

1 [Various Codes - Nonsubstantive Clean-Up Ordinance]

2

3 **Ordinance amending the Administrative, Business and Tax Regulations, Environment,**
4 **Fire, Health, Police, and Transportation Codes to make nonsubstantive changes.**

5

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

10

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

12

13 Section 1. Statement of Purpose. The sole purpose of this ordinance is to make
14 nonsubstantive changes in miscellaneous provisions of the Municipal Code. These changes
15 include, among other things, correction of incorrect citations, renumbering and re-lettering of
16 certain sections and subsections, correction or deletion of typographical errors, deletion of
17 sunsetted provisions, and inclusion of clarifying language to supply previously omitted
18 headings or references. This ordinance is not intended to effect any change in the meaning of
19 any code provision or otherwise work any substantive change. This ordinance shall be
20 interpreted so as to effectuate the purposes stated in this Section 1.

21

22 Section 2. The Administrative Code is hereby amended by ~~renumbering Sections~~
23 ~~2A.421 and 2.A422,~~ and revising Sections 8.21-2, 10G.1, 20.7-8, 20.7-21, 20.7-26, 20.7-38,
24 and 82.3, to read as follows:

25

1 **SEC. 8.21-2. LIBRARY FINES AND FEES.**

2 (a) Fee Schedule. The Library Commission is hereby authorized to charge fines and
3 fees for the use of library materials and services in accordance with the following schedule:

4 * * * *

REPLACEMENT OF LOST MATERIALS	
Materials	Per Item
Audiocassettes	<u>\$5/tape</u>

8 * * * *

9 (c) Fees for Lost and Damaged Materials Owned by Other Libraries. The Library is
10 hereby authorized to collect fees for lost or damaged materials that its patrons have borrowed
11 from another library via interlibrary loan (ILL) in accordance with the following:

12 (1) in the case of lost or damaged materials borrowed from a member library of
13 the LINK+ library consortium, the Library may collect the replacement fee set by LINK+,
14 provided that the Library shall collect only the actual replacement cost of the item when
15 authorized to do so by the lending library:

16 (~~#2~~) for all other lost or damaged materials borrowed from another library via
17 ILL, the Library may charge a replacement fee in the amount that is required by the lending
18 library, which shall be either the fair market value of the lost item(s) or an amount set by the
19 lending library not to exceed \$200 per item.

20 * * * *

21 **SEC. 10G.1. SURCHARGE IMPOSED; CATEGORIES OF PERMITS AND FEES.**

22 In order to recover the cost to the City and County for the Board of Appeals permit
23 review functions, at the time a fee for permit application, issuance, or review is collected, and
24 at the time an annual fee for renewal of the permit or license associated with the permit is
25

1 collected, a surcharge in the amount specified shall be charged and collected for the following
2 categories of permits and fees.

3 * * * *

4 (c) For permits issued pursuant to the Public Works Code that may be appealed to the
5 Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$6.50;

6 * * * *

7
8 **SEC. 20.7-8. PRORATION OF INCOME OVER CONTRACT PERIOD.**

9 The income of any person under a contract of employment who works and receives
10 income from such contract, ~~but more than eight months,~~ shall be prorated over the period of the
11 contract for the purposes of this Article VII.

12 **SEC. 20.7-21. COMPUTATION AND PAYMENT OF AID GRANTS; AMOUNTS**
13 **PAYABLE.**

14 * * * *

15 (e) In the case of more than 10 persons in a family budget unit, an additional \$14
16 each month shall be paid for each additional person in the family budget unit. For the purpose
17 of this sub~~section~~ (e), a family is defined as an Applicant/Recipient and his or her spouse or
18 “domestic partner,” as defined under Section 62.2 of the Administrative Code, and/or any of
19 the Applicant/Recipient’s children who are under age 18, living with, and applying for
20 assistance under this Article VII with, such Applicant/Recipient. For family budget units in
21 which members receive cash payments from more than one federal, State, or County
22 assistance program, except for SSI/SSP, the maximum grant amount shall be reduced dollar-
23 for-dollar by the amount of such cash assistance.

