

File No. 191283

Committee Item No. 3

Board Item No. 27

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: July 9, 2020

Board of Supervisors Meeting:

Date: July 21, 2020

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance - VERSION 2
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest - VERSION 2
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<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 checked="" type="checkbox"/>	Public Correspondence

#### OTHER

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Amendments Summary from District 10 Office – July 9, 2020</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Det – July 1, 2020</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>FYI Referrals – December 20, 2019</u>
<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>

Prepared by: John Carroll

Date: July 2, 2020

Prepared by: John Carroll

Date: July 17, 2020

[Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping]

**Ordinance amending the Public Works Code to authorize the Public Works Director to impose administrative penalties and fines for illegal dumping, and to provide for additional enforcement remedies for illegal dumping;** ~~amending the Public Works Code to expand the definition of illegal dumping to capture electronic waste, and to clarify that each act of illegal dumping constitutes a separate violation subject to abatement or enforcement actions; amending the Police Code to provide procedures for assessment and collection of administrative penalties for illegal dumping; and affirming the Planning Department's determination under the California Environmental Quality Act.~~

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

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

Section 1. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 191283 and is incorporated herein by reference. The Board affirms this determination.

1 Section 2. Article 26 of the Public Works Code is hereby amended by revising  
2 Sections 1601, 1602, 1603, 1604, and 1605, and adding Section 1606, to read as follows:

3 **SEC. 1601. PURPOSE AND INTENT.**

4 The Board of Supervisors finds and declares that:

5 (a) Dumping on streets, sidewalks, public rights-of-way, and other public properties  
6 within ~~the City and County of~~ San Francisco is detrimental to the health, safety, and welfare of  
7 the community and is hereby declared to be a public nuisance. Dumping in public spaces  
8 creates urban blight and not only impedes the paths of travel for pedestrian and vehicular  
9 traffic and is detrimental to businesses and personal pursuits, but pollutes public spaces with  
10 potentially harmful and toxic substances, degrades neighborhoods, and encourages others to  
11 unlawfully dispose of other waste and debris, all fostering a disrespect of public property and  
12 of the community.

13 (b) Cleaning up and abating unlawfully dumped material on public properties costs the  
14 City ~~and County of San Francisco~~ tens of thousands of dollars a year. The City is rarely able to  
15 recoup those costs from the individuals and entities who commit the illegal dumps.

16 (c) Because dumping on public properties and rights-of-way is hereby deemed a  
17 nuisance, immediate and effective abatement against the parties responsible for the unlawful  
18 dumping is essential to deter these illegal acts and may be accomplished through the  
19 administrative enforcement and judicial procedures outlined herein.

20 (d) The City is enacting this legislation pursuant to and in accordance with California  
21 Government Code Sections 38771 and 53069.4, and California Civil Code Sections 3479 and  
22 3480.

23 (e) Nothing in this Article 26 shall be construed to in any way limit the City's or any  
24 other government agency's rights to enforce any other provision of the Municipal Code or  
25 state law, or to create a duty or obligation on the part of the City to enforce this Article.

1           **SEC. 1602. DEFINITIONS.**

2           Unless the context requires otherwise, the following definitions shall govern the  
3 construction of this Article 26:

4           ~~(a)~~ "City" means the City and County of San Francisco.

5           "Commercial Waste" means any amount of waste matter generated in the course of a trade,  
6 business, profession, or occupation, including but not limited to food scraps and waste materials or  
7 byproducts of production, manufacturing, and repair activities. Commercial Waste may include but is  
8 not limited to Debris and Waste Construction Material.

9           "Costs" means any expenses incurred by the City in abating or otherwise addressing  
10 Illegal Dumping and Illegal Dumping violations including, but is not limited to, litigation costs,  
11 court costs, attorneys' fees, costs of abatement, removal, and disposal of illegally dumped waste matter  
12 (including the equivalent cost of disposal if the City is not charged), costs of investigating the incident,  
13 and enforcement costs, including, but not limited to time and expenses of the Department, the City  
14 Attorney's Office, the Police Department, and/or other City departments, incurred by the City in  
15 identifying and apprehending a Responsible Person.

