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FREQUENTLY ASKED QUESTIONS REGARDING RECREATIONAL AND OTHER OCCUPIED VEHICLES ON CITY STREETS

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This document answers questions about the authority of the City and County of San Francisco (City) to address street conditions that may result from the presence of Recreational Vehicles (RVs) and other occupied vehicles parked on City streets.

1. Does the injunction in the *Coalition on Homelessness* case limiting the City's response to encampments of people experiencing homelessness prohibit the City from enforcing laws involving RVs?

No. In a separate case also brought against the City by the Coalition on Homelessness, the California Court of Appeal recently prohibited the City from towing or booting any vehicles because they have five or more parking tickets, except in circumstances where a court issues a warrant. The judicial decision extends to RVs. The City may tow for other reasons, including, for example, that the vehicle is unregistered or that the vehicle is unlawfully parked, as further described in the answer to Question no. 2, below.

2. In what circumstances may the City tow RVs that violate parking laws?

- It is unlawful for the City to tow a vehicle, including an RV, from the City's streets, except as authorized under circumstances described in the California Vehicle Code (CVC). The Board of Supervisors has implemented corresponding local provisions authorizing towing in the City's Transportation Code.
- In San Francisco, both the San Francisco Police Department (SFPD) and the San Francisco Municipal Transportation Agency (SFMTA) have authority to tow vehicles. For the SFMTA, all such tows are performed by a contractor, TEGSCO (formerly, Autoreturn).
- The CVC and Transportation Code authorize towing vehicles for a number of reasons including:
 - Expired registration (more than six months out of registration); this restriction applies anywhere in San Francisco.
 - Parking in the same place for more than 72 hours; this restriction applies anywhere in San Francisco.
 - Parking in a tow-away or no parking zone; this restriction applies only where the SFMTA has adopted this restriction and posted signs.

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- The SFMTA reduces or waives certain fees for first-time tows, people experiencing homelessness, and qualifying low-income persons. And, the SFMTA provides for certain accommodations where a vehicle appears to be used for housing. (See <https://www.sfmta.com/blog/towing-san-francisco-explained>.) The SFMTA also has a “text before tow” program. Individuals who register for this program can sign up to receive a text message before their vehicle is towed under certain circumstances so they can move the vehicle themselves. More information and how to register can be found here: <https://www.sfmta.com/getting-around/drive-park/towed-vehicles/text-tow-program>.

3. Has the City suspended towing for five or more unpaid and delinquent parking citations?

Yes. Because of the Court of Appeal decision discussed in Question no. 1, the City has suspended towing and booting vehicles for having five or more unpaid and delinquent parking citations unless the City has obtained a warrant.

4. What are the City’s options when RVs have trash and belongings that overflow onto the sidewalk?

The City has a variety of options to collect temporarily unattended belongings under the Department of Public Works’ (DPW) Bag and Tag Policy, and to discard trash and abandoned belongings under DPW’s authority under the Municipal Code. We summarize those options below.

- *Bag and Tag Policy:* DPW staff adheres to the “Bag and Tag Policy” (Public Works Procedure No. 16-05-08 Rev. 03) when removing unattended personal items from public property for temporary storage and retrieval. These procedures apply to DPW staff when they are working on City property, including City sidewalks, and it distinguishes between attended, unattended, and abandoned property and how such property must be handled. Property owners may retrieve property that DPW stores temporarily under the Bag and Tag Policy from the DPW Operations Yard (2323 Cesar Chavez Street) within 90 days or 14 days (if the property is deemed a “bulky item”).
- *Illegal Dumping Ordinance:* Article 26 of the Public Works Code (Illegal Dumping Ordinance) authorizes DPW to abate “Refuse” left in the public right of way, and to impose administrative fines and penalties. The ordinance covers “Prohibited Materials,” which include “Refuse” as well as “Electronic Waste, Hazardous Waste, ... or more than five pounds or more than one cubic foot of any other waste, debris, or material.” Under that ordinance, “Refuse” includes “all waste and discarded materials from dwelling places, households, apartment houses, stores, office buildings, restaurants, hotels, institutions, and all commercial establishments, including waste or discarded food, animal and vegetable matter from all kitchens thereof, waste paper, cans, glass, ashes, and boxes and cutting from trees, lawns, and gardens.”
- *Enforcement of the Illegal Dumping Ordinance:* Public Works Code Section 1604 authorizes the Public Works Director to “require or take any necessary abatement or enforcement action to clean up, remove, or contain any Prohibited Materials or prohibited items dumped on Public Property, including ordering the Responsible

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Party to remove and appropriately dispose of the material or prohibited items. The Director may ask any other City department or necessary state agency for assistance in abating any nuisance under this Article 26.”

- *Public Works Code restriction on dumping garbage:* In addition to the Illegal Dumping Ordinance, Public Works Code Section 174 prohibits dumping garbage and allowing a nuisance that is detrimental to health, including the accumulation of filth, garbage, and waste. DPW may rely on Section 174 to order people to remove garbage but must first provide written notice under the City’s Anti-Blight Enforcement Procedure (Administrative Code Chapter 80) unless the garbage poses an imminent threat.
- *Citations for Health Code violations:* The City also may cite any person under Health Code Section 280 for “depositing, dumping, or causing to dump or deposit upon any street, lot or lands with the City any house refuse, butchers’ offal, garbage, refuse, dirt, ashes, cinder, sludge, broken glass, crockery, tins, bones, rubbish or other like matter or any dead animals or putrid or stinking animal or vegetable matter or fish, flesh and food condemned by the Director of Public Health as unfit for human food.” Health Code Section 287 provides that anyone violating Section 280 is guilty of an infraction or misdemeanor subject to fines or administrative penalties. Police Code Section 39 lists a number of City employees who can carry out enforcement of Section 280, including designated employees in DPH, DPW, the Recreation and Park Department, and the Fire Department.

Enforcement generally: As described above, the City has many options to enforce against and abate garbage. Additionally, separate from the enforcement authority described above for violations of each ordinance, SFPD may issue a misdemeanor citation against any person who violates the trespass or nuisance statute, and also against any person who interferes with a City employee’s discharge of an official duty.

5. What are the City’s options when an RV encampment poses a fire hazard or modifies electrical wiring?

- *General rule:* In general, Fire Code officials may enforce the Fire Code by issuing notices of violation leading to administrative citations or criminal penalties. And Fire Code officials can take steps to immediately abate a condition that is hazardous to life and property.
- *Open flames:* Portable outdoor fireplaces may not be operated within 15 feet of a structure or combustible material. And, open burning, bonfires, recreational fires, and portable outdoor fireplaces must be constantly attended until the fire is extinguished.
- *Damaged fuel containers:* Fire Code officials may abate conditions that are hazardous to life or property, but a damaged fuel container by itself generally would not pose such a threat. The container itself—without ignition or active use—is not a hazard to life or property. But individuals cannot use such damaged containers for cooking, etc.
- *Unauthorized splicing into public or private power supplies:* If damage or incursion to private or public power supplies creates a hazardous condition, then Fire Code officials may immediately abate a fire or electrical shock hazard—including clearing an area of flammable materials if their proximity to damaged equipment presents a

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hazard. Fire Code officials may restrict the use of damaged electrical wiring, devices, or equipment that pose an electrical shock or fire hazard and authorize disconnection of utility service to eliminate an immediate hazard.