

FILE NO. _____

1 [PORT CODE]

2 ADOPTING THE PORT CODE, ARTICLES 1 THROUGH 10, SETTING FORTH REASONABLE
3 TIME, PLACE AND MANNER RESTRICTIONS ON ACTIVITIES WITHIN AREAS UNDER THE
4 JURISDICTION OF THE PORT OF SAN FRANCISCO.

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

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

8 A. Charter Section B3.581 empowers the Port Commission with the power and duty to use,
9 conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

10 B. The Port Commission is charged with promoting the Port area for waterborne commerce,
11 navigation and fisheries, and uses that attract the public to use and enjoy the Bay recreationally; and

12 C. The Port Commission is charged with ensuring the safety of the public using the publicly
13 accessible Port areas and in furtherance thereof, may impose certain reasonable time, place and manner
14 restrictions on activities within the public areas; and

15 D. In furtherance thereof, the Port Commission, by Resolution No. 96-21, adopted a Port Code
16 setting forth certain reasonable time, place and manner restrictions governing conduct within public
17 access areas of Port property; and

18 E. The Port Commission has also adopted Resolution No. 00-28, amending the Port Code; and

19 F. The Port Commission has requested that the Port Code be adopted by the Board of
20 Supervisors in order to authorize enforcement of the Port Code pursuant to the City's police powers;
21 and

22 G. This Board affirms the findings of the Port Commission and further finds that the
23 regulations set forth in the Port Code are necessary to promote public safety, health, welfare,
24 convenience and enjoyment of the public in using and enjoying the Bay and the waterfront
25 recreationally, and to protect the public investment in the San Francisco waterfront;

Supervisor Yaki

PORT OF SAN FRANCISCO
BOARD OF SUPERVISORS

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1 Section 2. The Board of Supervisors does hereby approve and affirm the action of the Port
2 Commission in adopting Resolution No. 96-21 and Resolution No. 00-28, and hereby adopts and
3 approves the following Port Code:

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5 **SAN FRANCISCO PORT COMMISSION**
6 **PORT CODE**

7 **PREAMBLE**

8 **Under the Burton Act and Charter Section B3.581, the San Francisco Port Commission**
9 **has the complete and exclusive authority to manage, regulate and control the harbor of San**
10 **Francisco and to do all things it deems necessary in connection with the use, conduct, operation,**
11 **management, maintenance, regulation, improvement and control of Port property. The Port has**
12 **important interests in regulating activities on public access areas of Port property to protect**
13 **visitors from safety hazards, prevent damage to the property and facilitate special event**
14 **coordination. As a result, the Port has determined that there is a need to impose reasonable time,**
15 **place and manner restrictions upon activities of the general public on the Port's public access**
16 **areas. In keeping with its duties of administering the public trust, this Code is not intended to**
17 **restrict the rights of the public to enjoy the waters of San Francisco Bay to the full extent those**
18 **rights are granted under the public trust doctrine.**

19 **Article 1. Definitions.**

- 20 Sec. 1 "Park" Defined.
21 Sec. 2 "Commission" Defined.
22 Sec. 3 "Executive Director" Defined.
23 Sec. 4 "Person" Defined.
24 Sec. 5 "Sign" Defined.
25 Sec. 6 "Vehicle" Defined.
26 Sec. 7 "Park Patrol" Defined.

27 Sec. 1. 1. **Park Defined.** When used in this code, the word "park" shall mean and
28 include those certain grounds, public access areas, promenades, plazas, roadways, avenues, squares,
29 recreation facilities, and other property identified in Appendix A attached hereto, any other areas that
30 are or become publicly-dedicated public access areas and such other areas of land or water that are

1 designated to be subject to this code by a resolution of the San Francisco Port Commission and which
2 are under the jurisdiction of the San Francisco Port Commission. Any park abutting the waters of San
3 Francisco Bay shall not be deemed to include the waters of San Francisco Bay except that the term
4 “park” shall also include those areas of waters within the Port Commission’s jurisdiction that are
5 specifically designated by the Port Commission by resolution to be subject to this code. The Port
6 Commission shall keep on file a graphic representation of such “Parks” which shall be updated as
7 needed to represent the “Parks” subject to this Port Code.

8 Sec. 1. 2. **“Commission” Defined.** When used in this Code, the word “Commission”
9 refers to the San Francisco Port Commission of the City and County of San Francisco.

10 Sec. 1. 3. **“Executive Director” Defined.** When used in this Code, the words “Executive
11 Director” refer to the Executive Director appointed by the Commission pursuant to Charter Section
12 B3.581 or to a person designated by the Executive Director to act on his or her behalf.

13 Sec. 1. 4. **“Person” Defined.** The word “person” when used in this Code shall mean and
14 include any person, association, partnership, firm or corporation.

15 Sec. 1. 5. **“Sign” Defined.** The word “sign” when used in this Code shall mean any literal,
16 pictorial or symbolic representation, including, but not limited to, a written, printed, photocopied or
17 painted message on any paper, cardboard, wood, metal, cloth, or other flat surface.

18 Sec. 1. 6. **“Vehicle” Defined.** When used in this Code, the word “vehicle” shall mean any
19 device, in, upon, or by which a person or property is or may be propelled, moved or drawn upon a
20 highway, excepting a device moved by human power or used exclusively upon stationary rails or
21 tracks, and shall include, but not be limited to, the following: automobile, truck, motorcycle, motor-
22 driven cycle, animal-drawn carriage, buckboard, cart, and minibike or bicycle when operated under
23 engine power.
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2 Sec. 1. 7. **“Park Patrol” Defined.** When used in this Code, the words “Park Patrol” refer
3 to persons hired as employees or contractors of the Commission or City and County of San Francisco to
4 patrol the areas under the jurisdiction of the Commission.

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7 **Article 2. Regulations**

- 8 Sec. 2.1 Rules of Port Commission to Be Obeyed.
9 Sec. 2.2 Signs to Be Obeyed.
10 Sec. 2.3 Public May Be Excluded.
11 Sec. 2.4 Athletic Activities Prohibited in Certain Areas.
12 Sec. 2.5 Restrictions on Posting of Signs.
13 Sec. 2.6 Personal Services.
14 Sec. 2.7 Airplanes, Helicopters, Hot Air Balloons, Etc., Prohibited.
15 Sec. 2.8 Peddling and Vending Merchandise or Printed Material.
16 Sec. 2.9 Camping Prohibited.
17 Sec. 2.10 Sleeping Prohibited During Certain Hours.
18 Sec. 2.11 Performance of Labor.
19 Sec. 2.12 Building Materials.
20 Sec. 2.13 Ground to Be Restored to Condition.
21 Sec. 2.14 Warning Signals at Danger Points.

22 Sec. 2.1. **Rules of Port Commission to Be Obeyed.** From time to time, the Port
23 Commission (or the Redevelopment Agency Commission pursuant to Article 7 hereof) may adopt and
24 post rules and regulations implementing the provisions of this Port Code. No person shall willfully
25 disobey or violate any of the rules or regulations of the Commission or the Redevelopment Agency
governing the use and enjoyment by the public of any park or of any building, structure, equipment,
apparatus or appliance in any park, which rules or regulations, at the time, are posted in some
conspicuous place in that area of the park or in or near the building, structure, equipment, apparatus or
appliance to which the rule or regulation applies.

