

1 [Refusing to install the facilities necessary to obtain utility services in a legislated underground
2 district is a public nuisance.]

3 **Ordinance amending Article 18 of the San Francisco Public Works Code by adding**
4 **Sections 944 to 953 to declare a public nuisance and allow for summary abatement of**
5 **such nuisance at any property where the property owner has refused to comply with an**
6 **order from the Director of Public Works that the property owner install conduits and**
7 **associated equipment necessary to obtain utility services at a building or structure on**
8 **property located in a legislated underground district; amending Section 926 of the**
9 **Public Works Code to allow the City to recover all costs incurred by the City to enforce**
10 **any provision of Article 18 of the Public Works Code; and amending Sections 900, 920,**
11 **921, 923, 929, and 930, and repealing Sections 922, 924, 925, 927, 928 and 931 of Article**
12 **18 of the Public Works Code consistent with this legislation.**

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15 Note: Additions are single-underline italics Times New Roman;
16 deletions are ~~strikethrough italics Times New Roman~~.
17 Board amendment additions are double underlined.
18 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Article 18 of the San Francisco Public Works Code is hereby amended by
21 adding Sections 944 to 953, to read as follows:

22 **SEC. 944. PUBLIC NUISANCE.**

23 Any property in which the property owner has failed to comply with a Director's Order
24 issued under Section 920 is declared to be a public nuisance and the City may take all lawful action to
25 abate the nuisance.

1 **SEC. 945. NOTICE OF PUBLIC NUISANCE.**

2 (a) The Director may initiate a proceeding to declare a property to be a public
3 nuisance under Section 944, and to abate the nuisance, by causing a Notice of Public Nuisance to be
4 delivered in the following manner:

5 1. One copy of the Notice of Public Nuisance shall be posted in a conspicuous
6 place upon any building or structure on the property.

7 2. One copy of the Notice of Public Nuisance shall be sent by certified or registered
8 mail to the property owner.

9 (b) The Notice of Public Nuisance shall contain the following information:

10 1. A date and time for the property owner to allow the City or its agents to enter the
11 property to install the conduit and associated equipment necessary to receive utility services at a
12 building or structure on the property, which date shall be at least seven days from the date of the
13 delivery of the Notice of Public Nuisance pursuant to subsection (a) above.

14 2. A statement that the Director has declared the property a public nuisance, and
15 will take action to abate the nuisance, unless the property owner allows the City to install the conduit
16 and associated equipment necessary to receive utility services at a building or structure on the property
17 on the date and time set forth in the Notice of Public Nuisance.

18 3. The amount of the costs for enforcing any of the requirements of this Article that
19 the Director has assessed on the property owner, including the costs for the work necessary for a
20 building or structure on the property to receive utility services, the City's administrative costs and
21 reasonable attorney's fees.

22 4. The amount of the administrative penalty that the Director has imposed on the
23 property owner.

1 5. That the property owner must file a request for administrative review within
2 twenty days of the receipt of the Notice of Public Nuisance or the declaration that the property is a
3 nuisance, and that the nuisance should be abated, as well as the costs to be assessed and the
4 administrative penalty to be imposed, shall be final.

5 6. Such additional information as the Director deems necessary to properly inform
6 a property owner of the obligation to comply with the Notice of Public Nuisance and/or with any of the
7 requirements of this Article.

8 (c) The person delivering the Notice of Public Nuisance shall submit proof of such
9 delivery in accordance with Section 921.

10 **SEC. 946. SUMMARY ABATEMENT PROCEEDING.**

11 (a) **Declaration of Public Nuisance.** If no request for administrative review is filed
12 as required under subsection (b) below, the Notice of Public Nuisance shall be final. The Director
13 shall then issue a declaration that the property is a public nuisance, and shall assess costs and impose
14 an administrative penalty as stated in the Notice of Public Nuisance ("Director's Declaration"). If the
15 Director finds that abatement of the nuisance is necessary, the Director shall issue an order abating the
16 nuisance ("Abatement Order") along with the Director's Declaration. The Abatement Order shall state
17 that the City may abate the nuisance by entering the property to install any conduit and associated
18 equipment necessary to receive utility services at a building or structure on the property.

19 (b) **Request for Administrative Review.** A property owner whose property is subject
20 to a Notice of Public Nuisance may seek administrative review of the declaration that the property is a
21 public nuisance, the assessment of costs, and the imposition of an administrative penalty.

