

1 [Increasing the penalty for littering and nuisance violations, and providing for rewards for
2 persons providing information leading to collection of penalties.]

3 **Ordinance amending the San Francisco Police Code by amending Section 37,**
4 **amending the San Francisco Health Code by amending Sections 283.1, 287, and 600,**
5 **and amending the San Francisco Public Works Code by amending Section 174.2, all to**
6 **increase the maximum administrative penalty for littering, illegal dumping of garbage,**
7 **and maintaining a nuisance from \$300 to \$1,000, and amending the San Francisco**
8 **Administrative Code by adding Section 10.100-234, to establish a Public Works**
9 **Littering and Nuisance Violation Reward Fund, to be used to reward persons who have**
10 **provided information leading to the collection of those penalties.**

11 Note: Additions are *single-underline italics Times New Roman*;
12 deletions are *strikethrough italics Times New Roman*.
13 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
16 Section 1. The San Francisco Police Code is hereby amended by amending
17 Section 37, to read as follows:

18 **SEC. 37. PENALTY.**

19 (a) Any person who shall violate any of the provisions of Sections 33, 34, 35 or 36 of
20 this Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for
21 the first offense by a fine of not less than \$80 nor more than \$100; and for a second offense
22 by a fine of not less than \$150 nor more than \$200; and for each additional offense by a fine
23 of not less than \$300 nor more than \$500.

24 (b) Any person who shall violate any of the provisions of Section 35(a) of this Article
25 shall be guilty of an infraction and, upon conviction thereof, shall be punished for the first

1 offense by a fine of not less than \$80 nor more than \$100; for a second offense by a fine of
2 not less than \$150 nor more than \$200; and for each additional offense by a fine of not less
3 than \$300 nor more than \$500.

4 (c) Alternatively, any person who violates any of the provisions of Sections 33, 34, or
5 35(a) of this Article shall be subject to an administrative penalty not to exceed \$1,000 ~~\$300~~ for
6 each violation. Administrative penalties authorized by this section shall be assessed,
7 enforced and collected in accordance with Section 39-1 of this Code.

8

9 Section 2. The San Francisco Health Code is hereby amended by amending
10 Section 283.1, to read as follows:

11 **SEC. 283.1. PENALTY.**

12 Any person, firm or corporation violating any of the provisions of Section 283 of this
13 Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for the
14 first offense by a fine of not less than \$80 nor more than \$100; and for a second offense by a
15 fine of not less than \$150 nor more than \$200; and for each additional offense by a fine of not
16 less than \$250 nor more than \$500. In the alternative, any person, firm or corporation
17 violating any of the provisions of Section 283 of this Article may be assessed an
18 administrative penalty not to exceed \$1,000 ~~\$300~~ for each violation. Such penalty shall be
19 assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

20

21 Section 3. The San Francisco Health Code is hereby amended by amending
22 Section 287, to read as follows:

23 **SEC. 287. PENALTIES.**

24 Any person who shall violate any of the provisions of Section 280 or 286 of this Article,
25 shall be guilty of an infraction or a misdemeanor. If charged as an infraction, upon conviction

1 thereof, said person shall be punished for the first offense by a fine of not less than \$80 nor
2 more than \$100; for a second offense by a fine of not less than \$150 nor more than \$200; and
3 for each additional offense by a fine of not less than \$250 nor more than \$500.

4 If charged as a misdemeanor, upon conviction thereof, said person shall be punished
5 by imprisonment in the County Jail not exceeding one year or a fine not exceeding \$1,000.
6 The complaint charging such violation shall specify whether the violation is a misdemeanor or
7 infraction, which decision shall be solely that of the District Attorney.

8 As an alternative to any other fines and penalties applicable to a violation of Section
9 280 of this Article, any person who is in violation of Section 280 may be subject to an
10 administrative penalty not to exceed \$1,000 ~~\$300~~ for each violation. The administrative penalty
11 shall be assessed, enforced and collected in accordance with Section 39-1 of the Police
12 Code.

13
14 Section 4. The San Francisco Health Code is hereby amended by amending
15 Section 600, to read as follows:

16 **SEC. 600. PENALTY.**

17 In addition to any other penalties provided in this Article, any person, or their agents,
18 violating any of the provisions of this Article, or failing to comply with any direction or order of
19 the Director given pursuant to the provisions of this Article, shall be guilty of a misdemeanor,
20 and upon conviction thereof shall be punished by a fine of not less than \$100 and not more
21 than \$1000, or by imprisonment in the County Jail for a period of not less than 10 days nor
22 more than three months, or by both such fine and imprisonment.

23 As an alternative to any other fines and penalties applicable to a violation of
24 subparagraphs (b)(1), (b)(2) or (b)(3) of Section 581, any person or their agents who are in
25 violation of one or more of those subparagraphs shall be subject to an administrative penalty

1 not to exceed \$1,000 ~~\$300~~ for each violation. The administrative penalty shall be assessed,
2 enforced and collected in accordance with Section 39-1 of the Police Code.

3
4 Section 5. The San Francisco Public Works Code is hereby amended by amending
5 Section 174.2, to read as follows:

6 **SEC. 174.2. PENALTIES FOR VIOLATION.**

7 Any owner of property or any business occupying property which abuts a public
8 sidewalk, stairway or other pedestrian right-of-way for public pedestrian travel, or both such
9 owner and business jointly and severally, who fail to comply with the Director of Public Works'
10 notice to abate the nuisance as specified in Section 174.1 of this Code shall be subject to an
11 administrative penalty of not more than \$1,000 ~~\$300~~, assessed, enforced and collected in
12 accordance with Section 39-1 of the Police Code. Further, a violation of any of the provisions
13 of this Article shall constitute an infraction. Upon conviction thereof, said owner of the abutting
14 property and/or the business occupying the abutting property shall be punished for the first
15 offense by a fine of not less than \$30 or more than \$100 and for a second and each additional
16 offense by a fine of not less than \$100 or more than \$500. The provisions of this Section shall
17 not apply to any department, board or commission of the City and County.

18
19 Section 6. The San Francisco Administrative Code is hereby amended by adding
20 Section 10.100-234, to read as follows:

21 **SEC. 10.100-234. PUBLIC WORKS LITTERING AND NUISANCE VIOLATION REWARD**

22 **FUND.**

23 (a) Establishment of Fund. The Public Works Littering and Nuisance Violation Reward Fund
24 is established as category ~~five~~ six fund to receive ~~25 percent of~~ the administrative penalties

1 authorized and collected pursuant to Police Code Section 37(c), Health Code Sections 283.1, 287, and
2 600, and Public Works Code Section 174.2.

3 (b) Use of Fund. Monies in the fund shall be used exclusively by the Director of Public Works
4 to reward citizens in the following manner: any person or persons providing information that
5 leads, in the judgment of the Director, who, in the Director's judgment, have provided
6 information leading to the imposition of administrative penalties under Police Code Section 37(c),
7 Health Code Sections 283.1, 287, and 600, and Public Works Code Section 174.2, shall receive 100
8 percent of the administrative penalties collected through that information pursuant to any of
9 those sections. The reward shall not exceed one-half of the penalty collected by the City.

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12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14
15 By: _____
16 THOMAS J. OWEN
17 Deputy City Attorney