

1 [Prohibiting vehicle parking for commercial advertising purposes.]

2

3

Ordinance repealing San Francisco Police Code Section 681, adding San Francisco Traffic Code Section 63.3, and amending San Francisco Traffic Code Section 132 to impose a penalty of \$100 for violation of Traffic Code Section 63.3.

6

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

7

8

9

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

10

Section 1. The San Francisco Police Code is hereby amended by repealing Section

11

681, to read as follows:

12

~~SEC. 681. PARKING OF VEHICLES FOR COMMERCIAL ADVERTISING PURPOSES~~

13

~~PROHIBITED.~~

14

~~(a) Findings and Purpose. The Board of Supervisors of the City and County of San~~

15

~~Francisco finds that there is a growing practice of parking large vehicles such as trucks and vans in the~~

16

~~City's public streets and parking lots for the purpose of displaying commercial advertising. The Board~~

17

~~of Supervisors finds that this practice: (i) creates aesthetic blight; (ii) contributes to the critical~~

18

~~shortage of parking spaces; and (iii) causes traffic safety hazards by distracting members of the public~~

19

~~who use public thoroughfares, including drivers, bicyclists and pedestrians. The purpose of this section~~

20

~~is to counteract these negative effects and protect and promote public safety and quality of life in the~~

21

~~City. This section is not intended to regulate non-commercial speech, including non-commercial~~

22

~~advertising and signage.~~

23

~~(b) Definitions. For the purposes of this section, the following definitions shall apply:~~

24

~~(1) "City" shall mean the City and County of San Francisco.~~

25

1 ~~(2) — "Commercial advertising sign" shall mean a banner, placard, poster, card, picture, sign~~
2 ~~or display that does no more than propose a commercial transaction.~~

3 ~~(3) — "Commercial advertising vehicle" shall mean any motor vehicle, other than a passenger~~
4 ~~vehicle with maximum occupancy of six or fewer passengers, that is carrying, towing or otherwise~~
5 ~~displaying a commercial advertising sign.~~

6 ~~(4) — "Park" or "parking" shall mean the standing of a vehicle, whether occupied or not.~~

7 ~~(e) — Prohibition. No person may park a commercial advertising vehicle on any public street~~
8 ~~or in any parking lot in the City for the primary purpose of displaying a commercial advertising sign.~~
9 ~~This prohibition shall not apply to vehicles parked for a primary purpose other than displaying a~~
10 ~~commercial advertising sign, including: (1) vehicles parked while loading or unloading passengers or~~
11 ~~goods; (2) vehicles parked while engaged in the delivery of services; and (3) vehicles parked within~~
12 ~~600 feet of the residence of the registered owner of the vehicle.~~

13 ~~(d) — Enforcement.~~

14 ~~(1) — Any police officer employed by the Police Department and any employee of the~~
15 ~~Department of Parking and Traffic who is engaged in directing traffic or enforcing parking laws, or~~
16 ~~their duly authorized representatives, may issue a notice of violation of this section when it appears~~
17 ~~that a commercial advertising vehicle is parked in its location for the primary purpose of displaying a~~
18 ~~commercial advertising sign. The notice shall state the nature of the violation and the applicable~~
19 ~~penalties, and it shall require the driver of the vehicle to inform the registered owner of the vehicle of~~
20 ~~the notice of the violation. The notice to the driver shall be deemed notice to the registered owner.~~

21 ~~(2) — Each day that a vehicle is parked in one location in violation of this section shall~~
22 ~~constitute a separate violation. If on a particular day the vehicle is parked in more than one location in~~
23 ~~violation of this section, each such instance shall constitute a separate violation. The amount of the~~
24 ~~civil penalty for each violation shall be \$300. Violation of this section shall also be grounds for~~

1 ~~injunctive relief. The City Attorney is authorized to enforce this section in a civil action. The person~~
2 ~~against whom a penalty is assessed, or against whom an injunction is obtained, shall be liable for the~~
3 ~~costs and attorneys' fees incurred by the City in enforcing this section. In any action brought to enforce~~
4 ~~this section, the City Attorney may also seek any other remedies available under federal and state law.~~

5 Section 2. The San Francisco Traffic Code is hereby amended by adding Section 63.3,
6 to read as follows:

7 SEC. 63.3. PARKING OF VEHICLES FOR COMMERCIAL ADVERTISING PURPOSES
8 PROHIBITED.

9 (a) Findings and Purpose. The Board of Supervisors of the City and County of San
10 Francisco finds that there is a growing practice of parking large vehicles such as trucks and vans in the
11 City's public streets and parking lots for the purpose of displaying commercial advertising. The Board
12 of Supervisors finds that this practice: (i) creates aesthetic blight; (ii) contributes to the critical
13 shortage of parking spaces; and (iii) causes traffic safety hazards by distracting members of the public
14 who use public thoroughfares, including drivers, bicyclists and pedestrians. The purpose of this section
15 is to counteract these negative effects and protect and promote public safety and quality of life in the
16 City. This section is not intended to regulate non-commercial speech, including non-commercial
17 advertising and signage.