22 Administrative review shall be initiated by filing with the Director, within twenty days of the date of
23 receipt of the Notice of Public Nuisance, a request for administrative review that specifies in detail the

1 basis for contesting the declaration that the property is a public nuisance, the assessment of the costs,
2 and the imposition of an administrative penalty.

3 (c) **Administrative Review Hearing.** Whenever administrative review is requested
4 under to subsection (b) above, the Director shall hold a hearing to determine: (1) whether a property
5 was properly declared a public nuisance under Section 944 and should be abated; (2) whether the
6 Director properly assessed costs on the property owner and, if so, the amount of such costs; and (3)
7 whether the Director properly imposed an administrative penalty on the property owner and, if so, the
8 amount of such administrative penalty.

9 (d) **Time for Hearing.** Within ten days of the date of receipt of the request for
10 administrative review, the Director shall notify the property owner by certified or registered mail of the
11 date, time, and place of the hearing.

12 (e) **Appointment of Hearing Officer.** The Director shall appoint a hearing officer
13 to conduct the hearing by taking testimony and other evidence from the Department, the property
14 owner, and any other interested parties.

15 (f) **Hearing Procedure.** At least seven days prior to the date scheduled for the
16 hearing, the property owner and the Department shall submit to the hearing officer, and exchange with
17 one another, written information including, but not limited to, the following: a statement of the issues to
18 be determined by the hearing officer, a statement of the evidence to be offered at the hearing, and the
19 identity of any witnesses to appear at the hearing. All testimony during the hearing shall be under
20 oath, and witnesses may be cross-examined.

21 (g) **Hearing Officer's Decision.** Within seven days after the conclusion of the
22 hearing, the hearing officer shall issue a written decision including a summary of the issues and the
23 evidence presented, findings of fact, and conclusions of law. The hearing officer will also include in
24 the written decision a recommendation to the Director whether to: (1) declare the property a public
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1 nuisance; (2) issue an order abating the public nuisance; (3) assess costs on the property owner and
2 the amount of such costs; and (4) impose an administrative penalty on the property owner and the
3 amount of such penalty.

4 (h) **Director's Determination.** Within seven days of the Director's receipt of the
5 hearing officer's recommendation, the Director shall determine, based upon the hearing officer's
6 written decision, whether a property was properly declared a public nuisance under Section 944
7 ("Director's Determination"). The Director's Determination shall also state whether costs should be
8 assessed, and an administrative penalty should be imposed, on the property owner and, if so, the
9 amount of such costs and administrative penalty. If the Director finds that abatement of the nuisance is
10 necessary, the Director shall issue an Abatement Order along with the Director's Determination.

11 (i) **Notification.** The Director shall notify the property owner of the Director's
12 Declaration, the Director's Determination, and the Abatement Order in accordance with the notice
13 requirements contained in Section 945(a). The person delivering the Director's Declaration, the
14 Director's Determination, and the Abatement Order shall submit proof of such delivery in accordance
15 with Section 921.

16 (j) **Additional Procedures.** The Director, by Departmental order or otherwise, may
17 adopt additional procedures to implement the requirements of this Section.

18 (k) **Judicial Review.** The Director's Determination shall be the City's final
19 administrative determination. An aggrieved party may seek judicial review of the Director's
20 Determination under California Code of Civil Procedure Sections 1094.5 and 1094.6.

21 (l) **Implementation of Abatement Order.** Following the issuance of the Abatement
22 Order, the Director may immediately order that the public nuisance be abated. Unless the Director
23 has obtained written consent from the property owner to enter the property and install any conduit and
24 associated equipment necessary to receive utility services at a building or structure on the property,
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1 before initiating abatement of the public nuisance the Director shall obtain a court order authorizing
2 the City to enter upon the property and install any conduit and associated equipment necessary to
3 receive utility services at a building or structure on the property. After obtaining a court order, the
4 Director shall implement the Abatement Order by entering the property and installing any conduit and
5 associated equipment necessary to receive utility services at the property.

6 **SEC. 947. NATURE OF THE DIRECTOR'S DUTIES.**

7 It is the intent of the Board of Supervisors that the duties imposed upon the Director
8 under this Article be directory in nature and that, as a result, the Director's failure to comply with a
9 particular procedural step shall not invalidate any subsequent action by the Director to which the
10 procedural requirement relates.

