination pursuant to Section 176
8 of this Code that a general advertising sign has been erected or otherwise installed in violation
9 of the requirements of this Article, the Director shall send a written notice, by first class mail or
10 hand-delivery, to both the owner or owners of the property, as listed in the Assessor's records,
11 and the company that erected or installed the sign, if different from the owner or owners
12 (together, the "Responsible Parties"). The notice shall describe the violations, and state that
13 the Responsible Parties have up to five business days to remove the sign or be subject to the
14 imposition of administrative penalties and abatement action, state the amount of the
15 administrative penalty and fees to be imposed, and notify the Responsible Parties that they
16 have the right to request the Director's reconsideration by filing such a request within 15
17 business days of the date of the notice. If the identity of the company that installed the sign is
18 unknown, the notice to the company shall be sent as soon as its identity is determined.

19 (2) Amount of Penalty. The administrative penalties assessed against the
20 Responsible Parties by the Director may go up to shall be at least \$1,000.00 but shall not
21 exceed \$2500.00 per day per violation per Responsible Party. In determining the amount of
22 the penalty, the Director shall take into account;

- 23 (i) whether there have been any previous violations within the past five years;
- 24 (ii) the nature of the violation and its impact on the public;
- 25 (iii) the Responsible Party or Parties' efforts, if any, to correct the violation;

1 (iv) the speed of compliance with the City's enforcement action; and

2 (v) whether the Responsible Party knew or should reasonably have known that
3 there was a violation; and

4 (vi) such additional factors as the Director may determine are appropriate.

5 (3) Additional Fees. In addition to the administrative penalty assessed pursuant to
6 subsection (2) above, the Director may assess additional fees to cover the costs incurred in
7 enforcing the administrative penalty or abating the violations, including the costs of other City
8 agencies.

9 (4) Duration of Penalties. Penalties and fees assessed under this Section shall
10 continue to accrue against the Responsible Parties until the violations of Article 6 have been
11 abated or otherwise remedied in the sole judgment of the Director. However, penalties and
12 fees shall not accrue for 15 days after the date of the notice required in subsection (b) (1)
13 above and during the pendency of any request for reconsideration filed pursuant to subsection
14 (7) below and for a five-day period after the Director's final decision has been mailed or hand-
15 delivered to the Responsible Party or Parties.

16 (5) Collection. The Director shall notify the Responsible Party or Parties in writing
17 of the amount of the penalty and fees and declare that such costs are due and payable to the
18 Treasurer of the City and County of San Francisco within 30 days of the date of the notice. If
19 the penalty and fee are not paid within 30 days of the notice, the Director shall request that
20 the Tax Collector pursue collection of the penalty and fee against the property owner, up to
21 and including imposition of a special assessment lien in accordance with the requirements of
22 Article XX of Chapter 10 of the San Francisco Administrative Code (commencing with Section
23 10.230). The Director shall request that the City Attorney pursue collection of the penalty and
24 fee against the sign company.

1 (6) Planning Code Enforcement Fund. Fees and penalties collected pursuant to
2 this Section 610 shall be deposited in the Planning Code Enforcement Fund established in
3 Administrative Code Section 10.100-166. Use of Penalties and Fees. The administrative
4 penalties and fees received by the Treasurer of the City and County of San Francisco
5 pursuant to Section 610 shall be placed in the Planning Code Enforcement Special Account
6 and used for the following purposes: (i) The penalties and fees received from sign companies
7 shall be used to fund administration and enforcement of the Planning Code's sign regulations,
8 including but not limited to funding Planning Department personnel assigned to work on
9 administration and enforcement of sign regulations, and the services of the City Attorney; (ii)
10 the penalties and fees received from the property owner shall be used to fund the City's graffiti
11 cleanup activities. To the extent authorized by state law, penalties and fees collected by the
12 City Attorney in any action to abate violations of the Planning Code's sign regulations shall be
13 placed in the special account and used to fund administration and enforcement of the sign
14 regulations, including the services of the City Attorney.

15 (7) Review of Imposition of Penalty. Any person designated as a Responsible Party
16 may seek the Director's reconsideration of that designation or of the assessment and amount
17 of the penalty or fee imposed by requesting a hearing on the matter. Reconsideration is
18 initiated by filing a request for reconsideration and hearing with the Director that specifies in
19 detail the basis for the request. The request shall be filed within 15 business days of the date
20 of notice of the imposition of the penalty or fee. Within 10 days of the receipt of the request
21 for reconsideration, unless extended by mutual agreement of the affected parties, the Director
22 shall appoint a hearing officer to hold a hearing on the matter. After review of the hearing
23 officer's recommendation, the Director or his or her designee shall reconsider the matter and
24 render a final decision, which shall not be appealable. The Director's decision shall be final.