1 Sec. 2.2. **Signs to Be Obeyed.** No person shall willfully disobey the notices, prohibitions
2 or directions on any sign posted by the Commission.

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4 Sec. 2.3 **Public May be Excluded.** In case of an emergency, or when in the judgment of
5 the Commission or the Executive Director the public interest demands it, any portion of any park or
6 park building therein may be closed to the public until such park area or building is reopened to the
7 public by the Commission or the Executive Director: provided, however, that nothing in this Section
8 shall authorize the Executive Director to close any portion of any park building because of activities,
9 existing or anticipated, engaged in for the purpose of expressing ideas or causes, which activities are
10 protected by the First Amendment to the United States Constitution.

11 Sec. 2.4 **Athletic Activities Prohibited in Certain Areas.** Where a sign is posted, no
12 person shall participate in any athletic activity, including, but not limited to running, jogging,
13 volleyball, baseball, soccer, football, roller skating, bicycle riding, skateboarding, or frisbee. The
14 prohibition contained in this Section applies to running or jogging only when the person running or
15 jogging does not remain on pedestrian paths.

16 Sec. 2.5 **Restrictions on Posting of Signs.**

17 (A) No person shall post or affix to any tree, shrub, plant, fence, building, monument, wall,
18 post, vehicle or other physical object in any park any written or printed material, including, but not
19 limited to, signs, notices, handbills, circulars and pamphlets.

20 (B) Notwithstanding Section 2.5, signs may be posted in the following circumstances:

21 (1) Any person who has scheduled an event in any park pursuant to a permit from the
22 Executive Director may erect or post signs on the day that the event is scheduled to occur giving
23 directions to such event, provided that such person receive prior approval from the Commission.

24 (2) Any person leasing the park from the Commission may post signs on or about the
25 premises leased informing the public of the event scheduled to occur, provided that the locations
selected for such posting have been designated by the Executive Director as appropriate for such use,

1 which designated location or locations for such facility shall be applicable to all lessees of such facility,
2 and provided further, that such signs not be posted earlier than one week before the event is scheduled
3 to occur nor later than one week after the event is over.

4 (3) Persons and organizations maintaining and operating recreational facilities on park
5 property on a daily basis may post signs which identify the facilities which provide information
6 pertaining to recreational activities, or which inform the public of events sponsored by such persons
7 and organizations or of regulations governing such facilities, provided (A) that such signs are posted
8 only on the facilities so operated and maintained, whether inside or outside and (B) that if they are
9 posted outside, the organization receive prior written approval from the Executive Director.

10 (4) The Commission or its designee may post signs in any park or in any facility in any
11 park governing the public use of park property or informing the public of events sponsored by the
12 Commission.

13 (C) When a person or organization is required to obtain the prior written approval of the
14 Executive Director in order to post a sign in a park, the Executive Director may withhold such approval
15 only if it finds that the location of such sign or signs would harm public or private property, or
16 inconvenience or endanger the public, or unduly cover or block park facilities.

17 (D) No sign which is posted pursuant to this Section shall be affixed to any tree, shrub or plant.

18 Sec. 2.6. **Personal Services.** No person shall use any of the facilities or areas of any park
19 for the purpose of providing tennis, golf, sailing, boating, baseball, jogging, horseback riding or other
20 athletic instruction for compensation without first having obtained a permit, concession, license or lease
21 from the Executive Director.

22 Sec. 2.7 **Airplanes, Helicopters, Hot Air Balloons, Etc., Prohibited.** No person shall
23 launch nor land any airplane, helicopter, parachute, hang glider, hot air balloon, nor any other machine
24 or apparatus of aviation in any park, nor shall any person bring into any park any balloon with a
25 diameter of more than six feet or a gas capacity of more than 115 cubic feet, without written permission
of the Executive Director.

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2 Sec. 2.8 **Peddling and Vending Merchandise or Printed Material.** No person shall
3 bring, or cause to be brought, for the purposes of sale or barter, or have for sale, or sell or exchange, or
4 offer for sale or exchange any food, beverage, goods, wares, or merchandise in any park without first
5 having obtained a permit, concession, license or lease from the Executive Director.

6 Sec. 2.9 **Camping Prohibited.** No person shall construct or maintain any building,
7 structure, tent or any other thing in any park that may be used for housing accommodations or camping,
8 except by written permission from the Executive Director.

9 Sec. 2.10 **Sleeping Prohibited During Certain Hours.** No person shall remain in any
10 park for the purpose of sleeping between the hours of 10:00 p.m. and 6:00 a.m., except that special
11 permission may be granted by the Executive Director to persons providing security services between
12 said hours in any park or for other unusual events.

13 Sec. 2.11 **Performance of Labor.** No person, other than duly authorized personnel, shall
14 perform any labor, on or upon any park, including, but not limited to, taking up or replacing soil, turf,
15 ground, pavement, structure, tree, shrub, plant, grass, flower and the like, without written permission of
16 the Executive Director.

17 Sec. 2.12 **Building Materials.** No person shall place, pile, deposit or leave any building
18 material in any park without first having obtained all necessary permits, included but not limited to
19 building permits from the Executive Director.

20 Sec. 2.13 **Ground to Be Restored to Condition.** Where work has been done in any park
21 pursuant to a permit, the permittee shall repair, reconstruct, and put the ground in as good condition in
22 all respects when the work shall have been completed or terminated or such permit shall have expired,
23 as said ground was in when said permit was granted or said work commenced; the condition of the
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1 ground, site or place in the park where the work has been done pursuant to any permit shall be made
 2 satisfactory to the Executive Director, and on the completion of said work the permittee shall forthwith
 3 remove all buildings, structures, machinery or equipment used in connection with said work from the
 4 park.

5 Sec. 2.14 **Warning Signals at Danger Points.** Every person who does any act in any
 6 park, whether the act is done by that person or by an agent or at the person's direction, and whether the
 7 person is acting as principal, contractor, or employer, and by that act makes the park or any portion of it
 8 dangerous must erect and, so long as the danger continues, maintain around the portion of the park so
 9 made dangerous a good and substantial barrier, and shall maintain at appropriate places along such
 10 barrier, during every night, from sunset until daylight, flashing lights, flares or some other suitable light
 11 sufficient to give warning of said danger.

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 14 **Article 3. Disorderly Conduct**

- 15 Sec. 3.1 Disorderly Conduct.
 16 Sec. 3.2 Swimming Restrictions.
 17 Sec. 3.3 Polluting Waters Prohibited.
 18 Sec. 3.4 Littering and Dumping of Waste Matter Prohibited.
 19 Sec. 3.5 Malicious Destruction of Property.
 20 Sec. 3.6 Removal of Trees, Wood, Etc.
 21 Sec. 3.7 Penalties for Violation of Section 119.
 22 Sec. 3.8 Interference with Port Commission and Park Employees.
 23 Sec. 3.9 Alcoholic Beverages.
 24 Sec. 3.10 Persons Intoxicated by Alcohol or Drugs May Be Excluded.
 25 Sec. 3.11 Persons May Be Excluded Under Certain Circumstances.
 Sec. 3.12 Refusal to Obey Lawful Order.
 Sec. 3.13 Fighting, Disturbing Peace, Offensive Words.
 Sec. 3.14 Intoxication by Alcohol or Drugs.
 Sec. 3.15 Minors, Parents and Guardians Of.

