

1 [Public Works Code - Handbill Distribution]

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3 **Ordinance amending the San Francisco Public Works Code by amending**  
 4 **Sections 184.69, 184.70, and 184.72 to ban distribution of handbills on private premises**  
 5 **unless the handbills are securely placed upon or attached to and do not damage the**  
 6 **premises, specifying a minimum of 30-point font size for "No Handbills" signs, and**  
 7 **replacing criminal penalties for unlawful distribution of handbills with administrative**  
 8 **penalties, and making environmental findings.**

9 NOTE: Additions are *single-underline italics Times New Roman*;  
 10 deletions are ~~*strike-through italics Times New Roman*~~.  
 11 Board amendment additions are double-underlined;  
 Board amendment deletions are ~~strike-through normal~~.

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

13 Section 1. **FINDINGS AND LEGISLATIVE INTENT.**

14 On November 23, 2010 the Menu and Flyer Littering Task Force ("Task  
 15 Force"), a task force created by the Department of Public Works, issued  
 16 "Keep SF Clean", a report outlining its recommendations to reduce the  
 17 litter generated through the distribution of handbills. The Task Force's report found that  
 18 existing provisions of the Public Works Code related to handbill distribution do not address  
 19 neighborhood concerns and are lacking in a number of areas, including:

20 (1) Legally distributed flyers often end up in the street because they are not affixed to  
 21 premises;

22 (2) Property owners say the eight inch "No Handbills" sign required by the Code is too  
 23 large and unattractive;

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1 (3) Current sanctions are criminal penalties, and because handbill litter is a low priority  
2 in the District Attorney’s Office, the prospect of criminal prosecution has little to no deterrent  
3 effect on illegal handbill distribution; and

4 (4) No City agency captures complaints and actions taken, or tracks any data needed  
5 for analysis concerning handbills.

6 The Task Force, which was comprised of representatives from community based  
7 organizations, the Golden Gate Restaurant Association, neighborhood organizations, the  
8 Small Business Commission, Department of Public Health, and Department of Public Works,  
9 recommended that the Public Works Code be amended to:

10 (1) Require distributors to attach or secure handbills in a manner that prevents them  
11 from being blown away by the wind while also making sure the handbill allows doors or gates  
12 to properly close shut;

13 (2) Modify the signage requirement by allowing varied signage sizes providing that at a  
14 minimum the words “No Handbills” is included in at least a 30 point font; and

15 (3) Replace criminal penalties with administrative penalties.

16 Therefore, it is the intent of the Board to amend the Public Works Code to incorporate  
17 the recommendations of the Task Force in order to address neighborhood and Department of  
18 Public Works concerns related to handbill distribution.

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20 Section 2. The San Francisco Public Works Code is hereby amended by amending  
21 Sections 184.69, 1184.70, and 184.72, to read as follows:

22 **SEC. 184.69. DEFINITIONS.**

23 For the purposes of this Article:

24 (a) “Adhesive” means any glue, sticky tape, or similar substance that harms any structure,  
25 including any building, or that leaves behind any residue after being removed.

1           ~~(a)~~ (b) “Board” means the Board of Supervisors of the City.

2           ~~(b)~~ (c) “City” means the City and County of San Francisco.

3           ~~(e)~~ (d) “Department” means the Department of Public Works of the City.

4           ~~(d)~~ (e) “Director” means the Director of the Department of Public Works of the City.

5 Director shall mean and include an officer or employee of the City designated to act on the  
6 Director’s behalf.

7           ~~(e)~~ (f) “Handbill” means any handbill, dodger, circular, booklet, card, pamphlet, sheet or  
8 any other kind of printed matter or literature which is distributed to or upon any premises in the  
9 City. Handbill shall not include a Newspaper or a Sign, as that term is defined and regulated by  
10 Sections 184.56 to 186.68, inclusive, of this Code.

11           ~~(f)~~ (g) “Newspaper” means a publication that (1) is printed, published, and circulated at  
12 regular intervals, including, but not limited to, daily, weekly, bi-weekly, and monthly circulation,  
13 (2) contains at least 3 separate sheets of paper, and (3) has printed matter on at least one  
14 side of the paper.

15           ~~(g)~~ (h) “Person” means any individual person, firm, partnership, association,  
16 corporation, company, organization, society, group or legal entity of any kind.

17           (i) “Secured” means attached or placed in a manner that does not prevent a door or gate from  
18 properly closing, latching, or locking, and ensures that the wind cannot blow away the attached object.

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20 **SEC. 184.70. DISTRIBUTION OF HANDBILLS ON PRIVATE PREMISES.**

21           (a) Findings. The Board hereby finds and declares that the City has a compelling  
22 need to prohibit the distribution of Handbills on private premises where the occupant has  
23 expressed his or her unwillingness to receive such Handbills. Prohibiting distributions of  
24 Handbills in defiance of an occupant’s expressed desire not to receive them strikes an  
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1 appropriate accommodation between the rights of distributors to solicit willing listeners with  
2 the rights of occupants to object to receive the material.

3 This Ordinance is also aimed at decreasing the adverse effects on the community of the  
4 distribution of unsolicited ~~Hand-bills~~ Handbills on private premises. The prohibition against  
5 delivering Handbills contrary to the expressed desire of the occupant and the requirement that  
6 Handbills be secured ~~folded or otherwise attached~~ to the outside of a premises will decrease the  
7 amount of litter that Handbills create.

8 (b) Prohibition When “No Handbills” Sign Posted. It shall be unlawful for any person to  
9 distribute, cause to be distributed, or suffer, allow or permit the distribution of any Handbill to  
10 or upon any private premises in the City by placing or causing any such Handbill to be  
11 deposited or placed in or upon any porch, yard, steps, hallway, or mailbox located on, or used  
12 in connection with such premises when such premises has posted thereon in a conspicuous  
13 place, a notice or notices ~~of at least eight square inches in area bearing,~~ including at a minimum  
14 the words “No Handbills,” ~~or the like,~~ unless such Person has received the written permission  
15 of the occupant of such premises authorizing the Person so to distribute. Each letter of the  
16 words "No Handbills" shall be in at least 30 point font size. The occupant may include additional  
17 words and/or icons to the notice or notices.

18 (c) Distributed Matter To Be ~~Folded~~ Secured. It shall be unlawful for any Person to  
19 distribute, cause to be distributed, or suffer, allow or permit the distribution of any Handbill to  
20 or upon any private premises in the City by placing or causing any such Handbill to be  
21 deposited or placed in or upon any porch, yard, steps, handrail, hallway, or mailbox located  
22 on, or used in connection with such premises unless the person has secured it. It shall be  
23 unlawful to use any adhesive in the distribution of handbills. same is folded or otherwise so prepared  
24 that it will not be blown therefrom by the winds.

1     **SEC. 184.72. ~~CRIMINAL~~ ADMINISTRATIVE PENALTIES.**

2             ~~Any Person who violates any provision of this Article shall be guilty of an infraction and upon~~  
3 ~~conviction thereof shall be punished by a fine of not more than \$250.~~

4             The Director may issue administrative citations for the violation of Section 184.70. San  
5 Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative  
6 Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for  
7 imposition, enforcement, collection, and administrative review of administrative citations issued under  
8 this Section.

9             Section 3. **Environmental Findings.**

10            The Planning Department has determined that the actions contemplated in this  
11 Ordinance are in compliance with the California Environmental Quality Act (California Public  
12 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the  
13 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

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

17 By: \_\_\_\_\_  
18 BURK E. DELVENTHAL  
19 Deputy City Attorney  
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