11 **SEC. 948. LIMITATION OF LIABILITY.**

12 (a) By adopting Sections 944, 945, and 946 of this Article, the City is assuming an
13 undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on its
14 officers and employees, an obligation for breach of which it is liable in money damages to any person
15 who claims that such breach proximately caused injury.

16 (b) The City shall not be liable to a property owner for any injury or damages
17 resulting from the acts or omissions of the City, its officers, employees, agents or contractors, in the
18 course of pursuing any remedy available to the City under this Article, including any liability for
19 damage to property that is entered by the City pursuant to an Abatement Order.

20 **SEC. 949. OTHER REMEDIES.**

21 The remedies provided for in this Article are not intended as the City's exclusive
22 remedies. Nothing in this Article shall be construed to prohibit or restrict the City from bringing any
23 administrative, civil or criminal action, or obtaining any remedy or sanction against any person, to
24 enforce any requirement of this Article.

1 **SEC. 950. ADMINISTRATIVE PENALTIES.**

2 Any property owner who fails or refuses to comply with a Director's Order issued under
3 Section 920 may be assessed an administrative penalty of up to \$500 per day commencing on the day
4 the Director's Order under Section 920 is delivered to the property owner and ending on the day that
5 the Abatement Order is issued; provided that in no event shall the administrative penalty exceed
6 \$30,000. In assessing the amount of the administrative penalty, the Director may consider any one or
7 more of the following: the willfulness of property owner's refusal to comply with the requirements of
8 this Article, the persistence of the property owner's refusal to comply with the requirements of this
9 Article, the length of time over which the property owner has failed to comply with the requirements of
10 this Article, and the property owner's assets, liabilities, and net worth.

11 **SEC. 951. CIVIL PENALTIES.**

12 Any property owner who fails or refuses to comply with a Director's Order issued under
13 Section 920 may be liable for a civil penalty not to exceed \$1,000 per day commencing on the day the
14 Abatement Order is delivered to the property owner. Such penalty shall be assessed and recovered in a
15 civil action brought in the name of the people of the City by the City Attorney in any court of competent
16 jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the
17 relevant circumstances presented by any of the parties to the case, including, but not limited to, the
18 following: the willfulness of property owner's refusal to comply with the requirements of this Article,
19 the persistence of the property owner's refusal to comply with the requirements of this Article, the
20 length of time over which the property owner has failed to comply with the requirements of this Article,
21 and the property owner's assets, liabilities, and net worth.

22 **SEC. 952. CRIMINAL FINES.**

23 (a) Any property owner whose property is subject to an Abatement Order issued
24 under Section 946 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a
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1 fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than 30
2 days, or by both such fine and imprisonment.

3 (b) The Director is authorized to enforce the criminal provisions of this Article, to
4 call upon the Chief of Police and authorized agents to assist in the enforcement of this Article, or both.

5 (c) When a government official authorized to enforce this Article pursuant to
6 subsection (b) above has reasonable cause to believe that any person has committed an infraction in
7 the official's presence that is a violation of this Article, the official may issue a citation to that person
8 pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

9 **SEC. 953. SEVERABILITY.**

10 If any section, subsection, sentence, clause, phrase or word of this Article is for any
11 reason declared invalid or unconstitutional or ineffective by any court of competent jurisdiction, such
12 decision shall not affect the validity of the remaining portions of this Article or any part thereof. The
13 Board of Supervisors hereby declares that it would have adopted this Article notwithstanding the
14 unconstitutionality, invalidity, or ineffectiveness of any one or more of its sections, subsections, clauses,
15 phrases or words.

16 Section 2. Article 18 of the San Francisco Public Works Code is hereby amended by
17 amending Sections **900, 920, 921, 923, 926, 929, 930**, to read as follows:

18 **SEC. 900. DEFINITIONS.**

19 Unless the context specifically indicates otherwise, the meaning of terms in this
20 Article shall be as follows:

21 (a) "Board" shall mean the Board of Supervisors of the City and County of
22 San Francisco.

23 (b) "City" shall mean the City and County of San Francisco.

1 (c) "Department" shall mean the Department of Public Works of the City and
2 County of San Francisco.

3 (d) "Director" shall mean the Director of the Department of Public Works of
4 the eCity and County of San Francisco.

5 (e) "General Manager" shall mean the General Manager of the Public Utilities
6 Commission of the City and County of San Francisco.

7 (f) "Municipal Railway" shall mean the Municipal Railway of the City and
8 County of San Francisco including the tracks, overhead lines and power feeder systems.

