

1 [Amending Administrative, Police, Public Works, Business & Tax and Transportation Codes,
2 to conform to the 11/06/2007 Proposition on Transit Reform, Parking Enforcement and
Emissions Reduction.]

3 **Ordinance amending San Francisco Administrative Code Sections 2A.81, 5.20, 5.130-**
4 **5.132, Chapter 17, and repealing Administrative Code Sections 2A.180 and 10.150-**
5 **10.151; amending San Francisco Police Codes Sections 386, 835-839, 939, 1054, 1076,**
6 **1175-1180, 3057, 3910, adding Police Code Sections 835.1-835.2, 939.1-939.6, 975.1-**
7 **975.5, and repealing Police Code Sections 710.2, 1166, 1170-1171, and Article 16,**
8 **Division IX; amending San Francisco Public Works Code Sections 2.4.3 and 724.4, and**
9 **repealing Section 701; repealing San Francisco Business & Tax Code Sections 1.11-**
10 **1.14 and 129.2-129.5; repealing and re-enacting San Francisco Transportation Code**
11 **Division 1, to conform those sections to the 11/06/2007 Proposition on Transit Reform,**
12 **Parking Regulation, and Emissions Reduction.**

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

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

17 Section 1. The San Francisco Administrative Code is amended by amending Section
18 2A.81 as follows:

19 **SEC. 2A.81. POLICE; TRAFFIC REGULATION.**

20 The traffic function of the Police Department shall be under the jurisdiction of the Chief
21 of Police, who shall have powers and duties relating to street traffic, subject to *all applicable*
22 laws, ~~relating thereto~~ as follows:

23 (a) To regulate all street traffic by means of police officers and the emergency use of
24 temporary signs or devices;

1 (b) To promote traffic safety education and to receive and give prompt attention to
2 complaints in relation to street traffic and to refer all complaints relating to or arising from
3 street design or from traffic devices, or the absence thereof, to the Department of Public
4 Works or the Municipal Transportation Agency, as applicable;

5 (c) To collect and compile traffic accident data, copies of which ~~whereof~~ shall be
6 furnished to the ~~Department of Parking and Traffic;~~ Municipal Transportation Agency; and

7 (d) To cooperate and advise for the best performance of these functions, with the
8 Department of Public Works, the ~~Public Transportation Commission~~ Municipal Transportation
9 Agency, the Fire Department, the Department of City Planning, the Board of Supervisors, ~~the~~
10 Department of Parking and Traffic and other departments and agencies of the City and County
11 and State as may be necessary; ~~and~~

12 (e) To review all proposed plans relating to ~~street traffic control devices which~~ Traffic
13 Control Devices that are received from the ~~Department of Parking and Traffic~~ Municipal
14 Transportation Agency and to make such recommendations to that Agency ~~to that Department~~ as
15 may be deemed necessary for the proper regulation of street traffic ~~within 15 days after receipt~~
16 ~~of said plans from the Department of Parking and Traffic.~~

17 The powers and duties of the Chief of Police with respect to these traffic functions
18 ~~hereinabove stated~~ shall not modify to any extent the powers and duties of any other department
19 or office, but shall be, first for the purpose of assisting the Chief of Police in his or her
20 regulation of traffic, and, second, for the purpose of recommendation only, to other
21 departments or offices upon matters within their jurisdiction, but affecting to any extent the
22 regulation of traffic.

23 Section 2. The San Francisco Administrative Code is amended by repealing Section
24 2A.180, as follows:
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1 **~~SEC. 2A.180. DEPARTMENT OF PARKING AND TRAFFIC--FUNCTIONS AND~~**
2 **~~DUTIES.~~**

3 ~~(a) The Department of Parking and Traffic shall be responsible for the day to day operation of~~
4 ~~the affairs placed under its jurisdiction, including but not limited to the following functions and~~
5 ~~operations:~~

6 ~~(1) Traffic signal maintenance;~~

7 ~~(2) Sign shops;~~

8 ~~(3) Authorization and administration of colored curb marking;~~

9 ~~(4) Enforcement of parking and traffic regulations;~~

10 ~~(5) Establishment, enforcement and administration of residential parking permit zones;~~

11 ~~(6) Meter planning, collection, coin counting and maintenance;~~

12 ~~(7) Off street parking except at airports;~~

13 ~~(8) Parking ticket enforcement, parking control officers, parking offense towing, scofflaw~~
14 ~~programs, the sale of gift certificates for the payment for parking at City garages, the maintenance of~~
15 ~~information on the issuance and disposition of parking citations and maintenance of liaison with the~~
16 ~~municipal court;~~

17 ~~(9) Administration of the Interdepartmental Committee on Traffic and Transportation.~~

18 ~~(b) The Department of Parking and Traffic shall have powers and duties relating to street~~
19 ~~traffic, subject to the laws relating thereto, as follows:~~

20 ~~(1) To cooperate with and assist the Police Department in the promotion of traffic safety~~
21 ~~education;~~

22 ~~(2) To receive, study and give prompt attention to complaints relating to street design or traffic~~
23 ~~devices or the absence thereof;~~

1 ~~(3) To collect, compile, analyze and interpret traffic and parking data and to analyze and~~
2 ~~interpret traffic accident information;~~

3 ~~(4) To engage in traffic research and traffic planning; and~~

4 ~~(5) To cooperate for the best performance of these functions with any department and agency~~
5 ~~of the City and County and State as may be necessary.~~

6 ~~(c) The department shall submit to the Traffic Bureau of the Police Department, for its review~~
7 ~~and recommendation, all proposed plans relating to street traffic control devices; provided, however,~~
8 ~~that the Bureau may waive submission and review of plans and particular devices designated by it.~~
9 ~~Failure of the said Traffic Bureau to submit to the Department its recommendation on any proposed~~
10 ~~plan within 15 days after receipt shall be considered an automatic approval of said Traffic Bureau. The~~
11 ~~Department shall not, with respect to any traffic control devices, implement such plan until the~~
12 ~~recommendation of the Traffic Bureau has been reviewed or until the 15-day period has elapsed.~~

13 Section 3. The San Francisco Administrative Code is amended by amending Section
14 5.20 as follows:

15 **SEC. 5.20. FINDINGS; ESTABLISHMENT AND ORGANIZATION.**

16 (a) The Board of Supervisors finds and declares that it is in the public interest to
17 officially recognize walking as an important component of our transportation system, and as a
18 key component to creating livable and suitable communities. Accordingly, the Board of
19 Supervisors seeks to develop and implement focused policies that encourage pedestrian
20 safety, education, and convenience in transportation and city planning.

21 Over the past fifty years, many American cities, including San Francisco, have seen a
22 dramatic shift away from pedestrian and public transportation toward a reliance on the private
23 automobile for primary transportation. In that same time period, the City has seen a reduction
24 of its public walkways, pedestrian rights-of-way, and valuable inner-city green spaces.

1 In San Francisco, as throughout the world, the quality of urban life is being threatened
2 by encroaching environmental actors. San Franciscans also suffer from increasing poor air
3 quality, elevated noise levels, increased traffic congestion, longer trip times, and diminishing
4 public space. These and other factors have led San Francisco to adopt a Transit-First policy
5 favoring public transportation, bicycles, and pedestrian travel over the use of automobiles.

6 The City's streetscape is similar to many cities and towns in Europe. Narrow streets
7 and interesting destinations combine to make our streets conducive to walking. Encouraging
8 pedestrian presence on our City's streets and sidewalks not only reduces our City's reliance
9 on the automobile, but also helps create communities and neighborhoods that are deemed
10 livable and desirable. Better pedestrian planning and policies will not only serve the
11 approximately 10% of San Franciscans who walk to work on a regular basis, but also all
12 visitors to and residents of San Francisco because each person is a pedestrian at some point
13 in every trip they take.

14 San Francisco has an unusually high rate of pedestrian injuries for a city its size. In the
15 past five years, nearly 5,000 pedestrians have been injured on city streets, and over 130
16 people have been killed. Our seniors, youth, and citizens with disabilities are especially at risk
17 for being injured and/or killed in a motor vehicle collision. Nationally, pedestrians account for
18 only 13% of traffic fatalities and 2.2% of traffic injuries. However, in San Francisco, they
19 account for more than half of the motor-vehicle related deaths and about one-third of the
20 hospitalizations and have outnumbered or equaled car occupants in traffic fatalities in San
21 Francisco in nine of the past ten years.

22 (b) There shall be established a Pedestrian Safety Advisory Committee.

23 -This Advisory Committee, composed of concerned and informed residents, will
24 provide a source of expertise on issues concerning pedestrian safety, convenience,
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1 ambiance, and planning. The Advisory Committee shall consist of 23 ~~twenty-three~~ voting
2 members appointed as set forth below.

3 (1) The Board of Supervisors shall appoint 21 ~~twenty-one~~ members from the following
4 categories:

5 (a) Two ~~(2)~~ representatives from pedestrian safety organizations;

6 (b) Two ~~(2)~~ representatives from senior or disability organizations;

7 (c) One ~~(1)~~ representative from bicycle or other non-motorized wheeled personal
8 transport organizations;

9 (d) One ~~(1)~~ representative from transit or environmental organizations;

10 (e) One ~~(1)~~ representative from child advocate or school support organizations;

11 (f) One ~~(1)~~ representative from a public health organization;

12 (g) Two ~~(2)~~ at-large representatives.

13 (h) Eleven ~~(11)~~ persons appointed by individual members of the Board of Supervisors.

14 Each member of the Board shall appoint a representative who resides in his or her district.

15 (2) The Superintendent of Schools shall appoint two members, one of whom shall be
16 a student and one of whom shall be a parent.

17 (c) In addition to the ~~twenty-three~~ 23 voting members, the following City departments
18 shall select and send a non-voting representative to Advisory Committee meetings: ~~the~~
19 ~~Department of Parking and Traffic~~, the Department of Public Health, the ~~Municipal Railway~~
20 ~~Municipal Transportation Agency~~, the Department of Public Works, the Planning Department,
21 the Police Department, the Recreation and Parks Department, District Attorney's Office, the
22 Mayor's Office on Disability, and any other City departments whose work impacts pedestrians.
23 All City departments, commissions, boards and agencies shall cooperate with the Advisory
24 Committee in conducting its business. The Board of Supervisors also requests that the San
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1 Francisco County Transportation Authority, San Francisco Unified School District, the
2 Redevelopment Agency, and the Golden Gate National Park Service assist in the work of the
3 Advisory Committee.

4 (d) Advisory Committee members shall serve at the pleasure of the appointing
5 authority. In addition, an Advisory Committee member's term shall expire by operation of law
6 upon the issuance by the clerk of the Committee a notification adopted by the Advisory
7 Committee certifying that the member in question has three consecutive unexcused absences
8 from meetings of the Advisory Committee.

9 (e) The term of each Advisory Committee member shall be two years; provided,
10 however, that the member initially appointed shall, by lot, classify their terms so that half of the
11 members will serve a one year term and half will serve a two year term. In the event a
12 vacancy occurs during the term of office of any member, a successor shall be appointed to
13 complete the unexpired term of office vacated.

14 (f) At the initial meeting of the Advisory Committee, and annually thereafter, the
15 members of the Advisory Committee shall select a Chair, and any other officers as deemed
16 necessary by the Advisory Committee.

17 (g) The Advisory Committee shall establish rules for its own organization and
18 procedures and shall meet when necessary as determined by the Advisory Committee. All
19 meetings shall, except as provided by law, be open to the public.

20 (h) The Advisory Committee shall be supported by the *Department of Parking and*
21 *Traffic Municipal Transportation Agency* to the extent that funding and staff resources permit.
22 The Board of Supervisors urges the *Department of Parking and Traffic Municipal Transportation*
23 *Agency* to include in its proposed budget funds sufficient to cover the cost of mailing,
24 reproduction and other activities needed to complete the work of the Advisory Committee. In
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1 addition, an interdepartmental report on pedestrian issues and current projects will be
2 presented to the Advisory Committee on a monthly basis by staff from the *Department of*
3 *Parking and Traffic Municipal Transportation Agency*.

4 ~~(i) Within six months of the appointment of members of the Advisory Committee as newly~~
5 ~~constituted by File No. 070082, the Committee shall report to the Board of Supervisors, in writing, as~~
6 ~~to the number of meetings for which the Advisory Committee has had quorum.~~

7 Section 4. The San Francisco Administrative Code is amended by amending Sections
8 5.130 through 5.132 as follows:

9 **SEC. 5.130. BICYCLE ADVISORY COMMITTEE ESTABLISHED.**

10 (a) There shall be established a Bicycle Advisory Committee (hereinafter "Advisory
11 Committee") of the City and County of San Francisco. This Advisory Committee, composed of
12 concerned and informed residents, will provide the best single source of expertise and
13 perspective for transportation planners. Effective planning is the key to reducing reliance on
14 automobiles, and, in turn, the ultimate solution to the broad environmental crisis we presently
15 face.

16 (b) The Advisory Committee shall consist of 11 voting members appointed by the
17 Board of Supervisors. Each member of the Board of Supervisors shall nominate one person
18 for appointment to the Advisory ~~Committee Commission~~. The Advisory Committee shall provide
19 information to the Board of Supervisors on the diversity of the Advisory Committee with regard
20 to the age, ethnicity, gender, disability and sexual orientation of its members.

21 (c) In addition to the 11 voting members, the following City departments will each
22 provide a non-voting representative to attend Advisory Committee meetings: the Police
23 Department, the Department of Public Works, the *Municipal Railway, Municipal Transportation*
24 *Agency and* the Department of City Planning, ~~and the Bureau of Engineering of the Department of~~
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1 ~~Parking and Traffic~~. The Board of Supervisors also requests that the San Francisco Unified
2 School District and the Golden Gate National Recreation Area each be asked to send a non-
3 voting representative to the Advisory Committee.

4 **SEC. 5.131. ORGANIZATION AND TERMS OF OFFICE.**

5 (a) ~~The term of each member of the Advisory Committee shall be two years or for the tenure of~~
6 ~~the supervisor who nominated the member, whichever is shorter in duration;~~Each member of the
7 Advisory Committee shall serve for a term that ends two years from the date of appointment, for the last
8 day of the term of the supervisor who nominated the member, whichever is sooner, provided:

9 (1) The Board of Supervisors may remove any member of the Advisory Committee for
10 cause at any time; and

11 (2) The Board of Supervisors may remove any member of the Advisory Committee
12 without cause at any time upon request of the supervisor who nominated the member whose
13 removal is sought.

14 (b) At the initial meeting of the Advisory Committee, and yearly thereafter, the
15 Advisory Committee members shall select such officers as deemed necessary by the
16 Advisory Committee.

17 (c) The Advisory Committee shall establish rules and regulations for its own
18 organization and procedures and shall meet when necessary as determined by the Advisory
19 Committee. All meetings shall, except as provided by law, be open to the public.

20 **SEC. 5.132. POWERS AND DUTIES.**

21 The Advisory Committee shall have the power and duty to:

22 (a) Set up subcommittees as necessary;

23 (b) Develop a plan for bicycle-related improvements, including but not limited to
24 bicycle routes, secure parking, and transit interface, and make recommendations to the
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1 ~~Parking and Traffic Department~~ Municipal Transportation Agency, the Transportation Authority,
2 and the Board of Supervisors on related funding from local, State and Federal agencies,
3 including, but not limited to Transportation Development Act funds and Transportation
4 Authority funds;

5 (c) Review the policies and programs related to bicycling in the Transportation
6 Element of the Master Plan of the City and County of San Francisco, and make
7 recommendations on the goals and their implementation to the Planning Commission of the
8 City and County of San Francisco;

9 (d) Develop a plan for outreach to, and education of, the public to promote the safe
10 sharing of public roadways, and submit the plan to the Municipal Transportation Agency and the
11 San Francisco County Transportation Authority.

12 Section 5. The San Francisco Administrative Code is amended by repealing Section
13 10.150 and Section 10.151 as follows:

14 ~~SEC. 10.150. CASH REVOLVING FUNDS--MUNICIPAL RAILWAY MUNICIPAL~~
15 ~~TRANSPORTATION AGENCY: \$100,000.~~

16 ~~SEC. 10.151. CASH REVOLVING FUNDS--DEPARTMENT OF PARKING AND TRAFFIC;~~
17 ~~\$2,000.~~

18 Section 6. The San Francisco Administrative Code is amended by amending Chapter
19 17 as follows:

20 ~~ARTICLE I: PARKING AUTHORITY~~

21 **SEC. 17.1. NEED FOR PARKING AUTHORITY EXPRESSED.**

22 There is a need for a parking authority to function in the City and County under the provisions
23 of the Parking Law of 1949 (codified as California Streets and Highways Code Sections 32500
24 et seq.).

25 **SEC. 17.2. PARKING AUTHORITY CREATED.**

1 A parking authority was created at the time and in the manner prescribed by Section 4 of the
2 Parking Law of 1949. Such parking authority shall be known as the Parking Authority of the
3 City and County of San Francisco and is hereby authorized to transact business and exercise
4 its powers.

5 **~~SEC. 17.3. POWERS OF THE PARKING AUTHORITY.~~**

6 ~~The members of the Parking and Traffic Commission of the City and County of San Francisco~~
7 ~~(hereafter referred to as the "Parking and Traffic Commission" or the "Commission") shall serve ex~~
8 ~~officio as the members of the Parking Authority. Subject to the limitations set forth in this Chapter, the~~
9 ~~Parking and Traffic Commission, when acting as the Parking Authority of the City and County of San~~
10 ~~Francisco, shall have all of the powers conferred upon parking authorities by the Parking Law of 1949.~~

11 **SEC. 17.3 ADMINISTRATIVE SUPPORT.**

12 Pursuant to section 32812 of the California Streets and Highway Code, the departments and agencies
13 of the City and County are authorized by the Board of Supervisors to contract with the Parking
14 Authority to provide the Parking Authority services, equipment, facilities and administrative support to
15 avoid unnecessary duplication of effort or expense on the part of the Parking Authority and City and
16 County. Except for contracts with the Municipal Transportation Agency, such contracts shall provide
17 for the reimbursement to the City of the reasonable value of the services, equipment, facilities or
18 administrative support provided.

19 **~~SEC. 17.5. ANNUAL REPORTS TO BOARD OF SUPERVISORS.~~**

20 ~~The Parking and Traffic Commission shall file with the Board of Supervisors, within 120 days after the~~
21 ~~close of each fiscal year, an annual report for the Department of Parking and Traffic which shall~~
22 ~~include a statement of financial affairs for the Parking Authority audited by independent certified~~
23 ~~public accounts.~~

24 **SEC. 17.6. OFFICERS AND EMPLOYEES GENERALLY.**

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1 The powers of the Parking Authority under California Streets and Highways Code Section
2 32801(c) to select and appoint or remove such permanent and temporary officers, agents,
3 counsel and employees as it may require, and to determine their qualifications, duties and
4 compensation, shall be subject to all limitations, rights and benefits applicable to similar
5 employment by the City and County except that the positions of Director and Assistant
6 Director of the Parking Authority shall be exempt from civil service requirements.

7 ~~**ARTICLE II: ACQUISITION AND OPERATION OF FACILITIES**~~

8 **SEC. 17.7. AUTHORITY TO ACQUIRE AND OPERATE OFF-STREET PARKING**
9 **FACILITIES.**

10 The City and County and the Parking Authority may each acquire by purchase, lease or
11 otherwise land, improvements and other property as necessary and appropriate for use as
12 public off-street parking lots and garages (referred to in this Chapter as "parking facilities")
13 and each may, for such use, lease or enter into management agreements with respect to
14 property owned or controlled by it, in accordance with the provisions of this Article. Any such
15 lease of or management agreement for all or part of any such property may also provide for
16 the performance thereon of services or undertakings for the public incidental or advantageous
17 to such public parking project and which are reasonably necessary in order to utilize such
18 property as a public parking facility for the purpose of regulating, controlling and relieving the
19 congestion of street traffic.

20 **SEC. 17.8. JURISDICTION OVER PARKING FACILITY SITES; ADMINISTRATION OF**
21 **LEASES AND MANAGEMENT AGREEMENTS.**

22 Except as otherwise provided in the Charter, the ~~Parking and Traffic Commission~~ Municipal
23 Transportation Agency Board of Directors shall have jurisdiction and control over all parking
24 facilities open to the public that are owned by the City and County or the Parking Authority;
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1 ~~provided that, regardless of such jurisdiction and control, the Director of Property shall assist in the~~
2 ~~administration of all leases and management agreements with respect to such parking facilities.~~ The
3 parking facilities which are the subject of this Chapter are not public utilities and are not
4 subject to the Public Utilities Commission's jurisdiction or control.

5 **SEC. 17.9. PROCEDURE FOR MAKING RECOMMENDATIONS TO BOARD FOR**
6 **ACQUISITION OF SITES FOR PARKING FACILITIES.**

7 Recommendations for the procurement of sites for public parking facilities or for the leasing or
8 use of City and County property for such purposes shall be made to the Board of Supervisors
9 by the ~~Parking and Traffic Commission~~ Municipal Transportation Agency Board of Directors
10 following a study of the public necessity, convenience and benefit thereof, and the approval of
11 the necessary City departments or commissions. Such studies and recommendations shall be
12 made by the ~~Parking and Traffic Commission~~ Municipal Transportation Agency Board of Directors
13 from time to time, either on its own initiative or by request of the Board; provided, that funds
14 are available therefor. Any such study shall include an investigation and result of community
15 outreach, consideration and conclusion of the necessity for the City and County to accomplish
16 the public purposes of the public parking facility to serve the area of the City and County in
17 which such site is proposed to be located and the City and County as a whole, the cost,
18 financial feasibility, benefit, and other fiscal impacts of the acquisition, traffic and public transit
19 impacts, potential alternatives to the acquisition to meet parking demands, and compatibility with
20 zoning requirements and the City's Transit First policy.

21 **SEC. 17.10. APPROVAL OR REJECTION OF RECOMMENDATIONS BY RESOLUTION**
22 **OF BOARD; CONTENTS OF RESOLUTION OF APPROVAL.**

23 The Board of Supervisors, by resolution, shall approve or reject recommendations as
24 submitted or in amended form and in the event of approval, shall designate the property or
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1 site owned, controlled or to be acquired for the purpose by the City and County, as a site for a
2 public off-street parking facility and shall direct the method of operation, the leasing or
3 acquisition thereof for leasing or other operation to accomplish thereby the public purposes
4 set forth in this Article.

5 **~~SEC. 17.11. LEASES AND MANAGEMENT AGREEMENTS FOR PARKING FACILITIES.~~**

6 ~~(a) Except as provided in subsection (c) below, all leases and management agreements for the use or~~
7 ~~operation of parking facilities by private persons or entities shall be awarded through a competitive bid~~
8 ~~process developed and implemented by the Director of Transportation or his or her designee in~~
9 ~~consultation with the Director of Property; provided, however, a competitive bid process, combined~~
10 ~~with a request for proposal ("Bid/RFP Process") which shall take into consideration qualifications and~~
11 ~~experience, may be utilized when it is determined by the Municipal Transportation Agency's Board of~~
12 ~~Director or Parking Authority that such a process would be in the best interest of the public. In a~~
13 ~~Bid/RFP Process, the cost to the City for the lease of and management agreement for a parking facility~~
14 ~~shall constitute not less than sixty percent (60%) of all points granted in the selection of the successful~~
15 ~~operator. The authority given to the Parking Authority and Municipal Transportation Agency to use the~~
16 ~~Bid/RFP Process shall sunset on June 1, 2007, unless the Board of Supervisors, by ordinance,~~
17 ~~continues this authorization. Prior to such reauthorization by the Board of Supervisors, the Bid/RFP~~
18 ~~Process shall be reviewed by the Parking Authority or Municipal Transportation Agency to determine~~
19 ~~if the utilization of the Bid/RFP Process has been in the best interest of the public, and a report shall be~~
20 ~~submitted to the Board of Supervisors.~~

21 ~~(b) The award of leases and management agreements for parking facilities shall require the approval~~
22 ~~of the Board of Supervisors by resolution. All leases and management agreements submitted to the~~
23 ~~Board of Supervisors for its approval shall be in substantially final form and shall contain provisions~~

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1 *designed to assure that use of the parking facility in question will be in the public interest. Such leases*
2 *and management agreements shall, among other things, set forth the following:*
3 *(1) A covenant that the public shall be entitled, as a matter of right, to use the parking facility, subject*
4 *to established rates and charges;*
5 *(2) A description of the public uses and purposes permissible on or in such parking facility;*
6 *(3) A schedule of the permitted rates and charges;*
7 *(4) A schedule of the minimally required hours and days of operation;*
8 *(5) A description of restrictions, if any, on all day or monthly parking.*
9 *(c) Notwithstanding anything to the contrary elsewhere in this Chapter, when authorized and directed*
10 *by a resolution of the Parking and Traffic Commission, a lease of or management agreement for a*
11 *parking facility or a parking facility site may be awarded, without competitive process, to a nonprofit*
12 *association or corporation, for the purpose of facilitating financing of a facility, on such terms and*
13 *conditions as are approved by the Board of Supervisors by resolution.*

14 **~~SEC. 17.12. PARKING FACILITIES UNDER PUBLIC PARKS.~~**

15 *Pursuant to Section 4.113 of the Charter, the Parking and Traffic Commission shall be responsible for*
16 *leasing or entering into management agreements for the operation of parking facilities situated in*
17 *subsurface space under any public park, square or playground. The establishment and administration*
18 *of such leases or management agreements shall be subject to all provisions of Charter Section 4.113*
19 *and this Chapter.*

20 *The expenses incurred by the Parking and Traffic Commission in managing and operating such*
21 *parking facilities, including but not limited to expenses incurred in establishing and administering the*
22 *leases or management agreements and in making necessary improvements and performing necessary*
23 *maintenance to the parking facilities, shall be paid out of the revenues derived from such leases or*
24 *management agreements. After such expenses are paid, any revenues remaining shall be credited to*

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1 *and any losses debited from the Recreation and Park Department.*

2 **~~SEC. 17.13. MODIFICATION OF LEASES AND MANAGEMENT AGREEMENTS.~~**

3 *All leases of or management agreements for parking facilities shall provide that the lessees or*
4 *operators shall charge the public the rates and charges that are initially fixed or thereafter changed by*
5 *the Board of Supervisors, and shall comply with any other modifications of the lease or operating*
6 *agreement that are required or permitted by this Chapter.*

7 **~~SEC. 17.14. RECOMMENDATIONS OF PARKING AND TRAFFIC COMMISSION.~~**

8 *Periodically, the Parking and Traffic Commission shall conduct a review of the rates and charges*
9 *imposed on the public for the use of parking facilities under the jurisdiction of the Parking and Traffic*
10 *Commission and shall render a written report and recommendations thereon to the Board of*
11 *Supervisors.*

