

1 [Public Works Code – enclosure of garbage receptacles.]

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3 **Ordinance amending Public Works Code Section 170 to require that garbage**
4 **receptacles, after collection, be replaced into an enclosed area or other area that**
5 **blocks views of the receptacle from the public right-of-way; and making environmental**
6 **findings.**

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

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

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

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

18 **SEC. 170. GARBAGE RECEPTACLES.**

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

1 except on the day the contents of said receptacle are to be collected by the licensed collector
2 thereof or after the hour of 6:00 p.m. of the day immediately prior to the day of said collection;
3 provided further, that any person, firm, or corporation occupying or having charge of any
4 ~~commercial-residential~~ premises shall remove any such receptacle from the sidewalk, street, or
5 other dedicated public right-of-way immediately after the contents of said receptacle have
6 been collected or later immediately upon opening said premises for business on the day of said
7 collection and replace said receptacle into an enclosed area or other area that blocks views of the
8 receptacle from the public right-of-way; and provided, further that any person, firm, or corporation
9 occupying or having charge of any commercial premises shall remove any such receptacle from the
10 sidewalk, street, or other dedicated public right-of-way immediately after the contents of said
11 receptacle have been collected or immediately upon opening said premises for business on the day of
12 said collection and replace said receptacle into an enclosed area or other area that blocks views of the
13 receptacle from the public right-of-way. The enclosure or other area used for placement of garbage
14 receptacles as required pursuant to this Subsection shall not be placed on or affixed to the public right-
15 of-way unless the Department of Public Works approves such encroachment in accordance with the
16 terms of the Public Works Code.

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

23 (c) Each violation of Subsection (a) shall constitute an infraction and shall be
24 punishable by a fine of not less than \$80 nor more than \$100; for a second offense by a fine
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1 not less than \$150 nor more than \$200; and for each additional offense by a fine not less than
2 \$250 nor more than \$500. In the alternative, an administrative penalty not to exceed \$250
3 may be assessed for each violation. Such penalty shall be assessed, enforced and collected
4 in accordance with Section 39-1 of the Police Code.

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

8 By: _____
9 John D. Malamut
10 Deputy City Attorney

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