

1 [Graffiti Abatement Liability]
 2 AMENDING ARTICLE XXIII, PART II, CHAPTER X, OF THE SAN FRANCISCO
 3 MUNICIPAL CODE (PUBLIC WORKS CODE), BY AMENDING SECTION 1304 RELATING
 4 TO GRAFFITI ABATEMENT PROCEDURES FOR SUBSEQUENT GRAFFITI ON THE SAME
 5 PROPERTY FOR THE 12 MONTH PERIOD FOLLOWING THE INITIAL REMOVAL, AND
 6 BY AMENDING SECTION 1305 TO EXCLUDE OWNER OPTION TO CONSENT TO
 7 DIRECTOR'S REMOVAL OF SUBSEQUENT GRAFFITI ON THE SAME PROPERTY FOR
 8 THE 12 MONTH PERIOD FOLLOWING THE INITIAL REMOVAL.

9
 10 Note: Additions are underlined; deletions
 11 are in ((double parentheses)).

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

14 Section 1. Article XXIII, Part II, Chapter X of the San
 15 Francisco Municipal Code (Public Works Code), is hereby amended by
 16 amending Section 1304, to read as follows:

17 Section 1304. Graffiti Abatement Procedures.

18 (a) Once every 12 months, the director may remove any graffiti
 19 he or she determines to be in violation of Section 1303
 20 of this Article upon receiving written consent and waiver of
 21 liability from the owner of the property in accordance with
 22 paragraph(c) of this Section. The director may prepare and
 23 distribute forms for this purpose.

24 (b) If the Director is otherwise unable to obtain consent from
 25 the property owner, the Director shall provide notice to the property

SUPERVISOR TENG, Kaufman, Newsom, Yaki, Becerril, Katz, Brown,
 Bierman, Leno

1 owner of the Director's determination that the property contains
2 graffiti in violation of Section 1303. The notice shall also state
3 that the owner may authorize the Director to remove the graffiti by
4 giving written consent and a waiver of liability in accordance with
5 paragraph (c) of this Section. The notice shall be provided through
6 the means specified in Section 1305(a).

7 (c) As a condition for allowing the Director to cause removal
8 of the graffiti, the owner shall also sign a release on a form
9 provided by the Director releasing the City and County from liability
10 for damage to public or private property in connection with the
11 removal of graffiti. If the Director makes the hardship
12 determination described in paragraph (g), the owner may, if he or she
13 desires, give advance consent to the Director to remove graffiti from
14 the property in the future without the need for the Director to
15 obtain the owner's consent prior to each removal. Such prior
16 authorization shall be in writing to the Director and shall be signed
17 by the owner. The prior authorization may be revoked by the owner at
18 any time by notifying the Director in writing.

19 (d) Whenever the Director is authorized by this ordinance to
20 remove graffiti and uses public funds for the removal and for the
21 repainting and repair of the property from which the graffiti is
22 removed, the Director shall not authorize or undertake to provide for
23 the painting or repair of any more extensive area than that where the
24 graffiti is located except in the following circumstances:
25

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1 (1) The director determines in a written notice to the
2 owner that a more extensive area is required to be repainted or
3 repaired in order to avoid an aesthetic disfigurement to the
4 neighborhood or community; or

5 (2) The owner agrees to pay for the costs of repainting or
6 repairing the more extensive area.

7 (e) If the Director has not received consent from the owner
8 within 10 days from the date of the notice described in paragraph
9 (b), the Director may initiate a Graffiti Abatement Action in
10 accordance with Section 1305.

11 (f) Where property defaced by graffiti is owned by a public
12 entity other than the City and County, the Director shall cause
13 removal of the graffiti only after securing the consent of an
14 authorized representative of the public entity that has jurisdiction
15 over the structure.