24 * * * *

1 (j) To promote the transition of County Adult Assistance *Programs* Recipients to
2 gainful employment, the Executive Director may establish an Earned Income and Asset
3 Disregard Policy for the Recipients who are employed. The Earned Income and Asset
4 Disregard Policy shall provide for disregarding a certain amount of gross income which a
5 Recipient earns as wages and savings derived therefrom when determining a Recipient's
6 County Adult Assistance Programs eligibility and grant amount.

7 * * * *

8 **SEC. 20.7-26. WORK REQUIREMENTS AND EXEMPTIONS.**

9 * * * *

10 (c) The following individuals are exempt from the mandatory *employment job readiness*
11 requirements set forth in subsection (b)(4):

12 * * * *

13 **SEC. 20.7-38. FAIR ADMINISTRATION; DISCLOSURES; OVERPAYMENT.**

14 * * * *

15 (f) Overpayment due to false statement or representation or by impersonation or other
16 fraudulent device or by intentional failure to report facts as required by this Article or
17 department regulations ("Fraud") shall result in immediate discontinuance of aid subject to fair
18 hearing procedures in Section 20.7-45 of this Article VII . The case shall be referred to the
19 Special Investigation Unit of the Department. Any aid granted under such circumstances shall
20 be offset against any future aid by deducting from current grants not more than 40% with an
21 administrative determination of Recipient Fraud and an administrative evaluation of the
22 Recipient's current ability to pay housing costs.

23
24 **CHAPTER 82: LOCAL HIRING POLICY FOR CONSTRUCTION**

25 **SEC. 82.3. DEFINITIONS.**

1 For purposes of this Chapter 82, the following terms shall have the following meanings:

2 * * * *

3 Public Work or Improvement. A Public Work or Improvement as that term is defined in
4 ~~Chapter~~Section 6.1 of the Administrative Code as amended from time to time.

5 * * * *

6
7 Section 3. The Business and Tax Regulations Code is hereby amended by revising
8 the title of Section 1115, to read as follows:

9 **SEC. 1115. DEFICIENCY DETERMINATIONS; JEAOPARDY DETERMINATIONS.**

10
11 Section 4. The Environment Code is hereby amended by revising Sections 701, 703,
12 705, 706, 709, 18.1, 18.6, 1602 and 1605, to read as follows:

13 **SEC. 701. DEFINITIONS.**

14 The following terms shall have the meanings set forth below.

15 * * * *

16 "Landfill" means a facility that (a) accepts for disposal in or on land non-hazardous
17 waste such as household, commercial, and industrial waste, and waste generated during
18 construction, remodeling, repair and demolition operations, and (b) has a valid current solid
19 waste facilities permit from the California Department of Resources Recycling and Recover
20 (CalRecycle).

21 * * * *

22 **SEC. 703. DUTIES OF THE DEPARTMENT OF THE ENVIRONMENT.**

23 (a) General Duties Under this Chapter. The Department of the Environment shall:

1 (1) Develop goals, criteria, and strategies for optimizing municipal green
2 building design, construction and operations and make policy recommendations regarding
3 requirements for municipal construction projects to the Board of Supervisors;

4 (2) Develop and oversee a training program in green building practices,
5 including design, construction, renovation, operation and reuse of buildings for City
6 department heads and architects, engineers, construction managers, building managers,
7 department managers and finance officers employed by the City in order to implement the
8 policies adopted by the Board of Supervisors;

9 (3) Chair the Task Force and coordinate City departments having responsibility
10 for compliance with the requirements of this Chapter. The Task Force shall assist the Director in
11 providing green building advice, assistance, outreach, and education to City departments;

