

1 [Exempting pushcart peddlers with BART permits at 16<sup>th</sup> and 24<sup>th</sup> Street Stations from Police  
2 permit requirements.]

3 **Ordinance amending Article 17.3 of the Police Code by amending Section 1330 to**  
4 **define BART; adding Section 1330.2 to exempt pushcarts who obtain permits from**  
5 **BART for the 16<sup>th</sup> St. and 24<sup>th</sup> St. BART stations or adjacent plaza from obtaining a**  
6 **police permit; amending Section 1330.5 to require the Health Department Director to**  
7 **make a recommendation to BART within 30 days after the filing of such application**  
8 **with BART; amending Section 1330.14 to require the Health Department Director to**  
9 **forward the Certificate of Sanitation decal number assigned to each pushcart under the**  
10 **jurisdiction of BART to BART; and by renumbering Sections 1330.2 through 1330.6.**

11 Note: Additions are *single-underline italics Times New Roman*;  
12 deletions are *strikethrough italics Times New Roman*.  
13 Board amendment additions are double underlined.  
14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Article 17.3 of The San Francisco Police Code is hereby amended to read  
17 as follows:

18 **Section 1330. DEFINITIONS.**

19 For the purpose of this Article the following words and phrases mean and include:

20 (a) **Pushcart.** Any wagon, cart, or any other food-serving device, whether stationary or  
21 movable, wherein or wherefrom any food or foodstuffs are sold, served, distributed, offered for  
22 sale at retail, or given away to the public, whether consumed at said pushcart or elsewhere,  
23 except that this Article shall not apply to any license provided by Section 869 or Article 17.2 of  
24 this Code.

25 (b) **Pushcart Peddler.** Any person engaged in the business of operating a pushcart  
within the City and County of San Francisco.

1 (c) **Pushcart Employee.** Any person hired or employed to operate a pushcart within  
2 the City and County of San Francisco.

3 (d) **Person.** An individual or natural person.

4 (e) **Chief of Police.** The Chief of Police of the City and County of San Francisco or a  
5 designated representative of the Chief of Police.

6 (f) **Director.** The Director of Health of the City and County of San Francisco or a  
7 designated representative of the Director.

8 (g) **Tax Collector.** The Tax Collector of the City and County of San Francisco.

9 (h) **BART.** San Francisco Bay Area Rapid Transit District.

10 **Section 1330.2. EXCLUSIONS.**

11 A pushcart peddler who applies for and receives a permit from BART for operation of a  
12 pushcart at the 16<sup>th</sup> St. and 24<sup>th</sup> St. BART stations and the street level plazas adjacent thereto  
13 shall not be required to obtain a permit from the Chief of Police, and shall be exempt from the  
14 fee, application and hearing procedures provided for in this Article and Article I as they pertain  
15 to a permit issued by the Chief of Police. The pushcart peddler shall, however, be subject to  
16 the provisions set forth in Sections 1330.5, 1330.6 and 1330.14.

17 When an application for a pushcart peddler permit is filed with BART, BART shall  
18 inform the Director so that the Director may make an investigation into the applicant's  
19 proposed pushcart peddling operation. The Director shall make a recommendation to BART  
20 pursuant to Section 1330.6.

21 **Section 1330.3. ~~1330.2.~~ PUSHCART PEDDLER FILING AND FEE PROVISION.**

22 Every person desiring a pushcart peddler permit pursuant to this Article shall file an  
23 application with the Chief of Police upon a form provided by said Chief of Police and shall pay  
24 a filing fee which shall not be refundable. The permit application fee shall be allocated  
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1 between the Police Department and the Department of Public Health by the Controller  
2 according to the cost incurred by each department in processing this application.

3 No pushcart peddler permit shall be issued except to a person and in no case to any  
4 business, firm, partnership or corporation. A person shall be issued only one pushcart peddler  
5 permit.

6 **Section 1330.4, ~~1330.3~~. PUSH CART PEDDLER APPLICATION FORM.**

7 Except as otherwise provided herein, an application for a pushcart peddler permit  
8 pursuant to the provisions of this Article shall specify:

9 (a) The name, business and residence address of the applicant.