1 Sec. 3.1. **Disorderly Conduct.** No person shall, in any park, without written permission
2 of the Executive Director:

3 (A) Throw or propel objects of a potentially dangerous nature, including, but not limited to,
4 stones, bottles, glass, cans or crockery;

5 (B) Fire or carry firearms of any size or description, or possess any instrument, appliance or
6 substance designed, made or adopted for use primarily as a weapon, including, but not limited to, air
7 rifles, slingshots, clubs, swords, razors, billies, explosives, dirk knives, bowie knives or similar knives,
8 except that this subsection shall not apply to a police or other peace officer;

9 (C) Fire or carry any firecracker, rocket, torpedo or other fireworks of any description (this
10 subsection shall not be deemed to contradict any provisions contained in Chapter VIII (Police Code) of
11 the San Francisco Municipal Code);

12 (D) Carry or use a model airplane which is powered by liquid fuel or designed to be used with
13 such fuel;

14 (E) Make, kindle, maintain or in any way use a fire except at places provided, designated and
15 maintained by the Commission for such use;

16 (F) Climb or lie upon any tree, shrub, monument, wall, fence, shelter, fountain, statute, building,
17 construction or structure;

18 (G) Emit, eject, or cause to be deposited any excreta of the human body, except in proper
19 receptacles designated for such purposes;

20 (H) Expose his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region
21 or any portion of the female breast at or below the areola thereof, except that this section shall not
22 apply to children under the age of five years;

23 (I) Enter a restroom or toilet set apart for use of the opposite sex, except children under the age
24 of five years accompanied by a parent or guardian and duly authorized personnel for the purpose of
25 inspection, maintenance or repair;

 (J) Gain or attempt admittance to facilities in any park where a charge is made, without paying
that charge;

1 (K) Play any percussion instrument, including drums, at any time or location prohibited by
2 resolution of the Commission when a sign has been posted in the area affected to give notice of this
3 prohibition; provided that such resolution does not unreasonably curtail the playing of such instruments
4 in any area of the city.

5 Sec. 3.2 **Swimming Restrictions.** No person shall enter, wade or swim in the waters of
6 any lake, pond, pool, tank, fountain or reservoir in any park except where permitted by regulation or
7 special written permission of the Executive Director. This restriction does not prohibit persons from
8 entering, wading or swimming in the waters of San Francisco Bay except in areas where a sign is
9 posted prohibiting such entering, wading or swimming. Without limiting the foregoing, no persons
10 shall enter the waters of San Francisco Bay from the public access areas located on or adjacent to the
11 Pacific Bell Park (the ballpark) for the purposes of wading or swimming except by special written
12 permission by the Executive Director.

13 Sec. 3.3 **Polluting Waters Prohibited.** No person shall throw or place, or cause to be
14 thrown or placed, any garbage, trash, refuse, paper, container, or nauseous or offensive matter into any
15 pool, pond, tank, or fountain in any park, or into the waters of San Francisco Bay.

16 In addition, attention is called to the fact that state law prohibits the littering or dumping of
17 waste into lakes and other bodies of water.

18 Sec. 3.4 **Littering and Dumping of Waste Matter Prohibited.** Attention is called to the
19 fact that state law prohibits the littering or dumping of waste matter in any public park. In addition,
20 attention is called to City and County of San Francisco Health Code Section 1150, prohibiting the
21 release or dumping of hazardous waste on public property.

22 Sec. 3.5 **Malicious Destruction of Property.** Attention is called to the fact that state law
23 prohibits the malicious defacement, damage or destruction of real or personal property.
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1 Sec. 3.6 Removal of Trees, Wood, Etc. No person shall remove or take away any tree,
2 wood, bush, turf, shrub, flower, plant, grass, soil, rock, or anything of like kind from any park without
3 written permission of the Executive Director.

4 Sec. 3.7 Penalties for Violation of Section 3.6.

5 (A) Any person convicted of a violation of Section 3.6 of this Code shall be punished by a
6 mandatory fine of not less than \$50 nor more than \$500 upon a first conviction, by a mandatory fine of
7 not less than \$100 nor more than \$500 upon a second conviction and by a mandatory fine of not less
8 than \$150 nor more than \$500 upon a third or subsequent conviction.

9 (B) The court shall, in addition, impose a civil penalty or an amount necessary to reimburse the
10 Commission for the value of the tree, wood, bush, turf, shrub, flower, plant, grass, soil, compost, rock,
11 water or other material removed as well as any labor expended to replant or otherwise restore the area
12 affected. Any revenue collected as a civil penalty pursuant to this Section shall be credited to the
13 Commission.

14 Sec. 3.8 Interference with Port Commission Employees. No person shall, with malice,
15 interfere with or in any manner hinder any employee of the Commission or a duly authorized contractor
16 while that person is engaged in constructing, repairing, or caring for any portion of the park or is
17 otherwise engaged in the discharge of such employee's duties.

18 Sec. 3.9 Alcoholic Beverages. No person shall consume alcoholic beverages of any kind
19 within any park, or in any of the parks or portions of parks, except that the Executive Director or the
20 Port Commission may grant permission to consume alcohol in the parks and portions of parks where
21 such activity is prohibited if the Port Commission or the Executive Director determines that the
22 consumption of alcohol will not interfere with the public's use and enjoyment of the park.

23 Sec. 3.10 Persons Intoxicated by Alcohol or Drugs May Be Excluded. Members of the
24 San Francisco Police Department and Port Commission employees, including members of a Park
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1 Patrol, are authorized to order persons to stay out of, or to leave, any park, or any facility, building or
2 structure therein, when such officers or employees have reasonable cause to conclude that the person so
3 ordered is under the influence of intoxicating liquor, any drug, or any "controlled substance" as that
4 term is defined and described in the California Health and Safety Code, or any combination of any
5 intoxicating liquor, drug, or controlled substance, and is in such a condition that he or she is unable to
6 exercise care for his or her own safety or the safety of others or interferes with or obstructs or prevents
7 the free use of park property.

8 Sec. 3.11 **Persons May Be Excluded Under Certain Circumstances.** Members of the
9 San Francisco Police Department and Commission employees, including members of a Park Patrol, are
10 authorized to order any person to stay out of or to leave any park, or any facility, building or structure
11 therein, when such officers or employees have reasonable cause to conclude that the person:

12 (A) Is consuming alcoholic beverages in violation of Sections 3.9 or 3.10 of this Code, the
13 City's Police Code, or any other local, state or federal law or regulation; or

14 (B) Is using any drug or controlled substance, as defined above, or any combination of any
15 intoxicating liquor, drug, or controlled substance; or

16 (C) Is doing any act injurious to any park or any building, structure or facility therein; or

17 (D) While using any athletic facility or area, disobeys any rule or regulation governing such
18 area or facility after being warned not to do so by a Commission or Park Employee, including members
19 of a Park Patrol, when the employee has reasonable cause to conclude that such behavior damages or
20 risks damage to park property or interferes with the use and enjoyment of such area or facility by other
21 persons; or

22 (E) Behaves in so noisy, boisterous or rowdy a manner as to disturb spectators or participants at
23 an athletic event.

