

FILE NO. 990822ORDINANCE NO. 227-99

1 [Litter Removal and Ashtrays]

2 AMENDING PART II, CHAPTER X OF THE SAN FRANCISCO MUNICIPAL CODE (PUBLIC  
3 WORKS CODE) BY AMENDING ARTICLE 5.1, SECTIONS 170, 173, AND 174 TO  
4 REQUIRE PLACES OF EMPLOYMENT TO PROVIDE AND MAINTAIN ASHTRAYS FOR  
5 PATRONS AND EMPLOYEES WHO SMOKE AND SPECIFYING THAT ACCUMULATION  
6 OF CIGARETTE AND CIGAR BUTTS ON THE PUBLIC RIGHT-OF-WAY IS PROHIBITED.

7  
8 Note: Additions are underlined; deletions are in ((double parentheses)).

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

10 Section 1. Article 5.1 of Part II, Chapter X of the San Francisco Municipal Code (Public  
11 Works Code) is hereby amended by amending Sections 170, 173, and 174 to read as follows:

12 SEC. 170. GARBAGE RECEPTACLES. (a) Garbage Receptacles Prohibited on  
13 Sidewalk, Street, or Any Public Right-of-Way. Except as otherwise provided in Sections 170.1  
14 and 173, Chapter X, Part II, San Francisco Municipal Code (Public Works Code), no person,  
15 firm or corporation occupying or having charge or control of any premises shall place or cause  
16 to be placed, or suffer to remain, upon the sidewalk, street or any other dedicated public right-  
17 of-way, any can, container or receptacle used for the collection of garbage, refuse, ashes,  
18 cinder, sludge, offal, broken glass, crockery, tins, boxes, animal or vegetable matter, rubbish or  
19 other like matter, except on the day the contents of said receptacle are to be collected by the  
20 licensed collector thereof or after the hour of 6:00 p.m. of the day immediately prior to the day of  
21 said collection; provided further, that any person, firm or corporation occupying or having  
22 charge of any commercial premises shall remove any such receptacle from the sidewalk, street  
23 or other dedicated public right-of-way immediately after the contents of said receptacle have  
24 been collected or immediately upon opening said premises for business on the day of said  
25 collection.

SUPERVISOR TENG, BIERMAN  
BOARD OF SUPERVISORS

1 (b) The Director of Public Works, in issuing any written notice to abolish, abate and  
2 remove a nuisance under Section 174.1 of this Article, may direct any person, firm or  
3 corporation occupying or having charge of any commercial premises, to securely lock every  
4 can, container or receptacle placed for collection pursuant to Section 170(a) on any area open  
5 to the public, to prevent access to the contents thereof by any person other than the licensed  
6 refuse collector. Any such written notice shall be issued as set forth in Section 174.1.

7 (c) Each violation of Subsection (a) shall constitute an infraction and shall be  
8 punishable by a fine of not less than \$80 nor more than \$100; for a second offense by a fine not  
9 less than \$150 nor more than \$200; and for each additional offense by a fine not less than \$250  
10 nor more than \$500.

11 SEC. 173. PLACEMENT AND MAINTENANCE OF LITTER RECEPTACLES. (a) It is  
12 the intent of this Section to ensure that public areas are kept clean and free from litter.

13 (b) Any person, firm or corporation operating a grocery store, a liquor store or an  
14 establishment selling food or beverages for consumption off the premises shall place and  
15 maintain a litter receptacle outside of each exit from said premises for the use of the patrons  
16 thereof during business hours.

17 (c) Any person, firm, corporation, or property owner operating a place of employment  
18 shall provide and maintain adjacent to the place of employment sufficient ashtrays or other  
19 receptacles for the disposal of cigarettes, cigars, and other similar combustible products used  
20 by employees and patrons who smoke. The Director of Public Works shall authorize the  
21 placement of such ashtrays or other receptacles in the public right-of-way where necessary.

22 ((b)) (d) The design, capacity, location, and number of ashtrays and receptacles  
23 shall be prescribed by the Director of Public Works. Decals may be placed upon said  
24 receptacles subject to the limitations set forth in Section 171 of this Article.

25 ((c)) (e) The receptacle shall be emptied when full and at the close of business

1 each day and the contents thereof shall be stored or set out for collection in the same manner  
2 as other refuse generated in the operation of the business. Each receptacle shall be maintained  
3 in a clean and sanitary condition.

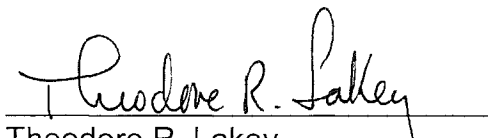
4 ((d)) (f) Violation of this Section shall constitute an infraction and shall be  
5 punishable by a fine of not less than \$80 nor more than \$100; for a second offense by a fine not  
6 less than \$150 nor more than \$200; and for each additional offense by a fine not less than \$250  
7 nor more than \$500.

8 SEC. 174. NUISANCE. No person, firm or corporation, including but not limited to any  
9 department, board or commission of the City and County, shall have or permit upon any public  
10 sidewalk, public stairway or other right-of-way for public pedestrian travel that abuts property  
11 owned or occupied such person, firm, or corporation, any nuisance detrimental to health or any  
12 accumulation of filth, garbage, decaying animal or vegetable matter, waste paper, hay, grass,  
13 straw, weeds, vegetation overgrowth, litter, trash, cigarette or cigar butts, unsanitary debris,  
14 waste material, animal or human excrement, or stains, marks or grime caused by oil and other  
15 wastes absorbed or compressed into the surface, or any other matter that constitutes a threat to  
16 public health and safety. For purposes of this Section, the owner and/or the occupant of the  
17 premises or unit nearest the public sidewalk, public stairway or other pedestrian right-of-way  
18 shall be held liable for the cleanliness of said public sidewalk, public stairway, or other  
19 pedestrian right-of-way that abuts the building.

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21 APPROVED AS TO FORM:

22 LOUISE H. RENNE, City Attorney

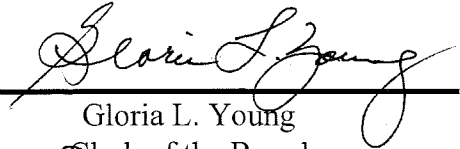
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24 By:

  
Theodore R. Lakey  
Deputy City Attorney

25  
SUPERVISOR TENG  
BOARD OF SUPERVISORS

File No. 990822

I hereby certify that the foregoing Ordinance was FINALLY PASSED on August 2, 1999 by the Board of Supervisors of the City and County of San Francisco.



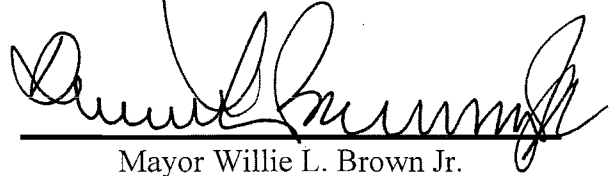
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Gloria L. Young  
Clerk of the Board

AUG 13 1999

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Date Approved



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Mayor Willie L. Brown Jr.



# City and County of San Francisco

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

## Tails Ordinance

**File Number:** 990822

**Date Passed:**

Ordinance amending Public Works Code Sections 170, 173 and 174 to require places of employment to provide and maintain ashtrays for patrons and employees who smoke and specifying that accumulation of cigarette and cigar butts on the public right-of-way is prohibited.

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July 26, 1999 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Teng, Yaki  
Noes: 3 - Leno, Newsom, Yee

August 2, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Yaki  
Noes: 3 - Leno, Newsom, Yee  
Absent: 1 - Teng