12 *The Board shall review the report and the recommendations and shall by resolution adjust the rates*
13 *and charges and/or make other modifications of the lease or management agreement in order to*
14 *provide an adequate return to the lessee or operator and to protect the public interest.*

15 *The Commission and each lessee or operator, through the Commission, shall have the right at all times*
16 *to apply to the Board for an adjustment of public parking rates and charges or other modifications of*
17 *the lease or operating agreement for a parking facility. Applications by a lessee or operator shall be by*
18 *written petition filed with the Parking and Traffic Commission with copies delivered to the Board of*
19 *Supervisors. The Parking and Traffic Commission shall report thereon to the Board within 30 days of*
20 *such filing or within such further time as may be allowed by motion of the Board. Parking rates and*
21 *charges shall at all times be subject to review and revision by the Board, but only after the Parking and*
22 *Traffic Commission has made a recommendation.*

23 *Notwithstanding the above, the Parking and Traffic Commission shall have the authority to establish*
24 *and implement new public parking rates at parking facilities under the jurisdiction of the Parking and*

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1 ~~Traffic Commission on a 360-day trial basis. Upon termination of the 360-day period, the Commission~~
2 ~~shall either rescind the interim rates or have obtained approval from the Board of Supervisors for an~~
3 ~~adjustment of the rates. When the Commission requests Board approval for an adjustment of rates after~~
4 ~~a trial period, the Commission shall provide a report analyzing the impact on City revenues from the~~
5 ~~parking rates charged during the trial period. The Executive Director of the Department of Parking~~
6 ~~and Traffic shall have the authority to establish public parking rates for special events not to exceed~~
7 ~~fourteen consecutive days.~~

8 ~~Notwithstanding the foregoing or any prior action of the Board of Supervisors, the Parking and Traffic~~
9 ~~Commission may, on account of a special event and in its discretion, adjust rates and charges for~~
10 ~~parking at any public off-street parking facility for which the Board of Supervisors ordinarily fixes~~
11 ~~rates and charges; provided that:~~

12 ~~(a) The rate adjustment is not in breach of any contractual obligations;~~

13 ~~(b) The rate adjustment is only in effect on the day(s) and at the time(s) of the special event;~~

14 ~~(c) When the special event came to the attention of Parking and Traffic staff, there was not sufficient~~
15 ~~time prior to the special event to obtain the rate adjustment from the Board of Supervisors;~~

16 ~~(d) If the primary sponsor or organizer of the special event requested the rate adjustment, then, in the~~
17 ~~opinion of the Parking and Traffic Commission, that sponsor or organizer acted reasonably in bringing~~
18 ~~the request and did not delay in order to avoid seeking such an adjustment from the Board of~~
19 ~~Supervisors;~~

20 ~~(e) If the adjusted rates and charges are higher than the rates and charges as fixed by the Board of~~
21 ~~Supervisors, then:~~

22 ~~(1) In light of anticipated demand for parking on the day(s) and at the time(s) of the special event, the~~
23 ~~Parking and Traffic Commission does not expect that higher rates will result in a significant reduction~~
24 ~~in use of the parking facility, and~~

25

1 ~~(2) The adjusted rates are competitive in light of the rates that are likely to be charged at other~~
2 ~~parking facilities in the area on the day(s) and at the time(s) of the special event; and~~
3 ~~(f) If the adjusted rates and charges are lower than the rates and charges as fixed by the Board of~~
4 ~~Supervisors; then:~~
5 ~~(1) The primary sponsor or organizer of the special event is a not for profit, eleemosynary~~
6 ~~organization or association,~~
7 ~~(2) On the day(s) and at the time(s) of the special event the garage would ordinarily be either closed~~
8 ~~or open but significantly less than full,~~
9 ~~(3) In the opinion of the Parking and Traffic Commission, lower rates are necessary in order to~~
10 ~~encourage the public to attend the special event,~~
11 ~~(4) The adjusted rates are sufficient to cover the cost of operating the garage during the special event,~~
12 ~~and~~
13 ~~(5) The adjusted rates apply only to those users of the garage that present evidence (in a form agreed~~
14 ~~to between the primary sponsor or organizer of the special event and the Parking and Traffic~~
15 ~~Commission) that they are attending the special event.~~

16 **~~SEC. 17.15. METHODS OF ACCOUNTING; INSPECTION OF BOOKS AND RECORDS.~~**

17 ~~Each lessee or operator of a parking facility shall comply with the directions of the Controller with~~
18 ~~respect to the forms and methods of accounting for the financial transactions of such parking facility.~~
19 ~~The Controller and his or her authorized representatives shall have the right and the duty periodically~~
20 ~~to examine and inspect the books and other records of each lessee or operator that relate to the~~
21 ~~operations of such parking facility.~~
22 ~~Each lessee or operator shall maintain on the premises or at such other location as is permitted by the~~
23 ~~Controller all appropriate books and records, which shall be maintained on a current basis. The~~

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1 *Controller shall have the right at all reasonable times to make copies of such books and records.*

2 **~~SEC. 17.16. INSPECTION OF PARKING FACILITIES.~~**

3 *The Director of Property, the Parking and Traffic Commission and the authorized representatives of*
4 *each shall have the right at any time to enter and inspect any parking facility in order to obtain*
5 *information relative to the management and operation of the parking facility, the physical condition of*
6 *the parking facility and the satisfaction of the public interests and public purposes intended to be*
7 *served by the parking facility.*

8 **SEC. 17.17. INAPPLICABILITY OF CHAPTER TO PARKING FACILITIES AT THE**
9 **AIRPORT OR THE PORT.**

10 The provisions of this Chapter shall not apply to parking facilities located or to be located on
11 property at the airport or port.

12 **~~SEC. 17.18. INAPPLICABILITY OF ARTICLE TO FACILITIES ESTABLISHED UNDER~~**
13 **~~PARKING LAW OF 1949.~~**

14 *The Parking and Traffic Commission, when acting as the Parking Authority, is not required to apply*
15 *the provisions of this Article to public off-street parking facilities which have been or may be*
16 *established by the Parking Authority under the provisions of the Parking Law of 1949.*

17 *Notwithstanding the above, nothing herein shall prohibit the Parking and Traffic Commission, when*
18 *acting as the Parking Authority, from deciding by resolution to adhere to any or all of the provisions of*
19 *this Article in connection with public off-street parking facilities which have been or may be established*
20 *under the provisions of the Parking Law of 1949.*

21 **~~SEC. 17.19. AUTHORITY OF PARKING AND TRAFFIC COMMISSION TO EXECUTE~~**
22 **~~AGREEMENTS ESTABLISHING STANDARDS FOR ISSUANCE OF COURTESY COUPONS.~~**

23 *The Parking and Traffic Commission is hereby authorized and directed, with the approval of the City*
24 *Controller, to execute agreements with the Parking Association of California ("the Association") or*
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1 *other organization representing the interests of the disabled in order to establish standards and*
2 *procedures for issuance of Courtesy Coupons to disabled persons to enable them to use parking*
3 *facilities at a reduced charge and to provide for periodic review by the City Controller of the*
4 *organization's books and records pertaining to issuance of such coupons.*

5 Section 7. The San Francisco Police Code is amended by amending Section 386, to
6 read as follows:

7 **SEC. 386. UNLAWFUL TO DIRECT TRAFFIC WITHOUT AUTHORIZATION.**

8 It shall be unlawful for any person other than an officer of the Police Department, a
9 member of the Fire Department, a Parking Control Officer or a other person authorized by law
10 *the provisions of this Article or other applicable laws* to direct or attempt to direct traffic by voice,
11 hand or other signal, *except for the operation of any manually operated traffic control signal device*
12 *erected by the Department of Public Works.*

13 Section 8. The San Francisco Police Code is amended by repealing Section 710.2, as
14 follows:

15 ~~**SEC. 710.2. ON STREET SALES PROHIBITED; EXCEPTION; REMOVAL OF**~~
16 ~~**VEHICLES AUTHORIZED.**~~

17 *It shall be unlawful for any person to park a vehicle on an on-street parking place for the*
18 *purpose of displaying same for sale unless the vehicle is parked within 600 feet of the residence of the*
19 *registered owner of the vehicle. Pursuant to Section 22651.9 of the California Vehicle Code, any*
20 *vehicle parked on any street or highway within the City and County of San Francisco in violation of*
21 *this Section may be removed and impounded in accordance with Article 9 of the San Francisco Traffic*
22 *Code, provided that (a) such vehicle has been issued a notice of parking violation for violation of this*
23 *Section within the past 30 days, (b) such previous notice of parking violation was accompanied by a*
24 *warning that an additional violation may result in the removal and impoundment of the vehicle, (c) a*
25

1 ~~subsequent notice of parking violation was issued at least 24 hours prior to the removal of the vehicle,~~
2 ~~and (d) any other conditions to the removal of the vehicle set forth in Section 22651.9 of the California~~
3 ~~Vehicle Code have been satisfied.~~

4 Section 9. Article 12 of the Police Code shall be amended to read as follows:

5 Division I

6 STORAGE, REPAIR AND DISMANTLING OF
7 MOTOR VEHICLES AND MOTOR VEHICLE PARTS

8 **SEC. 795. REQUIRING REPAIRERS AND STORERS OF DAMAGED**
9 **AUTOMOBILES AND PUBLIC GARAGES TO KEEP RECORDS THEREOF.**

10 Every person, firm or corporation engaged within the City and County of San Francisco
11 in the business of repairing ~~automobiles~~ motor vehicles, or of wrecking motor vehicles, and every
12 person, firm or corporation conducting a public garage and every person, firm, corporation
13 engaged in the storage of ~~automobiles~~ motor vehicles shall keep a full and complete record of the
14 receipt for repair or storage of every damaged, partly demolished or injured ~~automobile~~ motor
15 vehicle, or of the wrecking of a motor vehicle, which shall at all times be open to the inspection of
16 the Chief of Police ~~or any officer detailed by him,~~ Such record shall contain the name and
17 address of the person, firm or corporation from whom such automobile was received,
18 purchased or taken in exchange or for storage or to whom sold, and the ~~name and~~ make, model,
19 state of registration, license plate number, VIN number, ~~motor numbers,~~ style and seating capacity
20 ~~thereof,~~ a full and complete description of the damages, demolition or injury and the cause and
21 date thereof and the name and address of the owner thereof as ascertained from the person,
22 firm or corporation from whom such ~~automobile~~ motor vehicle was received. A business that
23 engages in the wrecking or dismantling of motor vehicles, in addition to the records required above,
24 shall also keep a record of manufacturer's number, generator number, starter number,
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1 carburetor number, magneto number, storage battery number, radiator number and
2 speedometer number or any other serial number, or any other mark of identification *whatsoever*
3 for such vehicle, and shall deliver such record to the Chief of Police within 24 hours after the
4 receipt of a motor vehicle. All records required by this section ~~Said record~~ shall be written in the
5 English language in a clear and legible manner.

6 **SEC. 800. REQUIRING PRIVATE GARAGES ON SIDEWALK LINES TO HAVE**
7 **SUITABLE DOORS AND LOCKS.**

8 All private automobile garages having entrances at the sidewalk line shall have well
9 constructed doors and suitable locks.

10 **SEC. 801. DOORS TO BE LATCHED--EXCEPTION.**

11 The doors of all private automobile garages as described in Section 800 of this Article
12 shall be kept closed and securely latched, except when occupied by some person authorized
13 to be in said garage or when said doors are opened to permit the entrance or exit of an
14 automobile.

15 ~~**SEC. 806. REQUIRING OWNERS OF PRIVATE GARAGES TO REPORT MOTOR**~~
16 ~~**VEHICLES STORED THEREIN.**~~

17 ~~*Every person, firm or corporation having the ownership, charge or custody of any building or*~~
18 ~~*premises used for the purpose of a private garage shall, whenever said garage or premises are used or*~~
19 ~~*occupied for the storage of any automobile, motor vehicle, motorcycle or automobile accessories of any*~~
20 ~~*kind or description, not his own, within 24 hours report such fact in writing to the Chief of Police of the*~~
21 ~~*City and County of San Francisco together with the names and addresses of the person, firm or*~~
22 ~~*corporation so using the same.*~~

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1 **SEC. 812.1. REQUIRING KEEPERS OF GARAGES, LOTS AND TRAILER PARKS**
2 **TO REPORT MOTOR VEHICLES STORED THEREIN WHEN OWNERSHIP OF VEHICLE IS**
3 **UNKNOWN.**

4 Whenever any vehicle of a type required to be registered under the California Vehicle
5 Code has been stored or parked in a garage, or lot or trailer park, for 10 days, and the
6 ownership of said vehicle is unknown to the keeper thereof, said keeper shall thereupon
7 report the presence of said vehicle in writing to the Chief of Police *of the City and County of San*
8 *Francisco* within 48 hours.

9 ~~**SEC. 817. REQUIRING WRECKERS OF MOTOR VEHICLES TO KEEP RECORDS.**~~

10 ~~*Every person, firm or corporation engaged in the business of wrecking automobiles, motor*~~
11 ~~*vehicles or motorcycles shall keep a record of the wrecking of such articles which shall at all times be*~~
12 ~~*open to the inspection of the Chief of Police or any officer detailed by him and shall within 24 hours*~~
13 ~~*after the receipt of such automobiles, motor vehicles or motorcycles make out and deliver to the Chief*~~
14 ~~*of Police a full and complete record of the description of such automobile, motor vehicle or motorcycle,*~~
15 ~~*such description to show the name of the person from whom purchased, or received, the make, state*~~
16 ~~*license number, motor number, body number, manufacturer's number, generator number, starter*~~
17 ~~*number, carburetor number, magneto number, storage battery number, radiator number and*~~
18 ~~*speedometer number or any other serial number, or any other mark of identification whatsoever, style*~~
19 ~~*and seating capacity of such automobile, motor vehicle, or motorcycle. Said report shall be written in*~~
20 ~~*the English language in a clear and legible manner on blanks furnished by the Chief of Police.*~~

21 **SEC. 822. PURCHASE, SALE, POSSESSION OF MOTOR VEHICLE TIRES**
22 **WITHOUT IDENTIFICATION MARKS PROHIBITED.**

23 Any person, firm or corporation who buys, sells, receives, disposes of, conceals, or
24 knowingly has in his possession any automobile tire or casing, motor vehicle tire or casing,
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1 motorcycle tire or casing from which identification marks have been obliterated or removed,
2 defaced or changed, covered or destroyed, either in whole or in part, *for the purpose of*
3 *depriving the owner thereof of his property right therein*, shall be guilty of a misdemeanor.

4 **SEC. 825. DUTIES OF PERSON IN CHARGE OF GARAGE OR PARKING LOT.**

5 Whenever any owner or operator of any motor vehicle offers the same for storage,
6 temporary or permanent, in any public garage or parking lot in the City and County of San
7 Francisco it shall be the duty of the owner or proprietor of said garage or parking lot to care for
8 said motor vehicle in said garage or parking lot. If the garage or parking lot is incapable of
9 receiving or storing any additional motor vehicles and if that fact is known to the owner or
10 proprietor of said garage or parking lot, it shall be the duty of said owner or proprietor to
11 advise the owner or operator of said motor vehicle that the garage or parking lot cannot
12 receive, care for, or store said motor vehicle. If, with the consent of the owner or operator of
13 said motor vehicle, the owner or proprietor of said garage or parking lot accepts the storage or
14 parking of the motor vehicle, it shall be the duty of said owner or proprietor to store or park the
15 motor vehicle in the nearest garage or parking lot in which storage space is available unless
16 otherwise directed by the owner or operator of said motor vehicle. It shall be the duty of the
17 owner or proprietor of said garage or parking lot at which said motor vehicle is offered for
18 storage or parking, when called upon to so do, to return said motor vehicle to the owner or
19 operator thereof who offered the same for storage or parking at the garage or parking lot
20 where the same was offered for storage or parking. It shall be unlawful for the owner or
21 proprietor of any garage or parking lot at which any motor vehicle is offered for storage or
22 parking to park, or permit the same to be parked, on any public street, square, alley or other
23 public place; provided, however, that nothing in this Article shall prevent the owner or

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1 proprietor of any garage or parking lot from storing said motor vehicle in any other garage or
2 parking lot owned by him or her or under his or her control.

3 **SEC. 825.1. REQUIRING PRIVATE PARKING LOTS TO PROVIDE ADEQUATE**
4 **LIGHTING OR A SECURITY GUARD.**

5 It shall be the duty of every owner or proprietor of a private parking lot in the City and
6 County of San Francisco providing parking facilities to the general public for a fee to provide
7 either lighting to one candle foot power adequate to illuminate the entire lot or a security guard
8 between the hours of dusk and 2:30 a.m. *Each owner or proprietor shall have two years from the*
9 *effective date of this ordinance, or until their lease is renewed, whichever comes first, to comply with*
10 *the requirements of this Section.*

11 **SEC. 826. CONDITIONS FOR ACCEPTANCE FOR STORAGE OR PARKING.**

12 No owner or proprietor of any garage or parking lot shall accept the storage or parking
13 of any motor vehicle in any garage or parking lot unless the motor vehicle is offered for
14 storage or parking by the owner or operator thereof, except when the motor vehicle is offered
15 for storage or care through any hotel at which the owner or operator of said motor vehicle is,
16 or is about to become, a bona fide guest or the motor vehicle is offered for storage or parking
17 by any authorized employee of the holder of a fixed location valet parking permit or special
18 event valet parking permit as provided for in this Article. No permit holder shall act as a
19 solicitor for the storage or parking of motor vehicles except with the written authorization of the
20 owner or proprietor of the garage or parking lot in which said motor vehicle is to be stored or
21 parked. Said written authorization shall be maintained throughout the life of the permit.

22 **SEC. 831. EXCEPTION AS TO DISABLED MOTOR VEHICLE.**

23 Nothing in Sections 825 to 832, inclusive, of this Article shall apply to the parking or
24 storage, or to the soliciting of the parking or storage, of disabled motor vehicles.

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1 **SEC. 832. NOTICE OF CHARGES TO BE POSTED. RECEIPT FOR VEHICLE.**

2 The owner or proprietor of any garage or parking lot shall at all times keep posted in a
3 conspicuous place in said garage or on said parking lot a list of the charges to be made for
4 the storage or parking of any motor vehicle, and said owner or proprietor shall not charge any
5 higher price, rate or fee for the storing or parking of any motor vehicle than the price so listed.
6 Every solicitor for the storage or parking of any motor vehicle shall, on request of the owner or
7 operator thereof, give to said owner or operator of said motor vehicle accepted for storage or
8 parking, a receipt for said motor vehicle accepted for storage or parking, which said receipt
9 shall show the name and location of the garage or parking lot in which said motor vehicle is to
10 be stored or parked.

11 **Division II**

12 **PARKING AND TRAFFIC VIOLATIONS**

13 **SEC. 835.1. TRAFFIC CODE SECTION NUMBERING.**

14 Citations for violations of Article 12, *Division II* may be issued by citing either the former
15 Traffic Code section number applicable to the violation that appears in parenthesis at the end of each
16 section or subsection below, or the current Police Code section number, or the applicable Vehicle Code
17 section number, without affecting the validity of the citation.

18 **SEC. 835.2. VIOLATIONS.**

19 The following actions are prohibited, and each and every violation of the prohibitions listed in
20 this Section 835.2 shall be a misdemeanor; provided however, that upon sentencing, the charge may be
21 reduced to an infraction in discretion of the Court, or the citation issued may be issued for the violation
22 as an infraction in the discretion of the issuing officer:

23 (a) **Unauthorized Curb Painting.** To paint any curb without the prior written authorization
24 of the Municipal Transportation Agency. (38.I)
25

1 **(b) Attempt to Cancel a Citation.** *To cancel, attempt to cancel or solicit the cancellation of*
2 *any citation issued pursuant to the San Francisco Transportation Code or the Vehicle Code, in any*
3 *manner other than as authorized by law. (157)*

4 **(c) Authorizing Use or Display of Parking Permit.** *For a person holding a valid Parking*
5 *Permit to allow the use or display of such Parking Permit on a vehicle other than the vehicle for which*
6 *the permit is issued.*

7 **(d) Counterfeit Parking Permits.** *For a person to copy, produce or otherwise create a*
8 *facsimile or counterfeit Parking Permit without written authorization from the Municipal*
9 *Transportation Agency.*

10 **(e) Removal of Vehicles Involved in a Collision.** *For the owner or operator of any vehicle*
11 *involved in any collision resulting in property damage or a collision which does not involve serious*
12 *bodily injury, to refuse to permit the removal of a vehicle to the side of the roadway when necessary to*
13 *allow for the passage of public transit vehicles when so directed by a Police Officer or an employee of*
14 *the Municipal Transportation Agency. (25)*

15 **(f) Willful Damage to Parking Meters Prohibited.**
16 *For any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or*
17 *impair the usefulness of any Parking Meter. (208)*

18 **(g) False Application for Parking Permit.**
19 *For a person to falsely represent themselves as eligible for a Parking Permit or to furnish false*
20 *information in an application submitted to any agency that certifies eligibility to participate in a*
21 *program or as a member of a class to which the SFMTA issues Parking Permits. (315(b), 412(b),*
22 *712(b))*

23 **(h) Soliciting Passengers.**

1 (1) For a Private Bus to solicit passengers from any place within the City and County of
2 San Francisco except in compliance with California Public Utilities Code § 5360.5.

3 (2) For the operator of a Private Bus to refuse produce identification, waybills or a valid
4 CPUC permit upon the request of a Police or Parking Control Officer for the purpose of verifying valid
5 prearranged travel.

6 (j) **Driver of Tow Cars Not To Interfere with Police Investigation of Collisions.** For a tow
7 car operator to remove or attempt to remove any vehicle that has been involved in a collision, where
8 the police have been summoned for the purpose of conducting an investigation; or to interfere with a
9 police investigation by changing the position of any vehicle involved in a collision, except upon the
10 authorization or direction of and in the presence of a Police Officer, or when necessary to release a
11 person trapped within or under a vehicle, except that removal to the side of the roadway is authorized
12 in collisions that do not involve personal injury when necessary to allow for the passage of public
13 transit vehicles. (24)

14 Section 10. The San Francisco Police Code is amended by renumbering Sections
15 835 through 839, as follows:

16 **SEC. ~~835~~1216. FIXED LOCATION VALET PARKING AND SPECIAL EVENT VALET**
17 **PARKING PERMITS.**

18 No corporation, partnership or other business entity or employee thereof shall solicit
19 the storage or parking of any motor vehicle for which a parking space may or may not be
20 rented unless the corporation, partnership or business entity holds a valid and unrevoked
21 valet parking permit issued by the Chief of Police to so do.

22 (a) A fixed location valet parking permit shall be required for any valet parking
23 operator who performs valet parking services at a restaurant or other place of public assembly
24 which utilizes valet parking services on a daily or regularly scheduled basis. Any location
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1 which uses valet parking services more than once each week and more than 52 times per
2 year requires a fixed location permit. Application for location valet parking permits shall
3 include verification by the owner of an off-street parking garage or lot that a specified number
4 of parking spaces will be guaranteed for the use of the applicant.

5 A holder of a fixed location valet parking permit may assess the owner or operator of a
6 motor vehicle which it accepts for valet parking a reasonable fee for its services; provided,
7 that the person who has hired the permittee has agreed in writing that fees may be charged of
8 such owners and operators, that the permittee meets all applicable parking tax obligations
9 which may be connected with such charges, and further provided, that the permittee shall
10 provide each such owner and operator with advance notice of the applicable fees to be
11 charged.

12 (b) Any annual special event valet parking permit shall be required of any valet
13 parking operator who performs valet parking services at locations other than those defined as
14 fixed locations in Subdivision (a) of this Section.

15 Special event valet parking permit holders shall provide the appropriate Police
16 Department District Station(s) with seven days' advance written notice of the location, date
17 and hours of each special event valet parking operation which they may thereafter perform,
18 or, if seven days' notice is impossible, the permit holders shall notify the District Station(s) as
19 soon after the permit holder's services are engaged for any event as is possible. The District
20 Station Captain shall have the right to prohibit the use of a special event valet parking permit
21 at a given location if he or she finds that there are insufficient on-street parking spaces in the
22 locale and the permit holder has presented no adequate plan to park the vehicles legally.

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1 There shall be no appeal from the Captain's denial unless the notice of an intended
2 event at a particular location has been given twenty days before the event, in which case
3 appeal shall lie only to the Chief of Police, or his or her designate.

4 No holder of a special event valet parking permit may assess the owner or operator a
5 motor vehicle which it accepts for valet parking any fee or other charge for its services.

6 **SEC. ~~835.51217~~. APPLICATION FOR PERMITS.**

7 Applications for fixed location valet parking and special event valet parking permits
8 shall be made upon application forms provided by the Chief of Police, shall be accompanied
9 by a filing fee as set forth in Section 2.26 of this Code, and shall state: (1) the business name
10 and address of the corporation, partnership or other business entity seeking the permit; (2) the
11 names and residence address of every officer or partner, and of every owner of 10 percent or
12 more of the applicant entity; (3) all felony criminal offenses for which the persons in
13 Subsection (2) above have been convicted, including the nature of the offense and the place
14 and date of the conviction; (4) the identifying number of the applicant's San Francisco
15 business license; (5) for fixed location permits, the location of the business at which the valet
16 parking services will be performed, the off-street parking location at which vehicles will be
17 parked and the number of parking spaces available at that location; and (6) such other
18 information as the Chief of Police finds reasonably necessary to effectuate the purposes of
19 this ordinance. The applicant shall meet the following insurance requirements throughout the
20 term of any issued under this ordinance:

21 (a) Workers' Compensation, with Employers Liability limits not less than \$1,000,000
22 each accident, but only if permittees have employees as defined by the California Labor
23 Code.

1 (b) Comprehensive General Liability Insurance with limits not less than \$1,000,000
2 each occurrence Combined Single Limit Bodily Injury and Property Damage, including
3 Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed
4 Operations Coverages.

5 (c) Comprehensive Automobile Liability Insurance with limits not less than \$1,000,000
6 each occurrence Combined Single Limit Bodily Injury and Property Damage, including owned,
7 nonowned and hired auto coverages, as applicable.