9 (g) "Owner or Operator" shall mean any person, firm, corporation, or public
10 or private utility, owning, controlling or operating any utility facility upon, in, over or under the
11 streets or places of the City and County of San Francisco.

12 (h) "Places" shall mean any public park or pleasure ground and common
13 which has been dedicated and accepted according to law.

14 (i) "Property" shall mean any real property in the City and County of San
15 Francisco. Where any building or structure on real property is a condominium, planned development,
16 community apartment, or stock corporation, "property" shall mean each separate unit.

17 (j) "Property owner" shall mean any person, firm, association, limited liability
18 corporation, corporation, or other legal entity owning or controlling real property in the City and
19 County of San Francisco. Where any building or structure on real property is a condominium, planned
20 development, community apartment, or stock corporation, "property owner" shall mean any person,
21 firm, association, limited liability corporation, corporation, or other legal entity owning or controlling
22 any unit. Where one or more persons or entities own a property, "property owner" shall mean each
23 and every person or entities having legal title to the property.

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1 ~~(i)~~(k) "Public Utilities Commission" shall mean the Public Utilities Commission
2 of the City and County of San Francisco.

3 ~~(j)~~(l) "Serving Company" shall mean the person, firm, corporation or utility
4 supplying the electrical service for electric lighting, heat, power, telephone, telegraph,
5 television signal, or any other type of electrical service.

6 ~~(k)~~(m) "Shall" is mandatory; "may" is permissive.

7 ~~(l)~~(n) "Sidewalk" shall mean the area between the curb and the property line,
8 as set forth in Ordinance 1061, entitled "Regulating the widths of Sidewalks" (approved
9 December 18, 1903), and Subsections.

10 ~~(m)~~(o) "Streets" shall mean the public area, between property lines, of any
11 avenues, highways, boulevards, lanes, roads, parkways, freeways, alleys, crossings or
12 intersections, and courts or other public ways.

13 ~~(n)~~(p) "Underground" and "Undergrounding" shall mean the complete and
14 permanent removal of the overhead utility facilities defined in subsection ~~(p)~~(r) hereof, except
15 such utility facilities as are specifically exempted in Section 914; also, a complete installation
16 beneath the surface of a street, public place, or stated area, of such utility facilities.

17 ~~(o)~~(q) "Underground District" shall mean a street, or streets, public place, or
18 stated area, within which overhead utility facilities, as defined in subsection ~~(p)~~(r) hereof, shall
19 be prohibited and existing overhead utility facilities shall be removed or converted to an
20 underground installation. New utility facilities, when installed, shall be a complete installation
21 beneath the surface of the street, or streets, public place, or stated area, except such utility
22 facilities as are specifically exempted in Section 914.

23 ~~(p)~~(r) "Utility facility" shall mean pipes, wires, tracks, conduits, tunnels, poles or
24 other overhead supporting structures, with any appurtenances, or any other structures of any
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1 nature, upon, in, over or under the streets or places of the City and County of San Francisco
2 which are used for the purpose of supplying or conveying any services or substances within
3 the limits of the City and County of San Francisco.

4 **SEC. 920. ~~NOTICE TO OWNER OF FAILURE TO INSTALL SERVICE LATERAL~~**
5 **DIRECTOR'S ORDER TO INSTALL CONDUITS.**

6 When the Director has determined that a property ~~the owner of the building or~~
7 ~~other structure~~ has failed to install the conduit and associated equipment necessary to receive utility
8 services at a building or structure on the property ~~service lateral reconnection~~ required by Section
9 918-917 within the time required by Section 919, ~~a notice shall be given to said owner of a public~~
10 ~~hearing to be held by~~ the Director ~~to confirm the need to~~ shall issue an order that such work be done
11 ("Director's Order"). ~~Said notice shall set forth the street address and a legal description, sufficient for~~
12 ~~identification, of the property upon which the building or other structure is located.~~ One copy of the
13 ~~notice~~ Director's Order shall be posted in a conspicuous place upon the building or structure
14 and one copy of the ~~notice~~ Director's Order shall be ~~served upon~~ delivered to the property owner,
15 either personally or by certified or registered mail. ~~Service by certified or registered mail shall be~~
16 ~~effective on the date of mailing if mailed postage prepaid, return receipt requested, to such owner~~ at
17 the address of such property owner as it appears on the last equalized assessment roll of the
18 eCounty or at the address to which the most recent real property tax bill for said building or
19 structure was mailed by the Tax Collector. If no such address appears on the assessment roll
20 of the County or of the Tax Collector, then a copy of the ~~notice~~ Director's Order shall be
21 addressed to the property owner at the address of the building or structure involved. The
22 failure of the property owner to receive such ~~notice~~ Director's Order shall not affect in any
23 manner the validity of any proceedings taken hereunder.

