

1 [Authorizing administrative penalties for littering and specified nuisance violations.]

2

3 **Ordinance amending Sections 37, 38, and 63 of the Police Code, Sections 41.13, 283.1,**
4 **287 and 581 of the Health Code and Sections 170, 173, 174, 174.2, 184.63, and 724.4 of**
5 **the Public Works Code to authorize the assessment of administrative penalties as an**
6 **alternative to infractions for littering and specified nuisance violations; amending the**
7 **Police Code by adding a new Section 39-1 to establish procedures for the imposition,**
8 **review and collection of administrative penalties.**

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

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

13 Section 1. The San Francisco Police Code is hereby amended by amending Sections
14 37, 38 and 63, and adding a new Section 39-1, to read as follows:

15 **SEC. 37. PENALTY.**

16 (a) Any person who shall violate any of the provisions of Sections 33, 34, 35 or 36 of
17 this Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for
18 the first offense by a fine of not less than \$80 nor more than \$100; and for a second offense
19 by a fine of not less than \$150 nor more than \$200; and for each additional offense by a fine
20 of not less than \$300 nor more than \$500.

21 (b) Any person who shall violate any of the provisions of Section 35(a) of this Article
22 shall be guilty of an infraction and, upon conviction thereof, shall be punished for the first
23 offense by a fine of not less than \$80 nor more than \$100; for a second offense by a fine of
24 not less than \$150 nor more than \$200; and for each additional offense by a fine of not less
25 than \$300 nor more than \$500.

1 (c) Alternatively, any person who violates any of the provisions of Sections 33, 34, or 35(a) of
2 this Article shall be subject to an administrative penalty not to exceed \$300. Administrative penalties
3 authorized by this section shall be assessed, enforced and collected in accordance with Section 39-1 of
4 this Code.

5 **SEC. 38. ENFORCEMENT OF LITTER LAWS; DESIGNATED OFFICERS AND**
6 **EMPLOYEES.**

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

16	Classification No.	Class Title
17	3130	Arboretum Director
18	3203	Pool Lifeguard
19	3210	Head Lifeguard
20	3230	Golf Director
21	3234	Harbormaster
22	3287	Assistant Recreation Supervisor
23	3289	Recreation Supervisor
24	3291	Principal Recreation Supervisor
25	3322	Assistant Head Animal Keeper

1	3324	Head Animal Keeper
2	3340	Zoo Director
3	3418	Gardener Assistant Supervisor
4	3422	Park Section Supervisor
5	3432	Assistant Director, Arboretum
6	3436	Tree Topper Supervisor I
7	3440	Landscaping and Street Planting Supervisor
8	3462	Assistant Director, Golf Course Maintenance
9	3464	Area Supervisor, Parks, Squares and Facilities
10	3466	Assistant Superintendent, Parks, Squares and
11		Facilities
12	5170	Superintendent, Street Cleaning and Tree Planting
13	5173	Assistant Superintendent, Street Cleaning and Tree
14		Planting
15	6120	Environmental Health Inspector
16	6122	Senior Environmental Health Inspector
17	6124	Principal Environmental Health Inspector
18	6126	Chief, Bureau of Environmental Health Services
19	6127	Assistant Chief, Bureau of Environmental Health
20		Services
21	6230	Street Inspector
22	6231	Senior Street Inspector
23	6232	Street Inspector Supervisor
24	7215	General Laborer Supervisor I
25	7281	Street Cleaning General Foreman

1	8214	Parking Controlman
2	8280	Environmental Control Officer
3	H4**	Inspector, Bureau of Fire Prevention and Public
4		Safety
5	H220	Lieutenant, Bureau of Fire Prevention and Public
6		Safety
7	H32	Captain, Bureau of Fire Prevention and Public Safety
8	H40	Battalion Chief, Fire Department
9	H50	Assistant Chief, Fire Department

10 **SEC. 39-1. PROCEDURE FOR ASSESSMENT AND COLLECTION OF**

11 **ADMINISTRATIVE PENALTIES FOR SPECIFIED LITTERING AND NUISANCE**

12 **VIOLATIONS.**

13 (a) This Section shall govern the imposition, assessment and collection of administrative
14 penalties imposed pursuant to Sections 37, 38, and 63 of the Police Code, Sections 41.13, 283.1, 287,
15 and 581 of the Health Code, and Sections 170, 173, 174, 174.2, 184.63 and 724.4 of the Public Works
16 Code.