8 (d) Garagekeepers' Legal Liability Insurance, including coverages for fire and
9 explosion, theft of the entire motor vehicle, riot, civil commotion, malicious mischief and
10 vandalism, collision or upset with coverage limits to be determined by the average number of
11 vehicles an applicant parks on any given day in accordance with the following schedule:

12 TABLE INSET:

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14 0--10 vehicles	\$100,000 limit of coverage
15 11--15 vehicles	\$150,000 limit of coverage
16 16--20 vehicles	\$200,000 limit of coverage
17 21--25 vehicles	\$250,000 limit of coverage
18 26--30 vehicles	\$300,000 limit of coverage
19 31--35 vehicles	\$350,000 limit of coverage
20 36--40 vehicles	\$400,000 limit of coverage
21 41--45 vehicles	\$450,000 limit of coverage
22 46+ vehicles	\$500,000 limit of coverage

23 Comprehensive General Liability, Comprehensive Automobile Liability and
24 Garagekeepers' Legal Liability Insurance policies shall be endorsed to provide the following:
25

1 (1) Name as Additional Insureds the City and County of San Francisco, its officers,
2 agents, employees and members of commissions.

3 (2) That such policies are primary insurance to any other insurance available to the
4 Additional Insureds, with respect to any claims arising out of activities conducted under the
5 permit, and that insurance applies separately to each insured against whom claim is made or
6 suit is brought.

7 All policies shall be endorsed to provide that 30 days' advance written notice to the City
8 of cancellation, nonrenewal or reduction in coverage, shall be mailed to the following address:

9 CHIEF OF POLICE
10 Hall of Justice
11 850 Bryant Street
12 San Francisco, CA 94103

13 Certificates of insurance, satisfactory to the City, evidencing all coverages above shall
14 be furnished to the City prior to issuance of a permit and renewal of a license or before
15 commencing any operations under a permit, with complete copies of policies furnished to the
16 City upon request.

17 **SEC. ~~8361218~~. INVESTIGATION, HEARING AND ISSUANCE OF PERMITS.**

18 The Chief of Police shall investigate all applications and without unnecessary delay
19 shall thereafter hear the application and then grant the application unless he or she finds:

20 (a) That any owner, officer or partner of the business entity within four years prior to
21 the date of application, has been convicted of burglary, robbery, theft, receipt of stolen
22 property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful
23 use or tampering by bailee of a vehicle, altering a vehicle identification, or any offense related
24 to the use of alcohol, narcotics or controlled substances; or
25

1 (b) That any owner, officer or partner of the business entity has intentionally falsified
2 any statement contained in the application; or

3 (c) For fixed location permits, that the number of proposed parking spaces is
4 insufficient to ensure that the valet parking operation will not be required to use on-street
5 parking spaces.

6 Upon granting the fixed location permit or the annual special event permit, the Chief of
7 Police shall forward the permit(s) to the Tax Collector who shall issue a license or licenses
8 upon payment by the application of the license fee(s), as set forth in Section 2.27 of this
9 Code, payable in advance.

10 The license(s) shall expire one year from the date of issuance and shall be renewable
11 thereafter upon an annual basis upon the filing with the Tax Collector of a statement by the
12 permittee setting forth its current business address and upon payment of the annual license
13 fee. *Beginning January 1, 1986, licenses Licenses shall be renewable upon payment of the annual*
14 *license fee upon the first day of January of each calendar year. Permittees shall pay a license fee*
15 *prorated to the length of time remaining in calendar year 1985 for all licenses issued prior to January*
16 *1, 1986.*

17 **SEC. 8371219. PERMIT REVOCATION.**

18 The Chief of Police shall revoke a permit issued hereunder if, after a hearing on the
19 matter, he or she finds that grounds exist which would have constituted just cause for refusal
20 to issue such permit, that the permittee has repeatedly parked vehicles under its control in a
21 manner contrary to law, or that the permittee has failed to comply with any requirements
22 imposed by this ordinance or any rules and regulations issued by the Chief to carry out the
23 purposes of this ordinance. Written notice of the revocation hearing, setting forth the time and
24 place of hearing and a brief statement of the reason(s) for the proposed revocation, shall be
25

1 served on or mailed to the permittee at the business address listed in the permit application
2 no less than 10 days prior to the hearing.

3 **SEC. ~~837.51220~~. RULES AND REGULATIONS; ADDITIONAL REQUIREMENTS.**

4 The Chief of Police is hereby authorized to promulgate rules and regulations after
5 notice hearing to effectuate the purposes of this ordinance. Failure to comply with such rules
6 and regulations, or with any other requirements imposed by this ordinance, shall constitute
7 grounds for revocation of a permit.

8 The permittee shall have the permit(s) required by this ordinance in its possession at
9 the place where it is conducting any valet parking activity under the permit(s), and shall exhibit
10 such permit(s) on demand of any peace officer.

11 The permittee shall, upon the receipt of each motor vehicle accepted for valet parking,
12 give to the owner or operator a claim check for said motor vehicle; said claim check shall
13 show the corporation or business name of the permittee and shall explicitly state the terms
14 and conditions under which the vehicle is being accepted. The permittee shall display the
15 corporation or business name of the permittee, and the date and the street address of the
16 event for which valet parking is being conducted in a clearly visible manner on the driver's
17 side of each motor vehicle throughout the time that said vehicle is in the permittee's custody
18 and control.

19 The permittee shall, within ten days of the change of the name of the permittee entity or
20 the change in one or more partners or officers or in the ownership of 10 percent or more of the
21 corporate stock, inform the Police Department, in writing, of such change.

22 **SEC. ~~8381221~~. REQUIREMENTS FOR PERMITTEE'S EMPLOYEES.**

23 (a) Every corporation, partnership or other business entity holding a valid or
24 unrevoked permit under this ordinance shall maintain a continuously updated list of the names
25

1 and residence addresses and current driver's license numbers of all of its employees who
2 perform valet parking. Such list shall be maintained at the business address listed on the
3 permit application, and shall be exhibited on demand of any peace officer.

4 (b) It shall be unlawful for any employee who has been convicted of any of the
5 offenses listed in Section ~~836(a)~~ 1218(a) to perform valet parking.

6 (c) Every employee who performs valet parking shall wear conspicuously upon their
7 person throughout every valet parking event a numbered badge to be provided by the
8 permittee, of a type and design previously approved by the Chief of Police. The permittee
9 shall maintain a record of the names of such employee issued such a badge and of the badge
10 number assigned to each such employee, as part of the list required to be maintained under
11 Subsection (a) above.

12 **SEC. ~~838.5~~1222. CONFORMANCE WITH APPLICABLE LAWS.**

13 Nothing in this ordinance is intended to authorize, or authorizes, the parking of motor
14 vehicles by valet parking operators in a manner contrary to applicable state laws and local
15 parking and traffic regulations.

16 **SEC. ~~839~~1223. SEVERABILITY.**

17 If any of the provisions of ~~this ordinance~~ Sections 1216 through 1222 or the application of
18 such provisions to any person or circumstances shall be held invalid, the remainder of ~~this~~
19 ~~ordinance~~ those sections or the application of such provisions to the persons or circumstances
20 other than those to which it is held invalid shall not be affected thereby.

21 Section 11. The San Francisco Police Code is amended by amending Section 939
22 and adding Sections 939.1-939.6 as follows:

23 **SEC. 939. ~~REGULATING~~ ISSUANCE OF PRESS CARDS.**

24
25

1 The Chief of Police is hereby authorized to issue press cards and Vehicle Press Cards to
2 newsgatherers, reporters and photographers in the actual and bona fide employment of a
3 newspaper or periodical, for the purpose of securing their admittance within all police lines in
4 this City and County.

5 ~~Applications for a press card shall be made in writing and filed with the Chief of Police. Each~~
6 ~~applicant for a press card must file with his application two recent photographs of himself of a size that~~
7 ~~may be easily attached to his press card, one of which shall be attached to his press card when issued,~~
8 ~~and the other shall be filed with his application with the Chief of Police. The photograph shall be so~~
9 ~~attached to the press card that it cannot be removed and another photograph substituted without~~
10 ~~detection. The Chief of Police shall establish procedures for applications for press cards and Vehicle~~
11 ~~Press Cards, as well as for their issuance, expiration, re-issuance and revocation. Such procedures~~
12 ~~shall include, at a minimum, the requirement that applications be in writing, that press cards must~~
13 ~~include a clear photo of the person to whom it is issued, and that press cards be carried on the person~~
14 ~~and Vehicle Press Cards be displayed on the vehicle operated by the person to whom it was issued in~~
15 ~~order to exercise the newsgathering privileges described in Sections 939-939.5.~~

16 All press cards and Vehicle Press Cards issued under this Section shall ~~be issued on an annual~~
17 ~~basis, expiring on the last day of December have a term of one year. Expiration and re-issuance of~~
18 ~~press cards and Vehicle Press Cards shall be governed by procedures to be established by the Chief of~~
19 ~~Police.~~

20 A record of the issuance of such press cards shall be kept in the office of the Chief of Police,
21 with the date of issuance, the photograph, name and contact information of the person to whom
22 issued, and the unique number of the card. The Chief of Police may at any time at his pleasure
23 revoke the privilege attached to any or all such cards. Unless revoked, the privilege attached
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1 to such cards shall automatically terminate on the date of expiration, such expiration date to
2 be determined as hereinabove indicated.

3 Such cards shall not be transferable and it shall be unlawful for any person to use or have in
4 his or her possession any such card unless the same was issued to ~~him~~ that person by the
5 Chief of Police; or to use any such card after the privilege attached thereto has terminated or
6 been revoked. It shall likewise be unlawful for any person to use any such card while such
7 person is not in the actual and bona fide employment of a newspaper or periodical as a
8 newsgatherer, reporter, or photographer while gathering information or images for use in the news.

9 **SEC. 939.1. DEFINITIONS.**

10 For the purposes of Sections 939-939.5, the following definitions shall apply:

11 (a) News-Gathering Vehicle. A News-Gathering Vehicle is a motor vehicle for which a
12 Vehicle Press Card has been issued by the Chief of Police while the vehicle is in the control of a
13 newspaper, radio or television station, or is being operated by an employee of a newspaper, radio or
14 television station whose primary duty is to gather or photograph news events while gathering
15 information or images for use in the news.

16 (b) Vehicle Press Card. A Vehicle Press Card is an identification card on a form approved
17 and signed by the Chief of Police for the use of an authorized News-Gathering Vehicle.

18 **SEC. 939.2. ISSUANCE OF VEHICLE PRESS CARD.**

19 The Chief of Police shall issue one or more Vehicle Press Cards to a newspaper, radio or
20 television station upon receipt of an application signed by the managing editor, station manager, or
21 person of equivalent managerial responsibility, of the newspaper, radio or television station. The
22 application shall be on a form approved by the Chief of Police. The application shall require the
23 applicant to verify in writing that each requested Vehicle Press Card is for either (a) an identified
24 vehicle owned and operated by the newspaper, radio or television station and used primarily for the
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1 gathering of news, or (b) a person holding a full-time position with that organization whose duties
2 primarily involve the actual gathering of news outside of the organization's main office. Each such
3 organization with 12 or more full-time employees may also apply for one temporary Vehicle Press
4 Cards, and each such organization with 25 or more full-time employees may also apply for two
5 temporary Vehicle Press Cards, which Vehicle Press Cards shall be of a distinguishing color and
6 which may be assigned by the newspaper, radio or television station on an as-needed basis to
7 temporary or free-lance reporters or photographers while they are engaged in news gathering for that
8 newspaper, radio or television station, subject to the other restrictions on use set forth in this Article. In
9 the event the temporary Vehicle Press Cards are being used by a newspaper, radio or television station
10 in a manner inconsistent with the provisions of this Article, the Chief of Police shall have the
11 discretion, after a hearing to consider evidence of such misuse and testimony from the newspaper,
12 radio or television station and other interested persons, to revoke any or all Vehicle Press Cards then
13 issued to such organization. All Vehicle Press Cards shall expire at the end of each calendar year, and
14 a new application must be submitted for reissuance of the card for the following calendar year. The
15 Chief of Police may request supporting documentation or evidence to verify any information supplied
16 on an application for a Vehicle Press Card, including verification of an employee's newsgathering
17 duties. Print media outlets whose publications are not published more frequently than once per month
18 shall not be eligible to receive Vehicle Press Cards.

19 **SEC. 939.3. DISPLAY OF PRESS CARD.**

20 A person who displays a valid press card issued by the Chief of Police to that person pursuant
21 to the provisions of Section 939 of the San Francisco Police Code shall be entitled to pass behind
22 police lines in a vehicle that does not have a Vehicle Press Card; provided, however, that such access
23 may be denied at the discretion of the Chief of Police to protect the public health, safety or welfare.

24 **SEC. 939.4. GENERAL PROVISIONS.**

25

1 Nothing in this Article shall relieve the operator and/or owner of a News-Gathering Vehicle or
2 the newspaper, radio or television station that holds a Vehicle Press Pass for such a vehicle from the
3 duty to operate and Park the vehicle with due regard for access of Fire Department vehicles to any
4 property, and to the safety of all persons and vehicles, nor shall these provisions protect the owner of
5 the newspaper, radio or television station from the consequences of reckless disregard for the safety of
6 others.

7 **SEC. 939.5. FEE FOR VEHICLE PRESS CARD.**

8 The Chief of Police may collect permit fees for press cards and Vehicle Press Cards in order to
9 recover costs of administering the program.

10 **SEC. 939.6. LOCATIONS FOR NEWS-GATHERING VEHICLES.**

11 Provided that the News-Gathering Vehicle complies with all other applicable requirements, a
12 News-Gathering Vehicle may park where authorized by the Transportation Code, Division II, Section
13 106 (Exemptions).

14 **SEC. 940-939.7. PENALTY.**

15 Any person violating any provisions of ~~Section~~ Sections 939 through 939.6 of this Article
16 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a
17 fine not to exceed \$25 or by imprisonment in the County Jail not exceeding 10 days, or by
18 both such fine and imprisonment.

19 Section 12. The San Francisco Police Code is amended by adding Sections 975.1
20 through 975.5 as follows:

21 **SEC. 975.1. RESPONSIBILITY OF BICYCLE MESSENGER BUSINESS;**
22 **IDENTIFICATION REQUIRED FOR EMPLOYEES AND BICYCLES.**

23 Every person, firm, partnership, joint venture, association or corporation which engages, either
24 on behalf of itself or others, in delivering articles of any kind by bicycle, except newspaper businesses
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1 making deliveries by bicycle, shall require each of its bicycle-riding employees while making deliveries,
2 or otherwise riding a bicycle on behalf of the business, to have on his or her person a current
3 California Driver's License or a California Identification Card issued by the Department of Motor
4 Vehicles or a photo identification including name, residence address and date of birth, issued by said
5 business for which the employee is making bicycle deliveries. Said business shall also provide
6 identification of the business on its bicycles by affixing to the rear of each bicycle seat, and
7 maintaining, in such a way as to be visible when the bicycle is in use, a sign with the business name and
8 the bicycle's individual identification number, in a print of 72-point height and Helvetica medium-face
9 type.

10 **SEC. 975.2. RESPONSIBILITY OF BICYCLE-RIDING EMPLOYEES.**

11 Any person while making deliveries, or otherwise riding a bicycle on behalf of a business
12 making deliveries by bicycle, shall comply with all requirements of Section 975.1.

13 **SEC. 975.3. REGISTER AND DAILY LOG.**

14 Each business making deliveries by bicycle shall maintain a register of all bicycle-riding
15 employees including each employee's name, residence address, date of birth, photograph and
16 individual bicycle identification number required in Section 975.1. Each such business shall also keep
17 a daily log which lists the name of each messenger working that day and the bicycle number assigned
18 to each messenger for that day. Such register and daily log shall be made available for inspection by a
19 representative of any law enforcement agency at all times during regular business hours.

20 **SEC. 975.4. PENALTY.**

21 Any person, firm or corporation that violates any requirement of Sections 975.1-975.3 of this
22 Code is guilty of an infraction, and shall be punished for the first offense by a fine not to exceed \$50;
23 for the second offense within one year from the date of the first offense, by a fine not to exceed \$100;
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1 and for the third and each additional offense committed within one year of the date of first offense , by
2 a fine not to exceed \$250.

3 Section 13. The San Francisco Police Code is amended by amending Section 1054 as
4 follows:

5 **SEC. 1054. REGULATIONS.**

6 (a) Hours. Recreational equipment can only be rented, sold, leased, loaned or
7 otherwise made available to the public between sunrise and sunset of any given day. The
8 trucks, carts or otherwise movable vehicles used by recreational equipment vendors may be
9 parked or positioned for one-half hour before sunrise until one-half hour after sunset.

10 (b) Location. ~~Once a~~ A recreational equipment vendor conducting business from a vehicle
11 may not move the vehicle once the vendor has made the first business transaction of the day ~~has~~
12 ~~positioned his vehicle and has transacted his first business of the day, he cannot reposition his vehicle~~
13 except in the case of an emergency or when ordered to do so by an on-duty police officer or
14 firefighter fireman. However, if ~~he~~ the vendor's vehicle is parked in a restricted parking area, ~~he~~ it
15 is subject to all applicable parking ~~must obey the time limits or other~~ restrictions provided by the San
16 Francisco Traffic Code or by the California Vehicle Code, except that it is exempt from the provisions
17 of Transportation Code section 7.2.84 (Commercial Vehicle Parking in Certain Districts). ~~he is exempt~~
18 ~~from the provisions of Traffic Code Section 63 as provided therein.~~

19 (c) Equipment. No recreational equipment vendor shall have available for vending
20 more than 400 items of recreational equipment or, if the item is commonly rented in pairs,
21 (such as roller skates) 400 pairs ~~of such them~~; provided, however, that safety equipment
22 related to the use of ~~said item~~ the recreational equipment is not included in this limit. Every
23 recreational equipment vendor shall certify that the all recreational equipment that is rented,
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1 sold, leased loaned or otherwise made available by that vendor ~~with which he deals~~ is in good
2 condition and is safe for the use for which it was intended.

3 (d) Attended Vehicles. The vehicle used in the conduct of a recreational equipment vendor's
4 business may not be left unattended on the Street at any time ~~At no time~~ between sunset of one day
5 and sunrise of the next day ~~shall the vehicle used by any recreational equipment vendor in the~~
6 ~~conduct of his business be left unattended on the public streets of San Francisco.~~

7 (e) Limitation on Location. Recreational equipment cannot be rented, sold, leased,
8 loaned or otherwise made available to the public on a public street or sidewalk in an RH-1 (D),
9 RH-1, RH-1 (S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RC-1, RC-2, RC-3 or RC-4 Use
10 District or adjacent to a park within the City and County of San Francisco.

11 (f) Further Regulations and Rules. The Entertainment Commission shall have the
12 authority to adopt further rules and regulations as required.

13 Section 14. The San Francisco Police Code is amended by amending Section 1076,
14 to read as follows:

15 **SEC. 1076. DEFINITIONS.**

16 For purposes of this Article the following words and phrases are defined and shall be
17 construed as ~~hereinafter~~ set forth below:

18 (a) "Motor Vehicle for Hire." ~~Defined. A "motor vehicle for hire" is hereby defined to mean~~
19 ~~and include every~~ Every type, kind and class of privately owned motor-propelled passenger-
20 carrying vehicle for hire over which the City and County of San Francisco may exercise
21 jurisdiction.

22 (b) "Taxicab." ~~Defined. A "taxicab" is hereby defined to be~~ A motor vehicle for hire of a
23 distinctive color or colors and which is operated at rates per mile or upon a waiting-time basis,
24 or both, and which is equipped with a taximeter and which is used for the transportation of
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1 passengers for hire over and along the public streets, not over a defined route but, as to the
2 route and destination, in accordance with and under the direction of the passenger or person
3 hiring such vehicle. A "taxicab" does not include motor vehicles for hire herein defined as
4 "ramped taxis."

5 (c) "Taximeter." *Defined. A "taximeter" is hereby defined to be an An instrument or device*
6 attached to a motor vehicle for hire by means of which instrument or device the charge
7 authorized for hire of such vehicle is mechanically calculated either on a basis of distance
8 traveled or for waiting time, or a combination thereof, which charges shall be indicated upon
9 such taximeter by means of figures, in dollars and cents.

10 (d) "Taxicab Dispatch Service." *Defined. A "taxicab dispatch service" is hereby defined to*
11 *be any Any person, business, firm, partnership, association or corporation which holds itself out*
12 *to the public in general as a source of taxicab service by or through which taxicabs may be*
13 *summoned or dispatched by radio.*

14 (e) "Taxicab Color Scheme." *Defined. A "taxicab color scheme" is hereby defined to be any*
15 *Any color scheme, design or dress for taxicabs that is distinguishable from the color scheme,*
16 *design or dress customarily used for private automobiles.*

17 (f) "Jitney," "Jitney Bus." *Defined. A "jitney" or "jitney bus" is defined to be a A motor*
18 *vehicle for hire less than 20 feet in length traversing the public streets between certain definite*
19 *points or termini and conveying no more than 15 passengers for a fixed charge, between such*
20 *points or any intermediate points, and so held out, advertised or announced; provided,*
21 *however, that the size and passenger limitations established herein shall not apply to any*
22 *vehicle operated as of July 1, 1983. A jitney bus is hereby declared to be a common carrier*
23 *and is subject to the regulations prescribed in the Municipal Code and in this Article.*

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1 (g) "Motorized Rickshaw." ~~Defined. A "motorized rickshaw" is hereby defined to be a~~ A
2 passenger-carrying motor vehicle for hire having three or four wheels, convertible type,
3 designed to carry not more than four passengers. The gross weight of a motorized rickshaw
4 shall not exceed 4,700 pounds, unloaded, and shall have a wheelbase not to exceed 95
5 inches, and shall have an engine not to exceed four cylinders. A motorized rickshaw shall
6 have a cloth hood over the rear seating area that shall resemble the hood of a traditional
7 *oriental* rikisha or jinrikisha.

8 (h) "Limousine." ~~Defined. A "limousine" is hereby defined to be a~~ A passenger-carrying
9 motor vehicle for hire, of private appearance (except as to license plates), not equipped with a
10 taximeter, designed to accommodate seven or eight persons, inclusive of a driver, and used
11 for the transportation of persons for hire over and along the public streets, not over a fixed and
12 defined route but, as to route and destination, in accordance with and under the direction of
13 the passenger or person hiring such limousine, the charges for use of which are based upon
14 rates per mile, per trip, per hour, per day, per week or per month.

15 (i) "Funeral Limousine." ~~Defined. A "funeral limousine" is hereby defined to be any~~ Any
16 limousine used exclusively in the business of any undertaker or funeral director.

17 (j) "Sightseeing Bus." ~~Defined. A "sightseeing bus" is hereby defined to be a~~ A motor
18 vehicle for hire used in the conveyance, for hire, of tourists and sightseers, over the public
19 streets, for the purpose of a sightseeing trip or tour in the visiting and viewing of places of
20 interest. A "sightseeing bus" is hereby defined to be a common carrier and subject to the
21 regulations prescribed in the Municipal Code and this Article.

22 (k) "Interurban Bus." ~~Defined. An "interurban bus" is hereby defined to be a~~ A motor
23 vehicle for hire, other than a jitney bus used for transporting passengers for hire over and
24 along the public streets between certain definite points or termini, one within and the other
25

1 without the limits of the City and County of San Francisco. An "interurban bus" is hereby
2 declared to be a common carrier and subject to the regulations prescribed in the Municipal
3 Code and this Article.

4 (l) "Permittee." *Defined. "~~Permittee~~" is hereby defined to mean any Any person, business,*
5 firm, partnership, association or corporation which holds any permit or license issued by or
6 under the authority of the City and County of San Francisco to operate or drive any motor
7 vehicle for hire. "Permit holder" means "permittee."

8 (m) "Operator." *Defined. "~~Operator~~" is hereby defined to mean any Any person, business,*
9 firm, partnership, association or corporation licensed by the City and County of San Francisco
10 pursuant to the provisions of this Article and any agent of such permittee including, but not
11 limited to, any manager or lessee of said permittee.

12 (n) "Driver." *Defined. "~~Driver~~" is hereby defined to mean any Any person engaged in the*
13 mechanical operation and having physical charge or custody of a motor vehicle for hire while
14 said motor vehicle for hire is available for hire or is actually hired.

15 (o) "Full-Time Driver." *Defined. "~~Full time driver~~" is hereby defined to mean any Any driver*
16 actually engaged in the mechanical operation and having physical charge or custody of a
17 motor vehicle for hire which is available for hire or actually hired (i) for at least four hours
18 during any 24-hour period on at least 75 percent of the business days during the calendar
19 year or (ii) for at least 800 hours during the calendar year.

20 (p) "Stand." *Defined. "~~Stand~~" is hereby defined to be a A place designated by the*
21 *~~Department of Public Works~~ Municipal Transportation Agency for the use, while awaiting*
22 employment, of the particular motor-propelled passenger-carrying vehicles authorized to
23 utilize *~~the same~~ such Stand.*

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1 (q) "Police Commission." Defined. ~~"Police Commission" as used herein means the~~ For the
2 purposes of Police Code Sections 1075-1165, "Police Commission" shall refer to the Taxi Commission,
3 unless the context requires that the term be interpreted to refer to Police Commission of the City
4 and County of San Francisco.

5 (r) "Chief of Police," "Police Department." Defined. "Police Department" as used herein
6 means the For the purposes of Police Code Sections 1075-1165, "Police Department" and "Chief of
7 Police" shall refer to the Executive Director of the Taxi Commission or his or her designee(s), unless
8 the context requires that the term be interpreted to refer to the Chief of Police or the Police
9 Department of the City and County of San Francisco.

10 (s) ~~"Chief of Police" Defined. "Chief of Police" as used herein means the Chief of Police of~~
11 ~~the Police Department of the City and County of San Francisco and his designated agents within the~~
12 ~~Police Department.~~

13 (t) "Tax Collector." Defined. ~~"Tax Collector" as used herein means the~~ The Tax Collector of
14 the City and County of San Francisco.

15 (u) "Controller." Defined. ~~"Controller" as used herein means the~~ The Controller of the City
16 and County of San Francisco.

17 (v) ~~"Department of Public Works Municipal Transportation Agency." Defined. "Department~~
18 ~~of Public Works" as used herein means the Department of Public Works~~ The Municipal Transportation
19 Agency of the City and County of San Francisco.

