

1 [Prohibiting Advertising on San Francisco Bay]
2 APPROVING AND AFFIRMING REGULATION PROHIBITING COMMERCIAL SIGNS ON
3 VESSELS ON SAN FRANCISCO BAY WATERS WITHIN THE JURISDICTION AND
4 CONTROL OF THE SAN FRANCISCO PORT COMMISSION, SUBJECT TO SPECIFIC
5 LIMITATIONS, AS ADOPTED BY THE SAN FRANCISCO PORT COMMISSION BY
6 RESOLUTION 99-42, AND APPROVING AND AFFIRMING THAT A VIOLATION OF THOSE
7 REGULATIONS IS A MISDEMEANOR

8
9 Note: This entire section is new.

10
11 Be it ordained by the People of the City and County of San Francisco:

12
13 Section 1. FINDINGS. The Board of Supervisors hereby finds that:

14 A. The Burton Act (Chapter 1333 of the California Statutes of 1968) and Section
15 B3.581 of the City Charter empower and obligate the Port Commission of the City and County
16 of San Francisco ("the Commission") to use, conduct, operate, maintain, manage, regulate,
17 and control the Port area of San Francisco.

18 B. The Commission is charged with promoting the Port area, including the San
19 Francisco Bay ("the Bay"), for waterborne commerce, navigation and fisheries, and uses that
20 attract the public to use and enjoy the Bay recreationally.

21 C. The Commission is charged with ensuring pedestrian and motorist safety in the Port
22 area, and seeks to limit hazards to pedestrians and motorists brought about by visual and
23 other distractions on the Bay in the Port area.

24 D. The Commission has found that, except as specified in Commission Resolution 99-
25 42, billboards and other offsite commercial signs on vessels on the Bay in the Port area cause

1 visual blight, are distracting, create significant safety hazards to pedestrians and motorists,
2 and reduce the value of the Bay as a pre-eminent public attraction, because billboards and
3 other offsite commercial signs tend to be frequently changed, are specifically and primarily
4 intended to attract the public's attention, are not part of a traditional working port, and do not
5 enhance the natural beauty or scenery of the Bay.

6 E. The Commission has found that onsite commercial signs on vessels on the Bay in
7 the Port area, including signs identifying commercial shipping, industrial harbor watercraft,
8 and tourist, passenger, and fishing vessels, or their services, goods, or commodities, are
9 much less distracting, cause much less visual blight, and create significantly fewer safety
10 hazards to pedestrians and motorists than do billboards and other offsite commercial signs,
11 because onsite commercial signs are not changed frequently, often are used primarily for
12 identification rather than to attract the public's attention, and are part of a traditional working
13 port.

14 F. The Commission has found that vessels engaged in commercial shipping, industrial
15 harbor watercraft, and tourist, passenger, and fishing vessels promote waterborne commerce
16 and fishing.

17 G. The Commission has found that, except as specified in Commission Resolution 99-
18 42, it is in the public interest to regulate the display of billboards and other offsite commercial
19 signs on vessels on the Bay in the Port area, but it is not necessary to regulate the display of
20 onsite commercial signs on such vessels.

21 H. The Commission has found that recreational and competitive sailing on sailboats on
22 the Bay in the Port area enhance the public's recreational use and enjoyment of the Bay, and
23 promote activity critical to the economic vitality of the Port area.

24 I. The Commission has found that offsite commercial signs displayed on the hulls or
25 sails of sailboats on the Bay in the Port area, including signs relating to commercial

1 sponsorship, do not cause visual blight or create significant safety hazards to pedestrians and
2 motorists, because sailboats that display offsite commercial signs on their hulls or sails tend to
3 do so only incidentally, remain aesthetically pleasing and thus enhance the Bay's natural
4 beauty and scenery, and promote the Bay's recreational uses.

5 J. The Commission has found that it is not necessary to regulate the display of offsite
6 commercial signs on the hulls or sails of sailboats on the Bay in the Port area.