18 (b) Definitions. For the purposes of this section, the following definitions shall apply:

19 (1) "City" shall mean the City and County of San Francisco.

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

22 (3) "Commercial advertising vehicle" shall mean any motor vehicle, other than a passenger
23 vehicle with maximum occupancy of six or fewer passengers, that is carrying, towing or otherwise
24 displaying a commercial advertising sign.

1 (4) "Park" or "parking" shall mean the standing of a vehicle, whether occupied or not.
2 (c) Prohibition. No person may park a commercial advertising vehicle on any public street
3 or in any parking lot in the City for the primary purpose of displaying a commercial advertising sign.
4 This prohibition shall not apply to vehicles parked for a primary purpose other than displaying a
5 commercial advertising sign, including:

- 6 (1) vehicles parked while loading or unloading passengers or goods;
7 (2) vehicles parked while engaged in the delivery of services; and
8 (3) vehicles parked within 600 feet of the residence of the registered owner of the vehicle.

9 Section 3. The San Francisco Traffic Code is hereby amended by amending Section
10 132, to read as follows:

11 SEC. 132. PENALTY SCHEDULE.

12 Pursuant to California Vehicle Code Section 40203.5, violation of any of the following
13 subsections of the San Francisco Traffic Code (TC), Police Code (PC) or the California
14 Vehicle Code (VC) shall be punishable by the fines set forth below.

15	PC97A	Occupy Camper etc.	\$100.00
16	PC710.2	For Sale Sign	\$50.00
17	PC3703A	Car Alarm / Emerg	\$65.00
18	PC3703B	Car Alarm 15 Min	\$65.00
19	PC3704A	Alarm Time 15 Min	\$50.00
20	TC21.1	Remove Chalk 1st	\$50.00
21	TC21.2	Remove Chalk 2nd	\$75.00
22	TC21.3	Remove Chalk 3rd	\$100.00
23	TC27	MC Parking Zone	\$75.00
24	TC31.2	Cable Car Lanes	\$50.00

25

1	TC32A.1	Towaway Zone--Downtown	\$60.00
2	TC32A.2	Towaway Zone--Other areas	\$60.00
3	TC32B	Prohib Parking	\$60.00
4	TC32C.1	Overtime Parking--Downtown	\$50.00
5	TC32C.2	Overtime Parking--Other Areas	\$40.00
6	TC32.1	City Hall Permit	\$40.00
7	TC32.1.1	Main Library	\$40.00
8	TC32.1.2	Libraries	\$40.00
9	TC32.1.3	Social Services	\$40.00
10	TC32.1.4	Housing Authority	\$40.00
11	TC32.1.5	Muni Rwy Terminals	\$40.00
12	TC32.1.6	Prk Ctrl / Castro	\$40.00
13	TC32.1.7	Prk Ctrl / SFUSD Prop	\$40.00
14	TC32.1.8	Prk Ctrl / Plum Street	\$40.00
15	TC32.1.9	Prk Ctrl / PUC Prop	\$40.00
16	TC32.1.10	Prk Ctrl / Wash / Jack	\$40.00
17	TC32.1.11	Prk Ctrl / DPW Prop	\$40.00
18	TC32.2	Prk Ctrl / SF General	\$40.00
19	TC32.2.1	Health Center No. 1	\$40.00
20	TC32.2.2	Sunset / Richmnd HC	\$40.00
21	TC32.2.3	NE Dist Health Center	\$40.00
22	TC32.3	Laguna Honda Hospital	\$40.00
23	TC32.3.1	Prk Ctrl / DPH Grove St	\$40.00
24	TC32.4	Candlestick Access Rd	\$40.00
25			

1	TC32.4.2A	Fire Lane / Candlestick	\$40.00
2	TC32.4.2B	Pkg / Candlestick	\$40.00
3	TC32.5	Youth Guid Center	\$40.00
4	TC32.6	Prk Regs / Various	\$40.00
5	TC32.10	Off Street Parking	\$40.00
6	TC32.12	Off St Overtime	\$40.00
7	TC32.13	Off St Parallel / Diag	\$35.00
8	TC32.14	Off St / Marked Space	\$35.00
9	TC32.21A	Block Charging Bay	\$100.00
10	TC33C	Temp Park Restriction	\$40.00
11	TC33.1	Temp Constr Zone	\$40.00
12	TC33.3	Spec Truck Zone	\$60.00
13	TC33.3.1	Heavy Truck Zone	\$60.00
14	TC33.3.2	Market / Bay Truck Zone	\$60.00
15	TC33.5	School Bus Zone	\$75.00
16	TC37A	Parking Over 72 Hr	\$75.00
17	TC37C	Street Cleaning	\$40.00
18	TC38A	Red Zone	\$75.00
19	TC38B	Yel Zone / Metro Dist.	\$60.00
20	TC38B.1	Yel Zn Outside Metro	\$60.00
21	TC38C	White Zone	\$75.00
22	TC38D	Green Zone	\$50.00
23	TC38K	Blue Zone	\$275.00
24	TC38N	Block Bike Lane	\$100.00
25			