12 * * * *

13 **SEC. 705. LEED CERTIFICATION REQUIREMENTS FOR MUNICIPAL**
14 **CONSTRUCTION PROJECTS.**

15 Except as otherwise provided by the City’s Charter,

16 * * * *

17 (e) Municipal construction projects Less Than 10,000 Gross Square Feet. For
18 municipal construction projects less than 10,000 gross square feet and for municipal
19 construction projects of any size not meeting the Minimum Program Requirements to be
20 eligible for LEED certification, the sponsoring City department, in consultation with a LEED AP
21 with specialty, shall prepare and submit a conceptual design phase LEED Scorecard to the
22 Department for informational and reporting purposes. The conceptual design phase LEED
23 Scorecard shall demonstrate the maximum LEED credits that are practicable for the project.
24 The sponsoring City department shall pursue these LEED credits throughout the design and
25 construction process. The sponsoring City department, in consultation with a LEED AP with

1 specialty, shall prepare and submit a final as-built LEED Scorecard to the Department
2 indicating all LEED credits that would be achieved if the project had been certified.
3 Documentation of LEED credits is not required for these projects. Municipal construction
4 projects less than 10,000 gross square feet are subject to all applicable local ordinances and
5 requirements, including but not limited to, Construction and Demolition Debris Management,
6 Recycling by Occupants, Construction Site Runoff Pollution Prevention, Stormwater Control,
7 and Water Efficient Irrigation, as well as the requirements of the California Green Building
8 Standards Code (CCR ~~File~~Title 24, Part 11).

9 * * * *

10 **SEC. 706. LOCALLY-REQUIRED MEASURES FOR MUNICIPAL CONSTRUCTION**
11 **PROJECTS.**

12 * * * *

13 (~~cb~~) Indoor Water Use Reduction. Municipal construction projects subject to a LEED
14 certification requirement shall demonstrate a minimum 30% reduction in the use of indoor
15 potable water, as calculated to meet and achieve LEED credit Indoor Water Use Reduction.

16 (~~de~~) Renewable Energy Efficiency, Better Roofs, and Energy Resilience.

17 * * * *

18 (~~ed~~) Commissioning. For each municipal construction project subject to a LEED
19 certification requirement, the design team shall demonstrate that the project achieves Option
20 1 of LEED credit Enhanced and Monitoring-Based Commissioning, in addition to LEED
21 prerequisite Fundamental Commissioning and Verification.

22 (~~fe~~) Construction Debris Management. All municipal construction projects shall
23 demonstrate a minimum 75% diversion from landfill. For all municipal construction projects
24 subject to a LEED certification requirement, the LEED Project Administrator shall submit
25 documentation verifying that the project achieves LEED credit Construction and Demolition

1 Waste Management (75%; 2 points). The project must also satisfy the requirements of
2 Section 708.

3 (~~gf~~) Indoor Air Quality. For each municipal construction project subject to a LEED
4 certification requirement, the LEED Project Administrator shall submit documentation verifying
5 that the project achieves LEED credit Enhanced Indoor Air Quality Strategies (1 point), LEED
6 credit Construction Indoor Air Quality Management Plan (1 point), and LEED credit Indoor Air
7 Quality Assessment Option 2: Air Testing (2 points).

8 (~~hg~~) Low Emitting Materials. For each municipal construction project subject to a
9 LEED certification requirement, the LEED Project Administrator shall submit documentation
10 verifying that the project achieves LEED Low Emitting Materials (3 points).

11 (~~ih~~) Toxics Reduction and Pollution Prevention.

12 * * * *

13 **SEC. 709. WATER CONSERVATION RETROFIT REQUIREMENTS.**

14 * * * *

15 (c) Water Conservation Requirements for Water Closets (Toilets) and Urinals.

16 * * * *

17 (3) The responsible City department shall ensure that all water closets in City-owned
18 facilities with a rated flush volume exceeding 1.6 gallons per flush are replaced with high-
19 efficiency water closets that use no more than 1.28 gallons per flush. All wall-mounted urinals
20 with a rated flush volume exceeding 1.0 gallon per flush shall be replaced with high-efficiency
21 urinals that use no more than 0.125 gallons per flush. All non-wall mounted urinals with a
22 rated flush volume exceeding 1.0 gallon per flush shall be replaced with high-efficiency urinals
23 that use no more than 0.5 gallons per flush.

