

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~~ returned to an enclosed area or other**  
5 **area that blocks views of the receptacle from the public right-of-way; and making**  
6 **environmental 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. 060083 and is incorporated  
15 herein 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 Right-of-  
20 Way. Except as otherwise provided in Sections 170.1 and 173, Chapter X, Part II, San  
21 Francisco Municipal Code (Public Works Code), no person, firm or corporation occupying or  
22 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 recycling, or green waste, except on the day the contents of said receptacle are to be  
2 collected by the licensed collector thereof or after the hour of 6:00 p.m. of the day immediately  
3 prior to the day of said collection; ~~provided further, that any~~

4 (1) Any person, firm, or corporation occupying or having charge of any  
5 commercial premises shall remove any such receptacle from the sidewalk, street, or other  
6 dedicated public right-of-way immediately after the contents of said receptacle have been  
7 collected or immediately upon opening said premises for business on the day of said  
8 collection.

9 (2) Any person, firm, or corporation occupying or having charge of any  
10 residential premises shall remove any such receptacles from the sidewalk, street, or other  
11 dedicated public right-of-way within twenty four hours after placing said receptacles out for  
12 collection and after the contents of the said receptacle have been collected.

13 (3) Said receptacles shall be returned to an enclosed area or other area that  
14 blocks views of the receptacles from the public right-of-way. Under no circumstances are said  
15 receptacles to be stored in plain sight of the public when viewed from any public right-of-way  
16 unless said receptacles have been placed out for collection.

17 (4) The enclosure or other area used for placement of garbage receptacles as  
18 required pursuant to this Section shall not be placed on or affixed to the public right-of-way unless the  
19 Department of Public Works approves such encroachment in accordance with the terms of the Public  
20 Works Code.

21 (5) Owners can request a written waiver of the enclosure requirements  
22 based on hardship, feasibility, or practicality. The Director, in his or her discretion, may issue  
23 a written waiver to this requirement. The Director's waiver decision is final.

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1           (6) In addition to the requirements set forth in this Section, the Director, after  
2 a public hearing, may adopt such orders, policies, regulations, rules, or standard plans and  
3 specifications as he or she deems necessary in order to preserve and maintain the public  
4 health, safety, welfare, and convenience.

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

11           (c) Each violation of Subsection (a) shall constitute an infraction and shall be  
12 punishable by a fine of not less than \$80 nor more than \$100; for a second offense by a fine  
13 not less than \$150 nor more than \$200; and for each additional offense by a fine not less than  
14 \$250 nor more than \$500. In the alternative, an administrative penalty not to exceed \$250  
15 may be assessed for each violation. Such penalty shall be assessed, enforced and collected  
16 in accordance with Section 39-1 of the Police Code.

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

20 By: \_\_\_\_\_  
21 John D. Malamut  
22 Deputy City Attorney

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