24 Sec. 3.12 **Refusal to Obey Lawful Order.** It shall be unlawful for any person to refuse to
25 obey the lawful order of a police officer or an employee of the Commission made pursuant to Section
3.11 of this Code.

1 Sec. 3.13 **Fighting, Disturbing Peace, Offensive Words.** Attention is called to the fact
2 that state law prohibits unlawful fighting in public places, the malicious and willful disturbance of
3 others by loud and unreasonable noise, and the use of offensive words in a public place which are
4 inherently likely to provoke an immediate violent reaction.

5 Sec. 3.14 **Intoxication By Alcohol or Drugs.** Attention is called to the fact that state law
6 provides that any person in a public place who is under the influence of intoxicating liquor, drugs, or
7 certain specified substances and endangers himself or others or interferes with the free use of a public
8 way is guilty of disorderly conduct.

9 Sec. 3.15 **Minors, Parents and Guardians Of.** No parent, guardian or custodian of a
10 minor shall permit or allow such minor to do any act or thing in any park prohibited by the provisions
11 of this Code.
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15 **Article 4. Animals**

- 16 Sec. 4.1 Dogs, Cats Only Allowed.
17 Sec. 4.2 Animals Prohibited from Certain Areas.
18 Sec. 4.3 Cats Must Be on Leash or in Transport Box.
19 Sec. 4.4 Vicious Animals Prohibited.
20 Sec. 4.5 Abandonment of Animals Prohibited.
 Sec. 4.6 Feeding Animals Prohibited.
 Sec. 4.7 Disturbing Animals, Birds, Fish Prohibited; Exceptions.

21 Sec. 4.1 **Dogs, Cats Only Allowed.** No person shall lead, drive, conduct or otherwise
22 bring or allow to remain in any park any animal, bird, fish or reptile other than dogs and domestic cats.
23 This Section shall not apply to persons acting pursuant to a permit from the Executive Director when
24 the permit allows the presence of such animal, bird, fish or reptile. This Section shall not prohibit any
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1 person from transporting fish or shellfish legally caught in San Francisco Bay from the shoreline of any
2 park across such park.

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4 Sec. 4.2 **Animals Prohibited From Certain Areas.** No person, other than members of
5 the Police Mounted Detail when on duty, shall, in any park, allow any animal in his or her custody to
6 enter any building, or any playground, sandbox or other area reserved for children, or to enter or drink
7 the water of any drinking fountain, lake or pond located in any park, not including San Francisco Bay,
8 except at places designated and maintained for such purpose. Notwithstanding the above provision, a
9 blind person may enter these areas with a guide dog.

10 Sec. 4.3 **Cats Must Be on Leash or In Transport Box.** No person shall carry, lead,
11 conduct or otherwise bring or allow to remain in any park a domestic cat unless the animal is on a leash
12 not exceeding six feet in length or in an animal transport box equipped with vent holes capable of
13 providing the animal with sufficient air.

14 Sec. 4.4 **Vicious Animals Prohibited.** No person shall keep or permit to remain in any
15 park a noisy, vicious, or dangerous animal or an animal which unduly disturbs other persons or other
16 animals in the park.

17 Sec. 4.5 **Abandonment of Animals Prohibited.** No person shall abandon any animals in
18 any park.

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20 Sec. 4.6 **Feeding Animals Prohibited.** It shall be unlawful for any person to feed or
21 offer to any animal in any park any substance which would be likely to be harmful to it.

22 Sec. 4.7 **Disturbing Animals, Birds, Fish Prohibited; Exceptions.** Except as provided
23 in Article 7, Chapter VIII (Police Code) of the San Francisco Municipal Code, it shall be unlawful for
24 any person, including City and County of San Francisco, its officers, employees or agents, to hunt,
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1 chase, shoot, trap, discharge or throw missiles at, molest, disturb, capture, injure, or destroy any animal
2 in any park, or to permit any animal in such person's custody or control to do so; provided, however,
3 that any mole or any gopher, mouse, rat or other rodent which is determined by said Executive Director
4 to be a nuisance may be destroyed by said Executive Director or a designated representative; and
5 provided, further, that any animal other than a mole or a gopher, mouse, rat or other rodent which is
6 determined by said Executive Director to be a nuisance or a hazard to persons using said areas or to be
7 a hazard to plants or other horticulture, may, in a humane manner, be live trapped by said Executive
8 Director and delivered to the Animal Control Officer for disposition pursuant to the provisions of
9 Sections 41.7 through 41.9, inclusive, of Article 1, Chapter V (Health Code) of the San Francisco
10 Municipal Code. This Section shall not restrict in any way the rights of the public to fish in San
11 Francisco Bay.

12 **Article 5. Traffic Regulations**

- 14 Sec. 5.1 Operation and Parking of Vehicles.
- 15 Sec. 5.2 Towing of Vehicles.
- 16 Sec. 5.3 Commercial Vehicles Prohibited.
- 17 Sec. 5.4 Parking of Sightseeing Buses.
- 18 Sec. 5.5 Transportation of Residential or Commercial Garbage.
- 19 Sec. 5.6 Soliciting Passengers for Vehicles Prohibited.
- 20 Sec. 5.7 Penalties.
- 21 Sec. 5.8 Exceptions.

22 Sec. 5.1 **Operation and Parking of Vehicles.**

23 (A) No person shall drive or propel any vehicle within any park except upon the paved roads,
24 driveways, and highways provided or unpaved roads designated by sign or signal for use by such
25 vehicular traffic;

(B) All persons operating vehicles must drive or propel them in a careful manner, at a lawful
rate of speed, and in accordance with the rules and regulations of the Commission, San Francisco

1 Traffic Code, Port of San Francisco Harbor Traffic Code and California Vehicle Code, as such rules are
2 amended from time to time;

3 (C) No person shall drive or propel any vehicle on any planted area or on any access road or
4 unpaved service road or fire trail in any park;

5 (D) No person shall park any vehicle on any lawn, or planted area, or unimproved area or on
6 any pedestrian or equestrian lane, or on any access road or unpaved service road or fire trail or in any
7 manner so as to block access to or exit from any pier, service road or access road or fire trail, or in any
8 other place in the park where the rules and regulations of the Commission prohibit vehicular parking,
unless allowed otherwise by permit;

9 (E) No person shall wash, grease, or repair any vehicle in any park except insofar as repairs may
10 be necessary for the immediate removal of any damaged or disabled vehicle from the park;

11 (F) No vehicle shall be parked on any road, place or highway in any park except on the extreme
12 side of said road, place or highway and immediately adjacent to an curb or any planted portion of the
13 park. The Commission shall have full power and authority to set aside suitable space for the parking of
14 any vehicle off any road, place or highway. The extreme right of said road, place or highway shall be
15 deemed to be the right-hand side of any road, place or highway as measured or applied in the direction
16 in which any vehicle is traveling. Nothing in this Section shall be deemed to prohibit parking on the
17 extreme left side of any on-way road or highway, provided such parking is otherwise permitted, which
18 side shall be deemed to be the left-hand side of any road or highway as measured or applied in the
19 direction in which any vehicle is traveling.