16           ~~(b)~~ "Debris and Waste Construction Material" includes any wood, brick, plaster, glass,  
17 cement, roofing material, composite, sheet rock, sheet metal, wire, pipe, and other materials  
18 related to the remodeling, construction or repair of, or the partial or total demolition of, houses,  
19 buildings, or other structures.

20           "Department" means the Department of Public Works.

21           ~~(c)~~ "Director" means the Director of the Department of Public Works or ~~his or her~~ the  
22 Director's designee.

23           "Electronic Waste" means computers, computer monitors, flat screen mobile devices,  
24 televisions, audio equipment, mobile telephones, electronic gaming devices, and any other electronic  
25 equipment that contains components that are required to be specially disposed of pursuant to federal,

1 state, or City law, including, but not limit to a Covered Electronic Device as defined in Section 42463  
2 of the California Public Resources Code.

3 "Illegal Dumping" means the activity, act, or actions performed by any Person to deposit,  
4 leave, place, keep, maintain, or abandon Prohibited Materials on any Public Property, either in  
5 violation of any City law or without the lawful and express written permission of the City.

6 ~~(d)~~ "Person" means and includes companies, corporations, limited liability companies,  
7 estates, associations, partnerships, trusts, unincorporated associations and, one or more  
8 ~~individual human beings~~ natural persons.

9 ~~(e)~~ "Prevailing Party" has the same meaning as set forth in California Code of Civil  
10 Procedure Sec~~tion~~tion 1032, or any successor provision. "Prevailing Party" includes the City in  
11 actions where the City obtains an injunction and/or civil penalties or other monies under this  
12 Article 26 or State law.

13 "Prohibited Materials" means Commercial Waste, Debris and Waste Construction Materials,  
14 Electronic Waste, industrial materials, Powered Scooters (as defined in the Transportation Code) that  
15 are part of a Powered Scooter Share Program, or bicycles that are part of a Stationless Bicycle Share  
16 Program (as defined in the Transportation Code), or more than five pounds or more than one cubic  
17 foot of any other waste, refuse, or debris.

18 ~~(f)~~ "Public Property" includes any portion of a street, road, right-of-way, sidewalk, park,  
19 lot, or public or other land owned, operated, leased, or maintained by the City ~~and County of~~  
20 ~~San Francisco.~~

21 ~~(g)~~ "Responsible Party" includes any Person who causes or allows or contributes to or  
22 participates in actions which constitute a nuisance under this Article 26. By way of example but  
23 not limitation, a Responsible Party may personally perform, or hire a Person to perform, an act of  
24 Illegal Dumping.

25 ///

1           **SEC. 1603. PROHIBITED DUMPING ACTIVITY.**

2           (a) Public Nuisance. ~~Illegal Dumping shall be strictly prohibited. for any Person commit to~~  
3 ~~deposit, leave, place, keep, maintain, or abandon, Debris and Waste Construction Materials, industrial~~  
4 ~~materials, or more than 100 pounds total of any other waste, refuse, or debris, Powered Scooters, as~~  
5 ~~defined in the Transportation Code, that are part of a Powered Scooter Share Program, or bicycles~~  
6 ~~that are part of a Stationless Bicycle Share Program, on any Public Property without the lawful and~~  
7 ~~express written permission of the City and County of San Francisco.~~ (b) Any activity or action that  
8 violates this Article 26 shall be, and is hereby declared, a public nuisance.

