

## **LEGISLATIVE DIGEST**

[Various Codes - Sanitation and Streets Commission and Department of Sanitation and Streets]

**Ordinance amending the Public Works, Administrative, Police, Health, and Building Codes to clarify the authority of the Public Works Commission, the Sanitation and Streets Commission, the Department of Public Works, and the San Francisco Public Utilities Commission; amending said Codes to provide clarifications, corrections, and updates consistent with changes in state and local laws; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

### Existing Law

Currently, the Public Works, Administrative, Police, Health, and Building Codes (together the “Codes”), along with other Municipal Code sections, provide authority and assign certain duties and responsibilities to the Department of Public Works and/or the Public Works Director.

### Background Information

On November 3, 2020, San Francisco voters approved Proposition B, which amended the Charter to create a Department of Sanitation and Streets (“SAS”) to succeed to specific duties then and presently performed by the Department of Public Works, and a Sanitation and Streets Commission to oversee SAS, as well as a Public Works Commission to oversee the Department of Public Works. On November 8, 2022, San Francisco voters approved a subsequent Proposition B, which amended the Charter to recombine SAS with the Department of Public Works and preserved and modified the duties and powers of the Public Works Commission and the Sanitation and Streets Commission.

### Amendments to Current Law

This ordinance would amend said Codes to implement Proposition B of November 2022 and to provide updates consistent with changes in state and local laws and practices as well as additional clarifications corrections, procedural requirements, and enforcement mechanisms.

Section 3 of the ordinance would amend and update the following Sections of the Public Works Code (Section numbers and titles shown as amended, if applicable):

- 2.1.1 (Fees and Assessments),
- 5.9-2 (Definitions)

- 102 (Definitions),
- 103.1 (Side Sewer Repair),
- 104 (Sewer and Water-Related Nuisance or Hazard Abatement; Administrative Penalties),
- 104.1 (Recovery of Abatement Costs),
- 104.2 (Abatement Funds),
- 105 (Permission to Perform Side Sewer Work),
- 106 (Connection to Public Sewer in Off-Street Location),
- 116.1 (Connection to Sewers Constructed from Public Funds),
- 117 (Materials and Construction Requirements),
- 150.1 (Definitions),
- 155 (Designation of Locations),
- 170 (Garbage Receptacles),
- 170.1 (Anti-Litter Receptacles Permits),
- 172 (Form of Application),
- 173 (Placement and Maintenance of Litter Receptacles),
- 174.1 (Abatement),
- 176.6A (Enforcement Assistance by Department of Public Health),
- 183-4 (Conditions and Restrictions),
- 184.53 (Performance Bond and Waiver Provision),
- 184.56 (Definitions),
- 184.63 (Civil and Administrative Penalties),
- 184.67 (Enforcement and Rulemaking Authority),
- 184.69 (Definitions),
- 184.73 (Investigation by Director; Undertaking for the General Welfare),
- 184.74 (Publication of Notice),
- 184.75 (Rulemaking and Enforcement Authority Regarding Handbill Distribution),
- 184.78 (Banners),
- 184.85 (Regulating Mobile Food Facility Locations),
- 192 (Portion of Expense Paid Out of Treasury),
- 200 (Notice Inviting Bids – Procedure),
- 201 (Bids and Award – Procedure),
- 205 (Contract – Approval and Execution),
- 209 (Material and Labor Claims),
- 214 (Certificate of Completion – Supervision of Director),
- 215 (Method of Assessment – Work Done by Owner),
- 216 (Warrant – Form – Recordation – Lien),
- 217 (Objection to Assessment),
- 229 (Installment Payments – Form of Bonds),
- 240 (Substitute for Director of Public Works or City Engineer),
- 241 (Notices and Affidavits – Service – Publication),

