

File No. 100149

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 5/10/10

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input 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"/> | 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"/> | Award Letter |
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OTHER

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Completed by: Gail Johnson

Date 5/7/10

Completed by: _____

Date _____

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

1 **[Prohibiting Lying on Public Sidewalks]**

2
3 **Ordinance amending San Francisco Police Code by adding Section 168 to prohibit**
4 **lying on a public sidewalk.**

5 NOTE: Additions are single-underline italics Times New Roman;
6 deletions are ~~strike-through italics Times New Roman~~.
7 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. The San Francisco Police Code is hereby amended by adding Section 168
10 to read as follows:

11 **SEC 168: PROHIBITING LYING ON PUBLIC SIDEWALKS.**

12 (a) Definitions. For the purposes of this Section, lying shall be defined as making a false
13 statement with deliberate intent to deceive.

14 (b) Findings. The people of the City and County of San Francisco find that maintaining honest
15 discourse on public sidewalks is essential not only for a well-informed citizenry but also to maintain
16 public safety and the encouragement of a vital social fabric in neighborhoods throughout the City.
17 Persons who are lying also deter residents and visitors from engaging in social discourse, which deters
18 visitors and residents from using the sidewalks in their neighborhoods. Lying not only affects the way
19 people relate to one another, it also can negatively impact the local economy and public safety. This
20 behavior causes a cycle of decline as residents and tourists go elsewhere to meet, shop, dine, and
21 residents become intimidated from using the public sidewalks in their own neighborhoods. The
22 prohibition applies Citywide in order to prevent the displacement of lying from one district or
23 neighborhood to another.

1 The prohibition against lying on sidewalks leaves intact the individual's right to speak, protest
2 or engage in other lawful activity on any sidewalk consistent with any City permitting requirements.

3 The prohibition applies only to sidewalks.

4 (c) Prohibition. In the City and County of San Francisco, it is unlawful to be lying on a public
5 sidewalk.

6 (d) Warning. No person shall be cited under this Section unless the person engages in
7 conduct prohibited by this Section after having been notified by a peace officer that the conduct
8 violates this Section.

9 (e) Penalties

10 1. First Offense. Any person violating any provision of this Section shall be guilty of an
11 infraction. Upon conviction, the violator shall be punished by a fine of not less than \$50 or more than
12 \$100 and/or community service, for each provision violated.

13 2. Subsequent Offenses. Any person violating any provision of this Section within 24 hours
14 after violating and being cited for a violation of this Section shall be guilty of a misdemeanor and shall
15 be punished by a fine of not less than \$300 and not more than \$500, and/or community service, for each
16 provision violated, or by imprisonment in the County Jail for a period of not more than ten (10) days,
17 or by both such fine and imprisonment. Any person violating any provision of this Section within 120
18 days after the date of conviction of a violation this Section shall be guilty of a misdemeanor, and shall
19 be punished by a fine of not less than \$400 and not more than \$500, and/or community service, for each
20 provision violated, or by imprisonment in the County Jail for a period of not more than thirty (30) days,
21 or by both such fine and imprisonment.

22 (f) Reporting. One year after the effective date of this ordinance, and every two years
23 thereafter, the Police Department shall make a written report to the Mayor and the Board of
24 Supervisors that evaluates the effect of enforcement of this ordinance on the City's neighborhoods.

1 (g) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any
2 reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
3 decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any
4 part thereof.

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6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: _____

10 Linda M. Ross
11 Deputy City Attorney
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