16 (g) It is the policy of the CCSF that the city will provide not
17 more than one graffiti removal, at the public expense, from a
18 specific property during a 12 month period. After the initial
19 removal of graffiti by the Director, the owner shall remove all
20 graffiti, in violation of Section 1303, placed on the same property
21 within a 12 month period from the date of the initial removal. If
22 the owner has failed to remove the graffiti within 10 days after
23 Director notification specified in Section 1305(a), the Director may
24 initiate a Graffiti Abatement Action in accordance with Sections 1305
25 and 1306. The Director of Public Works may provide paint to a

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1 property owner for graffiti removal without charge. Where the
2 Director determines that a property is burdened with a
3 disproportionate share of graffiti vandalism and requiring the owner
4 to remove the graffiti would result in an unfair hardship, the
5 Director is authorized, at the City's expense, to remove graffiti
6 placed on the same that property more than once during that 12 month
7 period.

8 Section 2. Article XXIII, Part II, Chapter X of the San
9 Francisco Municipal Code (Public Works Code), is hereby amended by
10 amending Section 1305, to read as follows:

11 Section 1305. Notice of Graffiti Abatement Action.

12 (a) Whenever the Director determines that graffiti exists in
13 violation of Section 1303, and the Director has been unable to obtain
14 the owner's consent to remove the graffiti in accordance with Section
15 1304, the Director may initiate a Graffiti Abatement
16 Action by causing a Graffiti Abatement Notice to be served as
17 follows:

18 1. One copy of the Notice shall be posted in a conspicuous
19 place upon the building or property.

20 2. Once copy of the Notice shall be served upon each of
21 the following:

22 A. The person, if any, in real or apparent charge and
23 control of the premises or property involved;

24 B. The owner of record.

25 / / /

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1 3. The Director may also serve one copy of the notice
2 upon any other parties with a recorded interest.

3 (b) The Graffiti Abatement Notice shall provide the property
4 owner seven calendar days from the date of the Notice in which to
5 remove the graffiti, consent to removal of the graffiti by the
6 Director, notify the Director in writing that he or she has consented
7 or consents to the graffiti, or request a hearing before the
8 Director. If the property owner fails to take one of these actions
9 within the above time, the property shall thereafter be subject to
10 abatement of the graffiti by the Director in accordance with Section
11 1306. The City will provide the owner, not more than once during a
12 12 month period, the option to consent to the Director's removal of
13 graffiti from a specific property. If the Director makes the
14 hardship determination described in 1304(g), the Director is
15 authorized to provide the owner with the option to consent to the
16 Director's removal of graffiti more than once during the 12 month
17 period.

18 APPROVED AS TO FORM:

19 LOUISE H. RENNE, City Attorney

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21
22 By: Mario M. Kashou
23 MARIO M. KASHOU
24 Deputy City Attorney
25

SUPERVISOR TENG



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 990623

Date Passed:

Ordinance amending Public Works Code Sections 1304 and 1305 relating to graffiti abatement procedures for subsequent graffiti on the same property for the 12 month period following the initial removal and to exclude owner option to consent to Director's removal of subsequent graffiti on the same property for the 12 month period following the initial removal.

July 12, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

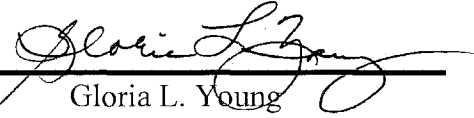
July 19, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Katz

File No. 990623

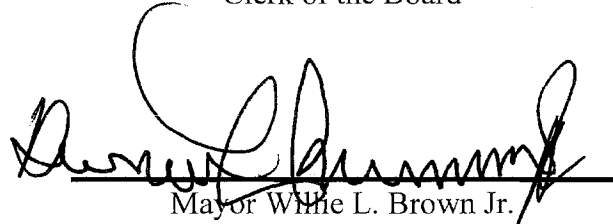
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on July 19, 1999 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JUL 30 1999

Date Approved



Mayor Willie L. Brown Jr.