24 **SEC. 921. ~~AFFIDAVIT OF SERVICE-PROOF OF DELIVERY OR MAILING.~~**
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1 The person ~~giving notice~~ delivering or mailing the Director's Order to a property
2 owner as provided ~~herein~~ in Section 920 shall file an affidavit or declaration thereof under
3 penalty of perjury with the Director certifying to the time and manner in which such notice was
4 given. He or she shall also file therewith any receipt card of such notice by certified or
5 registered mail.

6 ~~The notice of hearing shall be posted and served at least 10 days prior to the time set for~~
7 ~~the hearing.~~

8 **SEC. 923. CONTENTS OF DIRECTOR'S ORDER.**

9 (a) The Director's ~~Order~~ shall set forth the street address of the building or
10 structure and a legal description of the property upon which such building or structure is located
11 ~~premises~~ sufficient for identification. It shall contain a statement of the work required to be
12 done at the property to receive utility services at a building or structure on the property.

13 (b) The Director's ~~Order~~ shall specify the time within which the work required
14 is to be commenced and completed by the property owner, except that: ~~The order shall further~~
15 ~~specify a reasonable time within which the work shall be completed.~~

16 1. Upon written application of ~~an interested party~~ the property owner, the
17 Director may grant a reasonable extension of time not to exceed 30 days within which the
18 required work must be commenced.

19 2. Upon written application of the property owner, ~~The~~ time for completion of
20 the work may be extended by the Director for cause for up to 60 days ~~This shall be in writing upon~~
21 the application of an interested party.

22 (c) The Director's Order shall specify a date and time when the Director will solicit
23 bids to do the work required at the property under Section 917 in the event that the property owner fails
24 to compete the work in the time set forth therein, which date shall be at least 60 days from the date of
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1 the Director's Order but in no event earlier than the date and time specified in subsection (b) above or
2 as otherwise extended by the Director pursuant to subsections (b)(1)-(2) above.

3 (d) The Director's Order shall state that, in the event that the property owner fails to
4 complete the required work, or allows the City to complete the required work, the Director may declare
5 the property a public nuisance and take action to abate the nuisance.

6 (e) The Director's Order shall also state that the City shall hold the property owner
7 responsible for all of the City's costs to enforce any of the requirements of this Article, including the
8 cost of the required work, the City's administrative costs and reasonable attorney's fees, that the City
9 may also impose an administrative penalty for the property owner's failure to comply with the
10 requirements of this Article, and that the City may place a lien on the property if the property owner
11 fails to pay the City's costs and/or any administrative penalty.

12 (e) The Director's Order may contain such additional information as the Director
13 deems necessary to notify property owners of their duties and obligations to comply with any of the
14 requirements of this Article.

15 **SEC. 926. ASSESSMENT FOR COSTS AND PENALTIES/LIENS ON PROPERTY.**

16 (a) The Director shall take action to have all of the City's costs of all work done
17 or caused to be done to enforce pursuant to any of the provisions requirements of Section 919 this
18 Article, as well as the amount of any administrative penalty imposed on the property owner, assessed
19 against the parcel or parcels of land property upon which said a building or other structure that is
20 the subject of a Director's Order or Abatement Order is situated. Such costs shall include, in
21 addition to the cost of installing the conduit and associated equipment necessary to receive utility
22 services at a building or structure on the property, service lateral reconnection, an amount equal to 15
23 percent of such cost to cover the cost to the City for administration and supervision of the work

1 ~~required~~ the administrative costs and the reasonable attorney's fees incurred by the City to enforce any
2 of the requirements of this Article.

3 (b) At the conclusion of any action or proceeding commenced by the Director to
4 enforce the provisions of this Article, the Director shall send to the property owner, by certified or
5 registered mail, an accounting of the City's costs on a full cost recovery basis and any administrative
6 penalty imposed on the property owner ("Abatement Accounting"). The Abatement Accounting shall
7 also state that:

8 1. The amount set forth in therein shall be due and payable to the City within 30
9 days from the date of the mailing of the Abatement Accounting to the property owner.