17 (b) Administrative Citation. Where an officer or employee designated in Section 38 determines
18 that there has been a violation of a local litter or nuisance law that authorizes imposition of an
19 administrative penalty, the officer or employee may issue an administrative citation to the person
20 and/or entity responsible for the violation. For purposes of this Section, an entity is responsible if an
21 officer, employee or agent of the entity commits the violation. The citation shall state that the proposed
22 penalty is due and payable to the City Treasurer within 15 City business days from the date of the
23 notice. The citation shall also state that the person or entity responsible has the right, pursuant to
24 Subsection(c), to request administrative review of the citing officer or employee's determination as to
25 the violation and assessment of penalties. The notice shall inform the owner of the date, time, place

1 and nature of the violation and the amount of the proposed penalty, and shall state that the penalty
2 becomes effective if not contested within the time period specified. In addition, the notice shall set forth
3 the procedure for requesting the hearing. The Director shall serve the administrative citation as
4 follows:

5 1. Where there is a nexus between the violator and a specific property:

6 (A) One copy of the Notice shall be posted in a conspicuous place upon the building or
7 property.

8 (B) One copy of the Notice shall be served upon each of the following:

9 (i) The person, if any, in real or apparent charge and control of the premises or
10 property involved;

11 (ii) The owner of record.

12 Service required by subparagraph (B) may be made by personal service or by certified
13 mail.

14 2. Where the issuing officer or employee is unable to ascertain a nexus between the
15 violation and property within the City, the administrative citation may be served on the individual who
16 has committed the violation by presenting the individual with a completed copy of the citation.

17 3. For purposes of this Section, there is a nexus where activity on the property has caused,
18 contributed or been a substantial factor in the violation.

19 (c) Request for Hearing;Hearing.

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

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

6 (3) The administrative review hearing shall be conducted by a neutral hearing officer from
7 outside the Department of Public Works, assigned by the Director of Administrative Services. The
8 parties may present evidence and testimony to the hearing officer. The burden of proof to uphold the
9 violation shall be on the City.

10 (4) The hearing officer shall issue a decision including a summary of the issues and the
11 evidence presented, and findings and conclusions, within ten (10) calendar days of the conclusion of
12 the hearing. A copy of the decision shall be served upon the person or entity contesting the violation by
13 certified mail. The decision shall be a final administrative determination. An aggrieved party may
14 seek judicial review of the decision pursuant to California Code of Civil Procedure Section 1094.5.

15 (d)(1) Unless a timely notice of appeal of the hearing officer's decision is filed, any
16 administrative penalty imposed by the hearing officer shall be due and payable not later than ten City
17 business days from the date of the notice of decision issued under subparagraph (c)(4). If all or any
18 portion of the amount due remains unpaid after that date, the Director of Public Works shall send the
19 violation written notice that the penalty is overdue. Penalties that remain unpaid 30 days after the date
20 of decision shall be subject to a penalty of ten percent (10%) plus interest at the rate of one percent
21 (1%) per month on the outstanding balance, which shall be added to the penalty amounts from the date
22 that payment is due. Persons and entities against whom administrative penalties are imposed shall
23 also be liable for the costs and attorney's fees incurred by the City and County in bringing any civil
24 action to enforce the provisions of this section, including obtaining a court order requiring payment of
25 the administrative penalty.

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

6 (e) The revenues generated by penalties from an administrative citation issued pursuant to this
7 section may be expended only by the department that is responsible for issuing the administrative
8 citation, except that each department other than Public Works that issues administrative citations
9 pursuant to this Section shall reimburse the Department of Public Works for the costs incurred by the
10 Department of Public Works in administering those citations issued by the other department. The
11 revenues from administrative citations issued by Class 8280 Environmental Control Officers may be
12 expended exclusively by the Department of Public Works for the purpose of funding litter enforcement
13 and abatement except where the use or expenditure of those revenues is specifically directed by law to
14 another to another program within the Department of Public Works

15 **SEC. 63. OBSTRUCTIONS ON STREETS AND SIDEWALKS.**

16 (a) It shall be unlawful for any person, firm or corporation, occupying or having charge
17 or control of any premises, to place or cause to be placed, or suffer to remain upon the
18 sidewalk, or upon the half of the street in front of such premises, any Article or substance
19 which shall obstruct the passage of such street or sidewalk.

20 (b) It shall be unlawful for any person, firm or corporation to enter into a lease, rental
21 agreement or contract of any kind, written or oral, with or without compensation, for the use of
22 any street or sidewalk.

