As Amended in Brand ORDINANCE NO. 292-04

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Ordinance amending the San Francisco Police Code by amending Section 37, amending the San Francisco Health Code by amending Sections 283.1, 287, and 600, and amending the San Francisco Public Works Code by amending Section 174.2, all to increase the maximum administrative penalty for littering, illegal dumping of garbage, and maintaining a nuisance from \$300 to \$1,000, and amending the San Francisco Administrative Code by adding Section 10.100-234, to establish a Public Works Littering and Nuisance Violation Reward Fund, to be used to reward persons who have provided information leading to the collection of those penalties.

[Increasing the penalty for littering and nuisance violations, and providing for rewards for

persons providing information leading to collection of penalties.]

Note:

Additions are single-underline italics Times New Roman; deletions are strikethrough italies Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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

Section 1. The San Francisco Police Code is hereby amended by amending Section 37, to read as follows:

SEC. 37. PENALTY.

- (a) Any person who shall violate any of the provisions of Sections 33, 34, 35 or 36 of this Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for the first offense by a fine of not less than \$80 nor more than \$100; and for a second offense by a fine of not less than \$150 nor more than \$200; and for each additional offense by a fine of not less than \$300 nor more than \$500.
- (b) Any person who shall violate any of the provisions of Section 35(a) of this Article shall be quilty of an infraction and, upon conviction thereof, shall be punished for the first

offense by a fine of not less than \$80 nor more than \$100; for a second offense by a fine of not less than \$150 nor more than \$200; and for each additional offense by a fine of not less than \$300 nor more than \$500.

(c) Alternatively, any person who violates any of the provisions of Sections 33, 34, or 35(a) of this Article shall be subject to an administrative penalty not to exceed \$1,000 \$300 for each violation. Administrative penalties authorized by this section shall be assessed, enforced and collected in accordance with Section 39-1 of this Code.

Section 2. The San Francisco Health Code is hereby amended by amending Section 283.1, to read as follows:

SEC. 283.1. PENALTY.

Any person, firm or corporation violating any of the provisions of Section 283 of this Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for the first offense by a fine of not less than \$80 nor more than \$100; and for a second offense by a fine of not less than \$150 nor more than \$200; and for each additional offense by a fine of not less than \$250 nor more than \$500. In the alternative, any person, firm or corporation violating any of the provisions of Section 283 of this Article may be assessed an administrative penalty not to exceed \$1,000 \$300 for each violation. Such penalty shall be assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

Section 3. The San Francisco Health Code is hereby amended by amending Section 287, to read as follows:

SEC. 287. PENALTIES.

Any person who shall violate any of the provisions of Section 280 or 286 of this Article, shall be guilty of an infraction or a misdemeanor. If charged as an infraction, upon conviction

thereof, said person shall be punished for the first offense by a fine of not less than \$80 nor more than \$100; for a second offense by a fine of not less than \$150 nor more than \$200; and for each additional offense by a fine of not less than \$250 nor more than \$500.

If charged as a misdemeanor, upon conviction thereof, said person shall be punished by imprisonment in the County Jail not exceeding one year or a fine not exceeding \$1,000. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be solely that of the District Attorney.

As an alternative to any other fines and penalties applicable to a violation of Section 280 of this Article, any person who is in violation of Section 280 may be subject to an administrative penalty not to exceed \$1,000 \$300 for each violation. The administrative penalty shall be assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

Section 4. The San Francisco Health Code is hereby amended by amending Section 600, to read as follows:

SEC. 600. PENALTY.

In addition to any other penalties provided in this Article, any person, or their agents, violating any of the provisions of this Article, or failing to comply with any direction or order of the Director given pursuant to the provisions of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 and not more than \$1000, or by imprisonment if the County Jail for a period of not less than 10 days nor more than three months, or by both such fine and imprisonment.

As an alternative to any other fines and penalties applicable to a violation of subparagraphs (b)(1), (b)(2) or (b)(3) of Section 581, any person or their agents who are in violation of one or more of those subparagraphs shall be subject to an administrative penalty

not to exceed \$1,000 \$300 for each violation. The administrative penalty shall be assessed, enforced and collected in accordance with Section 39-1 of the Police Code.

Section 5. The San Francisco Public Works Code is hereby amended by amending Section 174.2, to read as follows:

SEC. 174.2. PENALTIES FOR VIOLATION.

Any owner of property or any business occupying property which abuts a public sidewalk, stairway or other pedestrian right-of-way for public pedestrian travel, or both such owner and business jointly and severally, who fail to comply with the Director of Public Works' notice to abate the nuisance as specified in Section 174.1 of this Code shall be subject to an administrative penalty of not more than \$1,000 \$300, assessed, enforced and collected in accordance with Section 39-1 of the Police Code. Further, a violation of any of the provisions of this Article shall constitute an infraction. Upon conviction thereof, said owner of the abutting property and/or the business occupying the abutting property shall be punished for the first offense by a fine of not less than \$30 or more than \$100 and for a second and each additional offense by a fine of not less than \$100 or more than \$500. The provisions of this Section shall not apply to any department, board or commission of the City and County.

Section 6. The San Francisco Administrative Code is hereby amended by adding Section 10.100-234, to read as follows:

SEC. 10.100-234. PUBLIC WORKS LITTERING AND NUISANCE VIOLATION REWARD FUND.

(a) Establishment of Fund. The Public Works Littering and Nuisance Violation Reward Fund is established as category five six fund to receive 25 percent of the administrative penalties

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City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Ordinance

File Number:

040561

Date Passed:

Ordinance amending the San Francisco Police Code by amending Section 37, amending the San Francisco Health Code by amending Sections 283.1, 287, and 600, and amending the San Francisco Public Works Code by amending Section 174.2, all to increase the maximum administrative penalty for littering, illegal dumping of garbage, and maintaining a nuisance from \$300 to \$1,000, and amending the San Francisco Administrative Code by adding Section 10.100-234, to establish a Public Works Littering and Nuisance Violation Reward Fund, to be used to reward persons who have provided information leading to the collection of those penalties.

December 7, 2004 Board of Supervisors — AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

December 7, 2004 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

December 14, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Ma, Maxwell,

McGoldrick, Peskin, Sandoval

Absent: 1 - Alioto-Pier

File No. 040561

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 14, 2004 by the Board of Supervisors of the City and County of San Francisco.

G'Bria L. Young

erk of the Board

Mayor Gavin Newsom

Date Approved