

1 [Payment of Fixed Pedestal Permit Fees For Space In Fixed Pedestal Newsracks.]

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3 **Ordinance amending Public Works Code Section 184.12(e) to allow applicants for fixed**
4 **pedestal permit to pay fixed pedestal permit fees within ten business days after the**
5 **Director's allocation of space in a fixed pedestal newsrack.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strikethrough italics Times New Roman*~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. The San Francisco Public Works Code is hereby amended by amending
11 Section 184.12(e) thereof to read as follows:

12 **Sec. 184.12(e) PERMIT REQUIREMENT.**

13 (1) Fixed Pedestal Permit. Permits are necessary to facilitate the regulation and
14 inspection of newsrack boxes for the purposes set forth in this section. Except where this
15 section or the guidelines expressly provide otherwise, no person may place any publication in
16 any newsrack box in a fixed pedestal unit on a public sidewalk, street or public right-of-way in
17 a fixed pedestal zone for the purpose of sale or distribution without having first obtained from
18 the Director a fixed pedestal permit authorizing placement of the publication in that newsrack
19 box.

20 (2) Duty to Obtain Permit. Except where this section or the guidelines expressly
21 provide otherwise, each publication seeking access to a newsrack box or boxes in a fixed
22 pedestal unit or cluster of fixed pedestal units shall apply to the City or a fixed pedestal permit
23 for each newsrack box in each fixed pedestal unit to which the publication seeks access. The
24 permit holder shall be responsible for the payment of all fees or penalties due or imposed
25 under this section with respect to that permit holder's newsrack box(es). Once a permit has

1 been granted pursuant to this section and the requirements of the guidelines, and if the permit
2 has not subsequently been revoked, the permit holder shall not be required to renew or
3 reapply for another fixed pedestal permit for the same newsrack box.

4 (3) Application. Application for a fixed pedestal permit shall be made in writing on a
5 form and in a manner provided by the City and filed with the Director or by other medium
6 approved by the Director. The application package shall inform the applicant of the
7 requirements of this section and the guidelines promulgated under this section.

8 (4) Permit Issuance.

9 (A) The Director shall grant or deny a properly completed and timely
10 application for a fixed pedestal permit from a publication, or from the agent for a publication,
11 accompanied by written authorization from the publication, *along with the required fee*, as
12 specified in the guidelines, within fifteen (15) business days of the Director's receipt of the
13 application. However, if the Director has not completed the application of the space allocation
14 procedures set forth in subsection 184.12(h) and the guidelines, the Director shall have an
15 additional five (5) business days to grant or deny the application.

16 (B) The Director shall issue the fixed pedestal permit unless the Director finds
17 one or more of the following grounds for denial to exist, in which case the Director shall deny
18 the application for a permit. The grounds for denial of an application for a fixed pedestal
19 permit are: (i) the application is incomplete; (ii) the application was not submitted on time; ~~(iii)~~
20 ~~the required fee was not submitted on time;~~ (iii) space in the newsrack box that is the subject of
21 the application is not available after application of the space allocation procedures set forth in
22 subsection 184.12(h) and the guidelines; or (iv) the publication that applied for the permit has
23 failed to pay any outstanding administrative penalties levied against it pursuant to subsection
24 184.12(k)(1)(A). If an application is denied, the Director shall notify the applicant promptly in
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1 writing, explaining the reasons for the denial, and citing the relevant portions of this
2 subsection and the guidelines.

3 (5) Violations. Failure to comply with any requirement of this section, or any
4 requirement of the guidelines authorized by this section, shall constitute a violation of this
5 section. Any such violation may be cause for removal of the offending freestanding newsrack
6 or unauthorized fixed pedestal unit, or disabling of the offending newsrack box pursuant to
7 subsection 184.12(j), and for the imposition of administrative penalties pursuant to subsection
8 184.12(k).

9 (6) Permit Revocation.

10 (A) The Board of Supervisors specifically determines that any fixed pedestal
11 permit issued pursuant to this section confers a non-transferable, revocable privilege upon the
12 permit holder. Where one or more of the grounds for revocation specified in subparagraph (B)
13 exist, the Director shall promptly initiate such revocation in order to ensure that space in the
14 fixed pedestal unit is made available to another publication that will lawfully use it, including
15 publications that did not receive such space during initial implementation in the fixed pedestal
16 zone in which the fixed pedestal unit in question is located. Any such permit may be revoked
17 by the Director fifteen (15) business days after the Director provides written notice to the
18 permit holder that one or more of the grounds for revocation specified in subparagraph (B)
19 exist, if the permit holder does not correct all of the violations on or before the close of the
20 fifteenth (15th) business day. If the permit is revoked, the Director shall notify the permit
21 holder promptly in writing, explaining the reasons or the revocation, and citing the relevant
22 portions of this subsection and the guidelines.

23 (B) The grounds for revocation of a fixed pedestal permit are: (i) the permit
24 holder did not submit the required permit fee, as specified in the guidelines, within ten (10) business
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1 days of the Director's approval of the voluntary space allocation agreement or of the space allocation
2 meeting at which the permit holder was allocated the newsrack box that is the subject of the permit; (ii)
3 the permit holder did not submit the required annual fee on time; (iii) the newsrack box that is
4 the subject of the permit has been vacated pursuant to subsection 184.12(j)(3)(D); (iv) the
5 newsrack box that is the subject of the permit has been abandoned pursuant to subsection
6 184.12(b)(1); or (v) the Director's decision to grant the permit was successfully challenged by
7 a person aggrieved by the determination pursuant to subsection 184.12(m) and the
8 guidelines. In addition, the Board of Supervisors may at any time in its exclusive legislative
9 discretion elect to repeal or amend this section and thereby render null and void any permits
10 issued pursuant this section.

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12 APPROVED AS TO FORM:
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14 By: _____
15 WAYNE SNODGRASS
16 Deputy City Attorney

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