

File No. 150464

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date June 18, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Derek Evans Date June 12, 2015

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 [Health Code - Enforcement of Service Station Bathroom Requirements and Fines]

2
3 **Ordinance amending the Health Code to permit the imposition of administrative fines**
4 **for violations of the duty to provide clean and sanitary washrooms for the use of**
5 **gasoline station patrons.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in ~~*Times New Roman font*~~.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

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

14 Section 1. The Health Code is hereby amended by revising Section 725 to read as
15 follows:

16 **SEC. 725. GASOLINE STATIONS.**

17 *(a)* Any person or persons operating a service station for the sale and dispensing of
18 gasoline, other motor fuels, or lubricating oil directly into motor vehicles or watercraft shall
19 provide at all times during which the service station is open for business a clean and sanitary toilet
20 and washroom for the use of the station's patrons.

21 *(b)* The Department of Public Health shall have responsibility for administration and
22 enforcement, and the Director of Health may issue rules or regulations consistent with of this
23 Section 725.

24 *(c)* Violations of this Section 725 or of any rule or regulation issued under this Section shall
25 be punishable by administrative fines for which the Director of Health or his or her designee may issue
administrative citations. Administrative Code Chapter 100 "Procedures Governing the Imposition of
Administrative Fines," as amended from time to time, is hereby incorporated and shall govern the

1 imposition, enforcement, collection, and review of administrative citations issued to enforce this
2 Section and any rule or regulation adopted pursuant to this Section, with the following qualifications
3 and exceptions for purposes of this Section:

4 (1) The duties assigned to the Controller by Sections 100.1 – 100.15 of
5 Administrative Code Chapter 100 shall be assumed and performed by the Director of Health or his or
6 her designee;

7 (2) Each day a violation is committed or permitted to continue shall constitute a
8 separate violation;

9 (3) Where the violation pertains to building, plumbing, electrical, or other similar
10 structural issues that do not create an immediate danger to health or safety, the person or persons
11 operating the service station shall have twenty-four hours, or such greater time as deemed reasonable
12 under the circumstances by an employee designated by the Director of Health, to correct or otherwise
13 remedy the violation prior to the imposition of administrative fines. Violations pertaining to building,
14 plumbing, electrical or other similar structural issues that are corrected within the time deemed
15 reasonable by the Director's designee shall not be considered for purposes of calculating the amount of
16 a fine pursuant to Section 725(c)(5);

17 (4) The fine for any violation issued pursuant to this Section shall be paid to the
18 Treasurer of the City and County of San Francisco and credited to the Public Health Environmental
19 Health Code Compliance Fund, authorized by Administrative Code Section 10.100-193;

20 (5) The amount of the fine for violation of this Section 725 or of any rule or
21 regulation issued under this Section shall be up to \$500 for a first violation; up to \$750 for a second
22 violation within one year of the date of the first violation; and up to \$1,000 for each additional
23 violation within one year of the date of a second or subsequent violation;

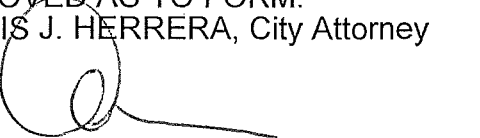
1 (6) The Director of Health may recover any costs and fees, including but not limited
2 to attorneys' fees, for enforcement initiated through this Section 725 and authorized under this Article
3 12.

4 (d) At the request of the Fire Department, the Department of Public Health shall
5 inspect a proposed service station and certify to the Fire Department that said station is in
6 compliance with this Section 725.

7 Section 2. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: 
21 Anne Pearson
22 Deputy City Attorney

23 n:\leganas2015\1500438\01013238.doc

LEGISLATIVE DIGEST

[Health Code - Enforcement of Service Station Bathroom Requirements and Fines]

Ordinance amending the Health Code to permit the imposition of administrative fines for violations of the duty to provide clean and sanitary washrooms for the use of gasoline station patrons

Existing Law

Section 725 of the Health Code requires that gasoline service stations provide at all times a clean and sanitary toilet and washroom for the use of the station's patrons. Although current law authorizes the Department of Public Health to conduct investigations to ensure compliance with the law, it does not establish enforcement mechanisms.

Amendments to Current Law

The proposed ordinance would amend Section 725 to permit the imposition of administrative fines for violations of the duty to provide clean and sanitary washrooms for the use of gasoline station patrons. The ordinance would authorize the Director of Health, or his designee, to issue citations upon the finding of a violation. Fines would be set at \$500 for a first violation, up to \$750 for a second violation, and up to \$1,000 for each additional violation. Where a violation pertains to building, plumbing, electrical, or other similar structural issues that do not create an immediate danger to health or safety, the person or persons operating the service station will be given time to correct the violation prior to the imposition of administrative fines. The proposed ordinance would also clarify that the duty to make a bathroom available to patrons applies only during those hours when the service station is open for business.

Background Information

Although current law requires that gasoline service stations make clean and sanitary bathrooms available to their patrons, there have been complaints that some gasoline stations have refused to give patrons access to station bathrooms, particularly at night. The denial of access to bathrooms poses a threat to public health. To improve compliance, the proposed ordinance will give the Department of Public Health the authority to impose administrative fines for violations of Section 725.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

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BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY -5 PM 2:16

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 MAY -5 PM 2:16
BY [Signature]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Jane Kim

Subject:

[Health Code - Enforcement of Service Station Bathroom Requirements]

The text is listed below or attached:

Ordinance amending the Health Code to permit the imposition of administrative fines for violations of the duty to provide clean and sanitary washrooms for the use of gasoline station patrons.

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

150464

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Barbara A. Garcia, Department of Public Health
Regina Dick-Endrizzi, Small Business Commission

FROM: Derek Evans, Assistant Clerk

DATE: May 14, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety & Neighborhood Services Committee has received the following request for hearing, introduced by Supervisor Jane Kim, which is being referred to your department.

File No. 150464

Ordinance amending the Health Code to permit the imposition of administrative fines for violations of the duty to provide clean and sanitary washrooms for the use of gasoline station patrons.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Brian Poole, Small Business Commission