1	TC39B	Taxicab Zone	\$60.00
2	TC50	Interference / Sign	\$35.00
3	TC53A	Dbl Prking Rstrict St	\$100.00
4	TC53B	Dbl Prking Med. Cann. Dispens.	\$100.00
5	TC55	Angled Parking	\$35.00
6	TC56	Median Dividers	\$50.00
7	TC58A	Block Wheels	\$35.00
8	TC58C	Not Within Space	\$35.00
9	TC60	Bus / Close to Curb	\$35.00
10	TC60.5	Engine Idle Parked	\$100.00
11	TC61	100 Feet Oversize	\$50.00
12	TC63	Com Veh / Prk Limited	\$100.00
13	TC63A	Com Veh / Prk Restricted	\$100.00
14	TC63.2	Veh Hire / Prk Restricted	\$100.00
15	<u>TC63.3</u>	<u>Com Advrt/Prk Restricted</u>	<u>\$100.00</u>
16			
17	TC64	Shift Parked Vehicle	\$50.00
18	TC65	Repairing Vehicle	\$55.00
19	TC66	Tour Bus Loading	\$100.00
20	TC69	Key in Unattend Veh	\$35.00
21	TC70	Improperly Parked	\$35.00
22	TC71	Parked Near RR Track	\$35.00
23	TC71B	Obst Flow of Traffic	\$35.00
24	TC202	Prk Meter	\$40.00
25			

1	TC202.1	Prk Meter Downtown	\$50.00
2	TC219	Parking Meter M/C	\$75.00
3	TC315A	Residential Permit Area	\$50.00
4	TC315C	Unauth Permit	\$50.00
5	VC4462B	Imp Regis. / Plates	\$50.00
6	VC4464	Altered Plates	\$50.00
7	VC5201	Plates / Mounting	\$50.00
8	VC5201F	Plate Cover	\$50.00
9	VC5202	Period of Display	\$50.00
10	VC5204A	Tabs	\$50.00
11	VC21113A	School / Pub Ground	\$45.00
12	VC21211A	Bicycle Path / Lanes	\$50.00
13	VC22500A	Parking in Intersection	\$75.00
14	VC22500B	Parking / Crosswalk	\$75.00
15	VC22500C	Safety Zone	\$75.00
16	VC22500D	15 ft Fire Station	\$75.00
17	VC22500E	Driveway	\$75.00
18	VC22500F	On Sidewalk	\$100.00
19	VC22500G	Excavation	\$35.00
20	VC22500H	Double Parking	\$65.00
21	VC22500I	Bus Zone	\$250.00
22	VC22500J	Tube or Tunnel	\$35.00
23	VC22500K	Bridge	\$35.00
24	VC22500L	Wheelchair Access	\$250.00
25			

1	VC22500.1	Parking in Fire Lane	\$50.00
2	VC22502A	Over 18 in from Curb	\$35.00
3	VC22502B	Wrong Way Parking	\$35.00
4	VC22502E	One-Way Road / Pkg	\$35.00
5	VC22504A	Unincorp. Area Prkg	\$35.00
6	VC22505B	Signs	\$35.00
7	VC22507.8A	Disabled Parking	\$250.00
8	VC22507.8B	Disabled Parking	\$250.00
9	VC22507.8C	Disabled Parking	\$250.00
10	VC22511.56B	Misuse of Placard	\$500.00
11	VC22511.56C	Confiscation of Placard	\$500.00
12	VC22511.57	Lost, Stolen Placard	\$500.00
13	VC22514	Fire Hydrant	\$75.00
14	VC22515A	Unattended Motor Vehicle	\$60.00
15	VC22515B	Unattended Vehicle	\$60.00
16	VC22516	Locked Vehicle	\$45.00
17	VC21718	Stop / Freeway	\$35.00
18	VC22521	RR Tracks	\$65.00
19	VC22522	W/3 ft Handicap Ramp	\$275.00
20	VC22523A	Abandoned Vehicle / Highway	\$200.00
21	VC22523B	Abandoned Vehicle / Public or Priv. Prop	\$200.00
22	VC22526A	Blocking Intersection	\$75.00
23	VC22526B	Blocking Intersection While Turning	\$100.00
24	VC23333	Park / Veh Crossing	\$60.00
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

By: _____
John I. Kennedy
Deputy City Attorney