7 K. The Commission has found that it is not necessary to regulate the display of
8 noncommercial signs on vessels on the Bay in the Port area, because noncommercial signs
9 have not caused visual blight, safety hazards, or a reduction in the value of the Bay as a pre-
10 eminent public attraction.

11 L. The Commission has stated that by adopting Resolution 99-42, it does not intend to
12 and is not regulating shipping or other activities on the Bay in the Port area to the extent that
13 State or Federal laws or regulations, including the Shipping Act of 1984 (46 U.S.C. §§ 1701,
14 *et seq.*), preempt such regulation.

15 M. Pursuant to the authority granted by the Burton Act, the City Charter, and this
16 Board by Ordinance 40-69, and as herein affirmed, the Commission adopted Resolution 99-
17 42 amending Article 13, Section 100 of the San Francisco Port Commission regulations
18 entitled "Harbor Traffic Code" to read as follows:

19 Article 13. Offsite Signs on Vessels Prohibited

20 Section 100.

21 (a) **Purpose.** The purpose and intent of this Section is to regulate the display of
22 billboards and other offsite commercial signs on vessels on the Bay in the Port
23 area in order to protect and enhance the aesthetic value, natural beauty and
24 scenery of the Bay, reduce visual blight, reduce safety hazards to pedestrians
25 and motorists, protect and enhance the value of the Bay as a pre-eminent public

1 attraction, and promote recreational uses on the Bay.

2 (b) **Prohibition.** No offsite sign may be displayed on the outside of any vessel
3 on any waters within the jurisdiction of the Commission.

4 (c) **Limitations.**

5 (i) *Onsite Signs.* The prohibition in this Section shall not apply to any
6 onsite sign displayed on the outside of any vessel on any waters within the
7 jurisdiction of the Commission.

8 (ii) *Sailboats.* The prohibition in this Section shall not apply to any sign
9 displayed on the hull or sails of a sailboat, provided that the sails are
10 designed, and are being used, primarily for the propulsion of the sailboat.

11 (d) **Definitions.**

12 (i) *Onsite Sign.* The term "onsite sign" means (1) a sign which
13 identifies or advertises a business, good, commodity, service, industry, or
14 other activity which is sold, offered, or conducted, other than incidentally,
15 on the vessel upon which the sign is displayed; or (2) a sign which
16 identifies or advertises a good or commodity that is being transported on a
17 vessel or identifies or advertises a container in which a good or commodity
18 is being transported on a vessel, where the sign is displayed on the good,
19 commodity or container.

20 (ii) *Offsite Sign.* The term "offsite sign" means a sign which identifies
21 or advertises a business, good, commodity, service, industry, or other
22 activity which is sold, offered, or conducted off the vessel upon which the
23 sign is displayed, and/or which is sold, offered, or conducted on such
24 vessel only incidentally, if at all.

25 (iii) *Sailboat.* Any watercraft designed to be and capable of being

1 propelled solely by wind power.

2 (iv) *Sign*. Any structure, part thereof, or device or inscription which is
3 displayed on any vessel and which includes any numeral, letter, word,
4 model, banner, emblem, insignia, symbol, device, light, trademark, or
5 other representation used as, or in the nature of, an announcement,
6 advertisement, attention arrester, direction, warning, or designation by or
7 of any person, firm, group, organization, place, good, commodity, product,
8 service, business, profession, enterprise, or industry.

9 (v) *Vessel*. Any watercraft of any kind, including, but not limited to,
10 motorized, towed, or sailing watercraft such as ships, boats, tugboats,
11 barges, and sailboats.

12 (e) **Substitution Clause**. Any sign that is authorized by this Section, whether or
13 not the sign actually has been displayed, may be replaced by a noncommercial
14 sign.

15 (f) **Conflict With Other Laws**. The prohibition in this Section shall not apply
16 where its application would be preempted by State or Federal laws or
17 regulations, including the Shipping Act of 1984 (46 U.S.C. §§ 1701, *et seq.*).

