

FILE NO. 021726

ORDINANCE NO. 170-03

1 [Regulation of mobile storage containers on the public right-of-way.]

2
3 **Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement**
4 **of mobile storage containers on the public right-of-way.**

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

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

9 Section 1. The San Francisco Public Works Code is hereby amended by adding
10 Sections 726 et seq., to read as follows:

11 Sec. 726. MOBILE STORAGE CONTAINERS ON PUBLIC RIGHT-OF-WAY –
12 PERMITS REQUIRED.

13 (a) Mobile Storage Container Permits. An annual and an individual location permit
14 shall be required to occupy any part of the street or sidewalk with a mobile storage container.
15 For purposes of this Section, mobile storage container shall mean a moveable container that
16 is temporarily placed on the public right-of-way and used by property owners or tenants for
17 short-term storage of items, including, but not limited to, clothing, equipment, goods,
18 household or office fixtures or furnishings, materials, and merchandise. Said containers shall
19 be used only for the purpose of loading and transporting the items specified above or as set
20 forth in the orders and regulations of the Department.

21 (b) Annual Permit. Each company or individual that operates a mobile storage
22 container business and plans to locate said containers on the public right-of-way in San
23 Francisco shall obtain an annual permit from the Department of Public Works. Said permit will
24 entitle the permit holder to place mobile storage containers on the public right-of-way subject
25 to the provisions of Sections 726 et seq.

1 (1) An applicant for an annual permit shall submit to the Department a written
2 request for a permit no sooner than 15 days prior to initiation of the first occupation of the
3 public right-of-way with a mobile storage container. The application shall contain the name of
4 the company or individual seeking the annual permit, local contact information, an annual
5 permit fee of \$ 500.00, the deposit set forth in Section 726.3, and any other information
6 specified in Departmental orders or regulations.

7 (2) The Director, in his or her discretion, may approve, conditionally approve,
8 or disapprove an annual mobile storage container permit.

9 (3) The Director's decision on an annual permit shall be appealable to the
10 Board of Appeals.

11 (c) Individual Location Permit. An individual location permit shall be obtained for
12 each mobile storage container that will be placed on the right-of-way.

13 (1) Only annual permit holders may apply for an individual location permit.
14 Said permit holders shall submit a written request to the Department no later than three days
15 prior to occupation of the public right-of-way with a mobile storage container at a particular
16 location. The application shall contain the name of the annual permit holder, local contact
17 information for the permit holder, the proposed location of the mobile storage container(s),
18 name and contact information for the property owner or tenant who will use the container, and
19 any other information specified in Departmental orders or regulations.

20 (2) An individual location permit fee shall be \$100.00 for the first ~~two~~ three
21 days of occupancy on the right-of-way location without regard to the number of containers or
22 whether the occupation is for a single day. Thereafter, the fee amount shall be \$ 50.00 per
23 container per day of occupancy on the right-of-way location. Said fee or fees may be paid
24 separately for each individual location permit or deducted from the deposit, set forth in Section
25 726.3.

1 (3) No individual location permit shall be issued for a period that exceeds
2 seven days.

3 (4) The Director, in his or her discretion, may approve, conditionally approve,
4 or disapprove an individual location permit for the mobile storage container.

5 (5) The Director's decision on an individual location permit shall be
6 appealable to the Board of Appeals.

7 (d) All mobile storage container permits, whether annual or individual location, are
8 revocable at the will of the Director. In addition, when, in the judgement of the Director, the
9 public interest or convenience will be served by removal or relocation of a mobile storage
10 container from the public right-of-way, the Director shall modify, condition, or revoke the
11 permit accordingly.

12 (e) The fees set forth above shall be reviewed and modified, as applicable, pursuant
13 to Section 724(e).

14 Section 726.1. SITING OF THE MOBILE STORAGE CONTAINER.

15 (a) A mobile storage container shall not occupy more than the designated parking
16 lane width or more than $\frac{1}{2}$ of the official sidewalk with along the boundary of the fronting
17 property unless the Director grants permission for a variance of the standard.

18 (b) Mobile storage containers shall be placed level to the slope the public right-of-
19 way, parallel to the curb, and in front of the property owned or leased by the individual or
20 entity renting the mobile storage container. No mobile storage container shall be located on a
21 public right-of-way with a slope greater than 17%. No portion of a mobile storage container
22 shall extend over parking lane, over a warped driveway, or over a subsidewalk basement
23 elevator.

24 (c) Mobile storage containers shall not exceed weight maximums specified in the
25 Department's street loading design parameters.

1 (d) No mobile storage container that is or will be placed in a residentially zoned area
2 shall be delivered or removed for transport between the hours of 7:00 p.m. and 6:00 a.m.