1 Section 4. Amending Article XIII of the San Francisco Administrative Code by adding
2 Section ~~10.117-126-10.100-166~~ to read as follows:

3 Sec. ~~10.117-126-10.100-166~~. *Planning Code Enforcement Fund Special Account.*

4 (a) *Establishment of Fund Account.* *The Planning Code Enforcement Fund is*
5 *established as a category four fund to receive funds collected, pursuant to Section 610 of the*
6 *Planning Code, for penalties and fees assessed for violations of regulations governing general*
7 *advertising signs.* There is hereby established in the treasury of the City and County of San
8 *Francisco a Planning Code Enforcement Special account to consist of all funds collected by*
9 *the City and County of San Francisco pursuant to Section 610 of the Planning Code. The*
10 *Controller shall maintain the Account and shall record all receipts and expenditures.*

11 (b) *Expenditure of Monies.* *The funds in the Account shall be expended in*
12 *accordance with the budgetary and fiscal provisions of the Charter and shall be used to fund*
13 *Use of Fund. Proceeds in the fund are to be expended as follows: (i) *administration and**
14 *enforcement of the Planning Code's sign regulations, including but not limited to funding*
15 *Planning Department personnel assigned to work on administration and enforcement of sign*
16 *regulations, and the services of the City Attorney; (ii) *To the extent authorized by state law,**
17 *penalties and fees collected by the City Attorney in any action to abate violations of the*
18 *Planning Code's sign regulations shall be used to fund administration and enforcement of the*
19 *sign regulations including the services of the City Attorney.*

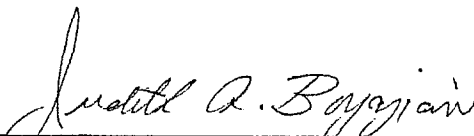
20 (c) *Interest and Accrual of Monies in the Account.* *Interest shall be credited by the*
21 *Treasurer on any balance of funds. Interest earned shall become a part of the principal*
22 *thereof, and shall not be expended for any purpose other than those for which the Account is*
23 *established. The balance remaining in the Account at the close of any fiscal year shall be*
24 *deemed to have been provided for a specific purpose within the meaning of the Charter and*
25 *shall be carried forward and accumulated in the Account for the purposes recited herein.*

1 Section 5. Severability. If any section, paragraph, sentence, clause or phase of this
2 ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of
3 competent jurisdiction, such decision shall not affect the validity or effectiveness of the
4 remaining portions of the ordinance. The Board of Supervisors declares that it would have
5 passed each section, paragraph, sentence, clause, or phrase of this ordinance irrespective of
6 the fact that any portion thereof could be declared unconstitutional, invalid, or ineffective.
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8 APPROVED AS TO FORM:

9 LOUISE H. RENNE, City Attorney

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11 By:


12 JUDITH A. BOYAJIAN
13 Deputy City Attorney
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City and County of San Francisco

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

Tails Ordinance

File Number: 001391

Date Passed:

Ordinance amending the San Francisco Planning Code by amending Section 176 and adding Section 610 to substantially increase the penalties for violation of regulations governing general advertising signs; amending Article XIII of the San Francisco Administrative Code to add Section 10.100-166 to establish a Planning Code Enforcement Fund and authorize the administrative penalties and fees collected pursuant to Section 610 and penalties and fees recovered by the City Attorney in a sign abatement action to be used to fund sign regulation enforcement activities.

April 30, 2001 Board of Supervisors — PASSED ON FIRST READING

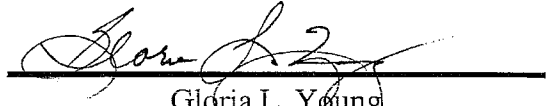
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

May 7, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

File No. 001391

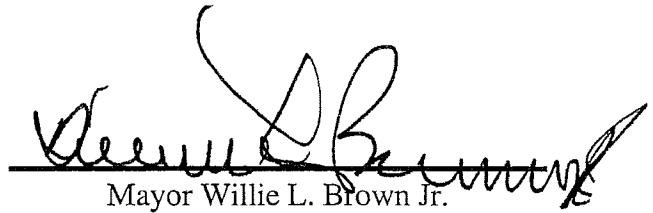
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on May 7, 2001 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 18 2001

Date Approved



Mayor Willie L. Brown Jr.