- 242 (Duty of Director Regarding Publication, Posting, Etc.),
- 250.152 (When and How Much),
- 250.242 (Annual Report),
- 250.260 (New Maintenance Districts),
- 250.315 (Bonds and Coupons May Be Used to Purchase or Redeem Property),
- 250.354 (Hearing),
- 250.391 (Budget - Contents),
- 263 (Order Declaring Intention to Recommend),
- 264 (Designation of District Benefited - Allocation of Benefit),
- 265 (Order Declaring Intention - Proceedings),
- 266 (Protests - Decision of Director),
- 267 (Action on Protest – Recommendation - Diagram),
- 268 (Recommendation That Maintenance District Be Formed),
- 270 (Abandonment of Proceedings-Renewal),
- 400 (Owners of Frontage Responsible to Repair Public Right-of-Way),
- 400.2 (Director of Public Works Authorized to Notify Owners to Remove Rubbish or Debris),
- 400.3 (Notice to Owner),
- 400.4 (Contents of Notice),
- 400.5 (Director of Sanitation and Streets to Remove Rubbish or Debris if Owner Fails To Do So),
- 400.6 (Notice of Cost and Claim of Lien, and Recording of Lien),
- 400.7 (Recording of Lien),
- 400.8 (Collection by Bureau of Delinquent Revenue),
- 400.9 (Release of Lien),
- 401 (Repair of Temporary Road or Street),
- 405 (Application Investigation - Permit),
- 407 (Sewers, When Improvement Made by Private Contract),
- 413 (Surety Bond or Certified Check Required),
- 416 (Improvement by Individual Owner),
- 704 (Asphalt Sidewalks),
- 709 (Emergency Orders; Accepted and Unaccepted Public Right-of-Way),
- 715 (Construction Requirements – Automobile Driveways),
- 716 (Permit Required – Fee),
- 717 (Permit Only to Owner – Restoration),
- 718 (Existing Driveways),
- 719 (Driveway Reconstruction),
- 723 (Obstruction of Public Right-of-Way Prohibited)
- 723.2 (Minor Sidewalk Encroachments),
- 723.3 (Unpermitted Subsidewalk Encroachment into the Public Right-of-Way),

- 723.5 (Testing Emerging Technology Devices on Public Right-of-Ways – Permit Required),
- 724.4 (Construction and Demolition Sites; Departmental Orders and Regulations),
- 724.6 (Unpaid Fees and Failure to Restore Pavement; Willful Noncompliance),
- 724.9 (Temporary Occupancy of Street – Permittee to Defend and Indemnify City and County),
- 725.10 (Removal of Debris Boxes),
- 726.6 (Additional Requirements),
- 726.7 (Orders and Regulations),
- 735 (Blighted Vacant Lots as Constituting Public Nuisance),
- 776 (Blasting – Permit Required),
- 777 (Blasting – Application for Permit),
- 778 (Blasting – Fee to be Paid; Insurance to be Carried),
- 779 (Blasting – Use of Explosives),
- 780 (Blasting – Money Deposited to Defray Inspection Costs),
- 786 (Street (Major) Encroachment Permit),
- 786.2 (Reports),
- 786.7 (Public Right-of-Way Occupancy Assessment Fee for Street Encroachments),
- 786.8 (Maintenance Endowment For Street Encroachment Permits Where the Permittee is Not the Owner Of Adjacent Property),
- 789.2 (Commemorative Street Plaque Application, Design, Placement, and Installation Procedures),
- 789.5 (Engineering, Installation, Safety, and Siting Criteria; Design Requirements and Guidelines),
- 790 (Slip Resistant Walking Surfaces in the Public Right-Of-Way),
- 791 (Public Improvements Gift Acceptance and Public Dedication),
- 792 (Street Plazas),
- 793 (The Shared Spaces Program – Shared Spaces in the Public Right-of-Way),
- 793.4 (Violation of Permit Conditions, Operational Requirements, or Administrative Regulations; Enforcement Actions and Penalties),
- 794 (Autonomous Delivery Devices on Sidewalks - Permit Required),
- 802 (Definitions),
- 802.1 (Additional Definitions),
- 803 (Urban Forestry Council; Additional Powers and Duties),
- 806 (Planting and Removal of Street Trees),
- 807 (Department of Sanitation and Streets Urban Forestry Program; Powers and Duties),
- 808 (Protection of Trees and Landscape Material),
- 809 (Hazard Trees; Abatement),
- 810 (Landmark Trees),
- 810A (Significant Trees),

- 828 (Application With Other Laws),
- 851 (Permits and Approvals Required to Operate Dump),
- 859 (Processing and Granting of Permits),
- 865 (Enforcement),
- 1000 (Purpose and Findings),
- 1001 (Prohibition on Sale of Bicycles and Bicycle Parts),
- 1401 (Definitions),
- 1403 (Impoundment),
- 1506 (Street Tree),
- 1602 (Definitions),
- 2301 (Purpose and Intent),
- 2302 (Definitions),
- 2305 (Request for Hearing; Hearing),
- 2306 (Abatement by Director),
- 2307.6 (Administrative Penalties),
- 2710 (Street Tree), and
- 2721 (Additional Permit Requirements)

