[Public Works Code - Graffiti Abatement - Suspension on Issuance of Certain Violations; Waiver of Certain Unpaid Fees and Fines]

Ordinance suspending provisions of the Graffiti Removal and Abatement Ordinance regarding issuance of certain violations and waiving certain unpaid assessed fees and fines due to the COVID-19 pandemic emergency, subject to specific conditions; and affirming the Planning Department’s determination under the California Environmental Quality Act.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 210258 and is incorporated herein by reference. The Board affirms this determination.


(a) Public Works Code Section 2304(a) is suspended, with the result that Public Works shall not issue any violations under Section 2304(a). This suspension shall not affect Public
Works actions under the authority of Sections 2304(b) or 2304(c), which include, but are not limited to, abatement of graffiti on public property and performance of immediate abatement on private property if the amount, frequency, level, type, or scope of graffiti warrants such action.

(b) Public Works Code Sections 2305 and 2306 are suspended, but only as those sections apply to graffiti on private property. These suspensions shall not affect other Public Works actions under the authority of Sections 2305 and 2306.

(c) The suspensions mandated in subsections (a) and (b) shall remain in place until 90 days after the expiration of the Mayor’s Emergency Proclamation regarding the COVID-19 pandemic, issued on February 25, 2020, and amended or supplemented thereafter from time to time.

Section 3. Waiver of Certain Unpaid Fees and Fines Assessed under the Graffiti Removal and Abatement Ordinance.

(a) On or after January 1, 2021, if there are any pending unpaid fees or fines that Public Works assessed under Public Works Code Sections 2304(a), 2306, and 2307.5(b), and, in regard to private property only, under Public Works Code Section 2307.6, such fees and fines are waived.

(b) After expiration of the Mayor’s Emergency Proclamation regarding the COVID-19 pandemic, issued on February 25, 2020, and amended or supplemented thereafter from time to time, Public Works shall resume the enforcement, issuance, and collection of fees and fines identified under subsection (a) except for those fees and fines waived under subsection (a).
Section 4. Notice of Ordinance and Waivers.

(a) Public Works shall notify in writing all persons or entities that have unpaid fees or fines identified in section 3 of this ordinance as having been waived, to inform them of this ordinance and the waiver.

(b) Public Works shall provide information on its website summarizing the provisions of this ordinance.

Section 5. Effective Date; Retroactivity.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

(b) This ordinance shall be retroactive to March 9, 2021, the date of introduction of the ordinance. The Board of Supervisors intends that Public Works exercise administrative discretion to suspend violations as specified in section 2 of this ordinance before the effective date of the ordinance from March 9, 2021 forward. Otherwise, in light of this retroactivity provision, upon the effective date of this ordinance, Public Works shall be obligated, as to violations covered by this ordinance, to rescind those violations issued from March 9, 2021 to the effective date of this ordinance. The Board of Supervisors intends that Public Works exercise administrative discretion to waive the pending unpaid fees and fines as specified in section 3 of this ordinance before the effective date of the ordinance from March 9, 2021 forward. Also, in light of this retroactivity provision, upon the effective date of this ordinance, Public Works shall be obligated, as to fees and fines, to refund those fees and fines that are
subject to the waiver provisions as specified in section 3 that Public Works collected from March 9, 2021 to the effective date of this ordinance.

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

By: /s/ John D. Malamut
   JOHN D. MALAMUT
   Deputy City Attorney

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Ordinance suspending provisions of the Graffiti Removal and Abatement Ordinance regarding issuance of certain violations and waiving certain unpaid assessed fees and fines due to the COVID-19 pandemic emergency, subject to specific conditions; and affirming the Planning Department's determination under the California Environmental Quality Act.

April 08, 2021 Public Safety and Neighborhood Services Committee - RECOMMENDED

April 20, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

April 27, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/27/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved

5.7.21