Professions Code.

(e) **Penalty.** Violation of this ordinance or any of its provisions constitutes a misdemeanor. Any person, whether an individual, corporation or other business entity and whether as principal, agent, employee or otherwise, convicted of a violation of this ordinance or of any of its provisions shall be punished by a fine of not to exceed $500 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. This Chapter shall be enforced by the Department of Agriculture and Weights and Measures as defined in Section 20707 of the Business and Professions Code of the State of California, which shall have authority to make arrests and to issue written notices to appear as provided in Section 836.5 of the Penal Code of the State of California.

(Amended by Ord. 541-74, App. 12/19/74)

**SEC. 667. SIGNS-DRY CLEANING AND LAUNDRY SERVICES-PRICES.**

(a) Every person, firm, partnership, association, franchise, or corporation which owns, operates, manages, leases, or rents a business offering to perform the service of dry cleaning or laundering articles made of fabric shall post or cause to be posted or displayed and maintain at said premises at least one sign, banner or other advertising medium which is clearly visible at the point of sale.

Each such sign, banner or other advertising medium shall indicate thereon the actual price per article of clothing at which each dry cleaning or laundering service is being offered at said dry cleaning or laundry establishment. Whenever the listed charge is increased for special or nonstandardized handling that may be necessary, a price range shall be stated for each garment and the actual price charged shall not exceed the maximum price of the range. Notice of such pricing policy shall also be stated in the posting.

(b) **Penalty.** Pursuant to Section 36900 (a) and (b) of the Government Code of the State of California, violation of the provisions of this Section by any person, whether an individual, corporation or other business entity and whether as principal, agent, employee or otherwise, shall be an infraction. Every violation is punishable by (1) a fine not exceeding $100 for a first violation; (2) a fine not exceeding $200 for a second violation; (3) a fine not exceeding $500 for a third or more violations of the same ordinance within one year.

(Added by Ord. 191-89, App. 6/5/89)

**SEC. 674. TOBACCO ADVERTISING AND PROMOTION PROHIBITED.**

(a) **Title.** This Section shall be known as the Prohibition of Tobacco Advertising and Promotion Ordinance.

(b) **Definitions.**

1. "Tobacco product" shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco.

2. "Advertising display sign" shall mean a sign, signboard, billboard, poster, freestanding sign or banner that is temporarily or permanently placed on or affixed to the ground, the sidewalk, a pole or post, or a building, or is displayed in the windows or doors of a commercial establishment, and that is used to advertise or promote products.

3. "Promote" or "promotion" shall include a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product.

4. "Publicly visible location" shall mean any outdoor location that is visible from any street, sidewalk, or other public thoroughfare, or any location inside a commercial establishment immediately adjacent to a window or door where such location is visible from any street, sidewalk, or other public thoroughfare.

5. "Person" shall include any individual, firm, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or other legal entity.

6. "Designated department" means any City department that the County Agricultural Commissioner-Sealer of Weights and Measures has designated to assist with the implementation and enforcement of this Section.

(c) **Tobacco Advertising Prohibited.** No person shall place or maintain, or cause or allow to be placed or maintained, in any manner any advertising or promotion of cigarettes or tobacco products on a billboard or advertising display sign in a publicly visible location in the City.

(d) **Exceptions.** This Section shall not apply to advertising or promotions for tobacco products:

1. Located inside a commercial establishment, unless such advertising display sign or promotion is attached to, affixed to, leaning against, or otherwise in contact with any window or door in such a manner that it is visible from a street, sidewalk or other public thoroughfare;

2. On billboards located within 660 feet of any highway, excluding Van Ness Avenue and Lombard Street, if the billboard is oriented so as to be visible from the highway, except as prohibited by federal, State or other local law;

3. On vehicles;

4. On any sign located inside or immediately outside a commercial establishment if the sign provides notice that the establishment sells tobacco products, so long as the sign does not promote any brand of tobacco product;

5. On tobacco product packaging.

(e) **Effective Date.** This Section shall become operative six months after the date it is finally adopted.

(f) **Administration and Enforcement.**

(1) Except as otherwise provided, this Section shall be administered and enforced by the Department of Agriculture/Weights and Measures.

2. The County Agricultural Commissioner-Sealer of Weights and Measures shall develop guidelines, as appropriate, to ensure
proper implementation and enforcement of this Section. At the request of the County Agricultural Commissioner-Sealer of Weights and Measures, other City departments such as the Department of Public Works and the Planning Department shall assist with the implementation and enforcement of this Section.

(3) The County Agricultural Commissioner-Sealer of Weights and Measures or a designated department shall review and act upon any written complaint submitted by any private citizen or City officer or employee concerning any advertising or promotion prohibited by this Section, within 30 days of receipt of the complaint. The County Agricultural Commissioner-Sealer of Weights and Measures or a designated department shall serve notice requiring correction of any violation of this Section upon the person responsible for the advertising display sign or promotion prohibited by this Section. The notice shall specify a date by which the violation shall be corrected. For billboards that display material prohibited by this Section, the date specified shall provide at least five days for correction. For all other violations, the date specified shall provide at least two days for correction.

(4) The City Attorney is authorized to enforce this Section by appropriate civil action. No such action shall be commenced, however, unless and until the County Agricultural Commissioner-Sealer of Weights and Measures or a designated department has issued a notice requiring correction to any person responsible for any advertising display or promotion prohibited by this Section, the time specified in the notice has passed, and the responsible person has failed to comply with this Section. However, if three notices requiring the correction of any violation of this Section (whether the violation involves the same or different displays) are served on any person within a 30-day period, the City Attorney may pursue the remedies set forth in this Section against that person without the serving of another notice, if the additional violation occurs within 90 days of the serving of the third notice.

(5) 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 of $100 a day for each violation, which penalty 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 successive display of tobacco advertising or promotion prohibited by this Section shall be considered a separate violation. Each day such violation is committed or permitted to continue shall constitute a separate violation. In those instances in which a notice of correction is required by this Section, there shall be no penalty assessed for displays that occur during the period of time allowed for correction. 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 of attorney’s fees incurred by the City and County of San Francisco in bringing any civil action to enforce the provisions of this Section.

(6) For purposes of determining liability of persons, firms or corporations controlling franchises or business operations in multiple locations, each individual franchise or business location shall be deemed a separate entity.

(g) Intent as to Additional Legal Restrictions and Remedies.

(1) Nothing in this Section is intended to alter the obligations or restrictions that apply to any person under any other law governing signs, billboards, tobacco advertising or any other matter covered by this Section.

(2) The remedies set forth in this Section are not exclusive. If any action prohibited by this Section is also unlawful under any other law, the penalties and remedies under such other laws may be pursued in addition to those provided in this Section.

(h) Disclaimers. By prohibiting the advertising or promotion of tobacco products in outdoor or publicly visible locations, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(i) Severability. If any provision of this Section or its application to any person or circumstance is held invalid, this Section, to the extent it can be given effect, or the application of this Section to persons other than the person to whom it is held invalid, shall not be affected thereby, and to this end, the provisions of this Section are severable.


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 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