

BOARD of SUPERVISORS



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## 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

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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

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

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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 *strikethrough italics Times New Roman font*.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough 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

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