9           (b) Separate and Distinct Violations. Each act of Illegal Dumping, notwithstanding the  
10 performance of such an act at the same location of another act of Illegal Dumping that takes place at  
11 approximately the same time, shall constitute a separate violation that is subject to an abatement or  
12 enforcement action under this Article 26. In exercising the Director's discretion to enforce this Article,  
13 the Director may issue one notice of violation for each act of Illegal Dumping or a consolidated notice  
14 of violations for more than one act of Illegal Dumping, and the Director may rely upon the methods  
15 and presumptions below.

16           (1) Each individual piece of furniture or component of furniture that has been  
17 separately placed on Public Property shall be presumed to have been placed on Public Property by an  
18 individual act of Illegal Dumping and shall be considered a separate act of Illegal Dumping.

19           (2) An amount of Prohibited Materials of any or all types that exceeds three cubic  
20 yards, or requires more than one pick-up truckload of greater than or equal to a half-ton payload  
21 capacity to remove, may be cited for each increment of three cubic yards or each number of truckloads  
22 required to remove the Prohibited Materials.

23           (c) Nothing in this Article 26 shall be construed to authorize or allow any Person to  
24 deposit, leave, place, keep, maintain, or abandon, any other property or materials, in any  
25 amount, on any Public Property without the lawful and express written permission of the City

1 ~~and County of San Francisco~~, other than to deposit trash in an appropriate designated  
2 receptacle.

3 **SEC. 1604. ABATEMENT.**

4 (a) The Director may require or take any necessary abatement or enforcement action  
5 to clean up, remove, or contain any Prohibited ~~m~~Materials or prohibited items dumped on  
6 Public Property, including ordering the Responsible Party to remove and appropriately  
7 dispose of the material or prohibited items. The Director may ask any other City department or  
8 necessary state agency for assistance in abating any nuisance pursuant to this Article 26.

9 (b) Each Responsible Party shall be responsible for ~~A~~any ~~e~~Costs or monies expended by  
10 the Department ~~of Public Works~~ or any other department of the City ~~and County of San Francisco~~  
11 to abate a nuisance under this Article 26. Such Costs or monies may be recovered in a civil  
12 action as described in Section 1605 or by other lawful means.

13 **SEC. 1605. ENFORCEMENT – INJUNCTIVE RELIEF, CIVIL PENALTIES, COSTS,**  
14 **AND ATTORNEYS’ FEES.**

15 (a) The City Attorney may enforce the provisions of this Article 26 through a civil  
16 action in any court of competent jurisdiction.

17 (b) The City Attorney may apply to any court of competent jurisdiction for an order  
18 seeking injunctive relief to abate or remove any nuisance described in this Article 26, to  
19 restrain any Responsible Party from taking any action contrary to the provisions of this Article  
20 or to require any Responsible Party to take action to comply with the provisions of this Article  
21 or an order by the Director to remove and appropriately dispose of material illegally dumped  
22 on Public Property.

23 (c) In any civil court action brought by the City Attorney to enforce this Article 26 in  
24 which the City succeeds in obtaining any order from the ~~C~~court, the City shall be entitled to  
25 recover from any and all Responsible Parties all of its ~~e~~Costs of investigation, enforcement,

1 abatement, and litigation.

2 (1) The City shall be entitled to recover civil penalties from each and every  
3 Responsible Party in an amount that is not less than twice the amount ~~of it cost~~ the City's ~~to~~  
4 ~~abatement Costs the nuisance. The City's abatement~~ Costs ~~to the City to abate the nuisance~~ shall  
5 include any personnel, equipment, and other charges incurred by the City related to the  
6 investigation, abatement, clean-up, removal, and/or containment of Prohibited Materials ~~Debris~~  
7 ~~and Waste Construction Materials, industrial materials, or more than 100 pounds of any other waste,~~  
8 ~~refuse, or debris, Powered Scooters, as defined in the Transportation Code, that are part of a Powered~~  
9 ~~Scooter Share Program, or bicycles that are part of a Stationless Bicycle Share Program,~~ dumped on  
10 Public Property. This civil penalties provision is designed to compensate the City for any  
11 costs it incurred to investigate and abate the unlawful acts of any Responsible Party and for  
12 the ancillary health hazards and inconveniences caused to the City and its residents, rights\_of\_  
13 way blocked, traffic delays or detours, and any personal or business difficulties suffered from  
14 the maintenance of illegally dumped materials on Public Property.