20 (G) No person shall park any automobile or any other vehicle, including a horse trailer, whether
21 attended or unattended, in any park, between the hours of 10:00 p.m. and 6:00 a.m. except (1) when
22 attending an event or function authorized by the Commission or Executive Director, and then only
23 when the person parks the vehicle in an area specifically designated for such parking in connection with
24 said event or function; (2) when such parking is necessary because of an emergency, such as a flat tire
25 or other mechanical failure, in which case the vehicle shall not be parked any longer than necessary; or
(3) when a sign is posted or notice is otherwise provided that parking is permitted in a designated area
between 10:00 p.m. and 6:00 a.m., or some portion of those hours.

1 (H) No person shall, in any park, allow any automobile or other vehicle to remain parked in any
2 parking lot which is open for public use and for which a fee is charged for parking, for a period of more
3 than 24 hours after the expiration of the period for which the fee is charged, unless otherwise allowed
4 by permit.

5 (I) No person shall, in any park, allow any automobile or any other vehicle that is disabled to
6 remain parked in any parking lot which is open for public use and for which a fee is charged for
7 parking, unless otherwise allowed by permit.

8 Sec. 5.2 **Towing of Vehicles.** Whenever any member of the San Francisco Police
9 Department, employee or lessee authorized by the Commission finds any vehicle parked in violation of
10 Sections 5.1(D), (E), (F), (G), (I), of this Code, such officer, employee or lessee may provide for the
11 removal of such vehicle, so long as signs have been posted to inform the public that vehicles so parked
12 are subject to removal and, with respect to Section 5.1(H), so long as there is an attendant on duty or
13 other facilities permitting the patron to pay or remit the parking charges at the time the vehicle is first
14 parked.

15 The procedure for removal and impounding of vehicles shall be as is provided for in applicable
16 provisions of the San Francisco Traffic Code and Sections 22850 to 22855 of the California Vehicle
17 Code.

18 Moreover, any vehicle stopped, parked or left standing in such a manner as to violate Sections
19 5.1(D), (E), (F), (G), (I), of this Code is an obstruction to the free use of property and a nuisance within
20 the meaning of Part III of the Civil Code of California relating to nuisances and the abatement thereof.

21 Sec. 5.3 **Commercial Vehicles Prohibited.** No person shall bring or cause to be brought
22 into any park any vehicle designed, used or maintained primarily for the transportation of goods, food,
23 beverage, wares, merchandise, soil, building material or other article or thing of commerce or trade
24 unless such person is bringing such vehicle into a park by written permission of the Executive Director.
25

1 Sec. 5.4 **Parking of Sightseeing Buses.** No person shall park a sightseeing bus in any
2 park unless such person (1) has obtained a permit from the Executive Director and paid any fee which
3 may be required by the Commission for the issuance of such a permit and (2) parks in an area which
4 has been designated by the Commission as a parking area for sightseeing buses, either by the posting of
5 a sign or by written notice kept on file with the Executive Director or the Commission and made
6 available to any interested person upon request.

7 Sec. 5.5 **Transportation of Residential Or Commercial Garbage.** It is unlawful to
8 transport residential or commercial garbage within any vehicle within the confines of any park.
9 “Garbage” shall include, but not be limited to, the following: Dry or wet fill, emptied food containers,
10 metallic machinery parts, auto parts, refuse, offal, vegetables, paper, dirt, remains of food, newspapers,
11 filth or rubbish. This section shall not apply to an authorized scavenger service which is servicing any
12 facility or area in any park.

13 Sec. 5.6 **Soliciting Passengers For Vehicles Prohibited.** No person shall solicit or
14 arrange or contract or make any agreement for or establish or maintain any stand or other equipment for
15 procuring customers or passengers for any carriage, coach, automobile, bus, horse drawn carriage or
16 other vehicle, let or used for hire, in any park without first having obtained a permit to do so from the
17 Commission. Nor shall any person drive or park a taxicab in any park for the purpose of procuring
18 customers unless such person is responding to a call for a taxicab.

19 Sec. 5.7 **Penalties.** A person who violates Section 5.1(C), (D), (E), (F) or (G) of this
20 Code shall be guilty of an infraction and upon conviction thereof shall be punished for the first offense
21 by a fine not to exceed \$50; for the second offense committed within a one-year period by a fine not to
22 exceed \$100; for a third and each additional offense committed within a one-year’s period by a fine not
23 to exceed \$250.

24 This Section shall not be deemed to contradict Section 137 of this Code concerning the towing
25 of vehicles in violation of Section 136 (D), (F) or (G).

1 of the proposed activity in order to establish rules in order to establish rules aimed at preventing
2 inconvenience or harm to the public or the park; (3) to require appropriate insurance in order to relieve
3 the Commission of liability from any harm that occurs; and (4) to insure that recreational facilities most
4 suited for the activity are used.

5 Sec. 6.2 **Definitions.** For the purposes of this Article, the following terms shall be
6 defined as indicated below:

7 (A) **Amusement Park Rides-** Rides of the type normally found in amusement parks or
8 carnivals, such as ferris wheels.

9 (B) **Animal Show-** The formal exhibition of animals to the public or to a group of 25 or more
10 persons for entertainment or competition.

11 (C) **Art Shows-** The exhibition or display of paintings, sculptures or other works of art, but not
12 activities performed by street artists licensed pursuant to Part II, Chapter VIII (Police Code) of the San
13 Francisco Municipal Code.

14 (D) **Band-** A group of musicians playing acoustical instruments normally played in a brass
15 band.

16 (E) **Demonstration-** Carrying or wearing a sign or signs, singing, talking in unison or in any
17 other manner expressing ideas, advocating causes or conveying a message to the public at large or to a
18 particular person or persons.

19 (F) **Exhibition-** Public display of manufactured goods, plants or other objects but not displays
20 by street artists licensed pursuant to Part II, Chapter VIII (Police Code) of the San Francisco Municipal
21 Code.

22 (G) **Leafletting-** Distributing leaflets, handbills, notices or any written material to the public.

23 (H) **Orchestra-** A group of musicians playing string, percussion, brass and wood wind
24 instruments.

25 (I) **Parade-** Any march or other organized movement or person from place to place or about a
place.

 (J) **Petitioning-** Requesting persons to sign a petition.

1 (K) **Publicize-** To inform the public of a planned event by means of newspaper articles or
2 notices, radio or television stories or notices, announcements in public places, leafletting, posting signs
3 or written notices in places viewed by the public, or by other means calculated to notify the public of an
4 event.

5 (L) **Soliciting-** Requesting persons to contribute money or anything else of value for charitable,
6 religious or political cause.

7 Sec. 6.3 **Permits Required.** No person shall, without a permit, perform any of the
8 following acts in any park:

9 (A) Conduct or sponsor a parade involving (1) 50 or more persons; (2) the use of any street in
10 any park; or (3) vehicles.

11 (B) Conduct or sponsor an event in which persons engage in petitioning, leafletting,
12 demonstrating or soliciting when the number of petitioners, leafletters, demonstrators, or solicitors
13 engaging in one or more of these activities involves 50 or more such persons at the same time within an
14 area circumscribed by a 500 foot radius.