3 (e) Additional siting requirements shall be those set forth for temporary street
4 occupancy pursuant to Public Works Code Section 724(a)(2)-(4) and in the orders and
5 regulations of the Department. In addition, a minimum clearance of six feet shall be
6 maintained at all times on sidewalks within the C-3 zoning district.

7 (f) No exception from the siting requirements shall be authorized unless a permittee
8 makes a written request for such exception to the Director. The Director, in his or her own
9 discretion, may approve, conditionally approve, or deny such exception.

10 Section 726.2. INDIVIDUAL LOCATION PERMIT SIGNS TO BE POSTED ON
11 CONTAINERS.

12 (a) An individual location permit sign shall be posted on the street-facing side of
13 each storage container. The sign shall include the name of the annual permit holder, a 24-
14 hour local contact person and telephone number for such permittee, the name and address of
15 the property owner or tenant who is renting the storage container, the duration of the permit
16 with the start and stop date, a geographic description of the public right-of-way occupied
17 under the permit, the annual and individual location permit numbers, and the Department's
18 street space hotline telephone number. All information contained on the sign shall be legible.
19 An additional sign shall be posted on the storage container's side that faces the fronting
20 property. This informational sign shall include a 24-hour local contact person and telephone
21 number for the permittee and the Department's street space hotline telephone number. The
22 Department shall provide sign templates for each annual permit holder. It shall be the
23 responsibility of the annual permittee to insert the required information, mount the sign, keep
24 the sign posted during the entire term of the permit, and ensure proper maintenance of the
25 sign.

1 Section 726.3. ANNUAL PERMITTEE DEPOSIT.

2 (a) Each annual permit applicant shall submit and maintain with the Department a
3 bond, cash deposit, or other security acceptable to the Department securing the faithful
4 performance of the obligations of the annual permittee under any permit(s) for mobile storage
5 containers and the compliance with all terms and conditions of this Section (the "deposit").
6 The deposit shall be in the sum of \$30,000 in favor of the "Department of Public Works, City
7 and County of San Francisco."

8 (b) An annual permittees may request the Department to deduct the individual
9 location permit fees from a single deposit. After approving such request, the Department will
10 automatically deduct said permit fees so long as a constant balance of \$25,000 is maintained
11 on file with the Department. If the permittee elects to renew his or her annual permit and the
12 permittee's deposit exceeds \$30,000, the Department shall refund the excess to the permittee
13 unless the permittee requests that the excess be applied to a new annual permit or other
14 charges pursuant to Sections 726 et seq. If the permittee elects to terminate his or her permit
15 at any time during the annual permit term or if the permittee fails to renew his or her annual
16 permit, the Department shall refund the deposit less any outstanding obligation owed to the
17 Department pursuant to Sections 726 et seq.

18 Section 726.5. INSURANCE REQUIREMENTS FOR ANNUAL PERMIT HOLDER.

19 (a) Each annual permittee shall maintain in full force and effect, throughout the term
20 of the permit, an insurance policy or policies issued by an insurance company or companies
21 satisfactory to the City's Controller and Risk Manager. Policy or policies shall afford insurance
22 covering all operations, vehicles, and employees, as follows:

23 (1) Workers' compensation with employers' liability limits not less than
24 \$1,000,000 each accident;
25

1 (2) Commercial general liability insurance with limits not less than
2 \$1,000,000 each occurrence combined single limit for bodily injury and property damage,
3 including contractual liability, personal injury, explosion, collapse, and underground (xcu),
4 products, and completed operations; and

5 (3) Business automobile liability insurance with limits not less than
6 \$1,000,000 each occurrence combined single limit for bodily injury and property damage,
7 including owned, nonowned, and hired auto coverage, as applicable.

8 (b) Said policy or policies shall include the City and its officers and employees
9 jointly and severally as additional insureds, shall apply as primary insurance, shall stipulate
10 that no other insurance effected by the City will be called on to contribute to a loss covered
11 thereunder, and shall provide for severability of interests. Said policy or policies shall provide
12 that an act or omission of one insured, which would void or otherwise reduce coverage, shall
13 not reduce or void the coverage as to any other insured. Said policy or policies shall afford full
14 coverage for any claims based on acts, omissions, injury, or damage which occurred or arose,
15 or the onset of which occurred or arose, in whole or in part, during the policy period. Said
16 policy or policies shall be endorsed to provide 30 calendar days advance written notice of
17 cancellation or any material change to the Department.

18 (c) Should any of the required insurance be provided under a claims-made form,
19 the insured annual permittee shall maintain such coverage continuously throughout the term
20 of the permit to the effect that, should occurrences during the term of the permit give rise to
21 claims made after expiration or termination of the permit, such claims shall be covered by
22 such claims-made policies.

