

1 [Ordinance amending and adding to Section 184.78 of the Public Works Code to clarify the
 2 scope of banner regulations, prohibit banners in residential districts, provide installer name
 3 and service phone numbers on banners, provide for administrative and inspection fees for
 4 banners, provide penalties for the violation of Section 184.78, and provide for the posting of
 5 bonds by banner installers.]

6 **Ordinance amending and adding to Section 184.78 of the Public Works Code to clarify**
 7 **the scope of banner regulations that may be adopted by the Department of Public**
 8 **Works, to prohibit banners in residential districts, to require installer name and service**
 9 **phone numbers on all banners, to provide for processing and inspection fees for**
 10 **banner permits, to provide appropriate penalties for violations of Section 184.78, and to**
 11 **provide that bond may be required to be posted prior to receipt of a banner permit.**

12 Note: Additions are single-underline italics Times New Roman;
 13 deletions are ~~strikethrough italics Times New Roman~~.
 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. The San Francisco Public Works Code is hereby amended by amending
 16 and adding to Section 184.78, to read as follows:

17 **Sec. 184.78. BANNERS**

18 (a) Subject to the conditions and limitations imposed by this Section, the
 19 Department is authorized to adopt rules and regulations governing the posting of banners
 20 consistent with the terms of this Article. In enacting such rules and regulations, the
 21 Department shall consider the need to protect the safety of pedestrians, vehicles and other
 22 property and the need to promote aesthetics on the City's streets and sidewalks. *If the*
 23 *Department enacts rules and regulations that are based upon the content of the message in the banner,*
 24 *the Department must show that the rule or regulation is necessary to serve a compelling governmental*
 25 *interest; is narrowly tailored to achieve that end; and is the least restrictive means to further the*

1 ~~articulated interest. If the Department enacts rules and regulations that are not based on the content of~~
2 ~~the message in the banner, the Department must show that the rule or regulation is narrowly tailored to~~
3 ~~serve a significant government interest and leaves open ample alternative channels of communication.~~

4 (b) No banner shall be affixed to more than one structure so that it spans the
5 area between two or more structures or spans a street unless and until the party responsible
6 for the posting of such banner first obtains a permit from the Department for the purpose of
7 enabling that Department to ensure that the banner is posted in a safe manner and that the
8 party has obtained adequate insurance coverage for any risk posed by such posting,
9 according to guidelines established by the Director; and provided that, if any part of the
10 banner is to be attached to non-City property, upon filing the permit application, the party shall
11 be notified that the consent of the private owner should be obtained before posting the
12 banner.

13 (c) Notwithstanding anything in this Code that may be to the contrary, the
14 Director is authorized to permit the posting of banners on the historic lamp posts lining Market
15 Street, an area known as the "Path of Gold," and more fully described in Section 184.58,
16 subject to the following conditions:

17 (1) The Director may issue a permit only for an event: (A) that results in the
18 closure of all or a portion of Market Street's Path of Gold and (B) for which the event sponsor
19 has already obtained the necessary City approvals for such closure; and

20 (2) Banners shall not be posted for longer than 30 days prior to the event,
21 nor remain posted for longer than 10 days after the event.

22 (d) No banners may be installed in R (residential) districts, as set forth in the San
23 Francisco Planning Code, Article 2.

24 (e) All banners shall bear the name of the installer of the banner and a local or toll-
25 free phone number, labeled "Service Number," where citizens may contact or leave word for the

1 installer of the banner regarding maintenance or repair problems with any banner bearing the
2 installer's service phone number. This required text shall be imprinted and maintained on the face or
3 edge of the banner and shall be a minimum of 2 inches in height .

4 (f) Each applicant for a banner permit shall pay to the Department of Public Works
5 a processing fee of \$100 for the first 20 banners sought to compensate the Department for the cost of
6 processing and administering the permit. An applicant shall pay a fee of \$100 for each 20 additional
7 banners sought per application. Processing fees for banner requests under 20 banners shall be
8 prorated.

9 (g) Each applicant for a banner permit shall pay to the Department of Public Works
10 an inspection fee of \$100 for the first 20 banner approved to compensate the Department for the cost of
11 enforcing the banner permits. Applicants shall pay an inspection fee of \$100 for each 20 additional
12 banners approved, or fraction thereof, approved.

13 (h) Any person violating the provisions of this Section or any regulations
14 promulgated by the Department of Public Works pursuant to this Section, shall be guilty of an
15 infraction. Every violation determined to be an infraction is punishable by (1) a fine not exceeding
16 \$100 for a first violation; (2) a fine not exceeding \$200 for a second violation within one year; (3) a
17 fine not exceeding \$500 and revocation of the permittee's banner permits for a third violation within
18 one year.

19 (1) In addition, fines may be imposed by the Department of Public Works for
20 investigation of banners being maintained without or in violation of a valid permit. The Director of
21 Public Works shall establish a schedule of such fees. Payment of the fees shall be directly to the
22 Department of Public Works.

23 (2) The person responsible for payment of the fee may appeal the amount of the
24 investigation fee to the Board of Permit Appeals, subject to its filing fees and rules.

25 (3) The nonpayment of such fee or fine, or the continued existence of a condition in

1 violation of this Section, shall be grounds for the Director of Public Works to deny a permit for a
2 banner to the responsible owner or applicant until such penalty has been paid and the condition
3 corrected.

4 (i) At his or her discretion, the Director of the Department of Public Works may
5 require that a performance bond, not to exceed \$25,000 be posted before a banner permit is granted to
6 any permittee who has violated this Section, or any of the regulations promulgated by the Department
7 of Public Works pursuant to this Section, more than three times within the year proceeding the banner
8 permit request.

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10 APPROVED AS TO FORM:
11 LOUISE H. RENNE, City Attorney

12 By: _____
13 Sarah Ellen Owsowitz
14 Deputy City Attorney

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