10 2. The City may impose a lien on the property if all or any portion of the Abatement
11 Accounting is not fully paid within 30 days.

12 3. The Tax Collector may sell the property subject to the lien for unpaid delinquent
13 assessments.

14 (c) The City shall impose a lien on property under this Article in accordance with
15 the lien procedures contained in Chapter 10, Article XX of the San Francisco Administrative Code.
16 Property owners seeking to challenge the amount of the Abatement Accounting may do so at the
17 hearing authorized under Chapter 10, Article XX of the San Francisco Administrative Code.

18 (d) In addition to the requirements imposed under Section 10.232 of the San
19 Francisco Administrative Code, the notice to the property owner of the hearing on the proposed lien
20 shall be served in the same manner as a summons in a civil action in accordance with Article 3
21 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil
22 Procedure. Where, after diligent search, the property owner, the notice may be served by posting a
23 copy in a conspicuous place upon the property for a period of ten days and publication thereof in a
24 newspaper of general circulation.

1 (e) Any lien authorized by this Section shall specify the date of the Director's
2 Declaration of Determination, the amount of the lien as stated in the Abatement Accounting, the date of
3 the Abatement Accounting, the street address, legal description and assessor's parcel number of the
4 property on which the lien is imposed, and the name and address of the recorded owner of the property.

5 (f) Where a lien authorized by this Section is discharged, released or satisfied,
6 either through payment or foreclosure, the Tax Collector shall record a notice of the discharge
7 containing the information specified in subparagraph (e). Any such notice of discharge shall be subject
8 to the Release of Lien Fee imposed under Section 10.237 of the San Francisco Administrative Code.

9 (g) Notwithstanding any provision contained in this Article making the City's cost to
10 enforce the provisions of this Article a special assessment against property upon which said building or
11 other structure is situated, said costs, as confirmed by the Board of Supervisors and to the extent that
12 the same has not been paid to the City, as well as any administrative penalty imposed on the property
13 owner, shall be a personal obligation of the property owner and/or the property owner's heirs,
14 successors and assigns, and said property owner and/or heirs, successors and assigns shall be liable to
15 the City for the payment thereof.

16 (h) In any action or proceeding to enforce the provisions of this Article, the
17 prevailing party may recover reasonable attorney's fees. In no event shall the award of attorney's fees
18 to a prevailing party exceed the amount of reasonable attorney's fees incurred by the City in the action.

19 **SEC. 929. COSTS OF SERVICE LATERAL CONDUIT INSTALLATION BY CITY.**

20 (a) — Whenever the Director, pursuant to authority conferred by this Article,
21 shall cause the ~~service lateral reconnection to~~ conduits and associated equipment necessary to
22 receive utility services at a building or other structure to be installed by the Department of Public
23 Works or pursuant to contract, or take any action to enforce the requirements of this Article, the
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1 cost thereof shall be paid from the "~~Underground Service Lateral Conduit Installation~~ Fund" and
2 assessed against the property upon which the particular building or other structure is located.

3 ~~(b) The assessment charged under Subsection (a) must be paid in one lump sum~~
4 ~~payment or in 10 installments, which would be comprised of biannual payments during the five year~~
5 ~~period. If the property owner chooses to pay the assessments in installments, a six percent interest~~
6 ~~charge shall be added annually.~~

7 **SEC. 930. UNDERGROUND SERVICE LATERAL FUND CONDUIT INSTALLATION**
8 **FUND.**

9 A special revolving fund, to be known as the "~~Underground Service Lateral Conduit~~
10 ~~Installation~~ Fund," is hereby created for the purpose of defraying the costs and expenses
11 which may be incurred by the Director ~~of Public Works in carrying out the authority conferred by~~
12 ~~this Article to install the service lateral reconnections to buildings or other structures to enforce any of~~
13 ~~the requirements of this Article.~~

14 The Board of Supervisors may by transfer or appropriation, establish or increase
15 the special revolving fund with such sums as it may deem necessary in order to expedite the
16 ~~enforcement of any of the requirements of this Article. performance of the work of installing the service~~
17 ~~lateral reconnection.~~ The special revolving fund shall be replenished with all funds collected
18 under the proceedings herein provided for, either upon voluntary payments or as the result of
19 sale of the property after delinquency, or otherwise. Balances remaining in the ~~Underground~~
20 ~~Service Lateral Conduit Installation~~ Fund at the close of any fiscal year shall be carried forward
21 in such fund.