20 (w) ~~"Employer's Bus" Defined. "Employer's bus" as used herein means a bus or other vehicle~~
21 ~~capable of transporting 12 or more persons, including the driver, which is regularly operated and~~
22 ~~maintained in order to transport employees to and from various business locations by a person or~~
23 ~~corporation which employs 100 or more persons at one location within the City and County of San~~
24 ~~Francisco.~~

25

1 ~~(x) "Employer's Bus Stand" Defined. "Employer's bus stand" as used herein means that portion~~
2 ~~of the street which the Department of Public Works designates as reserved for the exclusive use of one~~
3 ~~or more employer's buses in order to load and unload passengers at a business location of the~~
4 ~~employer.~~

5 (v)(y) "Ramped Taxi." Defined. ~~A "ramped taxi" as used herein is a~~ A motor vehicle for hire
6 of a distinctive color or colors operated at rates per mile or upon a waiting-time basis, or both,
7 which is a minivan or similar vehicle specially adapted via ramp access for wheelchair users,
8 which is also equipped with a taximeter, and which prioritizes requests for service from
9 wheelchair users for purposes of transportation over and along the public streets, not over a
10 defined route but, as to the route and destination, in accordance with and under the direction
11 of the passenger or person hiring such vehicle.

12 (w) "Taxi Commission" Defined. "Taxi Commission", as used herein means the Taxi
13 Commission of the City and County of San Francisco.

14 (x) "Executive Director" Defined. "Executive Director", as used herein, means the
15 Executive Director of the Taxi Commission, or his or her designee(s).

16 Section 15. The San Francisco Police Code is amended by repealing Section 1166 as
17 follows:

18 ~~**SEC. 1166. UNION SQUARE STANDS.**~~

19 ~~The Department of Public Works. may issue permits, not to exceed 35 in number at any one~~
20 ~~time, for limousines to stand on the north side of Geary Street between Stockton and Powell Streets and~~
21 ~~on the west side of Stockton Street between Geary and Post Streets.~~

22 Section 16. The San Francisco Police Code is amended by repealing Section 1170
23 and 1171 as follows:

24 ~~**DIVISION VII**~~

25

1 **EMPLOYER'S BUS STANDS**

2 **SEC. 1170. EMPLOYER'S BUS STANDS.**

3 ~~(a) Designation of Stands. Upon approval of the permit described in Subsection (b) of this~~
4 ~~Section, the Department of Public Works may designate as an employer's bus stand a portion of the~~
5 ~~curb area of any street for the exclusive use of one or more employer's buses in order to load and~~
6 ~~unload passengers at a business location of the employer.~~

7 ~~(b) Applications for Permit. The Department of Public Works shall grant an employer's bus~~
8 ~~stand permit to any employer who has a vehicle that the Department determines meets the definition set~~
9 ~~out in Section 1076(w) above; provided, that the Department also determines that the operation of the~~
10 ~~employer's bus will alleviate traffic in the Metropolitan Traffic District. In designating a portion of a~~
11 ~~street as an employer's bus stand, the Department shall select a location which is reasonably close to~~
12 ~~the employer's business location, the use of which will not interfere with traffic patterns in the area.~~
13 ~~The permit shall designate the two block area within which the employer's bus stand permit shall be~~
14 ~~valid. An employer may apply for a separate employer's bus stand permit for each employer's bus that~~
15 ~~is regularly operated. The Department is authorized to revoke any employer's bus permit if it~~
16 ~~determines that the bus is not operated on a regular basis, that the number of persons employed by the~~
17 ~~employer is less than 100 or that the operation of the bus does not alleviate traffic problems in the~~
18 ~~Metropolitan Traffic District. Employers shall pay a \$25 license fee for the issuance of each employer's~~
19 ~~bus stand permit.~~

20 ~~**SEC. 1171. USE OF EMPLOYER'S BUS STANDS PROHIBITED BY UNAUTHORIZED**~~
21 ~~**VEHICLES; PENALTY.**~~

22 ~~No person shall park, stand or stop any vehicle in an employer's bus stand unless such person is~~
23 ~~operating a vehicle which has been issued an employer's bus stand permit and such person must~~
24 ~~display said permit upon request. Furthermore, an employer's bus stand permit shall be valid only at~~
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1 *those stands which are located within two blocks of a business location of the employer who owns the*
2 *bus. Any person violating this Section shall be deemed guilty of an infraction and upon conviction*
3 *thereof shall be punished by a fine of not less than \$5 nor more than \$50. The Department of Public*
4 *Works shall post signs at each employer's bus stand informing the public that only vehicles with*
5 *employer's bus stand permits may lawfully park, stand or stop at that location.*

6 Section 17. The San Francisco Police Code is amended by renumbering Sections
7 1175 through 1180, as follows:

8 **SEC. 1225~~1175~~. BUSINESSES OF RENTING OR LEASING MOTOR VEHICLES**
9 **AND/OR TRAILERS FOR A PERIOD OF 60 DAYS OR LESS WITHOUT DRIVER OR**
10 **OPERATOR.**

11 The business of renting or leasing motor vehicles and/or trailers in the City and County
12 of San Francisco for a period of 60 days or less without a driver or operator thereof is hereby
13 declared to be subject to police inspection and regulation as in Sections ~~1175~~ 1225 through
14 ~~1180~~1230, inclusive, of this Article *provided*.

15 **SEC. ~~1176~~1226. DEFINITIONS.**

16 For the purpose of the provisions of Sections ~~1175~~ 1225 through ~~1180~~1230 inclusive of
17 this Article, whenever the following words, terms or phrases are used, the definitions herein
18 given shall be deemed to be the meaning of such words, terms or phrases, except where
19 otherwise expressly stated:

20 "Motor Vehicle." A vehicle as defined in Section 415 of the California Vehicle Code.

21 "Trailer." A vehicle as defined in Section 630 of the California Vehicle Code.

22 "Person." A sole proprietor, partnership, association, business trust or corporation.

23 "Location." A place where a person or salaried employee of a person executes an
24 agreement for the rental or lease of a motor vehicle and/or trailer for a period of 60 days or
25

1 less without a driver or operator and makes delivery or arranges for the delivery thereof
2 pursuant to said rental or lease agreement.

3 "VIN." Vehicle Identification Number.

4 **SEC. ~~1177~~1227. PERMIT REQUIRED.**

5 Every person in said business of renting or leasing motor vehicles and/or trailers for a
6 period of 60 days or less for hire without drivers or operators shall hereafter obtain from the
7 Police Department a separate permit for each such location where such person conducts
8 such business, which permit(s) shall be revocable by said Department for cause and after a
9 hearing. The application for such permit(s) shall state the address of each such location
10 where such person conducts such business, and the name of the owner or owners, manager
11 or officer thereof. After the issuance of such permit, any change of, or addition to such
12 locations shall be reported to the Police Department within five days thereafter and permit
13 issued for each such additional location. Each licensee of a person or independent contractor
14 of a person shall be considered an independent person and shall obtain his own separate
15 permit. Location does not include any place where a person takes or accepts reservations
16 only, or a hotel, motel or inn which provides reservations and/or customer transportation
17 service only. *Every explication under this Section shall comply with Sections 1180 through 1185 of*
18 *this Article.*

19 **SEC. ~~1178~~1228. RECORDS TO BE KEPT; CONTENTS.**

20 Every person engaged in the type of business referred to in Sections ~~1175~~1225 and
21 ~~1177~~1227 of this Article shall keep records of all motor vehicles and/or trailers rented or
22 leased for a period of 60 days or less, which records will show:

23 (a) The name and address of the individual, firm or corporation to whom such motor
24 vehicle and/or trailer is rented or leased;

25

- 1 (b) The date and time thereof and the time when same is returned;
- 2 (c) A description of each rented or leased motor vehicle and or trailer to include:
- 3 Make, year, body style, color, VIN, and license number.

4 **SEC. ~~1179~~1229. DRIVER'S LICENSE REQUIRED.**

5 Every person engaged in the business of renting or leasing motor vehicles and/or
6 trailers for a period of 60 days or less shall not rent or lease to any individual, firm or
7 corporation a motor vehicle and/or trailer unless the driver's license provisions of Section
8 14608 of the California Vehicle Code are complied with.

9 **SEC. ~~1180~~1230. LICENSE FEES.**

10 Every person, as defined in Section ~~1176~~ 1226 shall pay an annual license fee for each
11 such location as defined in said Section ~~1176~~ 1226; provided, however, every person who
12 operates a repair garage and grants temporary use of a motor vehicle to a customer without
13 charge, while the motor vehicle belonging to said customer is being repaired or serviced in the
14 repair garage, shall pay an annual license fee.

15 Section 18. The San Francisco Police Code is amended by repealing Article 16,
16 Division IX, in its entirety.

17 Section 19. The San Francisco Police Code is amended by amending Section 3057
18 as follows:

19 **SEC. 3057. REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.**

20 Each tow car firm shall contact the *Department of Parking and Traffic* Municipal
21 Transportation Agency Tow Desk within 30 minutes after departing private property with the
22 towed vehicle. The tow car operator shall report the license number of the vehicle towed, the
23 vehicle identification number if the license number is not available, the name of the tow car
24 firm towing the vehicle, the tow car operator's name and permit number, the location the
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1 vehicle has been towed from, the time the vehicle was towed, the year, make and color of the
2 vehicle and the location where the vehicle is being stored, the telephone number where the
3 tow car firm can be reached, and the name of the person authorizing the tow.

4 Section 20. The San Francisco Police Code is amended by amending Section 3910,
5 as follows:

6 **SEC. 3910. OPERATING REGULATIONS.**

7 (a) Every person operating a pedicab shall be subject to all applicable laws, rules and
8 regulations of *Chapter 11, Part II of the San Francisco Municipal Code (Traffic Code) the San*
9 *Francisco Transportation Code and the California and the Vehicle Code of the State of California*
10 pertaining to the operation of bicycles upon streets and pedestrian or bicycle facilities.

11 (b) It shall be unlawful for any person:

12 1. To operate a pedicab who is under the age of eighteen years;

13 2. To operate a pedicab while under the influence of alcoholic beverages or controlled
14 substances other than medication prescribed by a physician;

15 3. To operate a pedicab in any manner which impedes or blocks the normal or
16 reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for
17 safe operation or in compliance with law;

18 4. To operate, or cause to be operated, any pedicab upon or along any route unless
19 such route is first approved by the Chief of Police;

20 5. To operate any pedicab within the City and County of San Francisco without a valid
21 driver's license issued by the authority of the State of California and a permit granted by the
22 Police Department of the City and County of San Francisco. At all times while operating a
23 pedicab, the operator shall wear conspicuously the badge and carry the identification card
24 issued by the Tax Collector;

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1 6. To operate, or cause to be operated, any pedicab upon or along any street unless
2 there is a valid license for each such pedicab obtained pursuant to this Article;

3 7. To operate, or cause to be operated, a pedicab without the city permit number
4 thereof displayed in a conspicuous place and in figures not less than three inches in height
5 and 1/2 inch wide upon the right-hand side of the body thereof;

6 8. To operate, or cause to be operated, any pedicab while there is attached thereto
7 any trailer or any other passenger-carrying vehicles;

8 9. Owning or operating, or causing to be operated by pedicab within the City and
9 County of San Francisco to allow or permit any incompetent or inexperienced person to act as
10 an operator of a pedicab;

11 10. To operate, or cause to be operated at night a pedicab without using headlights
12 and taillights.

13 (c) There shall be no more than three passengers to a pedicab at any one time who
14 shall remain seated throughout the ride.

15 Section 21. The San Francisco Public Works Code is amended by amending Section
16 2.4.3, as follows:

17 **SEC. 2.4.3. DEPARTMENT ORDERS AND REGULATIONS.**

18 In addition to the requirements set forth in this Article, the Department may adopt such
19 orders or regulations as it deems necessary in order to preserve and maintain the public
20 health, safety, welfare, and convenience. Each excavation in the public right-of-way pursuant
21 to this Article shall be performed in accordance with the standard plans and specifications of
22 the Department and any Department orders or regulations, except where the Director, in his
23 or her discretion, grants prior written approval to deviate from such standard plans and
24 specifications, orders, or regulations. The Director shall develop guidelines to implement the
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1 granting of waivers authorized pursuant to this Article. Furthermore, excavation in the public
2 right-of-way shall conform to the orders, regulations, and rules of the Municipal Transportation
3 Agency Department of Parking and Traffic, including, but not limited to, the regulations adopted in
4 accordance with Article 11 of the San Francisco Traffic Code (the "Blue Book").

5 Section 22. The San Francisco Public Works Code is amended by repealing Section
6 701, as follows:

7 ~~**SEC. 701. STREET SIGNS--INDICATION OF STREET NAME CHANGE.**~~

8 ~~*Whenever the Board of Supervisors, by resolution, changes the name of a street, the Department*~~
9 ~~*of Public Works shall erect street signs indicating both the new and the former names of the street. The*~~
10 ~~*new street name shall be in large letters and the former name in smaller letters beneath it. Unless the*~~
11 ~~*resolution changing the name of a street specifies that the double street name shall be permanent, the*~~
12 ~~*street signs indicating both street names shall remain posted for five years and then be replaced with*~~
13 ~~*signs indicating only the new street name.*~~

14 Section 23. The San Francisco Public Works Code is amended by amending Section
15 724.4, as follows:

16 **SEC. 724.4. CONSTRUCTION AND DEMOLITION SITES; DEPARTMENTAL ORDERS**
17 **AND REGULATIONS.**

18 (a) All construction or demolition contractors shall be responsible for maintaining their
19 work-sites in a reasonably clean and litter-free condition, including the removal of all refuse
20 blown or deposited upon the site. The contractor shall provide a sufficient number of refuse
21 receptacles or bulk containers for the disposal of loose debris, building material waste, and
22 other refuse produced by those working on the site and shall maintain the site in such a
23 manner as to prevent its dispersal by the wind or other elements. The sidewalks and streets
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1 shall be maintained in a clean manner and free from dirt or other materials produced by the
2 demolition or construction.

3 (b) In addition to the requirements set forth in this Section, the Director may adopt
4 such orders, policies, regulations, rules, or standard plans and specifications as he or she
5 deems necessary in order to preserve and maintain the public health, safety, welfare, and
6 convenience. Such orders, policies, regulations, or rules may include, but are not limited to,
7 permit application materials, placement of placards and signs, implementation of the good
8 neighbor policy, site conditions, accessibility of sidewalks and streets. When such orders,
9 policies, regulations or rules will affect the operations and enforcement of the *Department of*
10 *Parking and Traffic Municipal Transportation Agency*, the Director of the Department of Public
11 Works shall consult with and provide an opportunity to comment to the *Director of the*
12 *Department of Parking and Traffic Municipal Transportation Agency* prior to adoption of such
13 orders, policies, regulations, or rules.

14 Section 24. The San Francisco Business and Tax Code is amended by repealing
15 Sections 1.11 through 1.14, as follows:

16 **~~SEC. 1.11. STANDS FOR VEHICLES FOR HIRE.~~**

17 ~~*For the establishment and maintenance of authorized stands for limousines and sightseeing*~~
18 ~~*buses pursuant to the provisions of Section 1118, Chapter VIII, Part II, of this Code by the*~~
19 ~~*Department of Public Works Parking and Traffic.*~~

20 **~~SEC. 1.11.1. EMPLOYER'S BUS STANDS.~~**

21 ~~*For the establishment and maintenance of employer's bus stands pursuant to the provisions of*~~
22 ~~*Sections 1112, 1113 and 1114, Chapter VIII, Part II, of this Code by the Department of Public Works.*~~

23 **~~SEC. 1.12. LOADING ZONES.~~**

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1 ~~For the establishment and maintenance of loading zones by the Department of Public Works~~
2 ~~Parking and Traffic.~~

3 ~~**SEC. 1.13. PASSENGER ZONES.**~~

4 ~~For the painting and renewal painting of passenger zones by the Department of Public Works~~
5 ~~Parking and Traffic.~~

6 ~~**SEC. 1.13.1. LIMITED PARKING ZONES.**~~

7 ~~For the painting and renewal painting of limited parking zones by the Department of Public~~
8 ~~Works Parking and Traffic.~~

9 ~~**SEC. 1.13.2. NO-PARKING ZONES.**~~

10 ~~For the painting and renewal painting of driveway no parking zones by the Department of~~
11 ~~Public Works Parking and Traffic.~~

12 ~~**SEC. 1.14. WARNING TRAFFIC SIGNS.**~~

13 ~~For the establishment of warning traffic signs by the Department of Public Works Parking and~~
14 ~~Traffic.~~

15 Section 25. The San Francisco Business and Tax Code is amended by repealing
16 Sections 129.2 through 129.5, as follows:

17 ~~**SEC. 129.2. PASSENGER ZONES.**~~

18 ~~"Passenger Zone" is hereby defined to be that portion of the roadway adjacent to a curb which~~
19 ~~has been marked in the color white as provided by Section 21458 of the Vehicle Code of the State of~~
20 ~~California. Except for public buildings and except for holders of passenger zone permits which have~~
21 ~~been issued on or after October 1, 1988 for buildings occupied by private nonprofit organizations~~
22 ~~whose exclusive function is serving senior citizens and the handicapped, and private nonprofit~~
23 ~~educational institutions providing education to students in grades eight or lower, and these~~

1 ~~organizations are conducting nonprofit activities, the holder of each permit for a passenger zone on~~
2 ~~any public street shall pay a fee therefor as set forth in Section 129.5.~~

3 ~~**SEC. 129.3. LIMITED PARKING ZONES.**~~

4 ~~"Limited Parking Zone" is hereby defined to be that portion of the roadway adjacent to a curb~~
5 ~~which has been marked in the color green as provided by Section 21458 of the Vehicle Code of the~~
6 ~~State of California. The holder of each permit for a limited parking zone on any public street shall pay~~
7 ~~a fee therefor as set forth in Section 129.5.~~

8 ~~**SEC. 129.4. DRIVEWAY NO-PARKING ZONES.**~~

9 ~~"Driveway No-Parking Zone" is hereby defined to be that portion of the roadway adjacent to a~~
10 ~~depressed curb which has been marked in the color red as provided by Section 21458 of the Vehicle~~
11 ~~Code of the State of California.~~

12 ~~**SEC. 129.5. PAINTING AND RENEWAL PAINTING FEES FOR PASSENGER ZONES,**~~
13 ~~**LIMITED PARKING ZONES AND DRIVEWAY NO-PARKING ZONES.**~~

14 ~~The painting fee and renewal painting fee for passenger zones, limited parking zones and~~
15 ~~driveway no parking zones shall be as follows:~~

16 ~~(1) Passenger zones (White). Initial painting fee shall be \$280 per zone. Renewal painting fees~~
17 ~~shall be \$125 per zone and must be paid by the permittee every two years after the initial painting.~~
18 ~~Thirty days prior to each two year anniversary of the initial painting, the Department of Parking and~~
19 ~~Traffic shall mail the permittee a bill requiring payment of the renewal painting fee within 30 days. If~~
20 ~~payment by the permittee is received within the 30 day period, the Department of Parking and Traffic~~
21 ~~shall repaint the permittee's zone. If payment of the renewal painting fee is not received within the 30-~~
22 ~~day period, the Department of Parking and Traffic shall mail notice to the permittee that such zone~~
23 ~~shall be removed if payment is not thereafter received within 10 days of the mailing of such notice. If~~

1 ~~payment is not received within said 10 days, the Department of Parking and Traffic shall remove such~~
2 ~~zone. A "zone" is defined as 22 lineal feet or fraction thereof.~~

3 ~~No white zones shall be permitted if adequate spaces such as red zones for fire hydrants or~~
4 ~~curbcuts for entrances to garages are available immediately adjacent to the proposed white zones.~~

5 ~~(2) Limited Parking Zones (Green). Initial painting fee shall be \$280 per zone. Renewal~~
6 ~~painting fees shall be \$125 per zone and must be paid by the permittee every two years after the initial~~
7 ~~painting. Thirty days prior to each two year anniversary of the initial painting, the Department of~~
8 ~~Parking and Traffic shall mail the permittee a bill requiring payment of the renewal painting fee within~~
9 ~~30 days. If payment by the permittee is received within the 30 day period, the Department of Parking~~
10 ~~and Traffic shall repaint the permittee's zone. If payment of the renewal painting fee is not received~~
11 ~~within the 30 day period, the Department of Parking and Traffic shall mail notice to the permittee that~~
12 ~~such zone shall be removed if payment is not thereafter received within 10 days of the mailing of such~~
13 ~~notice. If payment is not received within said 10 days, the Department of Parking and Traffic shall~~
14 ~~remove such zone. A "zone" is defined as 22 lineal feet or fraction thereof.~~

15 ~~(3) Driveway No Parking Zones (Red). Initial painting fee shall be \$55 per zone. Upon request~~
16 ~~of the permittee for repainting, the renewal painting fee shall be \$55 per zone. A "zone" is defined as~~
17 ~~six lineal feet or fraction thereof.~~

18 ~~(4) There is hereby created a Curb Painting Fund wherein all funds received under the~~
19 ~~provisions of this Section shall be deposited. All expenditures from the Fund shall be for the costs~~
20 ~~related to the painting of curbs, and all such expenditures are hereby appropriated for said purposes.~~

21 Section 26. Division I of the San Francisco Transportation Code is repealed in its
22 entirety and re-enacted to read as follows:

23 **ARTICLE 1: DEFINITIONS AND GENERAL PROVISIONS**

24 **SEC. 1.1. DEFINITIONS.**

1 (a) Whenever in this Transportation Code words or phrases are used that are not defined by
2 the provisions of this Code, but are defined in the Vehicle Code, the definition and meaning shall be
3 applied as set forth in the Vehicle Code.

4 (b) Any words or phrases that are not defined in the Vehicle Code or in Division II of this
5 Code shall have the meanings set forth below.

6 (1) **California Public Utilities Commission, CPUC.** The Public Utilities Commission of the
7 State of California.

8 (2) **Chief of Police.** The Chief of the San Francisco Police Department, or his or her
9 designee(s).

10 (3) **City.** The City and County of San Francisco.

11 (4) **Code.** The Transportation Code of the City and County of San Francisco, consisting of
12 Division I, under the jurisdiction of the San Francisco Board of Supervisors, and Division II, under the
13 jurisdiction of the Board of Directors of the Municipal Transportation Agency.

14 (5) **Director of Public Health.** The Director of the San Francisco Department of Public
15 Health or his or her designee(s).

16 (6) **Director of Transportation.** The Director of Transportation of the Municipal
17 Transportation Agency or his or her designee(s).

18 (7) **Division I.** Division I of the Transportation Code, under the jurisdiction of the San
19 Francisco Board of Supervisors.

20 (8) **Division II.** Division II of the Transportation Code, under the jurisdiction of the
21 Municipal Transportation Agency Board of Directors.

22 (9) **Final SFMTA Decision.** A decision upon which the SFMTA has taken the last action
23 according to procedures set forth in Division II, Section 203 (Final SFMTA Decision; Request for
24 Review).

1 (10) **Fire Chief.** The Chief of the San Francisco Fire Department of the City and County of
2 San Francisco, or his or her designee(s).

3 (11) **Municipal Parking Facility.** An off-street parking lot or off-street parking garage
4 owned, leased or operated by the City or the Parking Authority of the City and County of San
5 Francisco.

6 (12) **Newsgathering Vehicle.** A vehicle displaying a permit issued by the Police Department
7 pursuant to Section 939.2 of the Police Code.

8 (13) **Non-motorized User-propelled Vehicle, NUV.** Any device of two or more wheels
9 lacking a belt, chain, or gears that is powered by the rider through pedals or by pushing off of or
10 kicking at the ground, including, but not limited to, in-line skates, roller-skates, kick or push scooters,
11 skateboards, and toy vehicles.

12 (14) **Park.** To park or stop a vehicle, as defined in the Vehicle Code, or to cause or permit a
13 vehicle to be parked or stopped, unless the context requires a different meaning.

14 (15) **Parking Control Officer, PCO.** A City employee authorized by the Municipal
15 Transportation Agency to enforce state laws and the San Francisco Municipal Code related to Parking
16 of vehicles.

17 (16) **Parking Meter.** Any device that, upon payment, registers the amount of time for which a
18 vehicle is authorized to Park in a particular Parking Space.

19 (17) **Parking Meter Zone.** A geographic area in which on-street Parking may be controlled
20 by Parking Meters at rates as may be established by the Municipal Transportation Agency Board of
21 Directors under Section 8A.102(b)(6) of the City Charter.

22 (18) **Parking Permit.** A permit issued by the Municipal Transportation Agency to a person
23 or a vehicle which, when current, valid and properly displayed, entitles the vehicle or a vehicle
24 occupied by the person to specified exemptions from the Parking regulations of this Code.

1 (19) **Parking Space.** A space demarcated by painted lines or other indicators for the Parking
2 of a single vehicle.

3 (20) **Placard.** A placard issued by a state agency to a person with disabilities pursuant to
4 Vehicle Code Section 22511.59 that entitles the holder to Parking privileges as specified in Vehicle
5 Code Sections 22511.5 et seq.

6 (21) **Police Officer.** An employee of the San Francisco Police Department authorized to
7 enforce the criminal laws of the state and the San Francisco Municipal Code.

8 (22) **Port Commission.** The Port Commission of the City and County of San Francisco.

9 (23) **Port Regulations.** With respect to any property under the jurisdiction of the San
10 Francisco Port Commission, such Parking and traffic conditions and regulations as are imposed by
11 and on file and available for public inspection at the office of the Port Commission.

12 (24) **Proof of Payment or Proof of Payment Program.** A fare collection system that requires
13 transit passengers to possess a valid fare receipt or transit pass upon boarding a transit vehicle or
14 while in a Proof of Payment Zone, and which subjects such passengers to inspections for proof of
15 payment of fare by any authorized representative of the transit system or duly authorized peace officer.

16 (25) **Proof of Payment Zone.** The paid area of a subway or boarding platform of a transit
17 system within which any person is required to show proof of payment of fare for use of the transit
18 system.

19 (26) **Public Property.** Property owned or controlled by a public agency that is not within the
20 public right-of-way.

21 (27) **Request for Review.** A form submitted to the Clerk of the Board of Supervisors that
22 seeks Board of Supervisors' review of a Final MTA Decision.

23 (28) **San Francisco Municipal Transportation Agency or SFMTA.** The Municipal
24 Transportation Agency of the City and County of San Francisco.

1 (29) **Sidewalk Bicycle.** Any bicycle with wheel diameter of less than 21 inches overall,
2 including tires.

3 (30) **Special License Plate.** A license plate issued by a state agency to the vehicle of a person
4 with disabilities pursuant to Vehicle Code Section 5007 that entitles the holder to Parking privileges as
5 specified in Vehicle Code Sections 22511.5 et seq.

6 (31) **Special Traffic Permit.** A permit issued by the Municipal Transportation Agency
7 required for any obstruction of traffic upon a street or sidewalk area by any construction, excavation or
8 other activity, to the extent that such activity will not be conducted in accordance with City contract
9 specifications or with the Municipal Transportation Agency's "Regulations for Working in San
10 Francisco Streets" (otherwise known as the "Bluebook").