24 * * * *

25 **SEC. 1602. DEFINITIONS.**

1 * * * *

2 "Restaurant" means any establishment located within the City that sells Prepared Food
3 for consumption on, near, or off its premises. The ~~the~~ term includes a Restaurant operating
4 from a temporary facility, cart, vehicle, or mobile unit.

5 * * * *

6 **SEC. 1605. OTHER POLYSTYRENE FOAM PRODUCTS.**

7 * * * *

8 (d) For purposes of this Section 1605, Distribution of Packing Material shall not
9 include:

10 (1) Receiving shipments within the City that include Polystyrene Foam, or some
11 other non-Compostable and non-Recyclable product, used as Packing Material;

12 (2) Re-using Packing Materials for shipping, transport, or storage within the same
13 distribution system, where the Packing Materials are not sent to a consumer or end user;

14 (3) Donating used Packing Materials to another person, where the donor receives
15 nothing of value for the donated Packing Materials; or-

16 * * * *

17 **SEC. 18.1. FINDINGS.**

18 * * * *

19 (o) Section 908 of the Environment Code requires San Francisco to reduce
20 greenhouse gas emissions by 25% below 1990 levels by 2017; by 40% below 1990 levels by
21 2025; and by 80% below 1990 levels by 2050.

22 ~~J~~

23 (p) In view of the City's objectives in addressing the challenge of climate change, the
24 positive benefits for the City's overall power consumption market and the particular benefits
25 for the SF-PUC's Power Enterprise, the SFPUC intends to allocate \$7.275 million of power

1 revenues, including \$2 million of Solar Energy Incentive Program surplus funds from fiscal
2 year 2014-2015, towards funding the implementation of the solar incentive program described
3 in this Chapter 18, with the objective of providing declining annual appropriations through
4 fiscal year 2023-2024.

5 * * * *

6 **SEC. 18.6. PROGRAM ADMINISTRATION.**

7 * * * *

8 (e) Subject to the budgetary and fiscal provisions of the Charter, the ~~The~~ Program
9 Administrator shall maintain annual program funding as identified within the SFPUC Power
10 Enterprise budget as the Solar Energy Incentive Fund. At the end of each fiscal year, any
11 program funds that were not expended shall be carried forward to the next fiscal year. Upon a
12 finding as to the continuing effectiveness of the Solar Energy Incentive program in achieving
13 its objectives such funds shall be appropriated then or thereafter for the purposes specified in
14 this Chapter 18.

15 * * * *

16
17 Section 5. The Fire Code is hereby amended by revising Division I, subsection
18 109.2(c), Section 113.21, and Table 113-B, ~~and Section 1103~~, to read as follows:

19 **CHAPTER 1 SAN FRANCISCO GENERAL CODE PROVISIONS**

20 **DIVISION I. – SAN FRANCISCO ADMINISTRATION.**

21 * * * *

22 **109.2. [For SF] Person Responsible.**

23 * * * *

24 (c) The person responsible for a violation of Section 107.~~65~~ or Section
25 ~~1030.2~~1031.2 is the owner of the business operating at the building or premises.

1 * * * *

2 **113.21. [For SF] Fee-Setting Procedure.**

3 * * * *

4 **TABLE 113-B. - PLAN REVIEW FEES.**

VALUATION	FEE
* * * *	
\$50,001 TO \$200,000	\$790.82 for the First \$50,000 or less plus <u>\$5.4309</u> for each additional \$1,000 or fraction thereof, to and including \$200,000
* * * *	

5
6
7
8
9
10 Section 6. The Health Code is hereby amended by revising Article 19K, and
11 renumbering Sections 1010, 1010.1, 1010.2, 1010.3, and 1010.4, to read as follows:

12 **SEC. 19K.11010. DEFINITIONS.**

13 * * * *

14 **SEC. 19K.21010.1. PROHIBITION AGAINST TOBACCO PRODUCT SALES ON**
15 **PROPERTY OWNED BY OR UNDER THE CONTROL OF THE CITY.**

16 No person shall sell tobacco products on property owned by or under the control of
17 the City and County of San Francisco, except as provided in Section 19K.31010.2. All leases,
18 permits or agreements awarded by the City and County of San Francisco allowing any person
19 to use City property for retail purposes shall specifically provide that there shall be no sale of
20 tobacco products on such City property.