22 Section 3. Article 18 of the San Francisco Public Works Code Sections 922,
23 924, 925, 927, 928 and 931 are hereby repealed as follows:

24 **SEC. 922. HEARING.**

1 *The Public Hearing shall be held at the time and place designated in the notice of*
2 *hearing. For good cause the hearing may be continued by the Director to a later time. Subject to the*
3 *procedures prescribed by the Director for the orderly conduct of the hearing, all persons having an*
4 *interest in the building or structure may present evidence materially bearing on the case for*
5 *consideration by the Director.*

6 *The Director may designate an Assistant Director of Public Works who may act in place*
7 *of the Director as the hearing officer. The Assistant Director shall have the same authority as the*
8 *Director to hear and decide the case and to make any order hereinafter provided for.*

9 **~~SEC. 924. POSTING AND SERVICE OF ORDER.~~**

10 *A copy of the order to install the service lateral reconnection to the building or structure*
11 *shall be posted in a conspicuous place upon the building or structure and shall be served in the manner*
12 *prescribed in Section 920 upon all persons to whom the notice of hearing is required to be served, and*
13 *a copy shall be recorded in the office of the Recorder of the City and County.*

14 **~~SEC. 925. FORFEITURE OF OWNERS' RIGHT TO DO WORK.~~**

15 *Whenever, pursuant to Section 919, the Director determines to do or cause to be done*
16 *any of the work described therein, he shall notify the owner of the building or other structure of his*
17 *intention so to do in the manner set forth in Section 920, and shall specify a date upon which he shall*
18 *solicit bids to do the work. From and after said specified date the owner of the building or other*
19 *structure shall be deemed to have forfeited all right to do such work on said building or other*
20 *structure except as the Director may otherwise allow.*

21 **~~SEC. 927. REPORT OF COSTS.~~**

22 *The Department of Public Works shall keep an account of the cost of all work done or*
23 *caused to be done by the Department of Public Works or by contract to which shall have been added*

1 ~~the 15 percent administrative and supervisory cost and shall render an itemized report in writing to the~~
2 ~~Board of Supervisors showing such cost.~~

3 ~~**SEC. 928. HEARING AND CONFIRMATION OF REPORT FOR SPECIAL**~~
4 ~~**ASSESSMENT OF COSTS.**~~

5 ~~At the time fixed for receiving and considering said report, the Board of Supervisors~~
6 ~~shall hear the same, together with any objections which may be raised by any property owner liable to~~
7 ~~be assessed for the cost described in said report, and thereupon may make such modifications in the~~
8 ~~report as the Board deems necessary, after which by motion or resolution said report shall be~~
9 ~~confirmed. The cost of installing the service lateral reconnection, as confirmed by the Board of~~
10 ~~Supervisors, shall constitute a special assessment against the parcel or parcels of land on which the~~
11 ~~same existed and shall constitute a lien on said property for the amount of said assessment. After~~
12 ~~confirmation of said report, a copy thereof shall be transmitted to the Assessor and to the Tax Collector~~
13 ~~of the City and County, whereupon it shall be the duty of said officers to add the amount of said~~
14 ~~assessment to the next regular bill for taxes levied against said parcel or parcels of land for municipal~~
15 ~~purposes, and thereafter said amount shall be collected at the same time and in the same manner as~~
16 ~~ordinary City and County taxes are collected, and shall be subject to the same penalties and the same~~
17 ~~procedure under foreclosure and sale in case of delinquency as provided for ordinary taxes of the City~~
18 ~~and County of San Francisco.~~

19 ~~Notwithstanding any provision contained in this Article making the cost of installing the~~
20 ~~service lateral reconnection a special assessment against the property upon which the same exists, said~~
21 ~~cost, as confirmed by the Board of Supervisors and to the extent that the same has not been paid to the~~
22 ~~City, shall be a personal obligation of the property owner and his heirs, successors and assigns, and~~
23 ~~said owner and his heirs, successors and assigns shall be liable to the City and County of San~~
24 ~~Francisco for the payment thereof.~~

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~~SEC. 931. COMPLIANCE, RESCINDING ORDER.~~

~~When the building or structure has been found to comply with requirements of the Director, the Director shall issue and record in the offices of the Recorder, City and County of San Francisco, an order rescinding his original order.~~

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

By: _____
WILLIAM K. SANDERS
Deputy City Attorney