18 (g) **Severability**. If any provision, subdivision, paragraph, phrase, or clause of
19 this Section or the application thereof is for any reason held to be invalid or
20 unconstitutional by a court of competent jurisdiction, such decision shall not
21 affect the validity or effectiveness of the remaining portions of this Section. The
22 Commission declares that it would have passed each provision, subdivision,
23 paragraph, phrase, or clause of this Section irrespective of the fact that any
24 portion of this Section could be declared unconstitutional, invalid or ineffective.

25 N. This Board recognizes and approves of Article 6, Section 59 of the Harbor Traffic

1 Code making a violation of that Code, including Article 13, Section 100 thereof, a
2 misdemeanor.

3 O. This Board affirms the findings of the Commission and further finds that the
4 regulations set forth in Article 13, Section 100 of the Harbor Traffic Code are necessary to
5 promote public safety, health, welfare, convenience, and enjoyment of public travel, to protect
6 the public investment in the San Francisco waterfront and preserve the scenic beauty of the
7 Bay as observed from the waterfront.

8 P. This Board acknowledges that this regulation is not intended to and does not
9 regulate shipping and other activities on the Bay in the Port area to the extent that State or
10 Federal laws or regulations, including the Shipping Act of 1984 (46 U.S.C. §§ 1701, *et seq.*),
11 preempt such regulation.

12
13 Section 2. The Board of Supervisors does hereby approve and affirm the action of the
14 Commission in adopting Resolution 99-42, amending Article 13, Section 100 of the Harbor
15 Traffic Code as set forth above, and recognizes the Commission's authority to adopt
16 regulations with respect to the land and water within its jurisdiction and control as generally
17 set forth in the Harbor Traffic Code, pursuant to authority granted to the Commission by the
18 Burton Act, the City Charter, and this Board pursuant to Ordinance 40-69.

19
20 Section 3. The Board of Supervisors does hereby approve and affirm Article 6, Section
21 59 of the Harbor Traffic Code providing that "[a]ny person violating any of the provisions of
22 this Code shall be guilty of a misdemeanor," recognizing that a violation of Article 13, Section
23 100 of the Harbor Traffic Code is a misdemeanor.

24
25 Section 4. SEVERABILITY. If any provision, subdivision, paragraph, phrase, or clause

1 of this Ordinance or the application thereof is for any reason held to be invalid or
2 unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity
3 or effectiveness of the remaining portions of this Ordinance. The Board of Supervisors
4 declares that it would have passed each provision, subdivision, paragraph, phrase, or clause
5 of this Ordinance irrespective of the fact that any portion of this Ordinance could be declared
6 unconstitutional, invalid or ineffective.

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APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: 
NOREEN AMBROSE
Deputy City Attorney



City and County of San Francisco

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

Tails

Ordinance

File Number: 991164

Date Passed:

Ordinance approving and affirming regulation prohibiting commercial signs on vessels on San Francisco Bay waters within the jurisdiction and control of the San Francisco Port Commission, subject to specific limitations, as adopted by the San Francisco Port Commission by Resolution 99-42, and approving and affirming that a violation of those regulations is a misdemeanor.

June 28, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

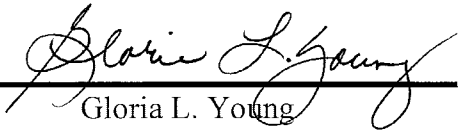
July 6, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Bierman

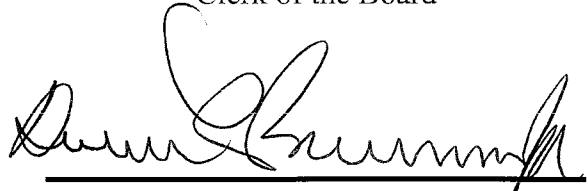
File No. 991164

I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 6, 1999 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

JUL 16 1999

Date Approved


Mayor Willie L. Brown Jr.