23 (c) As an alternative to any other fines or penalties applicable to a violation of this section, any
24 person, firm or corporation who is in violation of this section shall be subject to an administrative

1 penalty not to exceed \$300. The administrative penalty shall be assessed, enforced and collected in
2 accordance with Section 39-1 of this Code.

3 Section 2. The San Francisco Health Code is hereby amended by amending Sections
4 41.13, 283.1 287, and 581, to read as follows:

5 **SEC. 41.13. PENALTIES.**

6 Any person violating any of the provisions of Sections 41.1 through 41.12, inclusive, of
7 this Article, except the provisions of Sections 41.5.1, 41.11(c), 41.12(a) and 41.12(d), shall be
8 deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of
9 not more than \$500 or by imprisonment in the County Jail for a period of not more than six
10 months, or by both such fine and imprisonment.

11 Any person violating the provisions of Sections 40, 41.11(c) and 41.12(a) of this Article
12 shall be deemed to be guilty of an infraction and upon conviction thereof shall be punished for
13 the first offense by a fine not to exceed \$10; for the second offense by a fine not to exceed
14 \$25; for a third and each additional offense by a fine not to exceed \$50.

15 Any person violating the provisions of Section 41.12(d) of this Article shall: (1) upon the
16 first offense in any 12-month period, be deemed to be guilty of an infraction and upon
17 conviction thereof shall be punished by a fine not to exceed \$10; (2) upon the second offense
18 in any 12-month period, be deemed to be guilty of an infraction and upon conviction thereof
19 shall be punished by a fine not to exceed \$50; (3) upon the third and each additional offense
20 in any 12-month period, be deemed to be guilty of a misdemeanor and upon conviction
21 thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County
22 Jail for a period of not more than six months, or by both such fine and imprisonment.

23 Any person violating the provisions of Section 41.5.1 of this Article shall be subject to the
24 penalties provided in said section.

1 In the alternative to any other penalty imposed under this Section for a violation of Section 40,
2 a person violating Section 40 may be assessed an administrative penalty not to exceed \$300. Such
3 penalty shall be assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

4 **SEC. 283.1. PENALTY.**

5 Any person, firm or corporation violating any of the provisions of Section 283 of this
6 Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for the
7 first offense by a fine of not less than \$80 nor more than \$100; and for a second offense by a
8 fine of not less than \$150 nor more than \$200; and for each additional offense by a fine of not
9 less than \$250 nor more than \$500. In the alternative, any person, firm or corporation violating
10 any of the provisions of Section 283 of this Article may be assessed an administrative penalty not to
11 exceed \$300. Such penalty shall be assessed, enforced and collected in accordance with Section 39-1
12 of the Police Code.

13 **SEC. 287. PENALTIES.**

14 Any person who shall violate any of the provisions of Section 280 or 286 of this Article,
15 shall be guilty of an infraction or a misdemeanor. If charged as an infraction, upon conviction
16 thereof, said person shall be punished for the first offense by a fine of not less than \$80 nor
17 more than \$100; for a second offense by a fine of not less than \$150 nor more than \$200; and
18 for each additional offense by a fine of not less than \$250 nor more than \$500.

19 If charged as a misdemeanor, upon conviction thereof, said person shall be punished
20 by imprisonment in the County Jail not exceeding one year or a fine not exceeding \$1,000.
21 The complaint charging such violation shall specify whether the violation is a misdemeanor or
22 infraction, which decision shall be solely that of the District Attorney.

23 As an alternative to any other fines or penalties applicable to a violation of Section 280 of this
24 Article, any person who is in violation of Section 280 may be subject to an administrative penalty not
25

1 to exceed \$300. The administrative penalty shall be assessed, enforced and collected in accordance
2 with Section 39-1 of the Police Code.

3 **SEC. 581. NUISANCE PROHIBITED.**

4 (a) No Person shall have upon any premises or real property owned,
5 occupied or controlled by him, or her, or it any public nuisance.

6 (b) The following conditions are hereby declared to be a public nuisance:

7 (1) Any accumulation of filth, garbage, unsanitary debris or waste material or
8 decaying animal or vegetable matter unless such materials are set out for collection in
9 compliance with Section 283 of this Code;

10 (2) Any accumulation of hay, grass, straw, weeds, or vegetation overgrowth;

11 (3) Any accumulation of waste paper, litter or combustible trash unless such
12 materials are set out for collection in compliance with Section 283 of this Code;

13 (4) Any buildings, structures, or portion thereof found to be unsanitary

14 (5) Any matter or material which constitutes, or is contaminated by, animal or
15 human excrement, urine or other biological fluids;

16 (6) Any visible or otherwise demonstrable growth of mold or mildew in the
17 interiors of any buildings or facilities;

18 (7) Any pest harborage or infestation including but not limited to pigeons,
19 skunks, raccoons, opossums, and snakes, except for pigeon harborages that comply with
20 Section 37(e) of this Code;

21 (8) Any noxious insect harborage or infestation including, but not limited to
22 cockroaches, fleas, scabies, lice, spiders or other arachnids, houseflies, wasps and
23 mosquitoes, except for harborages for honey-producing bees of the genus Apis regulated by
24 the California Food and Agriculture Code Sections 29000 et seq. which are not otherwise
25 determined to be a nuisance under State law.