11 (32) **Stand.** A zone established by the Municipal Transportation Agency for the exclusive use
12 of a class or classes of vehicles identified by signs posted at such Stand.

13 (33) **State.** The State of California.

14 (34) **Truck.** A commercial motor vehicle with six or more wheels that is designed, used, or
15 maintained primarily for the transportation of property.

16 (35) **Truck Loading Zone.** A zone for the exclusive use of Trucks while loading or
17 unloading freight, subject to any posted time limits.

18 (36) **Vehicle Code.** The Vehicle Code of the State of

19 (c) Any statutes or regulations of the State of California that are cited in this Code shall
20 refer to such sections as they may be amended or renumbered to the extent that the provisions of any
21 such amended or renumbered section governs substantially the same subject matter as the former
22 provision referenced in this Code.

23 **SEC. 1.2. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.**

1 In undertaking the adoption and enforcement of this Division I, the City is assuming an
2 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers or
3 employees, an obligation for breach of which the City is liable in money damages to any person who
4 claims that such breach proximately caused injury.

5 **SEC. 1.3. APPLICABILITY OF VEHICLE CODE**

6 (a) The provisions of the San Francisco Transportation Code shall be construed in a
7 manner consistent with the Vehicle Code. Nothing in this Code is intended to narrow or limit any
8 authority granted to the City by the Vehicle Code.

9 (b) No provisions of Articles 7 or 8 of this Division I shall be enforceable against an alleged
10 violation if at the time and place of the alleged violation any sign required by the Vehicle Code is not in
11 position and sufficiently legible to be seen by an ordinarily observant person.

12 **SEC. 1.4. SEVERABILITY.**

13 If any section, subsection, sentence, clause or phrase of this Division I is for any reason held to
14 be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.
15 The Board of Supervisors declares that it would have passed this Code and each article, section,
16 subsection, sentence, clause and phrase of this Code, irrespective of the fact that any one or more
17 articles, sections, subsections, sentences, clause or phrase may be declared unconstitutional.

18 **ARTICLE 2: STREET SIGNAGE**

19 **SEC. 2.1. HISTORIC DISTRICT STREET SIGNS.**

20 The Director of Transportation shall provide signage displaying information about designated
21 historic districts on all street signs along the length of any street at each intersection located within an
22 historic district in the City.

23 **SEC. 2.2. STREET SIGNS-- STREET NAME CHANGES.**

1 Whenever the Board of Supervisors changes the name of a street, the Municipal Transportation
2 Agency shall erect street signs indicating both the new and the former names of the street. The new
3 street name shall be in large letters and the former name in smaller letters beneath it. Unless the
4 resolution changing the name of a street specifies that the double street name shall be permanent, the
5 street signs indicating both street names shall remain posted for five years and then be replaced with
6 signs indicating only the new street name.

7 **ARTICLE 3: ENFORCEMENT AUTHORITY**

8 **SEC. 3.1. POLICE COMMISSION REGULATION OF TRAFFIC; CIVILIAN**
9 **EMPLOYEES AUTHORIZED TO ENFORCE PARKING REGULATIONS.**

10 (a) The Chief of Police is hereby authorized to direct, control, divert and regulate all traffic
11 by means of Police Officers or persons designated as special police officers limited to the control and
12 direction of traffic by the Chief of Police pursuant to Section 4.127 of the Charter for the exclusive or
13 main purpose of enforcing the provisions of Division 11 of the Vehicle Code, the issuance of citations
14 for the violation of this code or the Vehicle Code, and the emergency use of temporary signs and
15 devices.

16 (b) Any Police Officer or Parking Control Officer may issue citations to or authorize the
17 removal of any vehicle that is Parked in the street, on Public Property or in a Municipal Parking
18 Facility, in accordance with the provisions of this Code and the Vehicle Code.

19 (c) Where curb painting or parking regulations are necessary for public safety, such
20 determination shall be reviewed by the Chief of Police and Fire Chief as appropriate.

21 (d) Any Parking Control Officer employed by the Municipal Transportation Agency and
22 assigned to the "Robert Greenstrand Disabled Placard Detail" shall have the power and authority to
23 issue misdemeanor citations for violations of Vehicle Code §§ 4461 and 4463.

1 (e) The Director of Transportation shall be empowered to identify staff with authority to
2 enforce other parking laws and regulations in compliance with the requirements of the Vehicle Code.

3 **SEC. 3.2. REMOVAL OF UNAUTHORIZED SIGNS.**

4 The Municipal Transportation Agency is hereby authorized and empowered without notice to
5 remove, or cause to be removed, every sign, signal, device or light prohibited by the terms of Section
6 21465, 21466, 21466.5, or 21467 of the Vehicle Code, or may bring or cause to be brought, an action
7 as provided by law to abate the nuisance therein declared to exist by virtue of such signal, device or
8 light.

9 **SEC. 3.3. AUTHORITY TO CITE VEHICLES ON PUBLIC PROPERTY.**

10 Any Police Officer or Parking Control Officer may issue a citation to a vehicle or the owner or
11 driver of a vehicle, and/or may order the removal of any vehicle that has been Parked on Public
12 Property in violation of any prohibition contained in this Code or other applicable law to the extent
13 authorized by this Code and applicable state and federal law.

14 **SEC. 3.4. DIVERTING OF TRAFFIC AND TEMPORARY PARKING RESTRICTIONS.**

15 (a) A Police Officer or Parking Control Officer may divert traffic from any street or area,
16 and/or may temporarily prohibit or restrict Parking on any street when made necessary or advisable
17 by any parade, public assemblage, or film production, traffic congestion, conflagration, building
18 collapse, obstruction on or damage to any street, residential move, the need to protect public health
19 and safety.

20 (b) Except in the case of threats to public health or safety or emergency requiring
21 immediate response, any temporary Parking restriction or prohibition shall be posted with appropriate
22 signs displaying a contact person and telephone number for information regarding the reasons for the
23 restrictions. The contact person shall be available to respond to inquiries during business hours. Such
24 signs shall be posted every 20 linear feet, and at each end of the zone in which Parking will be
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1 restricted or prohibited, at least 72 hours in advance of the prohibition or restriction; provided,
2 however, that posting a notice of a temporary Parking restriction or prohibition at any Parking Space
3 with a meter, or by the Film Commission, may be posted no less than 24 hours in advance of the
4 prohibitions or restrictions.

5 **ARTICLE 4: PARKING AND TRAFFIC ENFORCEMENT FUNDS AND FEES**

6 **SEC. 4.. ADMINISTRATIVE FEE– POLICE DEPARTMENT**

7 (a) A fee to reimburse the City and County for costs incurred in the administration of the
8 procedures for removing vehicles shall be charged by the San Francisco Police Department to the
9 owner of a vehicle removed pursuant to Sections 22651(h), 22651(p), 22655.5 or 22850.5 of the
10 Vehicle Code. Such charges collected for the removal or storage of vehicles shall not be subject to the
11 provisions of Chapter 10C of the Administrative Code.

12 (b) The Chief of Police shall propose the fee authorized by Subsection (a). The fee shall not
13 go into effect until approved, by resolution, by the Board of Supervisors, in an amount not to exceed the
14 Police Department's average actual costs for the removal, impoundment, storage, and release of
15 vehicles. The fee imposed pursuant to this Section shall not be taken into account in determining the
16 maximum fee that may be charged by the tow car operator to the owner of a removed vehicle as
17 provided by law, nor shall the administrative fee imposed pursuant to this Section be taken into account
18 in determining whether a fee charged by the tow car operator to the owner of removed vehicle is
19 excessive.

20 (c) The Chief of Police, with the approval of the Police Commission, is hereby authorized to
21 adopt such rules, regulations and procedures as he or she determines are necessary for the department
22 to impose, collect and administer the fee imposed by this Section.

23 **SEC. 4.2. TRAFFIC OFFENDER FUND.**

1 (a) Establishment of Fund. There is hereby established a special fund for the purpose of
2 receiving and expending fees collected for the impoundment of vehicles from the public right of way.
3 Said special fund shall be known and designated as the Traffic Offender Fund.

4 (b) Expenditure of Monies. The appropriation of all monies in the Traffic Offender Fund
5 ("Fund") shall be made exclusively for the purposes of the Traffic Offender Program. The Traffic
6 Offender Program shall include the enforcement of, education for, and prosecution of a suspended or
7 revoked driving privilege, unlicensed driver, and persons driving under the influence of alcohol or
8 drugs. Expenditures shall include, but not be limited to, purchase of equipment, contractual services,
9 material and supplies, any other technology necessary to prosecute the case, and personnel costs,
10 including salary and benefits for a Deputy District Attorney and a part-time law clerk, specifically
11 provided to the program. The administration of the Fund shall conform to the provisions of the
12 Charter, annual appropriation ordinance, and the procurement procedures as prescribed by the
13 Controller and the Office of Contract Administration.

14 (c) Accumulation of Monies in Fund. The balance remaining in the Traffic Offender Fund at
15 the close of any fiscal year shall be deemed to have been provided for a specific purpose and shall be
16 carried forward and accumulated in said Fund for the purposes recited herein.

17 **SEC. 4.3. USE OF PARKING METER AND GARAGE REVENUE.**

18 All funds obligated to pay debt service from the Parking Revenue Fund, the Parking Meter
19 Revenue Account, or the Off-Street Parking Fund pursuant to Section 213 of the former San Francisco
20 Traffic Code, shall continue to be used for such purposes pursuant to all approved debt and contractual
21 obligations existing as of January 1, 2008. Any subsequent expenditures from such funds shall be made
22 in accordance with Section 8A.105 of the San Francisco Charter.

23 **SEC. 4.4. SERVICE AUTHORITY ESTABLISHED.**

1 (a) A Service Authority for the Abatement of Abandoned Vehicles is hereby established
2 pursuant to the provisions of Section 22710 of the Vehicle Code. The members of the Municipal
3 Transportation Agency Board of Directors shall serve ex officio as the members of the Service
4 Authority for the Abatement of Abandoned Vehicles. Except as otherwise provided in this Article 7, the
5 Service Authority shall have all of the powers and be subject to all of the conditions, restrictions and
6 obligations that are set forth in Section 22710 of the California Vehicle Code.

7 (b) Imposition of a service fee of \$1 on vehicles registered to an owner with an address in
8 the City and County of San Francisco for deposit in the Abandoned Vehicle Trust Fund, as permitted by
9 Section 9250.7 of the Vehicle Code, is hereby approved, and the Service Authority for the Abatement of
10 Abandoned Vehicles is authorized to enact a resolution imposing such service fee pursuant to said
11 Section 9250.7.

12 **ARTICLE 5: ABATEMENT OF NUISANCE VEHICLES FROM PRIVATE PROPERTY**

13 **SEC. 5.1. PUBLIC NUISANCE: FINDINGS AND DECLARATIONS.**

14 The Board of Supervisors makes the following findings and declarations:

15 The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or
16 vehicle parts on private property or on Public Property creates conditions tending to reduce property
17 values, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an
18 attractive nuisance creating a hazard to the health and safety of minors, to create harborage for
19 rodents and insects and to be injurious to the health, safety and general welfare. Accordingly, the
20 presence of an abandoned, wrecked, dismantled or inoperative vehicle or vehicle parts, on private
21 property or on Public Property is hereby declared to constitute a public nuisance that may be abated as
22 such in accordance with applicable laws.

23 **SEC. 5.2. SCOPE OF ARTICLE; AUTHORITY TO CAUSE ABATEMENT.**

1 (a) For the purpose of this Article "abandoned vehicle or vehicle parts" shall mean vehicles
2 that are missing any equipment that would make them unsafe to operate on the highway, or that are
3 wrecked, dismantled, or inoperative, or regarding which there is reasonable cause to believe that the
4 vehicle or vehicle part(s) have been abandoned as described in Vehicle Code sections 22660 and 22669
5 when located on Public Property or on private property.

6 (b) This Article shall be administered and enforced by the Director of Public Health. Upon
7 discovering the existence of an abandoned vehicle or vehicle parts on private property or Public
8 Property within the City, the Director of Public Health shall have the authority to cause the abatement
9 and removal thereof in accordance with the procedure prescribed herein and all applicable state and
10 federal laws. The Director of Public Health's authority to enter upon private property or Public
11 Property includes the authority to examine vehicle(s) or vehicle parts, to obtain information as to the
12 identity of a vehicle and to remove or cause the removal of abandoned vehicle(s) or vehicle parts
13 declared to be a nuisance pursuant to this Article.

14 **SEC. 5.3. EXCEPTIONS.**

15 This Article shall not apply to:

16 (a) A vehicle or vehicle part that is completely enclosed within a building or behind a fence
17 in a lawful manner where it is not visible from the street or other Public Property or private property;
18 or

19 (b) A vehicle or vehicle part that is stored or Parked in a lawful manner on private property
20 in connection with the business of a licensed vehicle dismantler or dealer, or when such storage or
21 Parking is necessary to the operation of a lawfully conducted business.

22 (c) A vehicle or part thereof which is located behind a solid fence six feet in height or which is
23 not plainly visible from the public right of way.

24 **SEC. 5.4. USE OF CONTRACTORS.**

1 The Director of Public Health may authorize contractor(s), including any vehicle removal and
2 storage contractor(s) retained by the Municipal Transportation Agency, to enter private property or
3 Public Property for the purpose of removing and disposing of vehicles and/or vehicle parts in
4 accordance with this Article and all applicable provisions of the contract. The Municipal
5 Transportation Agency may recover actual costs for such removal and disposal from the Department of
6 Public Health.

7 **SEC. 5.5. NOTICE OF INTENTION TO ABATE AND REMOVE ABANDONED**
8 **VEHICLES.**

9 (a) The Director of Public Health shall mail a notice of intention to abate and remove a
10 vehicle or vehicle parts as a public nuisance by registered or certified mail to the property owner as
11 shown on the last equalized assessment roll and to the last registered and legal vehicle owner(s) of
12 record, unless the vehicle or vehicle part(s) are in such condition that identifying information is not
13 available to determine vehicle ownership. At the time the abatement action is initiated, the Director of
14 Public Health may elect to seek recovery of attorneys' fees. In a case where the Director of Public
15 Health makes this election, the prevailing party shall be entitled to recover attorneys' fees. In no event
16 shall the award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees
17 incurred by the Department in the action.

18 (b) The notice of intention shall be in substantially the following form:

19 NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED,
20 DISMANTLED, OR INOPERATIVE VEHICLE OR VEHICLE PARTS AS A PUBLIC NUISANCE

21 [name and address of property owner]

22 This is to notify you, the property owner shown on the last equalized assessment roll of the
23 property located at [address] ("Property"), that the Department of Public Health has determined that
24 there are abandoned, wrecked, dismantled or inoperative vehicle(s) and/or vehicle parts identified as:

1 License number (vehicle license number if identifiable), Vehicle Identification Number (VIN, if
2 identifiable)], registered to (name of vehicle owner)] ("Vehicle Owner"),

3 located on the Property which constitute(s) a public nuisance pursuant to the provisions of San
4 Francisco Transportation Code Article 5.

5 You must abate the nuisance by removing the vehicle and/or vehicle parts within 10 days from
6 the date of the mailing of this notice. If you do not remove the vehicle or request a hearing within 10
7 days, the Department of Public Health will abate the nuisance and the cost of abatement, including
8 administrative costs and attorneys' fees, may be assessed to you as owner of the Property.

9 How to Request a Public Hearing

10 As owner of the Property, you may request a public hearing by submitting a request to the
11 Department of Public Health, at [mailing address, fax number, email address]. Any request for a
12 public hearing must be postmarked no later than the 10th day following the date of the mailing of this
13 notice. If you request a hearing, you may either appear in person at the hearing, or you may request a
14 hearing at which your presence is not required.

15 How to Request a Hearing for which Your Presence is not Required

16 You may submit a signed written statement within such 10-day period denying responsibility for
17 the presence of the vehicle and/or vehicle parts on the Property and explaining the reason why you are
18 not responsible for the presence of the vehicle(s) and/or vehicle parts on the property, or for the cost of
19 removal. Any such statement must be postmarked no later than the 10th day following the date of this
20 notice, and will be construed as a request for hearing at which your presence is not required.

21 Right to Appear in Hearing

22 You may appear in person at any hearing requested, by you or by the owner of the vehicle, or,
23 as an alternative, you may present a signed written statement in time for consideration at such hearing.

24 Notice Mailed _____

25 s/_____

1 [Date]

[Locally Designated Officer]

2
3 NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED,
4 DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

5 [Name and address of last registered and/or legal owner of record of vehicle– notice must be
6 sent to both the property owner and the vehicle owner of record if different]

7 This is to notify you, the last registered and/or legal owner(s) of record of the following
8 vehicle(s): [make, model year, color of vehicle], license number [vehicle license number(s) if
9 identifiable], that the Department of Public Health has determined that said vehicle(s) and/or parts of
10 vehicles are abandoned, wrecked, dismantled or inoperative at the property located at [address]
11 (“Property”), and constitute(s) a public nuisance pursuant to the provisions of San Francisco
12 Transportation Code Article 5.

13 You are hereby notified to abate said nuisance by the removal of said vehicle(s) and/or parts of
14 vehicles within 10 days from the date of mailing of this notice.

15 How to Request a Public Hearing

16 As owner of the vehicle, you may request a public hearing within 10 days by submitting a
17 written request to the Department of Public Health, at [mailing address, fax number, email address].
18 Any request for a public hearing must be postmarked no later than the 10th day following the date of
19 the mailing of this notice. If you do not make a request for a public hearing within 10 days, the
20 Director of Public Health has the authority to abate and remove the vehicle and/or vehicle parts as a
21 public nuisance.

22 If at the hearing it is found that the property owner has not consented to the presence of the
23 vehicle and/or vehicle parts on the Property, then you as the vehicle owner are responsible for the cost
24 of abatement, and may be assessed a fine for violation of California Vehicle Code Section 22523,

1 unless you demonstrate by a police report or other evidence that the vehicle and/or vehicle parts were
2 stolen prior to abandonment, or that the ownership of the vehicle has been transferred.

3 Right to Appear in Hearing

4 You may appear in person at any hearing requested, by you or by the owner of the Property, or,
5 as an alternative, you may present a signed written statement in time for consideration at such hearing.

6	7	8	9
	<u>Notice Mailed _____</u>	<u>s/ _____</u>	
	<u>[Date]</u>	<u>[Locally Designated Officer]</u>	

10 **SEC. 5.6. REQUEST FOR PUBLIC HEARING BY INTERESTED PARTIES.**

11 (a) Upon written request by the vehicle owner or the property owner received by the
12 Director of Public Health within 10 days after the date of mailing the notices of intention to abate and
13 remove, a public hearing shall be held by the Director of Public Health on the question of abatement
14 and removal of the vehicle or vehicle parts as abandoned, and the assessment of the administrative
15 costs and the cost of removal of the vehicle or vehicle parts against the property on which it is located.

16 (b) If the property owner submits a written statement denying responsibility for the presence
17 of the vehicle on the property within such 10-day period, said statement shall be construed as a request
18 for a hearing which does not require the attendance of the property owner. If a request for hearing is
19 not received within 10 days after mailing of the notice of intention to abate and remove, the Director of
20 Public Health shall have the authority to abate and remove the vehicle or parts thereof as a public
21 nuisance without holding a public hearing.

22 (c) Notice of the hearings shall be mailed, by registered or certified mail, at least 10 days
23 before the hearing to the property owner and to the vehicle owner, unless the vehicle is in such
24 condition that identification numbers are not available to determine ownership. The notice of hearing
25

1 shall include a statement of whether the Department of Public Health will seek recovery of attorneys'
2 fees for the hearing.

3 **SEC. 5.7. CONDUCT OF HEARING: NOTIFICATION OF FINDINGS: IMPOSITION OF**
4 **COSTS.**

5 (a) All hearings conducted pursuant to this Article shall be held before the Director of
6 Public Health. Testimony at the hearing may include the testimony on the condition of the vehicle or
7 vehicle parts and the circumstances concerning their location on the said private property or Public
8 Property. The Director of Public Health shall not be limited to the judicial rules of evidence. The
9 property owner or the vehicle owner may appear in person at the hearing or present a sworn written
10 statement in time for consideration at the hearing to deny responsibility for the presence of the vehicle
11 on the property, and stating the reasons for such denial.

12 (b) The order resulting from a hearing before the Director of Public Health must include:

13 (1) a description of the vehicle or vehicle parts and any available identifying
14 information for the vehicle or vehicle part;

15 (2) a finding of whether the property owner has given express or implied consent to
16 the presence of the vehicle or vehicle parts on the property, or, in the alternative, whether the vehicle
17 owner has abandoned the vehicle on the property in violation of Vehicle Code Section 22523.

18 (3) a finding identifying the prevailing party or parties for the purpose of assessing
19 attorney's fees against the non-prevailing party or parties.

20 (4) The order may also:

21 (A) find that a vehicle or vehicle parts have been abandoned, wrecked, dismantled,
22 or are inoperative on private property or Public Property and order the same removed from the
23 property as a public nuisance;

1 (B) impose any conditions and take such other action as the Director of Public
2 Health deems appropriate under the circumstances to carry out the purpose of this Article;
3 (C) Delay the time for removal of the vehicle or vehicle parts, if in the opinion of the
4 Director of Public Health the circumstances justify it;
5 (D) assess an amount to be charged to for the cost of removal and disposal, not to
6 exceed the cost of towing and seven days' of storage that may be assessed against the party found to be
7 responsible for the nuisance in subsection 5.7(b)(ii) above, and any attorneys' fees to the prevailing
8 party or parties;
9 (E) assess an administrative fee established annually by Director of Public Health in
10 an amount reasonably calculated to recover the Department of Public Health's costs for administering
11 this Article that may be assessed against the party found to be responsible for the nuisance in
12 subsection 5.7(b)(ii) above.
13 (c) No administrative fee , attorneys' fees or costs for removal or disposal of a vehicle or
14 vehicle parts may be assessed against the property owner under this article if it is determined at the
15 hearing that the vehicle or vehicle parts were placed on the land without the consent of the property
16 owner or that the property owner has not subsequently acquiesced to their presence.
17 (d) If the vehicle owner or property owner submits a sworn written statement denying
18 responsibility for the presence of the vehicle or vehicle parts on the property but does not appear, or if
19 an interested party makes a written presentation to the Director of Public Health but does not appear,
20 the property owner shall be notified in writing of the decision.

21 **SEC. 5.8. DISPOSAL OF VEHICLE.**

22 Five days after adoption of an order declaring the vehicle or vehicle parts to be a public
23 nuisance, or five days from the date of mailing of notice of the decision if such notice is required by
24 Section 5.9, the vehicle or vehicle parts, shall be removed and disposed of in accordance with
25

1 applicable legal requirements. Any vehicle or vehicle part that is removed pursuant to this Article
2 must be removed to an automobile dismantler's yard to be disposed of as scrap, and may not be
3 reconstructed or made operable unless it qualifies for horseless carriage or historical vehicle license
4 plates pursuant to Vehicle Code Section 5004.

5 **SEC. 5.9. NOTICE TO DEPARTMENT OF MOTOR VEHICLES.**

6 Within five days after the date of removal of the vehicle or vehicle parts, the Director of Public
7 Health shall give notice to the Department of Motor Vehicles identifying the vehicle or vehicle parts
8 removed and any identifying information available, including vehicle identification number, certificates
9 of registration or title or license plates.

10 **SEC. 5.10. ASSESSMENT OF COSTS AGAINST LAND.**

11 If the administrative fee and the cost of removal charged against the property owner pursuant to
12 Section 5.7 are not paid within 30 days of the date of the order, such costs shall be assessed against the
13 parcel of land pursuant to Government Code Section 25845 and shall be transmitted to the Tax
14 Collector for collection. Said assessment shall have the priority as other City taxes.

15 **SEC. 5.11. CONTINUING APPROPRIATION ACCOUNT.**

16 There is hereby created in the General Fund a continuing appropriation account entitled "The
17 Abandoned Vehicle Abatement and Removal Fund." This account shall be credited with such sums as
18 may be appropriated by the Board of Supervisors, amounts collected by the Director of Public Health
19 or the Director of Transportation, sums received in payment of special assessments and moneys
20 received from the Abandoned Vehicle Trust Fund pursuant to Vehicle Code Section 9250.7.
21 Expenditures from said Fund shall be made to pay for the abatement and removal of nuisances
22 pursuant to this Article. All moneys received from the Abandoned Vehicle Trust Fund shall be
23 segregated and used only for abatement, removal and disposal of abandoned, wrecked, dismantled or
24 inoperative vehicles or parts thereof. In the event that the unexpended balance in said account,

1 excluding moneys received from the Abandoned Vehicle Trust Fund, shall exceed \$200,000, such
2 excess shall be transferred to the unappropriated balance of the General Fund.

3 **ARTICLE 6: TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS**

4 **SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
5 **TRANSPORTATION (ISCOTT).**

6 There is hereby established a committee to be known as the Interdepartmental Staff Committee
7 on Traffic and Transportation (ISCOTT), consisting of the department or their designated
8 representatives from the following departments and agencies: Municipal Transportation Agency,
9 Public Works, Police, Fire, Public Health, and Entertainment Commission. The Director of
10 Transportation shall serve as Chair of ISCOTT. The Director of Administrative Services of the City
11 and County of San Francisco or his or her designee shall review recycling plans submitted pursuant to
12 Section 6.5 and recommend any conditions to ISCOTT that should be imposed on any applicant. In
13 exercising its powers ISCOTT shall consult with any other City department or agency that could be
14 affected by any temporary use or occupancy of a public street. ISCOTT shall have the authority to take
15 all acts reasonably necessary for it to carry out any duties imposed upon it by law. Before acting on
16 any application for temporary use or occupancy of public streets, street fair or an athletic event,
17 ISCOTT shall conduct a public hearing at a publicly noticed time and place to be determined by
18 ISCOTT.

19 **SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF**
20 **PUBLIC STREETS; PROCEDURE.**

21 (a) Any person seeking permission for the temporary use or occupancy of a public street
22 within the City shall file an application with, and on a form provided by, the SFMTA, and shall pay the
23 filing fee established by the SFMTA Board of Directors.

1 (b) An application shall not be accepted or approved for a proposed temporary use or
2 occupancy scheduled to occur fewer than 30 calendar days after the application is submitted to the
3 Municipal Transportation Agency, except as follows in this paragraph:

4 (i) An application for a proposed temporary use or occupancy scheduled to occur fewer
5 than 30 calendar days after the application date may be filed for emergency consideration. The
6 Director of Transportation shall consider the request if the applicant has demonstrated that an
7 extraordinary emergency exists that requires the closing of a street, and provided that there is adequate
8 time available for the Municipal Transportation Agency to conduct the required public hearing and
9 post notice of the scheduled hearing at least 72 hours in advance of the hearing.