23 (d) Such insurance shall in no way relieve or decrease annual permittee's obligation
24 to indemnify the City under Section 724.9.

1 (e) Certificates of insurance, in the form satisfactory to the Department, evidencing
2 all coverages above, shall be furnished to or maintained on file with the Department before
3 issuance of an annual permit, with complete copies of policies furnished promptly upon the
4 Department's request.

5 Section 726.6. ADDITIONAL REQUIREMENTS.

6 (a) In addition to the provisions of Sections 726 et seq., mobile storage container
7 occupancy of the public right-of-way shall be subject to Sections 724.1(f), 724.2, 724.5, 724.9,
8 and 725.6 of this Code.

9 (b) Mobile storage containers shall be completely covered at all times while being
10 transported through City streets.

11 (c) It shall be the responsibility of the annual permittee to keep the exterior of his or
12 her mobile storage containers clean and free of graffiti at all times.

13 (d) Notwithstanding any other applicable provisions of this Code, the Director of
14 Public Works is authorized to order the immediate removal of a mobile storage container
15 when, in his or her opinion, the storage container constitutes a safety hazard or public
16 nuisance, or when the presence of an emergency requires removal. After the Director's
17 notification of the removal order, the responsible annual permit holder or person shall
18 immediately remove the storage container from the street. If the permittee or person does not
19 remove the storage container immediately, the Director may order the Department of Public
20 Works to remove the container. The permittee or person shall pay to the City the costs of
21 removal. If a permittee does not pay such cost, the Director shall deduct said cost from the
22 permittee's deposit. No mobile storage container shall be placed at that location until the
23 conditions, which have caused the removal order, shall have been abated to the satisfaction
24 of said Director. In addition, any use of the mobile storage containers that is inconsistent with
25 Sections 726 et seq. shall be grounds for immediate removal.

1 (e) A person who is in wilful noncompliance with Sections 726 et seq. shall not apply
2 for nor be issued an annual mobile storage container permit or an individual location permit
3 unless the Director, by written authorization, grants a waiver to this prohibition. Wilful
4 noncompliance shall include, without limitation, deliberate acts that result in failure to: (1)
5 satisfy any requirements, terms, or conditions of Sections 726 et seq., or the orders, policies,
6 regulations, rules, or standard plans and specifications of the Department or (2) pay any
7 outstanding assessments, fees, or penalties set forth in Sections 726 et seq. that have been
8 finally determined by the City or a court of competent jurisdiction.

9 Section 726.7 ORDERS AND REGULATIONS.


10 The Director may adopt such orders, policies, regulations, rules, or standard plans and
11 specifications as he or she deems necessary in order to preserve and maintain the public
12 health, safety, welfare, and convenience. Such orders, policies, regulations, or rules may
13 included, but are not limited to, permit application materials, placement of and information
14 contained on signs, site conditions, accessibility of sidewalks and streets. When such orders,
15 policies, regulations, or rules will affect the operations and enforcement of the Department of
16 Parking and Traffic, the Director of the Department of Public Works shall consult with and
17 provide an opportunity to comment to the Director of the Department of Parking and Traffic
18 prior to adoption of such orders, policies, regulations, or rules.

19 Section 726.8. SEVERABILITY.

20 In adopting this Ordinance, the Board of Supervisors does not intend to regulate or
21 affect the rights or authority of the Federal or State government to do those things that are
22 required, directed, or expressly authorized by Federal or State law or administrative
23 regulation. Further, in adopting this Ordinance, the Board of Supervisors does not intend to
24 prohibit that which is prohibited by Federal or State law or administrative regulation. In the
25 event that a court or agency of competent jurisdiction holds that Federal or State law, rule or

1 regulation invalidates any clause, sentence, paragraph, or section of Sections 726 et seq. or
2 the application thereof to any person or circumstances, it is the intent of the Board of
3 Supervisors that the court or agency sever such clause, sentence, paragraph, or section so
4 that the remainder of Sections 726 et seq. shall remain in effect.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: 
9 John D. Malamut
10 Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 021726

Date Passed:

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

June 17, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin,
Sandoval

Excused: 1 - McGoldrick

June 24, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval

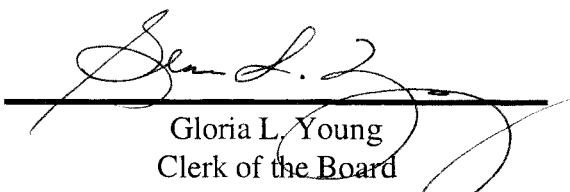
Excused: 2 - Maxwell, McGoldrick

File No. 021726

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 24, 2003 by the Board of Supervisors of the City and County of San Francisco.

JUL 03 2003

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.