15 (2) The Prevailing Party in any court action to abate a nuisance pursuant to this  
16 Article 26 shall be entitled to reasonable attorneys' fees.

17 ~~(2) The Prevailing Party in any court action to abate a nuisance pursuant to this Article~~  
18 ~~shall be entitled to reasonable attorneys' fees.~~

19 (d) Nothing in this Article 26 shall be interpreted as restricting or otherwise limiting the  
20 enforcement authority conferred upon other City employees, City agencies, or state agencies  
21 by other provisions of the Municipal Code or state law.

22 (e) Nothing in this Article 26 shall be interpreted as restricting, precluding, or otherwise  
23 limiting a separate or concurrent criminal prosecution or civil enforcement action under the  
24 Municipal Code or state law. Jeopardy shall not attach as a result of any court action to abate  
25 a nuisance pursuant to this Article.



1           **SEC. 1606. ENFORCEMENT – ADMINISTRATIVE FINES AND PENALTIES.**

2           Administrative Code Chapter 100 is incorporated by reference herein. In addition to the civil  
3 penalties authorized by this Article 26, Department employees designated in Section 38 of the Police  
4 Code may issue administrative citations imposing penalties or fines for each violation of this Article 26.  
5 The administrative penalty or fines shall not exceed \$1,000 per day for each violation. Administrative  
6 penalties shall be assessed, enforced, and collected in accordance with Section 39-1 of the Police Code  
7 and administrative fines shall be assessed, enforced, and collected in accordance with Administrative  
8 Code Chapter 100.

9  
10           Section 3. Article 1 of the Police Code is hereby amended by revising Sections 39-1,  
11 to read as follows:

12           **SEC. 39-1. PROCEDURE FOR ASSESSMENT AND COLLECTION OF**  
13 **ADMINISTRATIVE PENALTIES FOR SPECIFIED LITTERING AND NUISANCE**  
14 **VIOLATIONS.**

15           (a) This Section 39-1 shall govern the imposition, assessment and collection of  
16 administrative penalties imposed pursuant to Sections 37, 38 and 63 of the Police Code,  
17 Sections 41.13, 283.1, 287, 288.1 and 600 of the Health Code, and Sections 170, 173, 174,  
18 174.2, 724.5, 794, and ~~794~~ 1606 of the Public Works Code.

19           \* \* \* \*

20           Section 4. Article 26 of the Public Works Code was originally designated Article 25,  
21 Sections 1500 through 1505, when enacted by Ordinance No. 73-11. The article and its  
22 constituent sections were renumbered by the publisher in order to avoid conflicting with  
23 previously existing material. The Board of Supervisors hereby formally amends the  
24 designations in Ordinance No. 73-11 to conform to the publisher's renumbering, that is, to be  
25 Article 26 and Sections 1600-1605 respectively.

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Scope of Ordinance. Except as stated in Section 4, in enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

Section 7. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: /s/  
CHRISTOPHER T. TOM  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**  
*(Amended in Committee – July 9, 2020)*

[Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping]

**Ordinance amending the Public Works Code to authorize the Public Works Director to impose administrative penalties and fines for illegal dumping, provide for additional enforcement remedies for illegal dumping, expand the definition of illegal dumping to capture electronic waste, and clarify that each act of illegal dumping constitutes a separate violation subject to abatement or enforcement actions; amending the Police Code to provide procedures for assessment and collection of administrative penalties for illegal dumping; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Currently, under Article 26 of the Public Works Code (the "Illegal Dumping Ordinance"), illegal dumping on public properties and rights-of-way is a public nuisance that is subject to abatement actions that are enforced through civil lawsuits filed by the City against persons responsible for illegal dumping.