10 (ii) The Mayor's Film and Video Arts Commission (the "Film Commission"), or
11 other successor commission or division of the Mayor's office, may file with the Director of
12 Transportation an application on behalf of a film or other video production company (which company
13 shall be responsible for the payment of all applicable fees) for a proposed temporary use or occupancy
14 scheduled to occur fewer than 30 calendar days after the application date, provided that there is
15 adequate time available for the Director of Transportation to conduct the required public hearing and
16 post notice of the scheduled hearing at least 72 hours in advance of the hearing. The Film Commission
17 (or the film company on whose behalf the application was made) shall (A) notify residents, merchants
18 and other occupants of the public street(s) to be closed of the dates proposed for street closure, and (B)
19 notify any and all affected City departments, including the Police Department and the Department of
20 Public Works.

21 (c) The completed application shall include, when applicable, maps and/or drawings which
22 identify the streets that would be affected, describe the scope and design of the event, including
23 illustrations of the location of staging, food booths, seating, and a diagram of an emergency access
24 plan. In addition, the Director of Transportation may request such additional information as is
25

1 necessary to allow ISCOTT to make an informed evaluation of the proposed temporary use or street
2 occupancy. In the case of "major events," as defined in Section 6.3, applicants shall submit an
3 emergency medical services plan.

4 (d) Applicants shall be responsible for posting notice of the public hearing at least seven
5 calendar days prior to the hearing at which the application will be reviewed by ISCOTT. Such notice
6 shall include a description of the streets that would be affected and shall be posted in the area of the
7 proposed temporary use or street occupancy according to rules and regulations prescribed by the
8 Director of Transportation. The applicant shall submit a declaration under penalty of perjury to the
9 Director of Transportation attesting that the required public notices have been posted.

10 (e) ISCOTT Review and Approval Process. In reviewing an application, ISCOTT shall
11 consider the impact of the temporary use or occupancy of public streets on the traffic, security, health,
12 and safety of the public; determine the traffic, security, health, and safety requirements of the proposed
13 temporary use or occupancy; and evaluate the measures proposed by the applicant to satisfy those
14 requirements. For major events, ISCOTT shall forward the applicant's proposed emergency medical
15 services plan to the Director of Emergency Medical Services and Emergency Operations Section
16 (EMSEO). ISCOTT shall consider the recommendations of EMSEO regarding the proposed emergency
17 medical services plan. It shall be the duty of ISCOTT to also consider the following:

18 (1) Demonstrated ability of the applicant to comply with requirements necessary to protect
19 the safety, health, and welfare of the public.

20 (2) Duration of the temporary use or street occupancy and the City's ability to
21 accommodate such use or occupancy with the necessary resources.

22 (3) Overextension of the City's resources because of previously approved temporary use or
23 occupancy of public streets or other activities that could cause scheduling conflicts during the same
24 period.

1 (4) The availability of an appropriate emergency access plan.

2 (5) The number of major events (as defined in Section 6.3 below) scheduled during the
3 period for which the applicant seeks a permit, the nature and location of the major events, and the
4 demand these major events will have on the City's resources, including its police, emergency and
5 sanitation personnel. In considering the major events for which applications have been filed and/or
6 approved, ISCOTT should give priority based on the chronological order in which the applications are
7 received, and applicants denied permission on the basis that there are too many major events already
8 approved or pending for approval shall be offered alternative dates by ISCOTT. Notwithstanding this
9 provision, ISCOTT may, in its discretion, grant preference to recurring events traditionally or
10 historically associated with a particular day or dates, provided that applications, once approved,
11 cannot be revoked because of the subsequent filing of an application for a permit for an event
12 traditionally or historically associated with a particular day or dates.

13 (6) If the application is related to a filming project to be conducted by the applicant,
14 ISCOTT shall notify the Film Commission (or other successor commission or division of the Mayor's
15 office) and shall consider such conditions and criteria as the Film Commission shall attach to the
16 application.

17 (f) ISCOTT may impose additional requirements or conditions it deems necessary to protect
18 the public interest by ensuring traffic management, security of property and health and safety of
19 citizens. At the time ISCOTT reviews the application, it shall also determine the necessity of and the
20 total estimated actual costs incurred by the Municipal Transportation Agency to run motor coaches to
21 accommodate the rerouting of electrically powered transit vehicles because of restrictions that are
22 imposed by the temporary street closing. The applicant shall pay a fee to the SFMTA based on the
23 number of electrically powered vehicle hours per line affected. For purposes of this provision, "vehicle
24 hour" shall mean the number of hours each coach on a line is in operation during the day of the street
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1 closing. If the application is approved, ISCOTT shall transmit to the applicant an invoice for the fee.
2 The applicant shall make full payment of the fee no later than five days prior to the date of the street
3 closing, or in accordance with a schedule agreed to by the Director of Transportation. ISCOTT shall
4 not disapprove any application for a temporary use or occupancy of public streets because of the
5 applicant's political, religious, or cultural orientation.

6 (g) ISCOTT shall take action to approve or disapprove an application within 30 days of
7 receipt of a complete application. Notice of ISCOTT's action of approval or disapproval shall be
8 submitted to the Chief of Police; the Fire Chief; the Director of Public Health; the Director of Public
9 Works; and the Executive Director of the Entertainment Commission, and be maintained as a matter of
10 record. For major events, notice of ISCOTT's action of approval or disapproval shall also be
11 submitted to the Director of EMSEO.

12 (h) Appeals Process. Should the application be disapproved by ISCOTT, the applicant may
13 first appeal the decision to the Director of Transportation if the application was filed at least 30 days
14 prior to the date of the proposed temporary use or occupancy. Such appeal shall be made by filing the
15 appeal with the Director of Transportation on a form provided by the Municipal Transportation
16 Agency within five working days of disapproval. Upon receipt, the Director of Transportation shall set
17 a time and place for hearing such appeal. In considering the appeal the Director of Transportation
18 shall conduct a public hearing for which notice shall be posted at least 72 hours in advance of the
19 hearing at the Municipal Transportation Agency, at the main library, and at the Office of the Clerk of
20 the Board of Supervisors.

21 (i) At the appeal hearing, the appellant and members of ISCOTT shall have an opportunity
22 to present oral testimony and written materials in support of their positions. The Director of
23 Transportation shall consider the same criteria as set forth in Section 6.2(e). Upon hearing the appeal,
24 and after any further investigation by the Director of Transportation, the Director of Transportation
25

1 may affirm, reverse, or modify the ISCOTT decision. Notice of the Director of Transportation's action
2 of approval or disapproval shall be submitted to the Chief of Police, the Fire Chief, the Director of
3 Public Health, the Director of Public Works, and the Executive Director of the Entertainment
4 Commission and shall be maintained as a matter of record.

5 (j) If the Director of Transportation denies the application after the appeal described in the
6 preceding paragraph, the applicant may then appeal the decision to the Board of Supervisors. Such
7 appeal shall be made by filing the appeal with the Clerk of the Board, on a form provided by the Clerk,
8 within five working days of the Director of Transportation's disapproval. The Board may establish a
9 fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall set a time and place
10 for hearing such appeal by the Board of Supervisors, which hearing shall be at the Board's next
11 regular meeting, provided that all applicable public notice requirements are satisfied. The Board shall
12 conduct the hearing according to the same standards of review as set forth in Section 6.2(e). Upon
13 hearing the appeal, and after any further investigation that the Board may request, the Board may
14 affirm, reverse or modify the Director of Transportation's decision. The decision of the Board
15 regarding the appeal shall be final. The Clerk of the Board shall transmit copies of any legislation
16 approving a temporary street closing to the Director of Public Works, Chief of Police, the Fire Chief,
17 the Superintendent of Emergency Hospital Service of the Department of Public Health, the Executive
18 Director of the Entertainment Commission, and to the Director of Transportation. For major events,
19 the Clerk shall transmit copies of any legislation approving a temporary street closing to the Director
20 of EMSEO.

21 (k) Any permission for the temporary use of occupancy of a public street authorized
22 pursuant to these provisions shall be subject to the conditions set forth in Sections 6.7 and 6.8.

23 (l) Late Application. Should the applicant file an application for a proposed temporary use
24 or occupancy fewer than 30 days prior to the date of the proposed use or occupancy, and not far
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1 enough in advance of the proposed use or occupancy to allow ISCOTT to consider the application at a
2 regularly scheduled meeting of ISCOTT, then the Director of Transportation shall have the
3 responsibility and duty to consider and approve or disapprove the application after consulting with the
4 members of ISCOTT. The Director of Transportation shall conduct a public hearing for which notice
5 shall be posted at least 24 hours in advance of the hearing at the Municipal Transportation Agency, the
6 main library, and at the Office of the Clerk of The Board of Supervisors. At the hearing, the applicant
7 and interested persons shall have an opportunity to present oral testimony and written materials in
8 support of their position. The Director of Transportation shall conduct the hearing according to the
9 same standards of review as set forth in Section 6.2(e) hereof. Notice of the Director of
10 Transportation's action of approval or disapproval shall be submitted to the Chief of Police, the Chief
11 of the Fire Department, the Director of Public Health, the Director of Public Works, and the Executive
12 Director of the Entertainment Commission, and shall be maintained as a matter of record. In the event
13 the Director of Transportation disapproves the application, the applicant shall have the right to appeal
14 the Director of Transportation's decision to the Board of Supervisors in accordance with the same
15 terms and conditions as set forth in Section 6.2(e).

16 **SEC. 6.3. MAJOR EVENTS DEFINED.**

17 "Major events" are those events, including athletic events and street fairs, involving any of the
18 following: The use or occupancy of more than five blocks, the expected attendance or participation of
19 more than 1,000 people at any one time, or the rerouting of more than three Municipal Railway transit
20 lines. "Major events" shall also include any sports events with expected attendance of more than 50,000
21 people, or any parade governed by the provisions of Police Code Section 366 et seq.

22 **SEC. 6.4. INSURANCE.**

23 Sponsors of major events shall be required to provide an insurance policy naming the City as
24 an additional insured, in a form approved by the Office of Risk Management. Coverage shall be in an

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1 amount of \$1,000,000 or more, as determined by the Office of Risk Management. This insurance
2 requirement shall be waived where the event constitutes the exercise of rights protected under the First
3 Amendment to the United States Constitution, and the event sponsor submits a sworn statement of
4 indigence.

5 **SEC. 6.5. RECYCLING, COLLECTION AND DISPOSITION.**

6 (a) Recycling Plan. Any applicant seeking permission for the temporary use or occupancy
7 of a public street, a street fair or an athletic event within the City for an activity or special event that
8 includes dispensing of beverages from glass, aluminum, or plastic containers, or which causes to be
9 generated large amounts of other recyclable materials, shall be required to submit a plan
10 demonstrating a good-faith effort to provide a method to separate glass, aluminum and plastic
11 beverage containers or other materials for the purpose of recycling them.

12 (b) Disposition of Recyclable Materials. Prior to the review by ISCOTT of such application,
13 the applicant shall submit to the chair of ISCOTT the following information:

14 (1) A plan that describes the number and location of source-separated recycling containers
15 that are necessary to ensure convenient utilization and protect public health and safety; and

16 (2) Documentation that collection services shall be performed by a private or nonprofit
17 source.

18 (c) Collection of Recyclable Containers. At the time ISCOTT considers the application, it
19 shall determine whether all of the necessary information has been submitted and whether the measures
20 proposed by the applicant provide for the collection and disposition of source-separated materials. The
21 applicant shall pay a deposit in the amount of \$100, for each day of the event, to the Director of Public
22 Works, at the time the application is filed, which shall be forfeited if applicant fails to collect recyclable
23 materials and deposit said materials at a recycling facility. Such deposit shall be refunded in full to the

1 permittee, by the Director of Public Works, upon receipt of documentation which verifies that the
2 collected material was disposed at an appropriate recycling facility.

3 (d) Past Performance. The Director of Public Works shall maintain records for a period of
4 three years that document the recycling performance of the applicant when a temporary use of a public
5 street is permitted. If an applicant for a temporary street closing, street fair or athletic event has been
6 granted approval in the past pursuant to a permit issued by the City and County of San Francisco and
7 failed to collect and dispose recyclable beverage containers, ISCOTT may require the applicant to pay
8 a deposit in an amount greater than that normally required, so long as the increased amount is
9 reasonably related to the anticipated costs of collecting and disposing of recyclable materials.
10 However, if an applicant who has failed to comply with a recycling plan in the past has, since that
11 occurrence, temporarily used a public street, or sponsored a street fair or athletic event pursuant to a
12 permit and has complied with a recycling plan, the amount of the deposit normally required of
13 applicants shall apply.

14 (e) Rules and Regulations. The Director of Administrative Services shall promulgate any
15 rules and regulations necessary or appropriate to carry out the purposes and requirements of this
16 Article. Before issuing or amending any rules or regulations, the Director of Administrative Services
17 shall provide a 30-day public comment period by providing published notice in an official newspaper of
18 general circulation in the City of the intent to issue or amend the regulations.

19 **SEC. 6.6. TEMPORARY USE OF STREETS FOR STREET FAIRS.**

20 (a) Definitions. For the purpose of this Section, the following definitions shall apply:

21 (1) To "issue" a permit is to deliver to an applicant for a street fair permit written
22 permission to sponsor or hold a street fair at a specified date and location.

23 (2) "Sponsor" means that organization responsible for organizing a street fair and
24 authorized to represent the street fair before City agencies and officials.

1 (3) A "street fair" means a social or community event, not including an athletic event or
2 parade, in which any group of persons convene to celebrate their community or neighborhood on any
3 street in the City which event obstructs or interferes with the normal flow of vehicular traffic.

4 (b) Applying for Temporary Use of Street for Street Fair. Notwithstanding any other
5 provisions of this Code or the San Francisco Administrative Code, the regulation of street fairs,
6 including the processes for obtaining permits from the City for conducting these street fairs and the
7 payment of associated fees to the City, shall be governed by this Section. In order to provide for the
8 safe, orderly and cost-effective conduct of street fairs, any organization seeking permission for the
9 temporary use of a street for the purpose of conducting a street fair shall file an application with the
10 Director of Transportation no later than 90 days prior to the proposed date for the event. Applications
11 shall be submitted on forms prepared by the Director of Transportation after conferring with the
12 appropriate representatives from the Police Department, Fire Department, Department of Public
13 Health, the Department of Public Works, and the Entertainment Commission. At the time of filing an
14 application under this Section, the sponsoring organization shall also file an application fee
15 established by the Municipal Transportation Agency Board of Directors.

16 (c) Timeliness of Applications. No person submitting an application after the deadlines set
17 forth in this Article shall be granted permission to conduct a street fair on the dates requested unless
18 the person demonstrates to the satisfaction of the Director of Transportation that the failure to submit a
19 timely application was justified by extraordinary circumstances; provided, however, that in no event
20 shall an applicant be permitted to file an application less than 60 days prior to the proposed date for
21 the event. Municipal Transportation Agency Board of Directors may establish a late fee to be assessed
22 for untimely filed applications.

23 (d) Review of Application.
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1 (1) Upon receiving an application for permission for the temporary use of a street for
2 purposes of conducting a street fair, the Director of Transportation shall review the application to
3 determine whether the information required in the application has been provided. If the Director of
4 Transportation determines that the applicant has failed to provide the information required, the
5 Director of Transportation shall, within five business days of receiving the application, notify the
6 applicant of what additional information is required. If the applicant fails to provide the additional
7 information required within five business days of notification by the Director of Transportation, the
8 application shall be deemed to be untimely filed; provided, however, that upon good cause shown, the
9 Director of Transportation may extend this five-day period. Except as provided in Subsection (2) of this
10 Section, the Director of Transportation shall transmit the completed application to ISCOTT.

11 (2) If, upon reviewing the application, the Director of Transportation determines that the
12 proposed street fair will be contained within one block in such a manner that no intersections will be
13 closed, and that the proposed street fair will not require the rerouting of Municipal Railway vehicles,
14 the Director of Transportation may grant the street fair permit without referring the application to
15 ISCOTT; provided, however, that the Director of Transportation shall transmit copies of the
16 applications to the constituent members of ISCOTT for informational purposes. The Director of
17 Transportation will calculate the fee to be charged to the sponsor using the same schedule and in the
18 same manner as prescribed in Subsection (f) of this Section. If such a street fair will include the sale of
19 food or beverages, the appropriate permits shall be obtained from the Department of Public Health no
20 later than 14 days prior to the date of the event. If such a street fair will include the use of propane or
21 butane (liquefied petroleum gas), open flames, pyrotechnics and fireworks, or tent or membrane
22 structure, the appropriate permits shall be obtained from the Fire Chief no later than 10 days prior to
23 the date of the event.

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1 (e) Review by ISCOTT; Recommendation. Except as provided in Subsection (d)(2) of this
 2 Section, no later than 60 days prior to the proposed date of the street fair, ISCOTT shall review the
 3 application and shall recommend that the Director of Transportation grant, deny, or grant with
 4 conditions the application for a permit. The Director of Transportation may accept or reject the
 5 recommendation of ISCOTT, and may grant, deny or grant with conditions the application for a permit.
 6 Upon granting permission to conduct a street fair, the Director of Transportation shall cause all
 7 necessary permits to be issued to the sponsor of the street fair. If the Director of Transportation denies
 8 permission to conduct the street fair, the Director of Transportation shall state in writing his or her
 9 reasons for the denial.

10 (f) Fee. No later than 60 days prior to the proposed date of the street fair and in
 11 consultation with other City departments, ISCOTT shall determine the fee to be charged for the permit
 12 according to the schedule below. No other fee for conducting a street fair shall be required or assessed.
 13 All fees paid by the sponsors for street fair permits shall be deposited in the City Treasury and
 14 allocated by the Controller to the appropriate City departments. The fee shall be based on the actual
 15 costs to the City of temporarily closing the street for the street fair, pursuant to the following fee
 16 schedule:

17 TABLE INSET:

(I)	<u>Fire Department:</u>	
A)		<u>Application fee: \$135.00</u>
B)		<u>Inspection fee--Food vendors using propane, butane, charcoal briquettes</u> <u>or open flame:</u>

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		<u>(i)</u>	<u>First Day of Street Fair:</u>
		—	<u>1 to 10 food vendors: \$172.00</u>
		—	<u>11 to 20 food vendors: \$342.00</u>
		—	<u>21 to 30 food vendors: \$514.00</u>
		—	<u>31 food vendors and over: \$685.00</u>
		<u>(ii)</u>	<u>Each Consecutive Day of Street Fair:</u>
		—	<u>1 to 20 food vendors: \$172.00</u>
		—	<u>21 food vendors and over: \$342.00</u>
	<u>C)</u>	<u>LPG heaters: \$172.00 and \$43.00 for each hour after four hours of service. Whenever an LPG heater is used in a tent where a public assembly event is held, one inspector shall be on duty during the duration of the operation of the heater, pursuant to Section 2501.18.1 of the Municipal Fire Code.</u>	
	<u>D)</u>	<u>Tents or membrane structures</u>	
		<u>Permit fee: \$153.00</u>	

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		<u>Fireworks or pyrotechnics</u>	
	<u>E)</u>		
		<u>Permit fee: \$94.00</u>	
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	<u>2)</u>	<u>Department of Public Health: Application and permit fees payable to the Department of Public Health under this Section shall be the same as those charged for temporary food permits for special events as governed by Section 249.11 of the Business and Tax Regulations Code.</u>	
		—	—
	<u>3)</u>	<u>Municipal Railway fee: Fee to be established by the Municipal Transportation Agency.</u>	
		—	—
	<u>4)</u>	<u>A)</u>	<u>Street fairs where alcoholic beverages are served:</u>
		—	—
		<u>100 percent of the projected Police Department costs incurred by reason of the street fair, subject to the following caps:</u>	
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TABLE INSET:

<u>ATTENDANCE</u>	<u>MAXIMUM FEE</u>
<u>0 to 100,000 patrons</u>	<u>\$5,494.07</u>
<u>100,001 to 250,000 patrons</u>	<u>\$10,988.14</u>
<u>More than 250,000 patrons</u>	<u>\$21,976.28</u>
<u>—</u>	<u>—</u>

TABLE INSET:

		<u>The Police Department, working with the sponsor, shall provide an estimate of attendance for the event for purposes of determining the applicable cap.</u>	
		—	—
	<u>B)</u>	<u>Street fairs where alcoholic beverages are not served:</u>	
		—	—
		<u>Police Department: 40 percent of the projected Police Department costs incurred by reason of the street fair; provided, that this fee shall not exceed \$2,793.49. ISCOTT shall waive all or part of this fee upon a showing that the sponsors of the event are unable to pay the full fee.</u>	
		—	—

1 If the Director of Transportation grants the application for a permit, he or she shall transmit to
2 the sponsor an invoice for the fee. The sponsor of the street fair shall make full payment of the fee no
3 later than 10 days prior to the date of the event.

4 (g) Insurance. Street fair sponsors shall be required to file with the Director of
5 Transportation proof of insurance in accordance with Section 6.7(l).

6 (h) Conditions. In addition to any other conditions imposed by the Director of
7 Transportation, any street fair conducted pursuant to this Article shall be subject to the conditions set
8 forth in Section 6.7.

9 (i) Appeals. Any appeal from the denial of the issuance of a permit to conduct a
10 street fair, from the imposition of conditions on the issuance of a permit, or the determination or refund
11 of fees shall be to the Board of Supervisors. Such appeal shall be made by filing with the Clerk of the
12 San Francisco Board of Supervisors, on a form provided by the Clerk of the Board, within 10 days of
13 the Director of Transportation's approval or disapproval or the determination or refund of fees. The
14 Board of Supervisors may establish a fee to be imposed upon the filing of any such appeal. Upon
15 receipt, the Clerk of the Board shall set a time and place for hearing such appeal by the Board of
16 Supervisors, which shall be at its next regular meeting in conformance with public notice requirements.
17 At the appeal hearing, the appellant and Director of Transportation shall have an opportunity to
18 present oral testimony and written materials in support of their positions. Upon hearing the appeal,
19 and after any further investigation that the Board of Supervisors may request, the Board of Supervisors
20 may affirm, reverse, or modify the Director of Transportation's decision on the issue appealed.

21 (j) Notice. The Director of Transportation shall transmit copies of the granting of
22 permission to conduct a street fair to the Chief of Police, the Fire Chief, the Director of Public Works,
23 the Executive Director of the Entertainment Commission, the Director of the Environmental Health
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1 Section of the Department of Public Health and the Superintendent of Emergency Hospital Service of
2 the Department of Public Health.

3 (k) Authorization to Sell Goods; Unauthorized Sales. The sponsor of a street fair
4 shall determine which individuals or organizations may sell goods or merchandise on a street that has
5 been closed for the purposes of conducting a street fair, provided, however, that such authorization
6 shall not be withheld on the basis of the race, sex, religion, creed, national origin or sexual orientation
7 of the person seeking such authorization. Individuals seeking to sell goods or merchandise in a street
8 that has been closed for the purpose of a street fair without the authorization of a sponsor may be cited
9 for violating San Francisco Police Code Section 869 (peddling without a permit). Nothing in this
10 Section shall be construed to deprive the Department of Public Health of its authority to determine that
11 foods or beverages may be sold.

12 (l) Refund of Fees. If for any reason a sponsor cancels a proposed street fair, the
13 sponsor shall be entitled to a refund of that portion of the fees paid, other than application fees,
14 representing the costs saved by City departments by reason of the cancellation of the street fair.

15 (m) Annual Reports. No later than December 1st of each year, the Chief of Police
16 and the Director of Transportation shall provide to the Board of Supervisors written reports setting
17 forth in detail the Police Department and Municipal Transportation Agency's costs, respectively,
18 associated with street fairs for that year.

19 (n) Annual Adjustment of Fees. Fees set in this Section, including the caps on fees
20 for police services, may be adjusted each year, without further action by the Board of Supervisors or
21 the Municipal Transportation Agency Board of Directors, to reflect changes in the relevant Consumer
22 Price Index, as determined by the Controller. No later than April 15th of each year, the officer,
23 department, or agency administering the fees shall submit its current fee schedule to the Controller,
24 who shall apply the Consumer Price Index adjustment to produce a new fee schedule for the following
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1 year. No later than May 15th of each year, the Controller shall file a report with the Board of
2 Supervisors and the Municipal Transportation Agency Board of Directors reporting the new fee
3 schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing
4 the services for which each fee is assessed, and (b) the fees do not produce revenue which is
5 significantly more than the costs of providing the services for which each fee is assessed.

6 **SEC. 6.7. CONDITIONS.**

7 Any permission for the temporary use or occupancy of a public street authorized by the
8 City shall be subject to the following conditions:

9 (a) The temporary use or occupancy of a public street shall not unnecessarily
10 obstruct or bar public access onto said street. Sidewalks shall remain open at all times for pedestrian
11 use unless closure of the sidewalk is provided for by resolution of the Board of Supervisors explaining
12 the reason for such closure.

13 (b) No object of any nature shall be placed or maintained within 15 feet of any fire
14 hydrant or within five feet of any fire alarm box or police call box.

15 (c) No object of any nature shall be placed or maintained within any intersection or
16 pedestrian crosswalk, nor shall any vehicle be permitted to be Parked in such areas.

17 (d) A continuous passageway in the roadway at least 14 feet in width shall be
18 maintained at all times during the period of such use or occupancy for the use of emergency vehicles.

19 (e) No object of any nature shall be fastened to or erected over the surface of the
20 street or sidewalk, and no object shall be affixed to any pole or standard upon any street or sidewalk,
21 without prior written consent of the Director of Public Works.

22 (f) Painting upon any street or sidewalk surface shall be permitted only if a
23 washable paint is used.

1 (g) Adequate illumination of area shall be maintained at all times such illumination
2 is appropriate.

3 (h) Official traffic-control devices and traffic signal controllers shall not be covered
4 or blocked at any time during the period of such use or occupancy.

5 (i) Street barricades determined by the Police Department as being necessary to
6 protect the public's safety shall be delivered by the Police Department; shall be maintained in said
7 locations at all times during the period of such use or occupancy by the permittee; and shall be
8 collected by the Police Department upon termination of the period of said use or occupancy.

9 (j) All manhole covers and valve box covers shall be kept clear of any fixed object.