1 (9) Any article of food or drink in the possession or under the control of any
2 person which is tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or
3 drunk. The term "food" as used in this subparagraph includes all articles used for food and
4 drink by humans, whether simple, mixed or compound.

5 (10) Any lead hazards which are within the control of the Owner or Manager of
6 the building, structure or property. Unless otherwise stated in this Article, the term "lead
7 hazards" as used in this subparagraph shall have the same meaning as that set forth in
8 Section 1603 of this Code. For the purposes of this subparagraph, the term "children" as
9 used in Section 1603 of this Code shall mean any person who is up to 72 months of age. For
10 the purposes of this subparagraph, any paint, both interior and exterior, found on buildings
11 and other structures built before 1979 is presumed to be lead-based paint, such presumption
12 may be rebutted by competent evidence demonstrating that such paint is not lead-based
13 paint;

14 (11) Any vacant lots, open spaces, and other properties in the City and County
15 of San Francisco, which become infested with poison oak (*Toxicodendron diversilobum*) or
16 poison ivy shrub (*Rhus toxicodendron*) hereafter referred to as poisonous growth;

17 (12) Any violation of Section 37 of this Code;

18 (13) Any violation of Section 92 of this Code;

19 (14) Any violation of Section 590 of this Article;

20 (15) Anything else that the Director deems to be a threat to public health and
21 safety.

22 (c) As an alternative to any other fines or penalties applicable to a violation of
23 subparagraphs (b)(1), (b)(2) or (b)(3) of this section, any Person who is in violation of this section
24 shall be subject to an administrative penalty not to exceed \$300. The administrative penalty shall be
25 assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

1 Section 3. The San Francisco Public Works Code is hereby amended by amending
2 Sections 170, 173, 174.2, 184.63, and 724.4 to read as follows:

3 **SEC. 170. GARBAGE RECEPTACLES.**

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

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

24 (c) Each violation of Subsection (a) shall constitute an infraction and shall be
25 punishable by a fine of not less than \$80 nor more than \$100; for a second offense by a fine

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 may be
3 assessed for each violation. Such penalty shall be assessed, enforced and collected in accordance with
4 Section 39-1 of the Police Code.

5 **SEC. 173. PLACEMENT AND MAINTENANCE OF LITTER RECEPTACLES.**

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

8 (b) Any person, firm or corporation operating a grocery store, a liquor store or an
9 establishment selling food or beverages for consumption off the premises shall place and
10 maintain a litter receptacle outside of each exit from said premises for the use of the patrons
11 thereof during business hours.

12 (c) Any person, firm, corporation, or property owner operating a place of employment
13 shall provide and maintain adjacent to the place of employment sufficient ashtrays or other
14 receptacles for the disposal of cigarettes, cigars, and other similar combustible products used
15 by employees and patrons who smoke. The Director of Public Works shall authorize the
16 placement of such ashtrays or other receptacles in the public right-of-way where necessary.

17 (d) The design, capacity, location, and number of ashtrays and receptacles shall be
18 prescribed by the Director of Public Works. Decals may be placed upon said receptacles
19 subject to the limitations set forth in Section 171 of this Article.

20 (e) The receptacle shall be emptied when full and at the close of business each day
21 and the contents thereof shall be stored or set out for collection in the same manner as other
22 refuse generated in the operation of the business. Each receptacle shall be maintained in a
23 clean and sanitary condition.

24 (f) Violation of this Section shall constitute an infraction and shall be punishable by a
25 fine of not less than \$80 nor more than \$100; for a second offense by a fine not less than

1 \$150 nor more than \$200; and for each additional offense by a fine not less than \$250 nor
2 more than \$500. In the alternative, an administrative penalty not to exceed \$250 may be assessed for
3 each violation. Such penalty shall be assessed, enforced and collected in accordance with Section 39-1
4 of the Police Code.