21 **SEC. 19K.31010.2. EXCEPTIONS.**

22 The prohibition against tobacco sales on property owned by or controlled by the City
23 in Section 19K.21010.1 shall not apply where its application would impair a lease, permit or use
24 agreement to which the City is a party on the effective date of this ordinance. The City shall
25

1 not enter into, renew, extend or materially amend a lease, permit or use agreement for the
2 use of City property after the effective date of this ordinance that does not incorporate the
3 prohibition set forth in Section 19K.21010.1.

4 The prohibition against tobacco sales on property owned by or controlled by the City
5 in Section 19K.21010.1 shall not apply to the passenger terminal complex at San Francisco
6 International Airport.

7 **SEC. 19K.41010.3. PENALTIES AND ENFORCEMENT.**

8 Administrative penalties for violation of the prohibition set forth in Section 19K.21010.1
9 shall be assessed and collected by the Director in accordance with *San Francisco*
10 Administrative Code Chapter 100, which is hereby incorporated by reference.

11 **SEC. 19K.51010.4. PREEMPTION.**

12 * * * *

13
14 Section 7. The Police Code is hereby amended by revising Sections 1060.5.1,
15 1060.19, 1060.24, 1060.25, 1060.29.2, and 3907, and Article 52, to add an Article Title, to
16 read as follows:

17 **SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE**
18 **PERFORMANCE PERMIT.**

19 * * * *

20
21 (i) In considering whether to make any of the findings stated in subsections (f)(1)-(3)
22 or the finding stated in subsection (g), or to impose conditions on a Limited Live Performance
23 Permit, the Commission shall consider where relevant the circumstances surrounding any
24 previous denial of a permit application or previous suspension or revocation of a permit, under
25 this Article 15.1 or Article 15.2, for the same permit applicant or Permittee.

1 (i) If a Permittee has been conditionally granted a permit but has not obtained all of
2 the permits required from other City departments within nine months from the date that the
3 Entertainment Commission conditionally granted the permit, the conditionally granted permit
4 shall expire by operation of law and be void. Notwithstanding the foregoing sentence, upon
5 the Permittee's written request and a showing of good cause, the Commission may extend the
6 aforementioned nine-month deadline for up to 24 months, subject to an additional extension
7 or extensions totaling no more than 12 months beyond the aforementioned 24 months. In its
8 discretion, the Commission may delegate to the Director, in whatever manner it deems
9 appropriate, the power to extend the nine-month deadline.

10 (kj) If the Permit is for a Plaza as identified in Administrative Code Chapter 94, the
11 Permit shall state that it automatically expires upon termination or expiration of the Real
12 Estate Division license for that Plaza or termination or expiration of the Public Works permit
13 for that Plaza issued pursuant to Chapter 94 of the Administrative Code. If the permit is for a
14 People Place as identified in Administrative Code Chapter 94A, the Permit shall state that it
15 automatically expires upon termination or expiration of the People Place Permit issued
16 pursuant to Chapter 94A of the Administrative Code.

17 **SEC. 1060.19. PERMIT FEE; EXEMPTIONS.**

18 * * * *

19 (a) Place of Entertainment, Limited Live Performance, and Fixed Place Outdoor
20 Amplified Sound Permit Fee Exemptions.

21 * * * *

22 (2) Notwithstanding the above ~~subsection~~ subsection (a)(1), the Steward or
23 permittee for a Plaza as identified in Administrative Code Chapter 94 and a People Place as
24 identified in Administrative Code Chapter 94A shall be subject to the permit fee of Section
25 1060.2.