10 (k) All streets and sidewalks within the area for which such permission is granted
11 shall be kept clean and free from dirt and debris at all times during the period of such temporary use or
12 occupancy, and all materials and equipment used in connection with said temporary use and
13 occupancy shall be removed from the area within 24 hours of the termination of the period of such use
14 or occupancy. The Director of Public Works shall report any violations of this subsection to the Board
15 of Supervisors.

16 (l) Applicants for permission to hold a street fair on a predominantly commercial
17 street shall comply with the following requirements for insurance coverage. For purposes of this
18 Subsection, a "predominantly commercial street" shall mean a street block on which at least 50 percent
19 of front footage of private property on the ground floor of the street is used for commercial purposes. A
20 street block shall be measured from street intersection to street intersection, but shall not include any
21 alley intersection.

22 (1) Applicants shall maintain in force, during the full term of the permit, insurance
23 as follows:

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1 (A) General Liability Insurance with limits not less than \$500,000 each
2 occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual
3 Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations
4 Coverages;

5 (B) If any vehicles will be operated by the applicant in connection with street
6 fair activities under the permit, Automobile Liability Insurance with limits not less than \$500,000 each
7 occurrence Combined Single Limit Bodily Injury and Property Damage, including owned, nonowned
8 and hired auto coverages, as applicable; and

9 (C) If the applicant has employees, Workers' Compensation with Employers'
10 Liability limits not less than \$500,000 each accident.

11 (2) General Liability and Automobile Liability Insurance policies shall be endorsed
12 to provide the following:

13 (A) Name as additional insureds the City and County of San Francisco, its
14 officers, agents and employees;

15 (B) That such policies are primary insurance to any other insurance
16 available to the Additional Insureds with respect to any claims arising out of activities under the
17 permit, and that insurance applies separately to each insured against whom claim is made or suit is
18 brought.

19 (3) Certificates of insurance, in format and with insurers satisfactory to the City
20 evidencing all applicable coverages shall be furnished to the City not less than 10 working days prior
21 to the date of the event and before commencing any operations under the permit, with complete copies
22 of policies to be furnished to the City upon request.

23 (4) The insurance requirement of this Subsection shall be waived by the Board of
24 Supervisors if the applicant certifies in writing that (1) the purpose of the street fair is First Amendment

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1 expression and that (2) the cost of obtaining insurance is so financially burdensome that it would
2 constitute an unreasonable prior restraint on the right of First Amendment expression, or that it has
3 been impossible for the applicant to obtain insurance coverage.

4 (m) Signs shall be posted pursuant to San Francisco Health Code Sections 265
5 through 265.3 wherever alcohol is offered for sale.

6 (n) Such further conditions as may be imposed by the Department of Public Works
7 after inspection of the area involved.

8 **SEC. 6.8. EXCEPTIONS.**

9 The provisions of Sections 6.1 through 6.7 of this Article shall not be applicable to
10 permits issued by the Director of Public Works pursuant to the provisions of Section 724 of the Public
11 Works Code or to the temporary use or occupancy of a public street by a school where the school is
12 using the street area for play purposes during specified hours of the school day.

13 **SEC. 6.9. TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS BY THE SAN**
14 **FRANCISCO UNIFIED SCHOOL DISTRICT FOR DEBARKATION AND EMBARKATION OF**
15 **STUDENTS: DUTIES.**

16 Notwithstanding the conditions set forth in Section 6.7 of this Article, any school of the
17 San Francisco Unified School District receiving permission for the temporary use or occupancy of a
18 public street within the City and County pursuant to Section 6.1 of this Article for the debarkation and
19 embarkation of students from buses, shall be solely responsible for:

20 (a) The procurement and placement of all street barricades necessary for the
21 establishment of the requested student debarkation and embarkation at bus stops;

22 (b) The placement on or near said barricades of clearly visible signs of a uniform
23 type prohibiting the Parking of vehicles adjacent to said barricades; and

1 (c) The handling of school buses at loading zones within areas enclosed by said
2 barricades.

3 **SEC. 6.10. ATHLETIC EVENTS.**

4 Notwithstanding any other provision of this Code, the regulation of athletic events as
5 defined herein, including the processes for obtaining permits from the City for conducting these athletic
6 events and the payment of associated fees to the City, shall be governed by Sections 6.10 through 6.14.

7 For the purposes of this Article, an "athletic event" is an event in which a group of
8 people collectively engage in a sport or form of physical exercise on any street in the City, which event
9 obstructs or interferes with the normal flow of vehicular traffic. An "athletic event" includes, but is not
10 limited to, jogging, bicycling, race walking, roller skating or running. Any event taking place entirely
11 on property under the jurisdiction of the Recreation and Parks Department shall be exempt from this
12 Article.

13 **SEC. 6.11. ATHLETIC EVENTS; DESIGNATION OF ROUTES.**

14 (a) The increasing number of athletic events being held on City streets places a
15 significant burden on the City and its inhabitants. Athletic events provide entertainment and recreation
16 for San Franciscans and people throughout the Bay Area, as well as promoting and supporting tourism
17 in the City. But closing off several major streets at the same time to accommodate a race often causes
18 hardship in the daily lives of local residents, widespread disruption of public transit service, increased
19 litter on public streets and sidewalks, and potential interference with emergency services. By adopting
20 this ordinance, the Board of Supervisors intends to reconcile the City's interest in promoting athletic
21 events with the right of its citizens to the quiet enjoyment of their own neighborhoods.

22 (b) Athletic events requiring temporary street closings shall be limited in location to
23 routes previously designated as appropriate by the Board of Supervisors. These routes shall be drawn
24 up by ISCOTT and approved by resolution of the Board of Supervisors. In designating these routes,
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1 ISCOTT and the Board shall consider the effect of the designation upon: Local traffic patterns;
2 Municipal Railway routes; the ability of the Police Department and the Department of Public Works to
3 provide special services to the event; the safe and efficient delivery of police, fire and emergency
4 medical services to the affected neighborhoods; the safety of participants in the event; and, the rights of
5 participants, residents and local businesses to the reasonable use and enjoyment of City streets.

6 (c) Any person seeking permission to conduct an athletic event as defined in Section
7 9.10 shall file an application. The filing of an application and its processing shall be governed by the
8 same processes, application fees, appellate procedures, Municipal Railway fees, and other
9 requirements contained in Section 9.2, which sets forth the procedures for requesting permission for
10 temporary use or occupancy of public streets. A street closing for an athletic event shall be restricted to
11 those routes designated pursuant to this Section. The applicant may, as part of the application, request
12 a waiver of this restriction. In considering a request for a waiver, the City may take into account the
13 extent to which the event has been held along a particular route prior to the application date if that
14 same route has been in use continuously for a period of three or more years. An applicant's request for
15 a waiver shall be granted to the extent that a change of route is required by the Police Department for
16 reasons of public safety.

17 **SEC. 6.12. ATHLETIC EVENTS; PUBLIC NOTICE.**

18 (a) ISCOTT shall mail a copy of any application for a temporary street closing for
19 an athletic event to any community group or neighborhood association that has previously requested in
20 writing to be notified of such applications.

21 (b) If the temporary street closing is approved, the applicant shall cause notices of
22 the event to be conspicuously posted on both sides of the street along the entire route, at not more than
23 300 feet in distance apart on each street so posted, but not less than three notices on each street
24 forming part of the route. The notices shall be posted not less than 72 hours prior to the scheduled start
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1 of the event. The applicant shall remove the notices within 48 hours after the completion of the event,
2 or be liable for the costs of removal by the City pursuant to Article 10 of the San Francisco Police
3 Code.

4 Each notice shall be headed "STREET CLOSED FOR ATHLETIC EVENT" in letters not
5 less than one inch in height, and shall in legible characters (1) briefly describe the event to be held; (2)
6 identify the date and time the event is to take place; and, (3) warn that the street will be closed to traffic
7 at that time.

8 **SEC. 6.13. ATHLETIC EVENTS; COST RECOVERY--POLICE.**

9 (a) An application for a temporary street closing for an athletic event shall be
10 deemed a request for police department services within the meaning of Sections 10B.1 through 10B.5 of
11 the San Francisco Administrative Code. If the temporary street closing is approved, the Chief of Police
12 may detail such personnel to police the event in the number and for the period of time the Chief
13 determines to be necessary to perform the services. If the on-site services of two or more police officers
14 are required during the event, the applicant shall be liable for the cost of police services, including
15 field investigation needed to determine manpower requirements, and shall be responsible for
16 indemnifying and holding harmless the City and County of San Francisco and the police personnel as
17 required by Section 10B.2.

18 (b) Upon approval of a temporary street closure for an athletic event, a sum of
19 money which the Chief of Police estimates will be necessary to cover the costs of services pursuant to
20 Section 10B.2 of the Administrative Code shall be due. No temporary street closure shall be deemed
21 effective until such sum of money is deposited with the Chief of Police of the City and County of San
22 Francisco and the applicant presents to the Chief of Police proof of such deposit. The sum of money
23 required pursuant to this paragraph shall be deposited at least one calendar week before the scheduled
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1 event. If the applicant does not deposit the sum required within the time limit specified, the temporary
2 street closing shall be deemed denied, or, if the street closing already has been approved, revoked.

3 (c) Within a reasonable time after the event is over, the Chief of Police shall
4 determine the amount of money necessary to cover the cost of services provided by the Police
5 Department pursuant to Section 10B.2 of the Administrative Code. If the deposit pursuant to Subsection
6 (b) hereof is insufficient to cover the cost of police services, the Chief of Police shall notify the
7 applicant by United States mail to the address listed on the application and the applicant shall have ten
8 days to pay the balance. If the amount deposited exceeds the actual costs, the Chief of Police shall
9 authorize a refund of the excess to the applicant at the address shown on the application.

10 (d) If the applicant or sponsor cancels the event after personnel have been assigned
11 to police it and such personnel have begun that duty, the applicant shall be liable for the time expended
12 by police personnel pursuant to Section 10B.2 of the San Francisco Administrative Code, but in no case
13 for less than two hours per employee. If the temporary street closure is revoked, the money deposited
14 for the costs of police services pursuant to this Article shall be refunded.

15 **SEC. 6.14. ATHLETIC EVENTS; COST RECOVERY--PUBLIC WORKS.**

16 (a) An application for a temporary street closing for an athletic event shall be
17 deemed a request for Department of Public Works services within the meaning of Sections 10B.11
18 through 10B.15 of the San Francisco Administrative Code. If the temporary street closing is approved,
19 the Director of Public Works may detail such personnel to provide street-cleaning and related services
20 for the event in the number and for the period of time the Director of Transportation determines to be
21 necessary to perform the services. The applicant for the temporary street closing shall be liable for the
22 cost of street-cleaning and related services, including field investigation needed to determine
23 manpower requirements, and shall be responsible for indemnifying and holding harmless the City and

1 County of San Francisco and the Department of Public Works personnel as required by Section
2 10B.12.

3 (b) Upon approval of a temporary street closing for an athletic event, a sum of
4 money which the Director of Public Works estimates will be necessary to cover the costs of services
5 pursuant to Section 10B.12 of the Administrative Code shall be due. No approval shall be deemed
6 effective until such sum of money is deposited with the Director of Public Works. The sum of money
7 required pursuant to this paragraph shall be deposited at least one calendar week before the scheduled
8 event. If the applicant does not deposit the sum required within the time limit specified, the application
9 for a temporary street closing shall be deemed denied, or, if the street closing has already been
10 approved, revoked. The Director of Public Works may waive the advance deposit requirement if the
11 particular event has not required additional street-cleaning or related services for the past three years.
12 The applicant shall, however, remain liable for the costs of any additional services actually required.

13 (c) Within a reasonable time after the event is over, the Director of Public Works
14 shall determine the amount of money necessary to cover the cost of services provided by the
15 Department of Public Works pursuant to Section 10B.12 of the Administrative Code. If the deposit
16 pursuant to Subsection (b) hereof is insufficient to cover the cost of street-cleaning and related
17 services, the Director of Public Works shall notify the applicant by United States mail to the address
18 listed on the application and he or she shall have ten days to pay the balance. If the amount deposited
19 exceeds the actual costs, the Director of Public Works shall authorize a refund of the excess to the
20 applicant at the address shown on the application.

21 (d) If the Board of Supervisors has approved a temporary street closing for an
22 athletic event and the applicant cancels the event after personnel have been assigned to provide street-
23 cleaning and related services to the event and such personnel have begun that duty, the applicant shall
24 be liable for the time expended by Department of Public Works personnel pursuant to Section 10B.12 of
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1 the San Francisco Administrative Code. If a temporary street closing is revoked, the money deposited
2 for the costs of street-cleaning and related services pursuant to this Article shall be refunded.

3 **SEC. 6.15. MONITORED BICYCLE PARKING AT PUBLIC EVENTS.**

4 ISCOTT or other applicable permitting authority is authorized and encouraged in its discretion
5 to require, and to develop guidelines regarding, monitored bicycle parking at appropriate large
6 permitted public events. The sponsor of the public event may provide such monitoring service or ensure
7 that such monitored bicycle parking is available in local garages or other similar facilities. If the
8 sponsor provides monitored bicycle parking, the sponsor may charge a nominal fee for such service.
9 The amount of such fee shall be included as part of the sponsor's permit application. If the sponsor is
10 unable to ascertain the fee amount at the time of the permit application, the sponsor may submit a fee
11 schedule to ISCOTT, or other applicable permitting authority, as soon as possible but no later than 10
12 days before the event.

13 **ARTICLE 7: VIOLATIONS.**

14 **SEC. 7.1. TRAFFIC CODE SECTION NUMBERING.**

15 Police Officers and Parking Control Officers shall have the authority to issue citations for
16 violations of this Code by citing either the former Traffic Code section number applicable to the
17 violation that appears in parenthesis at the end of a section or subsection of the Transportation Code,
18 the current Transportation Code section, or the applicable Vehicle Code section number without
19 affecting the validity of the citation.

20 **SEC. 7.2. INFRACTIONS.**

21 In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2
22 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except
23 as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the
24 direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking
25

1 Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public
2 Property, except with the permission of, and subject to such conditions and regulations as are imposed
3 by the agency that owns the property that are available for public inspection at the agency's offices.

4 **PEDESTRIANS AND SIDEWALKS**

5 **SEC. 7.2.10. PEDESTRIAN CROSSINGS.**

6 For a pedestrian to cross a roadway at any place other than by a route at right angles to the
7 curb or by the shortest route to the opposite curb, or within the Downtown Core, to cross a roadway
8 other than in a marked or unmarked crosswalk. (77, 78)

9 **SEC. 7.2.11. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.**

10 To operate an electric personal assistive mobility device on any sidewalk. (104)

11 **SEC. 7.2.12. BICYCLE RIDING RESTRICTED.**

12 To ride a bicycle upon any sidewalk in violation of any restriction on riding bicycles on
13 sidewalks set forth in Section 1007 of Division II. (96)

14 **SEC. 7.2.13. NON-MOTORIZED USER-PROPELLED VEHICLES (NUV).**

15 **(a) Riding on Sidewalks.**

16 (1) To ride a NUV upon any sidewalk in any business district within the City;

17 (2) To ride a NUV upon any sidewalk within the City between the period commencing ½-
18 hour after sunset and ½-hour before sunrise; or

19 **(b) Riding in the Roadway. While riding a NUV in the roadway:**

20 (1) To ride a NUV upon any street in any business district within the City;

21 (2) To fail to yield the right-of-way to any person on foot crossing the street;

22 (3) To fail to yield the right-of-way to any person on foot approaching from any sidewalk,
23 within any marked or unmarked crosswalk, or to fail to yield to any bicyclist or motor vehicle
24 approaching on the street;

1 (4) To travel against the direction of traffic;

2 (c) **General Prohibitions.** While operating a NUV:

3 (1) To carry any object that obstructs or impairs the rider's vision in any direction.

4 (2) To wear any type of audio headphones, headsets or earplugs.

5 (3) To operate an NUV in a reckless manner that endangers the safety of people or
6 property.

7 **ON-STREET PARKING**

8 **SEC. 7.2.20. RESIDENTIAL/CARPOOL PARKING.**

9 To Park for a period exceeding the posted time limit in a Residential Permit Parking Area or a
10 Carpool Permit Parking Area without a permit. (315(a), 412(a))

11 **SEC. 7.2.21. [Reserved.].**

12 **SEC. 7.2.22. STREET CLEANING PARKING RESTRICTIONS.**

13 To Park any vehicle on any street on the days, and between the hours posted with signs giving
14 notice of the days and hours that Parking is prohibited on that side of the street in order to allow street
15 sweeping; provided that such prohibition shall not apply to a vehicle which is Parked during the days
16 and hours that Parking is prohibited after the street sweeper has already passed the place where the
17 vehicle is Parked. (37(c))

18 **SEC. 7.2.23. PAYMENT OF PARKING METER.**

19 (a) To Park a vehicle within the Downtown Core in any Parking Space controlled by a
20 Parking Meter without immediately making advance payment for Parking by depositing lawful money
21 of the United States into the Parking Meter assigned to the Parking Space, by prepaid parking card or
22 by other authorized payment method, or to allow a vehicle within the Downtown Core to remain parked
23 at any Parking Meter that indicates that time period for which payment was made has expired; (202.1.)

1 **(b) To Park a vehicle outside of the Downtown Core in any Parking Space controlled by a**
2 **Parking Meter without immediately making advance payment for Parking by depositing lawful money**
3 **of the United States into the Parking Meter assigned to the Parking Space, by prepaid parking card or**
4 **by other authorized payment method, or to allow a vehicle outside of the Downtown Core to remain**
5 **parked at any Parking Meter that indicates that time period for which payment was made has expired;**
6 **(202)**

7 **SEC. 7.2.24. PARKING IN DRIVEWAYS.**

8 **To Park a vehicle in a manner that blocks a private driveway, except as authorized in Division**
9 **II, Section 1004.**

10 **SEC. 7.2.25. CURB PARKING–RED ZONES.**

11 **To Park a vehicle in a red zone indicated by red paint on the curb at any time, except that a**
12 **vehicle may stop at a Stand with a red curb if that class of vehicle is expressly authorized to stop at that**
13 **Stand. (38.A)**

14 **SEC. 7.2.26. CURB PARKING–YELLOW ZONES.**

15 **To Park in a yellow zone indicated by yellow paint on the curb, except for the purpose of**
16 **loading or unloading passengers or freight, during any time in which Parking is restricted or**
17 **prohibited at that yellow zone. Non-commercial vehicles shall not be Parked in a yellow zone under**
18 **any circumstances during times when Parking is allowed at a yellow zone except while the operator is**
19 **in attendance. (38.B, 38.B.1, 38.G)**

20 **SEC. 7.2.27. CURB PARKING–WHITE ZONES.**

21 **To Park a vehicle, except to load or unload passengers, in a white zone indicated by white paint**
22 **on the curb for more than five minutes during any time in which Parking is restricted or prohibited at**
23 **that white zone;. or to Park any commercial vehicle in a white zone at any time, or to Park in Vehicles**
24 **shall not be stopped in white zones under any circumstances during the times that Parking is restricted**
25

1 or prohibited, except while the operator is in attendance; provided that the operator is not required to
2 be in attendance when the vehicle is Parked: (a) at a hospital, (b) at a school when the vehicle displays
3 a Special License Plate or Placard, and (c) at a child care center, as defined by California Code of
4 Regulations, Section 101152(c)(7). (38.C)

5 **SEC. 7.2.28. CURB PARKING–GREEN ZONES.**

6 To Park a vehicle in a green zone indicated by green paint on the curb during any time in which
7 Parking is restricted or prohibited at that green zone. (38.D)

8 **SEC. 7.2.29. PARKING PROHIBITED FOR MORE THAN SEVEN DAYS.**

9 No person shall park or leave standing any vehicle on any public street or highway for more
10 than 168 consecutive hours (7 days). (37(a))

11 **SEC. 7.2.30. OVERTIME PARKING.**

12 For the operator of any vehicle Parked on the street:

13 (a) To Park a vehicle for longer than posted time restrictions within the Downtown Core;
14 (32(c)(1))

15 (b) To Park a vehicle for longer than applicable posted time restrictions on the street
16 outside the Downtown Core; (32(c)(2)) or

17 (c) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time
18 permitted for Parking at that Parking Meter within the Downtown Core. (202.1)

19 (d) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time
20 permitted for Parking at that Parking Meter outside the Downtown Core. (202)

21 (e) Each hour or portion thereof that a vehicle is Parked in violation of this Section shall be
22 a separate and distinct offense, except that in a yellow zone indicated by yellow paint on the curb, any
23 non-commercial vehicle may be issued no more than one citation per one-half hour for violations of
24

1 time restrictions, and no vehicle may be issued more than two citations within a 12-hour period. (32,
2 38.G)

3 **SEC. 7.2.31. [Reserved.]**

4 **SEC. 7.2.32. PERPENDICULAR OR ANGLED PARKING.**

5 To Park a vehicle in any orientation other than at the angle to the curb or edge of the roadway
6 indicated by signs or markings, or in any Parking Space equipped with a Parking Meter in any
7 orientation other than with the front of the vehicle closest to the Parking Meter, unless the space is
8 expressly designated for "back in only" Parking. (32.13, 55)

9 **SEC. 7.2.33. BLOCKING RESIDENTIAL DOOR.**

10 To Park a vehicle upon any street in such a manner that the vehicle blocks any entrance to any
11 residence, where the residence is located adjacent to a street with no sidewalk in between the street and
12 the residence. (32.21)

13 **SEC. 7.2.34. PARKING ADJACENT TO OR ON MEDIAN DIVIDERS OR TRAFFIC ISLANDS.**

14 To Park a vehicle on or next to any traffic island, lines painted or structures constructed in the
15 public right of way for the purpose of separating opposing traffic or guiding traffic flows except as
16 otherwise posted. (56)

17 **SEC. 7.2.35. PARKING ON GRADES.**

18 To Park a vehicle upon any grade or slope exceeding three percent without effectively setting
19 the brakes and blocking the wheels of the vehicle by turning them against the curb or by other means.
20 For the purpose of the issuance of a notice of violation of this Section, proof that an unattended vehicle
21 Parked on a grade exceeding three percent was involved in a collision shall establish a presumption
22 that such unattended vehicle was Parked in violation of this Section. (58(a))

23 **SEC. 7.2.36. PARKING OVERSIZED VEHICLES WITHIN 100 FEET OF AN INTERSECTION.**

1 To Park a vehicle six feet or more in height (including any load thereon) within 100 feet of an
2 intersection on those streets or portions of streets, during all or those certain hours of the day, as are
3 designated by signs giving notice of such prohibition effective for that intersection. (61)

4 **SEC. 7.2.37. MOTORCYCLE PARKING.**

5 To Park a vehicle other than a motorcycle in any Parking Space signed for motorcycles only.
6 (27)

7 **SEC. 7.2.38. PARKING IN STANDS.**

8 To Park a vehicle at any Stand at any time, except a vehicle belonging to the class of vehicles
9 that are authorized to use that Stand. (33.5A, 39(b), 66)

10 **SEC. 7.2.39. PARKING WITHIN TRANSIT-ONLY LANES.**

11 To Park any vehicle such that any portion of the vehicle is within a transit-only lane designated
12 in Section 601 of Division II. (53(a))

13 **SEC. 7.2.40. PARKING PROHIBITIONS-DOWNTOWN CORE.**

14 To Park on any street, alley or portion of a street or alley that is subject to a posted Parking
15 prohibition. (32(a)(1), 32(b))

16 **SEC. 7.2.41. PARKING PROHIBITIONS-OUTSIDE THE DOWNTOWN CORE.**

17 To Park on any street, alley or portion of a street or alley that is subject to a posted Parking
18 prohibition. (32(a)(2), 32(b))

19 **SEC. 7.2.42. PARKING RESTRICTIONS.**

20 To Park on any street, alley or portion of a street or alley that is subject to a Parking restriction
21 described in Article 800 of Division II. (32.6 through 32.6.37; 32.1.10)

22 **SEC. 7.2.43. PARKING ON PUBLIC PROPERTY.**

23 (a) Except as provided in Subsections (b) (c), and (d), to Park any vehicle on Public
24 Property;

1 (1) Within the property lines of the parking lot commonly known as 970 Bryant Street
2 (Block 3758) and located between the easterly side of the entrance to Interstate 80 at 8th Street and the
3 Hall of Justice Service Station at 950 Bryant Street; (32.6.5)

4 (2) Within the off-street parking area of the Fire Department property commonly known as
5 260 Golden Gate Avenue (Lot 7, Block 345) and located on the north side of Golden Gate Avenue
6 approximately 83 feet east of Hyde Street; (32.6.6)

7 (3) Except in parking stalls expressly designated for use by the public while conducting
8 business at the police facilities, within the property lines of the off-street parking area of the Police
9 Department property commonly known as 1125 Fillmore Street (Lot 13, Block 755) and located on the
10 south side of Turk Street approximately 412.5 feet for the entire block between Fillmore and Steiner
11 Streets and approximately 137.5 feet on the easterly side of Steiner Street and approximately 137.5 feet
12 in the westerly side of Fillmore Street and approximately 67.5 feet on the northerly side of Golden Gate
13 Avenue commencing approximately 70 feet from the easterly line of Steiner Street and the northerly line
14 of Golden Gate Avenue; (32.6.11)

15 (4) Within the property lines of the area upon which the San Francisco Hall of Justice is
16 situated, bounded by the northwesterly side of Bryant Street, the southwest side of Harriet Street,
17 and southeasterly side of the right-of-way of the James Lick Freeway, and the northeasterly side of
18 Seventh Street; (32.6.28)

19 (5) Within the property lines of the block upon which the San Francisco City Hall is
20 situated, bounded by the westerly line of Polk Street, the northerly line of Grove Street, the easterly line
21 of Van Ness Avenue and the southerly line of McAllister Street; (32.1)

22 (6) Within the property lines of the block upon which the San Francisco Main Library is
23 situated, bounded by Larkin, Grove, Hyde, and Fulton Streets; (32.1.1)

1 (7) Within the property lines of the Eureka Valley Branch Library, 3555 16th Street, and
2 Western Addition Branch Library, 1550 Scott Street: (32.1.2)

3 (i) When said branches are closed to the public

4 (ii) Except for one hour at all times when the branches are open to the public;

5 (8) Within the property lines of the Department of Social Services building, 150 Otis Street
6 (Lot 7, Block 3513), and the vacant area situated at the gore corner of Mission and Otis Streets and
7 Duboce Avenue (portion of Lot 6A, Block 3512); (32.1.3)

