

File Nos. 101522 Committee Item Nos. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date January 24, 2011

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination, dtd 12/22/10</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Small Business Commission Recommendation, dtd 01/18/11</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date January 21, 2011
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Public Works Code - Handbill Distribution]

2
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 ~~strikethrough-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;

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.

19
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 ~~(c)~~ (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.

19
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
25

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. 101522 and is incorporated herein by reference.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

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

LEGISLATIVE DIGEST

[Public Works Code - Handbill Distribution Ordinance]

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

Existing Law

- (1) bans distributions of handbills unless they are folded otherwise prepared or placed so that they cannot be blown away by the wind.
- (2) bans distribution of handbills to premises that display a "No Handbills" sign "at least eight inches square in area."
- (3) makes violations of these bans infractions.

Amendments to Current Law

- 1) requires that handbills be attached or placed in a manner that does not prevent a door or gate from properly closing, latching, or locking, does not leave and, does not damage the structure or leave a residue and ensures that the wind cannot blow away the attached object.
- (2) specifies a minimum 30 point font size for the "No Handbills" notice.
- (3) eliminates the infraction penalty and instead prescribes administrative penalties for violations.

Background Information

Current law does not adequately address the distribution of handbills.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

December 15, 2010

File No. 101522

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On December 7, 2010, President Chiu introduced the following proposed legislation:

File No. 101522

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

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

*Not a project per CEQA
Guidelines, Section 15060(a)(2)
Nannie L. Turrell
December 22, 2010*



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

January 18, 2011

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File No. 101522 [Public Works Code - Handbill Distribution]

Small Business Commission Legislation and Policy Committee Recommendation:
Approval

Dear Ms. Calvillo:

On January 10, 2011, the Small Business Commission voted to recommend approval of Board of Supervisors File No. 101522.

The Commission commends the Department of Public Works for creating a task force, with representation by both residents and small businesses advocates, to address issues of importance surrounding hand bill distribution. This task force thoughtfully reviewed hand bill policies and recommendations made by the task force were incorporated into the legislation introduced by President Chiu.

The Commission asks that the Department of Public Works refer businesses found to be in violation of the ordinance to the Small Business Assistance Center. SBAC counselors will provide assistance on compliance as well as on other potential advertising avenues.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Regina Dick-Endrizzi'.

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisors Chiu, Cohen, Mar, Wiener
Starr Terrell, Mayor's Office
Ed Reiskin, Director, Department of Public Works