1 * * * *

2 **SEC. 1060.24. PERMITS NOT TRANSFERABLE; PERMIT MUST BE**
3 **SURRENDERED UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO**
4 **CHANGE PARTNERS OR OTHER OWNERS.**

5 * * * *

6 (h) Temporary Permits. Once the Entertainment Commission receives a surrendered
7 Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor
8 Amplified Sound Permit under Section 1060.24(b), the new owner of the business may apply
9 to the Director for a temporary Place of Entertainment Permit, Limited Live Performance
10 Permit, or Fixed Place Amplified Sound Permit, subject to any required Planning Department
11 approvals, for a period not to exceed 90 days from the date of surrender (a "Temporary
12 Permit"). The Director may grant a Temporary Permit provided that (1) the new owner has
13 submitted a completed application for a Place of Entertainment Permit, Limited Live
14 Performance Permit, or Fixed Place Outdoor Amplified Sound Permit, (2) the new owner's
15 Entertainment, Live Performance, or Amplified Sound events and activities are consistent
16 with those allowed under the prior Permit, (3) the premises at issue complies with all existing
17 health, safety, and fire ordinances, and (4) a Temporary Permit is necessary to ensure
18 uninterrupted operations of a business at the premises. This Temporary Permit may not be
19 renewed as a Temporary Permit. The Entertainment Commission may establish additional
20 procedures and Temporary Permit criteria to help carry out the goals of this Section
21 1060.24(h).

22 * * * *

23 **SEC. 1060.25. CRIMINAL, ADMINISTRATIVE, AND CIVIL PENALTIES.**

24 * * * *

25 (c) CIVIL PENALTIES.

1 (1) Presumption of Noncompliance with Order. In addition to any other penalties
2 provided in this Article 15.1, any person or entity served with a notice or order by the Director
3 setting forth the nature of the violation of this Article, demanding correction of such violation,
4 and specifying the time within which such violation must be corrected, shall be presumed, in
5 subsequent civil proceedings, to have failed to comply with that notice or order at and after the
6 time given in that notice or order for correction of such violation, after the time period specified
7 in the notice or order has expired without correction of that violation.

8 (2) Injunction. In a civil action brought by the City Attorney, any person who
9 commits, or proposes to commit, an action in violation of this Article 15.1 may be enjoined
10 therefrom.

11 * * * *

12 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

13 * * * *

14 (c) Permit Application.

15 * * * *

16 (2) The application shall include the information required under subsection
17 (a)(8) of Section 1060.3.2 of this Article 15.1 with regard to the use of outdoor Amplified
18 Sound Equipment.

19 (32) The Director shall send the application to the Police Department for input,
20 which the Police Department shall provide to the Director within three City business days of
21 receiving the application.

22 * * * *

23
24 **SEC. 3907. PRESENTATION OF PERMIT TO TAX COLLECTOR-LICENSE FEES.**

1 Upon the granting of a permit, as hereinabove provided, the Police Department shall
2 ~~shall~~ furnish the permittee with the following:

3 * * * *

4 **ARTICLE 52: OCCUPANT'S RIGHT TO CHOOSE A COMMUNICATIONS SERVICES**

5 **PROVIDER**

6 * * * *

7
8 Section 8. The Transportation Code, Division I, Section 7.3.56 is hereby amended by
9 revising Section 812, to read as follows:

10
11 **SEC. 7.3.56. OPERATING WITHOUT A FUNCTIONING TAXIMETER.**

12 For any person or entity to drive or operate any Taxi on the public street that is not
13 equipped with a Taximeter, is equipped with a Taximeter that is inaccurately fixing the fare to
14 be collected, or is otherwise not in good working order, or is equipped with a Taximeter that
15 does not comply with the requirements of Section 1113(f)(4) of Division II of the
16 Transportation Code.

17
18 Section 9. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4

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

7 By: _____
8 JON GIVNER
9 Deputy City Attorney

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