Amendments to Current Law

As amended by this ordinance, the Illegal Dumping Ordinance would authorize the City to take administrative enforcement actions against persons responsible for illegal dumping in addition to having the option of filing civil lawsuits against such persons. In addition, the ordinance would expand the definition of materials that constitute Illegal Dumping to include "Electronic Waste" and other waste, refuse, or debris equal to or greater than five pounds or one cubic foot. Moreover, the ordinance would provide that each act of Illegal Dumping could constitute a separate and distinct violation of the Illegal Dumping Ordinance that would subject the person responsible for each violation to an administrative fine or penalty of no more than \$1,000 per violation, per day.

Background

This ordinance reflects the amendments made at the July 9, 2020 meeting of the Public Safety and Neighborhood Services Committee intended to clarify scope of Public Works Article 26. Article 26 is not intended to limit any government agency's rights to enforce any other provision of the Municipal Code or state law, nor is it intended to restrict, preclude, or limit a separate or concurrent civil enforcement action under the Municipal Code or state law.

# Illegal Dumping

File No. 191283: [Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping]

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## Existing Law:

- Outdated definition of illegal dumping.
- Only SFPD can issue citations on acts of illegal dumping.
- The City Attorney has the power to file suit to pursue repeat offenders, however, there has only been 1-2 cases pursued in the last 3 to 5 years.

## Ordinance:

This legislation will expand the Administrative and Public Works Code, Article 26: Illegal Dumping, to include the following:

1. **Redefine** Illegal Dumping as the activity, act, or actions performed by any Person to deposit, leave, place, keep, maintain, or abandon Prohibited Materials on any Public Property.
2. **Expand** the definition of Prohibited Materials in Illegal Dumping to include:
  - a. *Commercial Waste*: any waste matter generated from a trade business, profession, or occupation including food scraps, waste materials or byproducts of production, manufacturing, and repair (including construction material).
  - b. *Electronic Waste*: computers, monitors, flat screens, televisions, audio equipment, mobile phones, gaming devices, and any other equipment that contains components required to be specially disposed of.
  - c. *Prohibited Materials*: Commercial Waste, Debris and Waste Construction Materials, Electronic Waste, industrial materials, Powered Scooters, stationess bicycle/bike shares, any waste more than 5 pounds or more than one cubic foot.
3. **Clarify** types of violations:
  - a. Location, timing and proximity.
  - b. Each individual piece of furniture counts as separate violations.
  - c. Prohibited Materials exceeding 3 cupid yards or requires more than one pick-up truck to remove.
4. **Add** enforcement in administrative fees & penalties:
  - a. Allowing Public Works employees designated in Section 38 of the Police Code to issue citations.
  - b. Adding administrative fines not exceeding \$1000 per day for each violation (amount based on CA Penal Code)

## Amendments:

- Page 1, line 4 & 5: streamlined title by removing 'and to' and 'amending the Public Works Code'
- Page 2, lines 23-24: adding "or any other government agency's" as to not preclude other government agencies from enforcing municipal and state laws
- Page 3, lines 9-10: redefine "Costs" by adding "means any expenses incurred by the City in abating or otherwise addressing Illegal Dumping and Illegal Dumping violations including"
- Page 7, line 23: adding "or civil enforcement action"

**From:** [Mchugh, Eileen \(BOS\)](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Subject:** FW: SUPPORTING Public Safety and Neighborhood Services Committee Agenda Item #3. Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping File #191283  
**Date:** Thursday, July 9, 2020 7:48:28 AM

---

Hello John,

For the file.

