

SAN FRANCISCO HEALTH CODE ARTICLE 11 CODE SECTIONS

PROHIBITED PUBLIC HEALTH NUISANCES

- Sec. 581 (a)** No Person shall have upon any premises or real property owned, occupied or controlled by him, or her, or it any public nuisance.
- Sec. 581 (b)(1)** Any accumulation of filth, garbage, decayed or spoiled food, unsanitary debris or waste material or decaying animal or vegetable matter unless such materials are set out for collection in compliance with Section 283 of this Code;
- Sec. 581 (b)(2)** Any accumulation of hay, grass, straw, weeds, or vegetation overgrowth;
- Sec. 581 (b)(3)** Any accumulation of waste paper, litter or combustible trash unless such materials are set out for collection in compliance with Section 283 of this Code;
- Sec. 581 (b)(4)** Any buildings, structures, or portion thereof found to be unsanitary;
- Sec. 581 (b)(5)** Any matter or material which constitutes, or is contaminated by, animal or human excrement, urine or other biological fluids;
- Sec. 581 (b)(6)** Any visible or otherwise demonstrable mold or mildew in the interiors of any buildings or facilities;
- Sec. 581 (b)(7)** Any pest harborage or infestation including but not limited to pigeons, skunks, raccoons, opossums, and snakes, except for pigeon harborages that comply with Section 37(e) of this Code;
- Sec. 581 (b)(8)** Any noxious insect harborage or infestation including, but not limited to cockroaches, bed bugs, fleas, scabies, lice, spiders or other arachnids, houseflies, wasps and mosquitoes, except for harborages for honey-producing bees of the genus Apis regulated by the California Food and Agriculture Code Sections 29000 et seq. which are not otherwise determined to be a nuisance under State law.
- Sec. 581 (b)(9)** Any article of food or drink in the possession or under the control of any person which is tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk. The term "food" as used in this subparagraph includes all articles used for food and drink by humans, whether simple, mixed or compound.
- Sec. 581 (b)(11)** Any vacant lots, open spaces, and other properties in the City and County of San Francisco, which become infested with poison oak (Toxicodendron diversilobum) or poison ivy shrub (Rhus toxicodendron) hereafter referred to as poisonous growth;
- Sec. 581 (b)(12)** Any violation of Section 37 of this Code; [Article 1]
- Sec. 581 (b)(13)** Any violation of Section 92 of this Code; [Article 2]
- Sec. 581 (b)(14)** Any violation of Section 590 of this Article;
- Sec. 581 (b)(17)** Any violations of rules or regulations the Director adopts to implement the provisions of this Article or applicable provisions of State law.
- Sec. 581 (b)(18)** Anything else that the Director deems to be a threat to public health and safety.

Sec. 609 (a) et seq. Vector Control And Healthy Housing Inspection Program Fee. Payment of Fee. Every owner of an apartment house or hotel, as these terms are defined by Section 401 of the San Francisco Building Code, shall pay an annual fee to the Department as required by this Section. This fee shall be known as the "Vector Control and Healthy Housing Inspection Program Fee." The amount of the fee shall be determined by the number of rental units in the building. For purposes of this section, "rental unit" shall mean a dwelling unit, as that term is defined by Section 401 of the San Francisco Building Code, which is rented or offered for rental at any time during the year for which the fee is billed, whether rent is paid in money, goods, or services...

NOTICE OF VIOLATION & CONSEQUENCES OF FAILURE TO TIMELY ABATE

- Sec. 596 (b).** Whenever the Director determines that a nuisance, as defined by Section 581 of this Article, exists in a building or structure or on a property, the Director shall within 15 days of that determination cause a Notice of Violation to be served either personally or by first class mailing to the Responsible Parties. The Notice of Violation shall be served on the Owner by mail to the address that appears on the last assessment rolls of the City and County of San Francisco. If the Notice of Violation is served on the Manager by mail, it shall be mailed to the Manager's principal place of business or to the address of the building, structure or property. If the Notice of Violation is served on any other Person who created a condition that constitutes a nuisance, it shall be mailed to the Person's last known address at which such Person receives mail if ascertainable. Thereafter, the Director may cause a copy thereof to be posted in a conspicuous place on the building, structure or property. The failure of the Responsible Parties to receive such notice when sent in the manner set forth in this Subsection shall not affect in any manner the validity of any proceeding against that party under this Article. The Notice of violation shall be a public record subject to disclosure pursuant to Administrative Code Chapter 67.
- Sec. 596 (e)(1).** ...The Director shall specify in the Notice of Violation the time period within which the Responsible Party must abate the nuisance. Such time period shall not exceed 30 days, unless extended by the Director if reasonably necessary to abate the nuisance.
- Sec. 596 (e)(3).** If the Owner/Responsible Parties fail to comply with this Notice of Violation, the Director of Health may (A) hold a Director's Hearing to consider whether it would be appropriate to issue a Director's Order to abate the nuisance and other appropriate orders as provided for in Article 11 or (B) cause the abatement and removal of the nuisance and the Owner shall be indebted to the City and County of San Francisco for all costs, charges and fees incurred by the City and County of San Francisco by reason of the abatement and removal of the nuisance.
- Sec. 596 (e)(4).** Owner/Responsible Parties may be liable for other charges, costs, including administrative costs, expenses incurred by the Department, fines, attorneys' fees, and penalties as provided for in Article 11.

LEGAL AUTHORITY

- Sec. 595.** Inspection of Premises. It shall be the duty of the Department of Public Health upon application from any person, firm, or corporation operating a hotel, before issuing the certificate specified in Section 594, to cause the premises to be inspected for purpose of ascertaining whether said premises are free of nuisances and are in a sanitary condition for human habitation.
- Sec. 596 (a).** Complaints. Whenever a written or oral complaint is made to the Department that a nuisance as defined by Section 581 exists in a building or structure or on a property, or the Director otherwise has reasonable cause to believe that such a nuisance exists, the Director shall inspect the building, structure or property to verify the existence of a nuisance thereon.

DEFINITIONS

- Sec. 580 (a)** "City" shall mean the City and County of San Francisco.
- Sec. 580 (b)** "Department" shall mean the San Francisco Department of Public Health.
- Sec. 580 (c)** "Director" shall mean the Director of Public Health or his or her designee.
- Sec. 580 (d)** "Manager" shall mean the authorized agent for the Owner of a building, structure or property, who is responsible for the day-to-day operation of said building, structure or property.
- Sec. 580 (e)** "Owner" shall mean any Person who possesses, has title to or an interest in, harbors or has control, custody or possession of any building, property, real estate, personality or chattel.
- Sec. 580 (f)** "Person" shall mean and include corporations, estates, associations, partnerships and trusts, one or more individual human beings, any department, Board or Commission of the City and County of San Francisco, and any agencies or instrumentalities of the State of California or the United States to the extent allowable by law.
- Sec. 580 (h)** "Responsible Party" shall include the Owner, Manager, tenant, or any Person having control over a property or who creates or allows or contributes to or fails to correct a condition that constitutes a nuisance as defined by this Article.