AMENDMENT OF THE WHOLE - 9/19/00

[Advertising Vehicles]

AMENDING SECTION 680 OF THE POLICE CODE, RELATING TO THE OPERATION OF COMMERCIAL ADVERTISING VEHICLES ON PUBLIC STREETS, TO SPECIFY THE PURPOSES OF THAT SECTION, TO CLARIFY THE CIRCUMSTANCES IN WHICH THAT SECTION APPLIES, AND TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT OF THAT SECTION BY WAY OF INJUNCTIVE RELIEF AND THE IMPOSITION OF SPECIFIED CIVIL PENALTIES

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Article 10 of the San Francisco Police Code is hereby amended by amending Section 680 thereof, to read as follows:

SEC. 680. ADVERTISING VEHICLES PROHIBITED ON CITY STREETS.

(a) Findings and Purpose. The inherent primary purpose of commercial advertising vehicles is to display commercial advertising on public streets. By their nature, commercial advertising vehicles are intended to distract, and aim to capture and hold the attention of, members of the public on or adjoining public streets, including drivers, pedestrians, bicyclists, and others. Moreover, such vehicles display commercial advertising from a mobile platform, including while the vehicle is moving within the flow of traffic, potentially stopping, starting, or turning abruptly, accentuating the inherent tendency of such advertising to seize attention and to distract. Additionally, the use of motor vehicles to display commercial advertising creates exhaust emissions. For these reasons, the Board of Supervisors finds that commercial advertising vehicles create aesthetic blight and visual clutter and create potential and actual traffic and health and safety hazards. The purposes of this section are (1) to promote the public health, safety and welfare of motorists, pedestrians, bicyclists, and others using the City's public streets and roadways and adjoining areas, by

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eliminating the aesthetic blight and visual clutter and traffic and safety hazards caused by the 
operation of commercial advertising vehicles on the City's streets; (2) to reduce congestion on 
the City's streets; (3) to reduce exhaust emissions, by eliminating as an emissions source a 
type of commercial advertising display whose use may require continuous or extensive 
operation of motor vehicle engines; (4) to protect public investment in and the character and 
dignity of the City's streets; and (5) to aid in the attraction of tourists and other visitors who are 
so important to the economy of the City. This section is not intended to regulate any non-
commercial speech, including non-commercial advertising or signage.

(b) **Prohibition.** No person may operate any commercial advertising vehicle
(exhibit, post or carry any banner, placard, poster, card, picture, sign or advertising display
that proposes a commercial transaction on or by means of a motor vehicle) in or on any
public street in the City and County of San Francisco, unless the vehicle is being used
primarily to transport passengers or goods.)

(c) **Definitions.** As used in this Section, the following terms shall have the following
meanings:

1. "City" means the City and County of San Francisco.
2. "Commercial advertising vehicle" means a motor vehicle that is carrying,
towing, or otherwise displaying any commercial advertising sign, unless the vehicle is used
primarily to transport passengers or goods.
3. "Commercial advertising sign" means a banner, placard, poster, card,
picture, sign or display that does no more than propose a commercial transaction.

(d) **Enforcement.**

1. The Police Department shall issue a written notice of violation concerning,
and requiring the immediate correction of, any violation of this Section to the driver of any
commercial advertising vehicle that is being driven or used in violation of this Section, as well

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as to the owner or other person responsible for the vehicle, if the identity of that owner or
other person is known or readily ascertainable. If issued to the driver of a commercial
advertising vehicle, the notice shall require the driver to inform the owner or other person
responsible for the operation of the commercial advertising vehicle, of the notice and of the
violation to which it relates. Notice to the driver of a commercial advertising vehicle under this
subsection shall be deemed notice to the owner or other person responsible for the operation
of the vehicle.

(2) The City Attorney is authorized to enforce this Section by appropriate civil
action. No such action shall be commenced against any person unless and until the Police
Department has issued a notice of violation requiring correction to that person, as specified
above, and that person has failed to comply with this Section and with that notice. In any civil
action brought to enforce this section, the City Attorney may pursue the remedies set forth in
this Section for the violation of this Section that is the subject of the notice, as well as for any
subsequent violations of this Section that have occurred within one year after the issuance of
the notice without regard to the whether the Police Department issued subsequent notices
concerning those subsequent violations.

(3) Violation of this Section shall constitute grounds for injunctive relief. In
addition, any person who violates or refuses to comply with the provisions of this Section shall
be liable for a civil penalty which shall be assessed and recovered in a civil action brought in
the name of the People of the City and County of San Francisco in any court of competent
jurisdiction. Each separate display of commercial advertising prohibited by this Section, and
each day that a violation of this Section is committed or permitted to continue, shall constitute
a separate violation. The amount of such civil penalty shall be $250 for the first violation,$350 for the second violation, and $500 for each subsequent violation of this Section. Any
penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid...
to the Treasurer of the City and County of San Francisco. The person against whom a
penalty is assessed, or against whom an injunction is obtained, also shall be liable for the
costs and attorney's fees incurred by the City and County of San Francisco in bringing any
civil action to enforce the provisions of this Section.

(4) Violation of this Section shall not constitute a criminal offense.

(5) In any action brought to enforce this Section, the City Attorney may also
seek any remedies available under state or federal law.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By:
WAYNE K. SNODGRASS
Deputy City Attorney

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BOARD OF SUPERVISORS 7/20/00
Ordinance amending Section 680 of the Police Code, relating to the operation of commercial advertising vehicles on public streets, to specify the purposes of that Section, to clarify the circumstances in which that Section applies, and to provide for administration and enforcement of that Section by way of injunctive relief and the imposition of specified civil penalties.

September 25, 2000  Board of Supervisors — PASSED, ON FIRST READING
  Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yee
  Absent: 1 - Yaki

October 2, 2000  Board of Supervisors — FINALLY PASSED
  Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee
  Absent: 1 - Katz
I hereby certify that the foregoing Ordinance was FINALLY PASSED on October 2, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.

OCT 13 2000

Date Approved