

[Prohibition on the parking of large vehicles on public streets and in public parking lots for the purpose of displaying commercial advertising.]

Ordinance amending San Francisco Police Code Chapter 6, by adding Section 681 to prohibit the parking of large vehicles for the purpose of displaying commercial advertising.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics 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 adding Section 681, to read as follows:

Sec. 681. PARKING OF VEHICLES FOR COMMERCIAL ADVERTISING PURPOSES PROHIBITED.

(a) Findings and Purpose. The Board of Supervisors of the City and County of San Francisco finds that there is a growing practice of parking large vehicles such as trucks and vans in the City's public streets and parking lots for the purpose of displaying commercial advertising. The Board of Supervisors finds that this practice: (i) creates aesthetic blight; (ii) contributes to the critical shortage of parking spaces; and (iii) causes traffic safety hazards by distracting members of the public who use public thoroughfares, including drivers, bicyclists and pedestrians. The purpose of this section is to counteract these negative effects and protect and promote public safety and quality of life in the City. This section is not intended to regulate non-commercial speech, including non-commercial advertising and signage.

1 **(b) Definitions.** For the purposes of this section, the following definitions
2 shall apply:

3 (1) "City" shall mean the City and County of San Francisco.

4 (2) "Commercial advertising sign" shall mean a banner, placard, poster, card,
5 picture, sign or display that does no more than propose a commercial transaction.

6 (3) "Commercial advertising vehicle" shall mean any motor vehicle, other than a
7 passenger vehicle with maximum occupancy of six or fewer passengers, that is carrying,
8 towing or otherwise displaying a commercial advertising sign.

9 (4) "Park" or "parking" shall mean the standing of a vehicle, whether occupied
10 or not.

11 **(c) Prohibition.** No person may park a commercial advertising vehicle on
12 any public street or in any parking lot in the City for the primary purpose of displaying a
13 commercial advertising sign. This prohibition shall not apply to vehicles parked for a primary
14 purpose other than displaying a commercial advertising sign, including:

15 (1) vehicles parked while loading or unloading passengers or goods;

16 (2) vehicles parked while engaged in the delivery of services; and

17 (3) vehicles parked within 600 feet of the residence of the registered owner of
18 the vehicle.

19 **(d) Enforcement.**

20 (1) Any police officer employed by the Police Department and any employee of
21 the Department of Parking and Traffic who is engaged in directing traffic or enforcing parking
22 laws, or their duly authorized representatives, may issue a notice of violation of this section
23 when it appears that a commercial advertising vehicle is parked in its location for the primary
24 purpose of displaying a commercial advertising sign. The notice shall state the nature of the
25 violation and the applicable penalties, and it shall require the driver of the vehicle to inform the

1 registered owner of the vehicle of the notice of the violation. The notice to the driver shall be
2 deemed notice to the registered owner.

3 (2) Each day that a vehicle is parked in one location in violation of this section
4 shall constitute a separate violation. If on a particular day the vehicle is parked in more than
5 one location in violation of this section, each such instance shall constitute a separate
6 violation. The amount of the civil penalty for each violation shall be \$300. Violation of this
7 section shall also be grounds for injunctive relief. The City Attorney is authorized to enforce
8 this section in a civil action. The person against whom a penalty is assessed, or against
9 whom an injunction is obtained, shall be liable for the costs and attorneys' fees incurred by the
10 City in enforcing this section. In any action brought to enforce this section, the City Attorney
11 may also seek any other remedies available under federal and state law.

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16 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

17
18 By:


19 RAFAL OFIERSKI
Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 021467

Date Passed:

Ordinance amending the San Francisco Police Code Chapter 6, by adding Section 681 to prohibit the parking of large vehicles for the purpose of displaying commercial advertising.

November 4, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

November 12, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval

Absent: 2 - Leno, Yee

File No. 021467

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 12, 2002 by the Board of Supervisors of the City and County of San Francisco.

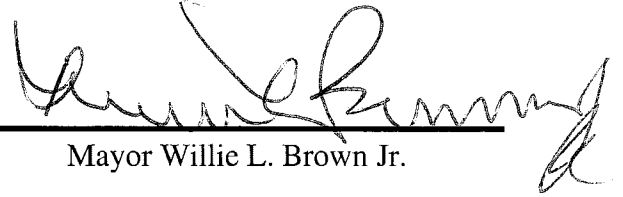
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Date Approved



Gloria L. Young
Clerk of the Board





Mayor Willie L. Brown Jr.