Thank you,

Eileen

---

**From:** aeboken <aeboken@gmail.com>  
**Sent:** Saturday, July 4, 2020 5:03 PM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>  
**Subject:** SUPPORTING Public Safety and Neighborhood Services Committee Agenda Item #3. Police and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping File #191283

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

TO: Board of Supervisors members

I am strongly supporting this legislation as illegal dumping is not only blight it's also a public health issue.

Eileen Boken  
Coalition for San Francisco Neighborhoods\*

\* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

BOARD of SUPERVISORS



City Hall  
1 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 20, 2019

File No. 191283

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Gibson:

On December 17, 2019, Supervisor Walton introduced the following legislation:

**File No. 191283**

**Ordinance amending the Public Works Code to authorize the Public Works Director to impose administrative penalties and fines for illegal dumping and to provide for additional enforcement remedies for illegal dumping; amending the Public Works Code to expand the definition of illegal dumping to capture electronic waste and to clarify that each act of illegal dumping constitutes a separate violation subject to abatement or enforcement actions; amending the Police Code to provide procedures for assessment and collection of administrative penalties for illegal dumping; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk  
Public Safety and Neighborhood Services Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planner  
Don Lewis, Environmental Planner

Not defined as a project under CEQA Guidelines  
Sections 15378 and 15060(c)(2) because it would not  
result in a direct or indirect physical change in the  
environment.

7/1/2020

A handwritten signature in dark ink, appearing to read "Don Lewis".

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
Deborah Raphael, Director, Department of the Environment  
Jeffrey Tumlin, Director, Municipal Transportation Agency  
William Scott, Police Chief  
Suzy Loftus, Interim District Attorney  
Manohar Raju, Public Defender

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee

DATE: December 20, 2019

SUBJECT: ORDINANCE MATTER INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following resolution, introduced by Supervisor Walton on December 17, 2019:

**File No. 191283**

**Ordinance amending the Public Works Code to authorize the Public Works Director to impose administrative penalties and fines for illegal dumping and to provide for additional enforcement remedies for illegal dumping; amending the Public Works Code to expand the definition of illegal dumping to capture electronic waste and to clarify that each act of illegal dumping constitutes a separate violation subject to abatement or enforcement actions; amending the Police Code to provide procedures for assessment and collection of administrative penalties for illegal dumping; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: David Steinberg, Public Works  
Jeremy Spitz, Public Works  
Jennifer Blot, Public Works  
Peter Gallotta, Department of the Environment  
Charles Sheehan, Department of the Environment  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency  
Rowena Carr, Police Department  
Asja Steeves, Police Department  
Deirdre Hussey, Police Department  
Christine Soto DeBerry, Office of the District Attorney  
Maxwell Szabo, Office of the District Attorney

**BOARD of SUPERVISORS**



City Hall  
1 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 20, 2019

**File No. 191283**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Gibson:

On December 17, 2019, Supervisor Walton introduced the following legislation:

**File No. 191283**

**Ordinance amending the Public Works Code to authorize the Public Works Director to impose administrative penalties and fines for illegal dumping and to provide for additional enforcement remedies for illegal dumping; amending the Public Works Code to expand the definition of illegal dumping to capture electronic waste and to clarify that each act of illegal dumping constitutes a separate violation subject to abatement or enforcement actions; amending the Police Code to provide procedures for assessment and collection of administrative penalties for illegal dumping; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk  
Public Safety and Neighborhood Services Committee

**Attachment**

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planner  
Don Lewis, Environmental Planner



**Introduction Form**

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 DEC 17 PM 1:24

Time stamp  
on 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 [ ] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

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 the Imperative Form.**

Sponsor(s):

Walton, Fewer, Haney, *SAFAI*

Subject:

Administrative and Public Works Codes - Administrative Penalties and Fines for Illegal Dumping

The text is listed:

Ordinance amending the Administrative and Public Works Codes to authorize Public Works Director to impose administrative penalties and fines for illegal dumping and to provide for additional enforcement remedies for illegal dumping; affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: [ ]

For Clerk's Use Only