15 (C) Sell or offer for sale books, newspapers, periodicals, or other printed material.

16 (D) Conduct or sponsor any exhibit, promotion, dramatic performance, theatrics, pantomime,
17 dance, fair, circus, festival, juggling or other acrobatics or show of any kind or nature which has been
18 publicized four hours or more in advance.

19 (E) Perform any feat of skill or produce any amusement show, movie or entertainment which
20 has been publicized four hours or more in advance.

21 (F) Make a speech which has been publicized four hours or more in advance.

22 (G) Conduct or sponsor a religious event involving 50 or more persons;

23 (H) Conduct or sponsor a concert or musical performance which (1) has been publicized four
24 hours or more in advance, or (2) utilizes sound amplification equipment, or (3) involves a band or
25 orchestra.

(I) Participate in a picnic, dance or other social gathering involving 25 or more persons.

1 (J) Sell or provide food to persons, except that no permit is required when a person participating
2 in a picnic or social gathering of 25 or fewer persons provides food to others who are also participating
3 in the picnic or social gathering.

4 (K) Conduct or sponsor a race or marathon which involves 25 or more persons as participants or
5 which obstructs or interferes with the normal flow of vehicular or pedestrian traffic.

6 (L) Conduct or sponsor any event which utilizes sound amplification equipment, as defined in
7 Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code.

8 (M) Conduct or sponsor an exhibition.

9 (N) Conduct or sponsor an animal show.

10 (O) Conduct a wedding ceremony.

11 (P) Conduct or sponsor an art show.

12 (Q) Operate any amusement park device. The Commission or the Executive Director may
13 prohibit the operation of such devices in any park or, if it allows such operation, may designate those
14 locations where such operation is permitted.

15 (R) Conduct or sponsor an organized kite-flying event of any club or organization.

16 (S) Station or erect any table scaffold, stage, platform, rostrum, tower, stand, bandstand,
17 building, fence, wall, monument, dome or other structure.

18 (T) Park any vehicle in any park in an area not normally used for parking vehicles or in an area
19 normally used for parking vehicles when the vehicle is used in conjunction with an activity for which a
20 permit is obtained pursuant to a provision of this Code other than this subsection.

21 Sec. 6.4 **Additional Activities Requiring Permits.**

22 (A) Attention is called to other provisions of this Code which require persons engaging in
23 certain activities to obtain a permit, including, but not limited to, the following:

24 (1) Launching or landing any airplane, seaplane, helicopter, parachute, hang glider, hot
25 air balloon or other machine or apparatus of aviation, in any park, or bringing into a park any balloon
with a diameter of more than six feet or a gas capacity of more than 115 cubic feet;

1 (2) Bringing, or causing to be brought, for the purposes of sale or barter, or having for
2 sale, or selling or exchanging, or offering for sale or exchange any food, beverage, goods, wares or
3 merchandise;

4 (3) Constructing or maintaining any building, structure, tent or any other thing in any
5 park that may be used for housing accommodations or camping;

6 (4) Remaining in any park for the purpose of sleeping between the hours of 10:00 p.m.
7 and 6:00 a.m. in order to provide security services between said hours in any park.

8 (B) The Commission may by resolution require a permit for additional activities when such a
9 requirement further the purposes set forth in Section 6.1 of this Code.

10 Sec. 6.5 **Permit Procedure.** Procedures for the filing and processing of permit
11 applications, have been approved by Port Commission resolution, which resolution is on file with the
12 Port Commission and shall be made available to the public upon request. The Executive Director is
13 hereby authorized to make any non-substantial amendments to such permit procedures necessary for the
14 efficient administration of the permit process.

15 Sec. 6.6 **Conditions.**

16 (A) The Executive Director or the Commission may impose reasonable conditions on approval
17 of a permit application that are specifically designed to protect public or private property from damage
18 and to preserve the comfort, convenience, safety or welfare of the public. Such conditions may be
19 imposed on a permittee after the permit application has been approved if information has been received
20 by the Executive Director after such approval which would provide reasonable grounds for the
21 conclusion that further conditions are necessary, including the condition that the location of the
22 proposed activity be changed. The provisions of this Section are designed to secure for permit holders
23 an opportunity fully to exercise the rights conferred upon them by the permit without unreasonably
24 interfering with the rights of other members of the public to use park property and adjacent areas or to
25 engage in First Amendment activities. The Executive Director shall in no event impose conditions
pursuant to this Section which are designed to limit the content of First Amendment expression

1 engaged in by persons affected by the permit or which unreasonably interfere with the right of free
2 speech.

3 (B) The conditions which may be imposed on permit applicants include the following: (1)
4 posting a performance bond to insure the property is restored and cleaned at the conclusion of the
5 permitted activity; (2) providing insurance to protect the City from liability from any harm that such
6 activity might cause; and (3) agreeing to reimburse the Commission for any costs incurred by it in
7 restoring damage to property caused by the actions of the permittee, its officers, employees, or agents,
8 or any person who was, or reasonably should have been, under the permittee's control and to defend the
9 City against, and indemnify and hold the City harmless from, any liability to any person resulting from
10 any damage or injury cause by the actions of the permittee, its officers, employees, or agents, or any
11 person who was or reasonably should have been, under the permittee's control.

12 (C) When an applicant for a permit to perform an activity which is protected by the First
13 Amendment to the U.S. Constitution and for which a performance bond must be posted produces
14 evidence that providing a cash performance bond would be impossible or so financially burdensome
15 that it would preclude the applicant from using park property for the proposed activity, the Executive
16 Director shall accept property in lieu of a cash performance bond so long as the property offered is of a
17 type which will reasonably insure restoration and cleaning of the property to be used by the applicant at
18 the conclusion of the permitted activity.

19 (D) No applicant shall be required to comply with the provisions of Subsection (B)(2)
20 pertaining to insurance if the activity proposed is protected by the First Amendment of the U.S.
21 Amendment of the U.S. Constitution and the applicant produces evidence that complying with those
22 provisions is impossible or so financially burdensome that it would preclude the applicant from using
23 park property for the proposed activity.