10 (b) A description of the food product or products the applicant intends to sell.

11 (c) The specific location of the peddling activity, including a detailed description of  
12 where the applicant intends to place his or her pushcart. Each permit issued pursuant to this  
13 Article shall be valid for only one specified peddling location.

14 (d) Whether or not the applicant intends to operate a pushcart peddler business under  
15 a fictitious name.

16 (e) All criminal convictions except traffic infractions.

17 (f) Such information pertinent to the operation of the proposed activity not inconsistent  
18 with this Article as the Chief of Police or Director may require of an applicant in addition to the  
19 other requirements of this Section.

20 (g) The address to which notice, when required, is to be sent or mailed, and the name  
21 and address of a person authorized to accept service of process, if not otherwise set forth  
22 herein.

23 (h) Whether the application is for a new permit, or for a change of location or addition of  
24 products of an existing permit.  
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1 (i) Two recent portrait photographs of the applicant at least 2" x 2" shall accompany the  
2 application.

3 (j) Nothing contained herein shall be construed to deny the Chief of Police the right to  
4 take the fingerprints of the applicant.

5 **Section ~~1330.5~~ 1330.4. REGULATING PUSHCART PEDDLER LOCATIONS;**  
6 **EXCEPTIONS.**

7 Every person desiring a permit pursuant to this Article shall conform to the regulations  
8 set forth in Section 869.3, Article 13, of the San Francisco Police Code, provided, however,  
9 that permit holders as of May 17, 1983, shall be exempt from the provisions of Section 869.3  
10 of this Code.

11 **Section ~~1330.6~~ 1330.5. PUSHCART PEDDLER APPLICATIONS — REFERENCE TO**  
12 **DIRECTOR OF HEALTH.**

13 When an application is filed for a new pushcart peddler permit, or for addition of  
14 products or change of location of an existing permit, under this Article, the Director shall make  
15 or cause to be made an investigation into the applicant's proposed pushcart peddling  
16 operation for the purpose of determining that said operation conforms with the provisions of  
17 this Article and to all applicable State and local laws. Upon the conclusion of his investigation,  
18 the Director shall make his recommendation to the Chief of Police or BART within 30 days  
19 after the filing of such application with the Police Department or BART.

20 **Section ~~1330.7~~ 1330.6. NOTICE OF HEARING FOR PUSHCART PEDDLERS.**

21 When an application is filed for a new pushcart peddler permit under this Article, or for  
22 addition of products or change of location of an existing permit, the Chief of Police shall fix a  
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1 time and place for a public hearing. Such hearing shall be scheduled not less than 15, nor  
2 more than 30, days from the date of report by the Director.

3 Not less than 10 days before the date of such hearing, the Chief of Police shall cause  
4 to be published a notice of such hearing in the official newspaper of the City and County of  
5 San Francisco. The cost of publishing said notice shall be borne by the pushcart peddlers  
6 permit applicant. The Chief of Police shall maintain a file of the names and addresses of all  
7 persons wishing to receive notice by mail of any application filed pursuant to this Article. Not  
8 less than 10 days before the date of such hearing, the Chief of Police shall cause to be mailed  
9 notice of such hearing to all persons requesting to be so notified. Such notices published or  
10 mailed pursuant to this Section shall contain the following: the name and business address of  
11 the applicant, the product or products to be sold, the location of the proposed sales activity,  
12 the days and hours of operation, and whether the application is for a new permit or for a  
13 change of an existing permit.

14 **Section 1330.14. PUSHCARTS — DECAL AND DISPLAY.**

15 The Director shall annually issue a Certificate of Sanitation as a decal which shall be  
16 affixed to a permanent holder designed to display such decal. The number assigned to each  
17 pushcart shall be forwarded to the Chief of Police or BART.

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19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By: \_\_\_\_\_  
22 Margaret Baumgartner  
23 Deputy City Attorney

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