5 **SEC. 174.2. PENALTIES FOR VIOLATION.**

6 Any owner of property or any business occupying property which abuts a public
7 sidewalk, stairway or other pedestrian right-of-way for public pedestrian travel, or both such
8 owner and business jointly and severally, who fail to comply with the Director of Public Works'
9 notice to abate the nuisance as specified in Section 174.1 of this Code shall be subject to a
10 ~~civil~~ administrative penalty of not more than \$200 300, assessed, enforced and collected in
11 accordance with Section 39-1 of the Police Code. Further, a violation of any of the provisions of
12 this Article shall constitute an infraction. Upon conviction thereof, said owner of the abutting
13 property and/or the business occupying the abutting property shall be punished for the first
14 offense by a fine of not less than \$30 or more than \$100 and for a second and each additional
15 offense by a fine of not less than \$100 or more than \$500. The provisions of this Section shall
16 not apply to any department, board or commission of the City and County.

17 **SEC. 184.63. CIVIL PENALTY.**

18 (a) Any Person in violation of any provision of this Article and of failing to pay the
19 amount billed such Person for such violation shall be liable for payment of a civil penalty in an
20 amount equal to (1) the costs incurred by the City occasioned by the failure to remove Signs
21 and by damaged property occasioned by their posting or removal, and (2) the costs to the City
22 incurred in obtaining imposition of such civil penalties through litigation, including the cost of
23 paying City employees or other persons to engage in the litigation, and (3) an additional
24 amount equal to 50 percent of the total of (1) and (2) of this Subsection. Alternatively, this
25

1 penalty may be assessed as an administrative penalty, and shall be assessed, enforced and collected in
2 accordance with Section 39-1 of the Police Code.

3 (b) All monies received by the City in payment to civil penalties for violation of this
4 Article shall be deposited to the credit of the Bureau of Street Environmental Services of the
5 Department of Public Works in a special fund, to be entitled "Sign Removal Fund." Revenue
6 from such fund shall be used exclusively for the costs related to the removal of illegally posted
7 Signs and repair of City property damaged by such posting. Balances remaining in the fund at
8 the close of any fiscal year shall have been deemed to have been provided for a specific
9 purpose within the meaning of Section 9.113 of the Charter, and shall be carried forward and
10 accumulated in said fund for the purposes recited herein. The monies received into this fund
11 are hereby appropriated exclusively for the purposes set forth herein.

12 **SEC. 724.5. EXCEEDING PERMISSIBLE USE OR OCCUPATION WITHOUT**
13 **PERMISSION - PENALTY FEE AND CRIMINAL PENALTY.**

14 (a) If the Director of Public Works determines that the permittee has exceeded the
15 scope of the temporary street occupancy permit, either in terms of duration or area, or
16 determines any other violation of the permit terms or conditions has occurred, the Director of
17 Public Works shall order the permittee to correct the violation within a specified time period. If
18 any person has occupied public right-of-way without permission for purposes of building
19 construction operation or for any other purpose, the Director shall immediately order the
20 violator to vacate the occupied area. Should the violation not be corrected as ordered or in
21 the case of occupation without a permit, the permittee or person shall pay a penalty fee of up
22 to \$1,000 per day for each day of violation. Failure to pay any fee assessed under these
23 provisions shall constitute good cause for immediate revocation of the temporary street
24 occupancy permit or removal of unpermitted obstructions, and the project property shall be
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1 subject to a lien in the same amount, in accordance with the requirements of Article XX of
2 Chapter 10 of the San Francisco Administrative Code, commencing with Section 10.230.

3 (b) **Criminal Penalty.**

4 (1) Any person who shall violate any of the provisions of this Section shall be guilty of
5 an infraction at each location where such violation occurs. Every violation determined to be an
6 infraction is punishable by (1) a fine not exceeding \$100 for the first violation within one year;
7 (2) a fine not exceeding \$200 for a second violation within one year from the date of the first
8 violation; (3) a fine not exceeding \$500 for the third and each additional violation within one
9 year from the date of the first violation.

10 (2) When a government official authorized to enforce this Section has reasonable
11 cause to believe that any person has committed an infraction in the official's presence that is a
12 violation of this Section, the official may issue a citation to that person pursuant to California
13 Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

14 (c) **Administrative Penalty.**

15 *In the alternative to the criminal penalty authorized by Subsection (b), an administrative*
16 *penalty not to exceed \$300 may be assessed for each violation. Such penalty shall be assessed,*
17 *enforced and collected in accordance with Section 39-1 of the Police Code.*

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 DAVID A. GREENBURG
23 Deputy City Attorney
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