24 Sec. 6.7 **Permits-Basis For Denial.** The Executive Director shall approve a permit
25 application unless:

1 (A) A written application for a permit to use the same location at the same time has been
2 received and such application has been or will be approved authorizing an activity which does not
3 reasonably permit multiple occupancy of the area;

4 (B) The proposed activity would conflict with a previously planned program sponsored by the
5 Commission and scheduled for the same location as that requested by the applicant;

6 (C) The Executive Director has reasonable cause to conclude, based upon the inherent nature of
7 the activity, that the applicant or any person or persons participating in the proposed activity will, in
8 connection with that activity, cause physical injury to persons or substantial damage to property;
9 provided, however, that in determining whether such reasonable cause exists the Executive Director
shall not consider the content of expression which is proposed or anticipated;

10 (D) The proposed activity is inconsistent with the purpose for which the facility or area has been
11 established or designated;

12 (E) The location selected is inappropriate because (1) the nature of the proposed activity or the
13 number of persons expected in connection with the activity would be likely to damage trees, plants or
14 other vegetation; (2) the activity would unduly disturb adjacent neighborhoods because of the nature of
15 the proposed activity or the number of persons expected to be involved; or (3) other activities have been
16 scheduled in an area or areas near the location proposed by the applicant, or they normally occur in
17 such area or areas, and permitting the proposed activity to occur in the proposed location would
18 unreasonably interfere with park use and enjoyment by participants in such activities;

19 (F) The applicant fails to obtain necessary approvals, permits, or licenses from other
20 governmental departments or agencies;

21 (G) The applicant has not complied with the procedural requirements established by
22 Commission resolution for the filing of permit applications;

23 (H) The applicant fails or refuses to pay a processing fee or a user fee, or both, which the
24 Commission has established by resolution;

25 (I) The applicant fails or refuses to post a performance bond when required to do so by the
Commission;

1 (J) The applicant fails or refuses to provide insurance when required to do so by the
2 Commission;

3 (K) The applicant fails or refuses to execute an agreement to reimburse the Commission for any
4 cost incurred by it in restoring damage to the property occasioned by, or arising out of, the permitted
5 activity, and to defend the City against and indemnify and hold the City harmless from, any liability to
6 any person occasioned by, or arising out of, the permitted activity, when such an agreement is required
7 by the Commission;

8 (L) The application contains misrepresentations of material fact;

9 (M) The proposed activity is prohibited by law;

10 (N) The applicant refuses to comply with conditions reasonably imposed on approval of the
11 permit application by the Executive Director or the Commission in order to insure that public or private
12 property is not damaged and that the comfort, convenience, safety and welfare of the public are not
13 disturbed;

14 (O) The proposed activity is required to be put out for bid under the Port's policies regarding
15 competitive bidding.

16 Whenever a permit application is denied, the Executive Director shall inform the applicant of
17 the reason for the denial and when a change in location would allow approval, shall offer alternative
18 suitable locations.

19 Sec. 6.8 **Petitioning, Leafletting, Picketing, Soliciting.**

20 (A) No permit may be required to engage in petitioning, leafletting, demonstrating or soliciting
21 so long as engaging in any of these activities, or any combination of these activities, does not involve
22 50 or more petitioners, leafletters, demonstrators, or solicitors at the same time within an area
23 circumscribed by a 500-foot radius.

24 (B) It shall be unlawful for any person to engage in petitioning, leafletting, demonstrating or
25 soliciting in such a manner as to substantially obstruct any traffic of pedestrians or vehicles after being
warned by a peace officer or a member of the Park Patrol not to do so.

1 (C) Where the park is a frequent site for the issuance of permits involving large groups of
2 people for events requiring exclusivity, in order to prevent interference with the progress and
3 enjoyment of these events, no person may engage in petitioning, leafletting, demonstrating or soliciting
4 in these parks while an event is in progress for which a permit has been issued by the Commission or
5 Executive Director except in those areas designated as public assembly areas. No person shall be
6 considered in violation of the prohibition contained in this subsection until he or she has been informed
7 by a member of the San Francisco Police Department, a member of the Park Patrol, or a member of the
8 Commission who displays proper identification of such employment that the event is being conducted
9 pursuant to a valid permit or until the permit pursuant to which the event is being conducted has been
10 shown to such person.

11 Sec. 6.9 **Reservation of Buildings.** The procedure for reserving the use of any building
12 in any park shall be established by the Commission and shall be kept on file with the Commission and
13 made available to the public upon request.

14 Sec. 6.10 **Sales Prohibited at Art Shows.** When conducting or participating in an art
15 show in any park, no person shall sell or offer for sale any work of art unless the permit authorizing the
16 art show allows such sales.

17 Sec. 6.11 **Commercial Photography, Filming, Recording.** No person shall engage in
18 commercial photography, filming or recording in any park without first having obtained a permit from
19 the Executive Director. Permits for such commercial activities shall be issued by the Executive
20 Director pursuant to the Port's permit authority set forth Charter Section B3.581.

21 Sec. 6.12 **Permits-Athletic Events.** Athletic areas and structures, such as baseball
22 diamonds, soccer pitches, football fields, and swimming pools may be reserved by obtaining a permit
23 from the Commission.
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1 Sec. 6.13 **Permits Requested by Governmental Units.** Any processing or user fee
2 established by the Commission for the use of park property may be waived where the applicant is the
3 United States of America, the State of California or subdivision thereof, an agency or commission of
4 the City and County of San Francisco, or other governmental unit.

5 Sec. 6.14 **Permits-Rights Granted.** Any person possessing a valid permit, which states
6 that an area has been reserved for such person's use, has the exclusive right to use the area or facility
7 specified in the permit for the time specified. It shall be unlawful for any person to refuse to leave an
8 area or facility which has been reserved by a valid permit when asked to do so by the person or party
9 displaying such permit, by a Commission employee, by a police officer, or by a member of the Park
10 Patrol, and no person shall in any manner disturb or interfere with any person or party occupying the
11 area under such a permit, nor with the belongings of such person or party.

12 Sec. 6.15 **Duties of Permittee.** It shall be the duty of every permittee:

13 (A) To obey all laws and the terms and conditions of the permit;

14 (B) To clean the area used after the permitted activity is over and to restore the area and
15 property used to the same condition as existed prior to the activity; and

16 (C) To reimburse the Commission for any expenses incurred by it, including the cost of labor, in
17 cleaning and restoring the park or making repairs to property and equipment, which expenses may be
18 occasioned by the permitted activity.

19 Sec. 6.16 **Permits-Failure to Obtain.** It shall be unlawful for any person to conduct or
20 sponsor any activity which requires a permit without first having obtained the appropriate permit and,
21 when requested to do so by a Commission employee, a member of the Park Patrol, or by a police
22 officer, displaying such permit. Furthermore, it shall be unlawful to participate in such an activity with
23 knowledge that it is being conducted without a permit when a permit is required pursuant to this Code.
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1 Sec. 6.17 **Procedure for Billing Costs.** Within 30 days of the exercise of any permit, the
2 Executive Director shall determine and transmit to the permittee a bill for all cost above and beyond
3 normal cleaning cost which are or will be incurred by the Commission in cleaning or restoring any park
4 or making repairs to property and equipment, which costs were occasioned by, or arose out of, the
5 activity engaged in pursuant to the permit. The permittee shall have 30 days from the transmission of
6 such bill in which to pay or request adjustment of the same. Any request for adjustment shall be
7 transmitted in writing to the Executive Director, who shall determine whether an adjustment is proper.
8 The permittee shall pay the bill or adjusted bill promptly upon transmission to the permittee of a
9 statement of the determination of the Executive Director with respect to the adjustment. Any request
for adjustment shall be deemed waived if not timely or if not transmitted in writing.

10 Sec. 6.18 **Violation of Permit Conditions.** Whenever a permittee or those under the
11 control of the permittee violate any condition contained in the permit, a member of the San Francisco
12 Police Department may revoke the permit. It shall be unlawful for any person to continue to engage in
13 an activity for which a permit was required and issued after the permit has been revoked pursuant to
14 this Section, provided, however, that no person shall be in violation of this Section until notice has been
15 given that the permit has been revoked.