8 (9) Within the property lines of the following listed San Francisco Housing Authority
9 property: CAL 1-1 (Holly Courts), CAL 1-2 (Potrero Terrace), CAL 1-3 (Sunnydale), CAL 1-4
10 (Valencia Gardens), CAL 1-5 (Bernal Dwellings), CAL 1-8 (Westside Courts), CAL 1-9 (Harbor
11 Slope), CAL 1-10 (Potrero Annex), CAL 1-11 (North Beach), CAL 1-15 (Ping Yuen), CAL 1-16
12 (Alemany), CAL 1-17 (A) [Hunters Point (A)], CAL 1-17 (B) [Hunters Point (B)], CAL 1-18(1) (J.F.
13 Kennedy Towers), CAL 1-18(2) (Yerba Buena Plaza), CAL 1-18(3) (Hunters View), CAL 1-18(4) (Alice
14 Griffith), CAL 1-18(5) (Yerba Buena Annex), CAL 1-18(6) (Ping Yuen North), CAL 1-18(7) (Hayes
15 Valley), CAL 1-18(10) (Woodside Gardens), CAL 1-19-1(1) (990 Pacific Avenue), CAL 1-20 (3850
16 18th Street), CAL 1-21 (320-330 Clementina), CAL 1-23 (350 Ellis Street), CAL 1-28 (666 Ellis Street),
17 CAL 1-30 (345 Hermann Street, 77 Coleridge Street, 105 Lundy's Lane), CAL 1-31 (25 Sanchez Street),
18 CAL 1-32 (1760 Bush Street), CAL 1-33 (275 Thrift Street), CAL 1-34 (4101 Noriega Street, 220
19 Randolph Street, 363 Noe Street); (32.1.4)

20 (10) Within the property lines of Block 815 upon which the San Francisco Unified School
21 District building is situated, and on the parking lot located on the westerly portion of Block 762;
22 (32.1.7)

23 (11) Within the property lines of any facility under the jurisdiction and control of the San
24 Francisco Public Utilities Commission and its departments and bureaus, except for any person

1 conducting business with the City when such business must be conducted within any such Public
2 Utilities Commission facility; (32.1.9)

3 (12) Within the property lines of San Francisco General Hospital, including the block
4 bounded by 22nd Street, Vermont Street, 23rd Street, and Potrero Avenue and the area bounded on
5 three sides by San Bruno Avenue, 22nd Street, and Potrero Avenue and extending northward
6 approximately 816 feet from 22nd Street, said area being occupied in part by the Maternity and
7 Psychiatric buildings of San Francisco General Hospital, and also including the north side of 22nd
8 Street from Potrero Avenue to San Bruno Avenue, the south side of 22nd Street from Potrero Avenue to
9 Vermont Street, the west side of San Bruno Avenue north of 22nd Street, and both sides of Vermont
10 Street between San Bruno Avenue and 23rd Street, said area being adjacent to and servicing San
11 Francisco General Hospital; (32.2)

12 (13) Within the property lines of the area upon which the Eureka-Noe District Health Center
13 No. 1 is situated on 17th Street between Pond and Prosper Streets (Lot 49, Block 3564); (32.2.1)

14 (14) Within the property lines of the area upon which the Sunset-Richmond District Health
15 Center No. 5 is situated at 1351 Twenty-Fourth Avenue (Lot 7, Block 1779); (32.2.2)

16 (15) Within the property lines of the area upon which the North East District Health Center
17 No. 4 is situated on Mason Street at Broadway; (32.2.3)

18 (16) Within the property lines of Laguna Honda Hospital, including the area bordered by
19 Woodside Avenue, Laguna Honda Boulevard, the Water Department property at northwest Clarendon
20 Avenue, Midtown Residential Development, and the Youth Guidance Center; (32.3)

21 (17) Within the property lines of the San Francisco Department of Health, 101 Grove Street
22 Garage; (32.3.1)

23 (18) In the parking lot of Candlestick Park in a manner that causes said vehicle to rest on
24 any line or other marking which designates a Parking Space, or in such a position that said vehicle is

25

1 not entirely within the area designated as one Parking Space, unless such person has paid for the use of
2 the Parking Spaces totally or partially occupied by said vehicle or except as directed by a parking lot
3 attendant; (32.4.2(b))

4 (19) Within the property lines of the Youth Guidance Center, including the area bounded on
5 the north by Assessor's Block 2836, on the northeast by Panorama Drive, on the east by Assessor's
6 Block 2821, on the southeast by Portola Drive, on the south by Woodside Avenue and on the west by
7 the property lines of Laguna Honda Hospital; (32.5)

8 (20) In any location on Treasure Island or Yerba Buena Island where the Treasure Island
9 Development Authority has posted legally required signage of parking restrictions and prohibitions;

10 (21) In any location that is within the jurisdiction of the Port and is not part of the public
11 right of way where the Port has posted legally required signage of parking restrictions and
12 prohibitions.

13 (b) The restrictions listed in subparagraph (a) shall not apply to vehicles under the
14 jurisdiction of or authorized to park in such locations for the purpose of conducting City business by:

15 (1) The Chief of Police, with respect to subparagraphs (1), (3), and (4);

16 (2) The Chief Administrative Officer, with respect to subparagraphs (4) and (5);

17 (3) The Fire Chief, with respect to subparagraph (2);

18 (4) The City Librarian, with respect to subparagraphs (6) and (7)(ii);

19 (5) The General Manager of the Department of Social Services, with respect to
20 subparagraph (8);

21 (6) The Executive Director of the San Francisco Housing Authority, with respect to
22 subparagraph (9), and the restrictions shall not apply to vehicles driven by officers of the City or
23 employees of the San Francisco Housing Authority on official business;

24 (7) The Superintendent of Schools, with respect to subparagraph (10);
25

1 (8) The General Manager of Public Utilities, with respect to subparagraph (11);

2 (9) The Executive Administrator of San Francisco General Hospital, with respect to
3 subparagraph (12);

4 (10) The Director of Public Health or District Health Officer, with respect to subparagraphs
5 (13), (14), and (15);

6 (11) The Superintendent of Laguna Honda Hospital, with respect to subparagraph (16);

7 (12) The Department of Public Health, with respect to subparagraph (17);

8 (13) The Chief Probation Officer, with respect to subparagraph (19);

9 (c) The restrictions listed in Subsection (a), subparagraphs (2), (4), (8), (9), (10), (11), (12),
10 (13), (14), (15), (16), and (19) shall not apply to any person engaged in the loading and unloading of
11 passengers upon or from vehicles.

12 (d) The restrictions listed in Subsection (a), subparagraphs (5), (6), (7), (8), (9), (10), (11),
13 (12), (13), (14), (15), (16), (17), and (19) shall not apply to any person engaged in the loading and
14 unloading of freight upon or from vehicles. (32)

15 **SEC. 7.2.44. PARKING CONTROL—CANDLESTICK PARK ACCESS ROAD.**

16 To Park a vehicle on any portion of the Candlestick Park access road system designated in
17 Division II during the days and the hours in which temporary Parking restrictions are posted due to an
18 event scheduled for Candlestick Park. (32.4, 32.4.1)

19 **SEC. 7.2.45. DIVERTING OF TRAFFIC AND TEMPORARY PARKING RESTRICTIONS.**

20 To Park a vehicle in violation of a temporary Parking prohibition or restriction posted on any
21 street or area to accommodate parades, public assemblages, film or video production, collapse of a
22 building, conflagration, obstruction on or damages to any street, or when otherwise necessary for
23 protection of the public health and safety, or to disobey the lawful order of any Police Officer or

1 Parking Control Officer directing the removal or diversion of a vehicle from said street or area.
2 (33(c))

3 **SEC. 7.2.46. TEMPORARY PARKING AND TRAFFIC RESTRICTIONS.**

4 To violate any temporary Parking or traffic restriction in any area that is subject to a
5 temporary Parking Permit issued by the SFMTA for any public or private construction work. (33.1)

6 **SEC. 7.2.47. REMOVAL OF CHALK MARKS.**

7 Removing, erasing, rubbing out, or otherwise removing or concealing, any chalk or other mark
8 from the tires of a vehicle placed by a Parking Control Officer for the purpose of enforcing Parking
9 regulations. (21)

10 **SEC. 7.2.48. CONSTRUCTION OR REPAIRING OF VEHICLES.**

11 For any person to construct or cause to be constructed or repair or cause to be repaired any
12 vehicle or any part of any vehicle upon any public street except such repairs as may be necessary in
13 case of an accident or breakdown to enable the removal of the vehicle from the street. (65)

14 **SEC. 7.2.49. DISPLAYING PERMIT ON OTHER VEHICLES.**

15 For a person to so use or display the Parking Permit on a vehicle other than the vehicle for
16 which it is issued. (315(c), 412(c), 712(c))

17 **SEC. 7.2.50. DISPLAYING FRAUDULENT PARKING PERMIT.**

18 For a person to use or display a facsimile or counterfeit Parking Permit (315(d), 412(d),
19 712(d))

20 **SEC. 7.2.51. PARKING WITHIN PARKING SPACES.**

21 To Park a vehicle other than in a designated Parking Space, or across any demarcation of the
22 boundaries of a Parking Space, or in any manner such that the vehicle is not entirely within the area
23 demarcated for the Parking of a vehicle of the Parking Space. (58(c), 32.4.2(b))

24 **OFF-STREET PARKING**

1 **SEC. 7.2.60. PAYMENT OF PARKING FACILITY CHARGES; PROOF OF PAYMENT.**

2 *For the operator of any vehicle Parked in a Municipal Parking Facility, to fail, neglect or*
3 *refuse to pay the Parking charges established for the Municipal Parking Facility; or where the*
4 *Municipal Parking Facility requires the display of a Parking ticket or receipt as proof of payment, to*
5 *fail, neglect or refuse to display such Parking ticket or receipt in the manner specified on the said ticket*
6 *or receipt. (32.11)*

7 **SEC. 7.2.61. USE OF ENTRANCE AND EXIT OF MUNICIPAL PARKING FACILITY.**

8 *To enter any Municipal Parking Facility with a vehicle by any means of ingress that is not*
9 *marked with the word "Entrance" or otherwise indicated by arrows, signs, or words to entry of such*
10 *Municipal Parking Facility; or to remove any vehicle from any Municipal Parking Facility by any*
11 *means of egress that is not marked with the word "Exit" or otherwise indicated by arrows, signs, or*
12 *words to be an exit of such Municipal Parking Facility. (32.15)*

13 **SEC. 7.2.62. BLOCKING PARKING SPACES.**

14 *To Park a vehicle in any manner which either wholly or partially obstructs or interferes with*
15 *access to any Parking Space, or in any manner so as to obstruct or otherwise prevent or interfere with*
16 *the free movement of vehicles in any area designed for ingress to or egress from any Municipal Parking*
17 *Facility. (32.14)*

18 **SEC. 7.2.63. SPEED OF VEHICLES.**

19 *For any person to operate a vehicle within a Municipal Parking Facility at a speed exceeding*
20 *10 miles per hour. (32.16)*

21 **SEC. 7.2.64. BLOCKING AN ELECTRIC CHARGING BAY.**

22 *To Park any vehicle other than an electric vehicle, in a Parking Space in a Municipal Parking*
23 *Facility that is equipped with an electric vehicle charging bay in a manner that blocks or occupies the*
24 *electric vehicle charging bay. (32.21A(a))*

1 **TRAFFIC REGULATIONS**

2 **SEC. 7.2.70. OBSTRUCTING TRAFFIC-VEHICLE.**

3 *To Park a vehicle in a manner to obstruct the flow of pedestrian or vehicular traffic. (70, 71b)*

4 **SEC. 7.2.71. OBSTRUCTING TRAFFIC-WITHOUT PERMIT.**

5 *To obstruct traffic without a Special Traffic Permit, or to obstruct traffic in violation of the*
6 *terms of a Special Traffic Permit. Each hour or portion thereof during which the obstruction continues*
7 *shall constitute a separate offense. (194.3)*

8 **SEC. 7.2.72. DRIVING IN TRANSIT-ONLY AREA.**

9 *To operate a vehicle or any portion of a vehicle within the area of any street designated in*
10 *Division II as a transit-only area, except that public transit vehicles and taxicabs, vehicles preparing to*
11 *make a turn, and vehicles entering into or exiting from a stopped position at the curb may be driven*
12 *within a transit-only area. (31, 31.2)*

13 **SEC. 7.2.73. DRIVING THROUGH PARADES.**

14 *For the operator of any vehicle to drive between the vehicles comprising an authorized parade,*
15 *provided the character of such vehicles is reasonably discernible. (103)*

16 **SEC. 7.2.74. STREETCAR RIGHT-OF-WAY-VEHICLES PROHIBITED.**

17 *For any person to drive a vehicle over, upon or across any streetcar right-of-way which has*
18 *been raised three inches or more above the level of the adjacent roadway, except as necessary for the*
19 *purpose of entering or exiting from a garage or driveway or for the purpose of overtaking and passing*
20 *a disabled vehicle upon the adjacent roadway. (121)*

21 **SEC. 7.2.75. PASSING SAFETY ZONES.**

22 *To drive any vehicle other than a public transit vehicle to the left of any safety zone established*
23 *at a regular streetcar stop between the hours and at the locations specified in Division II. (122)*

24 **SEC. 7.2.76. [Reserved.]**

25

1 **SEC. 7.2.77. WEIGHT RESTRICTED STREETS.**

2 *To operate on any street, alley or portion of a street or alley, a vehicle with a gross weight in*
3 *excess of the authorized weight limit established for that street or alley in Division II. (28.1 through*
4 *28.1.70)*

5 **SEC. 7.2.78. PARKING OR DRIVING OF VEHICLES IN PORT AREA.**

6 *(1) To Park any vehicle or leave standing any animal, whether attended or unattended, or*
7 *upon any property under the control and jurisdiction of the Port Commission or upon any thoroughfare*
8 *located on such property in violation of Port Regulations. (220)*

9 *(2) To drive any vehicle or animal upon any wharf, bulkhead wharf, pier, quay, or storage*
10 *area or any other area not dedicated as a public street, within the control of the Port Commission,*
11 *except that signs indicating restrictions on such driving must be posted and clearly visible at the*
12 *entrance from any thoroughfare or street to such wharf, bulkhead wharf, pier, quay, or storage area.*
13 *(220)*

14 **COMMERCIAL VEHICLES**

15 **SEC. 7.2.90. VEHICLES FOR HIRE; PARKING PROHIBITED IN CERTAIN USE DISTRICTS.**

16 *For the operator of any vehicle for hire that is registered or required to be registered with the*
17 *California Public Utilities Commission to leave any such vehicle unattended in any street in a RH-*
18 *1(D), RH-1, RH-2, RH-3, RH-4, RM-1, RM-2, RM-3, RM-4 or P Use District. (63.2)*

19 **SEC. 7.2.91. PARKING OF VEHICLES FOR COMMERCIAL ADVERTISING PURPOSES.**

20 *(a) To Park any motor vehicle that is carrying, towing or otherwise displaying a*
21 *commercial advertising sign on any public street or in any public or private parking lot in the City for*
22 *the primary purpose of displaying a commercial advertising sign, including any display that does no*
23 *more than propose a commercial transaction. This prohibition shall not apply to a passenger vehicle*

1 with maximum occupancy of six passengers, or to vehicles Parked for a primary purpose other than
2 displaying a commercial advertising sign, including:

3 (1) Vehicles Parked while loading or unloading passengers or goods;

4 (2) Vehicles Parked while engaged in the delivery of services; and

5 (3) Passenger vehicles Parked within 600 feet of the residence of the registered owner of the
6 vehicle.

7 (b) Findings and Purpose.

8 The Board of Supervisors finds that there is a growing practice of Parking large vehicles such
9 as trucks and vans in the City's public streets and parking lots for the purpose of displaying commercial
10 advertising. The Board of Supervisors finds that this practice: (i) creates aesthetic blight; (ii)
11 contributes to the critical shortage of parking spaces Parking Spaces; (iii) causes traffic safety hazards
12 by distracting members of the public who use public thoroughfares, including drivers, bicyclists and
13 pedestrians. The purpose of this Section is to counteract these negative effects and protect and promote
14 public safety and quality of life in the City. This Section is not intended to regulate non-commercial
15 speech, including non-commercial advertising and signage. (63.3)

16 **SEC. 7.2.92. SELLING FROM A VEHICLE RESTRICTED.**

17 For any person to Park any vehicle upon any street in any business district and offer
18 merchandise for sale from the vehicle. (68)

19 **SEC. 7.2.93. TRUCK LOADING ZONE.**

20 To Park a vehicle in any Truck Loading Zone other than a Truck, except as expressly authorized
21 by applicable signage. (33.3.2, 33.3)

22 **SEC. 7.2.94. COMMERCIAL VEHICLE PARKING IN CERTAIN DISTRICTS.**

23 To Park any motor truck, truck tractor, road tractor, van, trailer, delivery wagon, or any
24 vehicle used for commercial purposes in excess of limitations on manufacturer's gross vehicle weight
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1 rating or a gross combination weight rating specified in Division II, for a period in excess of one hour
2 or between the hours of 2:00 a.m. and 6:00 a.m. on any street with weight limits designated in Division
3 II except while in the course of delivery or removal of goods, merchandise or other personal property
4 for residents on such street, or except when such vehicle is used by a recreational equipment vendor as
5 defined in Section 1050 of the Police Code in the course of business and all the requirements of Police
6 Code Sections 1051 through 1055 are met. Any excepted vehicle shall be subject to all parking
7 limitations applicable thereto as otherwise provided by law. (63, 63A, 63.1)

8 **SEC. 7.2.95. COMMERCIAL VEHICLE DOUBLE PARKING.**

9 Except when necessary in obedience to traffic regulations or police or Parking Control
10 Officers, when loading or unloading merchandise or passengers it shall be a violation of Vehicle Code
11 Section 22502(a) for a commercial vehicle to Park in a Street where signs clearly prohibiting
12 commercial vehicle double parking are posted.

13 **SEC. 7.2.96. IDLING ENGINE WHILE PARKED.**

14 To cause or permit the engine of a commercial vehicle, Private Bus, or motor vehicle for hire as
15 defined in Police Code Section 1076(a) to idle while Parked upon any public right of way within the
16 City for more than five minutes; provided, however, that if such is temporarily stopped for the sole
17 purpose of loading or unloading passengers, it may idle no longer than is reasonably necessary to load
18 or unload passengers. (60.5)

19 **SEC. 7.2.98. COMMERCIAL PASSENGER VEHICLE RESTRICTIONS.**

20 To operate a commercial motor vehicle with a seating capacity of eight or more passengers,
21 used or maintained for the transportation of persons for hire, compensation or profit upon the streets
22 or areas designated in Division II, Section 503, except as permitted in that Section.

23 **SEC. 7.2.99. ON STREET SALES RESTRICTIONS.**

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25

1 (f) To knowingly use or attempt to use any illegally printed, duplicated, or otherwise
2 reproduced token, card, transfer or other item for entry onto any transit vehicle or into any transit
3 station with the intent of evading payment of a fare.

4 (g) For any unauthorized person to use a discount ticket or fail to present, upon request
5 from a system fare inspector, acceptable proof of eligibility to use a discount ticket. (127)

6 **SEC. 7.2.102. PASSENGER CONDUCT REGULATIONS.**

7 For any passenger or other person in or about any public transit station (including an outdoor
8 high-level boarding platform or station operated by the Bay Area Rapid Transit District), streetcar,
9 cable car, motor coach, trolley coach or other public transit vehicle to commit any of the acts described
10 below:

11 (a) Playing sound equipment on or in a system facility or vehicle;

12 (b) Smoking, eating, or drinking in or on a system facility or vehicle in those areas where
13 those activities are prohibited by that system;

14 (c) Expectorating upon a system facility or vehicle;

15 (d) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous
16 or unruly behavior;

17 (e) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a
18 system facility or vehicle;

19 (f) Urinating or defecating in a system facility or vehicle, except in a lavatory. However,
20 this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a
21 disability, age, or a medical condition;

22 (g) Willfully blocking the free movement of another person in a system facility or vehicle.

23 (h) Skateboarding, roller skating, bicycle riding, or roller blading in a system facility,
24 vehicle, or parking structure. This restriction does not apply to an activity that is necessary for
25

1 utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary
2 for parking a bicycle or transporting a bicycle aboard a transit vehicle as permitted by the Municipal
3 Transportation Agency. (128)

4 **SEC. 7.2.103. CONVERSING WITH OPERATING PERSONNEL PROHIBITED.**

5 For any person to engage any operator of any streetcar, cable car, bus or trolley coach in
6 conversation, except for the purpose of procuring necessary information. (128.5)

7 **SEC. 7.3. MISDEMEANORS.**

8 Except as may be authorized in Division II of this Code, the following actions are prohibited,
9 and each and every violation of the prohibitions listed in this Subsection 7.3 shall be a misdemeanor;
10 provided however, that, the charge may be reduced to an infraction in discretion of the Court, or the
11 citation issued may be issued for the violation as an infraction in the discretion of the issuing officer.:

12 **SEC. 7.3.1. OTHER FARE EVASION AND PASSENGER CONDUCT REGULATIONS.**

13 For any passenger or other person in or about any public transit station (including an outdoor
14 high-level boarding platform or station operated by the Bay Area Rapid Transit District), or public
15 transit vehicle to commit any of the acts described below:

16 (a) Knowingly providing false identification to a peace officer, fare inspector or other
17 representative of the transit system when engaged in the enforcement of City or state laws regarding
18 fare collection, fare evasion, passenger conduct or proof of payment of fare;

19 (b) Interfering with the turnstile or fare register;

20 (c) Meddling with the trolley pole or rope attached thereto;

21 (d) Meddling with tracks, switches, turnouts, or any other transit system structures or
22 facilities;

23 (e) Entering upon the roadbed, tracks, structures or other portions of transit system
24 property or facilities not open to passengers or the public;

1 (f) Obstructing any person or persons in charge of any transit station or facility or public
2 transit vehicle in the performance of that person's duties, or otherwise interfering with the operation of
3 the public transit vehicle;

4 (g) Sounding any bell, alarm or other warning device, without authorization;

5 (h) Printing, duplicating or otherwise reproducing any token, card, transfer or other item
6 used for entry onto any transit vehicle or into a transit station without the express permission of the
7 Municipal Transportation Agency. (128.2)

8 **SEC. 7.3.2. FRAUDULENT PAYMENT PROHIBITED.**

9 To deposit or cause to be deposited in any Parking Meter any slug, device, or substitute for
10 lawful money of the United States or any other authorized payment device, or to otherwise fraudulently
11 attempt to obtain time on a Parking Meter or otherwise avoid making the required payment. (207)

12 **SEC. 7.3.3. OBSTRUCTING TRAFFIC.**

13 To obstruct traffic four or more times within one year without a Special Traffic Permit, or in
14 violation of the terms of a Special Traffic Permit. Each hour or portion thereof during which the
15 obstruction continues shall constitute a separate offense. (194.3)

16 **SEC. 7.3.4. FAILURE TO SURRENDER A REVOKED PARKING PERMIT.**

17 Failure, when requested, to surrender a Parking Permit revoked by the Municipal
18 Transportation Agency. A Police Officer or Parking Control Officer is authorized to confiscate a
19 Parking Permit from a vehicle if the Parking Permit is determined to have been revoked. (316, 413,
20 713)

21 **ARTICLE 8: AUTHORITY TO REMOVE VEHICLES**

22 **SEC. 8.1. CIRCUMSTANCES PERMITTING REMOVAL.**

1 (a) When any legally required signage is posted giving notice, any Police Officer or
2 Parking Control Officer is authorized, in accordance with all applicable requirements of this Code and
3 the Vehicle Code, to remove or cause to have removed any vehicle that is:

4 (1) Parked in violation of Vehicle Code Section 22500, 22651 or 22652; (70, 70b) or

5 (2) Parked, disabled or abandoned in a manner as to obstruct the normal movement of
6 pedestrian or vehicular traffic, or in a condition to create a hazard to other traffic in violation of
7 Vehicle Code Sections 22651(b) or 22654(c); (70, 70(b), 71b,159) or

8 (3) Not a motorcycle and is Parked in an area designated as motorcycle parking only; (27,
9 219) or

10 (4) Interfering with the use of any Street for purposes other than the normal flow of traffic
11 in violation of signs posted at least 24 hours before such use is scheduled to begin, in accordance with
12 Vehicle Code § 22654(d) or 22651(m); (193, 193.4) or

13 (5) Parked at a Stand when such vehicle is not within the class of vehicles authorized to use
14 such Stand, or is Parked at a Stand outside of the hours that such vehicle is authorized to use a Stand;
15 (33.5A) or

16 (6) Parked in such a manner that it blocks any entrance to any residence or blocks access to
17 electric vehicle charging bays; (32.21, 32.21A, 32.22) or

18 (7) Parked in violation of any restriction or prohibition in Division II for which Division II
19 authorizes removal of vehicles in accordance with Vehicle Code Section 22651(n); (32.4.1, 32.4.3, 27)
20 or

21 (8) Parked in violation of a Parking restriction or prohibition posted at a curb painted
22 white, yellow, green or red; (33.3, 38.B, 38.C) or

1 (9) Parked on a Street for 168 or more consecutive hours (7 days), except that no vehicle
2 may be removed pursuant to this Section except in compliance with all procedural requirements of this
3 Code. (37(a), 159, 159.10) or

4 (10) Parked in any Municipal Parking Facility in any manner which violates this Code, or
5 which is left in a Municipal Parking Facility for more than 24 hours after the expiration of the period
6 for which the parking fee was paid for that vehicle; (32.14, 32.19) or

7 (11) A bicycle left unattended in any manner that obstructs a sidewalk, street, alley, transit
8 access or other public place (219.2) or

9 (12) Parked on any Street in violation of Section 7.2.99, provided that (a) such vehicle has
10 been issued a notice of parking violation for violation of Section 7.2.99 within the past 30 days, (b)
11 such previous notice of parking violation was accompanied by a warning that an additional violation
12 may result in the impoundment of the vehicle, and (c) a subsequent notice of parking violation was
13 issued at least 24 hours prior to impoundment of the vehicle.

14 (b) Any peace officer or other employee authorized to enforce Port Regulations who finds
15 any vehicle or animal unattended and standing or Parked in violation of Port Regulations may remove
16 the vehicle or cause it to be removed to the nearest garage or such animal to the nearest place of
17 safety. (220)

18 (c) Any peace officer who arrests the operator of a vehicle that is licensed as a charter-
19 party carrier of passengers by the CPUC for operating as a taxicab may impound the vehicle in
20 accordance with California Public Utilities Code § 5411.5.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

By:

CHRISTIANE JEAN HAYASHI
Deputy City Attorney

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