Section 4 of the ordinance would add the following new Sections to the Public Works Code:

- 2 (Enforcement Authority),
- 2.1.5 (City May Impose Administrative Penalties for Failure to Pay Fees and Assessments),
- 945 (Alternative Remedies - Administrative Fines),
- 1108 (Alternative Remedies - Administrative Fines), and
- 1206.1 (Alternative Remedies - Administrative Fines)

Section 5 of the ordinance would amend the Administrative Code by deleting 2A.440 (Department of Sanitation and Streets) and revising the following Sections:

- 2A.95 (Fire Prevention),
- 2A.241 (Office Of Small Business),
- 3.2 (Definitions),
- 3.3 (Budget Timetable),
- 6.1 (Definitions),
- 6.3 (Contracting Powers and Procedure),
- 6.6 (Federally-Funded or State-Funded Contracts),
- 6.21 (Requirements for Bids and Quotes),
- 6.22 (Public Work Construction Contract Terms and Working Conditions),
- 6.23 (Public Works to be Performed by the City; Bids by City Departments; Procedure Upon Rejection or Failure of Bids),
- 6.40 (Competitive Procurement of Professional Services for Public Work Projects),

- 6.41 (Requests for Competitive Proposals or Qualifications),
- 6.42 (Professional Services Contract Terms),
- 6.60 (Emergency Repairs, Work and Contracts),
- 6.61 (Design-Build),
- 6.73 (Other Procurements),
- 10.100-227 (Adopt-a-Tree Fund),
- 10.100-233 (Public Works Litter Control Fund),
- 10.100-234 (Public Works Littering, Nuisance, and Graffiti Violation Reward Fund),
- 10.100-236 (Public Right-of-Way Nuisance Abatement and Removal Fund),
- 10.100-299 (San Francisco Gas Tax Street Improvement Fund),
- 10.171 (Code Enforcement),
- 10.172-1 (Application and Acceptance of Federal Funds, Special Services for Young Intellectually and Developmentally Disabled Adults),
- Chapter 10B (Special Law Enforcement and Street Cleaning Services)
- 10B.11 (Request for Street Cleaning and Related Services),
- 10B.12 (Payment for Services),
- 10B.20 (Payments in Arrears),
- 20.404 (Contract Requirements),
- 23.40 (Sale or Lease of Park Land; Use of Certain Park Land for the Construction of Water Quality and Sewerage Facilities),
- 32.11 (Commitment to Enforce Rehabilitation Standards and Implement Plan for Public Improvements),
- 32.20 (Responsibility for Administration of Program),
- 32.21 (Rules and Regulations),
- 40.7 (Responsibility for Administration of the Program),
- 40.10 (Rules and Regulations),
- 41.7 (Statements of Exemption; Applicability of this Chapter),
- 41.18 (Demolition),
- 41.19 (Temporary Change of Occupancy),
- 50.10 (Duties of City and County Agencies),
- 50.11 (Rules and Regulations),
- 50.20 (Applicant's Plan for Facilities Maintenance and Capital Improvements),
- 94A.4 (Interagency Coordination),
- 94A.6 (Operational Requirements), and
- 105.3 (Imposition of Cigarette Litter Abatement Fee)

Section 6 of the ordinance would amend the following Sections of the Police Code:

- 38 (Enforcement of Litter Laws; Designated Officers and Employees),
- 39-1 (Procedure for Assessment and Collection of Administrative Penalties for Specified Littering and Nuisance Violations),

- 386 (Unlawful to Direct Traffic Without Authorization),
- 779 (Construction Permit),
- 1618 (Eligibility and Operating Standards Applicable to All Cannabis Businesses), and
- 4304 (Enforcement)

Section 7 of the ordinance would amend the following Sections of the Health Code:

- 461 (Permits),
- 462 (Application – Investigation, Etc.),
- 12C.1 (Purpose and Findings),
- 1511 (Treatment Requirements),
- 1606 (City Agency Task Force), and
- 1636 (Enforcement)

Section 8 of the ordinance would amend Section 106A.1.3 of the Building Code (Permits and fees for subsidewalk space).

n:\legana\as2023\2100488\01687604.docx