16 Sec. 6.19 **Appeal.** The Commission shall by resolution adopt procedures for the appeal of
17 the denial of a permit application to the Commission or, in those instances when a quorum of the
18 Commission cannot be convened in a timely manner, to the Executive Director. The Commission or
19 the Executive Director shall afford the applicant an opportunity for a hearing and may reverse, affirm or
20 modify in any regard the determination of the Executive Director concerning the denial of a permit
21 application. When the Commission affirms the denial of a permit application such a decision shall be
22 based on one or more of the reasons listed in Section 6.7 of this Code. This duty may not be delegated.

1 **Article 7. Redevelopment Agency Authority**

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3 Sec. 7.1 Redevelopment Agency Authority

4 Sec. 7.2 Wheel Equipment Prohibited

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6 Sec. 7.1 **Redevelopment Agency Authority.** Notwithstanding any other provision of
7 this Code, with respect to South Beach Park, Rincon Park, or any Port park located within the Mission
8 Bay North or Mission Bay South Redevelopment Plan areas, to the extent any such park is controlled
9 by the Redevelopment Agency pursuant to the terms of a lease or other agreement between the Port and
10 the Redevelopment Agency (collectively, a “Redevelopment Agency Park”), the governing body of the
11 Redevelopment Agency of the City and County of San Francisco shall have the exclusive authority to
12 adopt rules and regulations rules for such Redevelopment Agency Park pursuant to Section 2.1 of this
13 Code (subject to the prior approval of the Port’s Executive Director), to issue permits for such
14 Redevelopment Agency Park pursuant to Article 6 of this Code, and to exercise all other authority over
15 the Redevelopment Agency Park which would otherwise be exercised by the Port Commission under
16 this Code, including designating persons to perform all other functions for such Redevelopment
17 Agency Park which would be performed by the Port’s Executive Director for any other park under this
18 Code.

19 Sec. 7.2 **Wheeled Equipment Prohibited.** No person, other than employees or agents of
20 the Commission, the Redevelopment Agency, or its respective contractors when on duty, shall bring
21 any wheeled conveyances, including but not limited to trucks, cars and skateboards, into South Beach
22 Park or Rincon Park except when acting pursuant to a permit issued by the Commission or its designee.
23 Notwithstanding the above provisions, persons may bring wheelchairs, stroller and toys appropriate for
24 preschool children, such as wagons and tricycles, into South Beach Park or Rincon Park without a
25 permit. In addition, persons may without a permit (1) ride bicycles over and across areas of the
waterfront promenade that are adjacent to or within South Beach Park or Rincon Park, (2) walk
bicycles through South Beach Park or Rincon Park, or (3) lock bicycles in designated locations.

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Article 8. Severability

Sec. 8.1 Severability

Sec. 8.1 **Severability.** If any of the provisions of this Code, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this code, or the application of such provisions to persons or circumstances other than those to which it is held to be invalid, shall not be affected thereby.

Article 9. Penalties

Section 9.1 Penalties

Sec. 9.1 **Penalties.** Unless otherwise specified in this Code, any person violating any section of this Code shall be deemed guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney; provided, however, that whenever a person has been arrested and incarcerated based solely on the violation or violations of this Code, he or she shall retain the right at the time of arraignment or plea to object to the offense being made an infraction, in which event the complaint shall be amended to charge the misdemeanor and the case shall proceed on the misdemeanor complaint.

1 Upon convictions of a violation charged as an infraction, the person so convicted shall be
2 punished for the first offense by a fine of not less than \$10 nor more than \$50, and for a second and
3 each additional offense by a fine of not less than \$20 nor more than \$100.

4 Upon conviction of a violation charged as a misdemeanor, the person so convicted shall be
5 punished by a fine of not more than \$500 or by imprisonment in the County Jail for a period of not
6 more than six months, or by both such fine and imprisonment.

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9 **Article 10. Police Authority**

10 Sec. 10.1 Police Authority

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12 Sec. 10.1 **Police Authority.** The Commission shall authorize peace officers or employees
13 of the Commission to carry out the provisions of this Code.

1 **Appendix A**

2 **Port Parks**

- 3 **Jefferson Street Sidewalk**
4 **Swimming and Rowing Clubs and Docks**
5 **Hyde Street Pier**
6 **San Francisco Maritime National Historical Park**
7 **Hyde Street Harbor**
8 **Pier 47A Public Access**
9 **Fisherman's Wharf Inner Lagoon Walkway**
10 **Pier 45 East Apron**
11 **Pampanito Submarine at Pier 45**
12 **Pier 43 Public Access Areas**
13 **Pier 41 Public Access Pier**
14 **Pier 39/Underwater World Public Access Improvements**
15 **East Wharf Park**
16 **Pier 23 Public Access Improvements**
17 **Waterfront Restaurant Public Access Improvements**
18 **Pier 7 Public Access and Fishing Pier**
19 **Ferry Boat Santa Rosa Public Access**
20 **Ferry Building Plaza; ferry plaza; ferry terminal, Pier ½**
21 **Seawall Lot 347N**
22 **Herb Caen Way (Embarcadero Promenade)**
23 **Rincon Park**
24 **Jeremiah O'Brien Public Access**
25 **Pier 38 Public Access Improvements**
South Beach Harbor Public Access Pier
South Beach Park
Pacific Bell Park (Giants ballpark) public access areas
China Basin Channel Natural Areas and Mission Creed Harbor Association Improvements
China Basin Park
Agua Vista Park
Warm Water Cove Park
Islais Creek
Seawall Lot 344 Existing Wetlands
Heron's Head Park
India Basin Shoreline Park

1 Section 3. SEVERABILITY. If any provision, subdivision, paragraph, phrase, or clause of this
2 Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a court
3 of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining
4 portions of this Ordinance. The Board of Supervisors declares that it would have passed each
5 provision, subdivision, paragraph, phrase, or clause of this Ordinance irrespective of the fact that any
6 portion of this Ordinance could be declared unconstitutional, invalid or ineffective.
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8 APPROVED AS TO FORM:
9 LOUISE H. RENNE, City Attorney

10
11 By: Neil Sekhri
12 Neil Sekhri
13 Deputy City Attorney
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City and County of San Francisco

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

Tails

Ordinance

File Number: 000634

Date Passed:

Ordinance adopting the Port Code, Articles 1 through 10, setting forth the reasonable time, place and manner restrictions on activities within areas under the jurisdiction of the Port of San Francisco.

May 1, 2000 Board of Supervisors — AMENDED

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

May 1, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

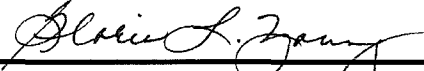
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 8, 2000 Board of Supervisors — FINALLY PASSED

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

File No. 000634

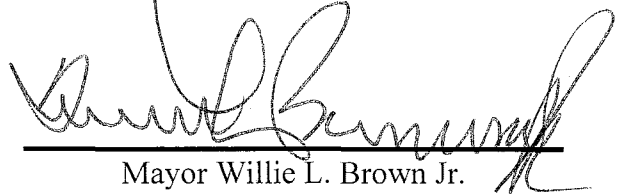
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 8, 2000 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 19 2000

Date Approved



Mayor Willie L. Brown Jr.