

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

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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 will 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 this Section.

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 a permit shall be appealable to the Board of
10 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 shall be \$100.00 for the first two days of
21 occupancy on the right-of-way location without regard to the number of containers or whether
22 the occupation is for a single day. Thereafter, the fee amount shall be \$ 50.00 per container
23 per day of occupancy on the right-of-way location. Said fee or fees may be paid separately
24 for each individual location permit or deducted from the deposit, set forth in Section 726.3.
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1 (3) No individual location permit shall be issued for a period to 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 a permit shall be appealable to the Board of
6 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 not more than ½ 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 street
25 loading design parameters established by the Department.

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

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

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

21 Section 726.3. ANNUAL PERMITTEE DEPOSIT.

22 (a) Each applicant shall submit and maintain with the Department a bond, cash
23 deposit, or other security acceptable to the Department securing the faithful performance of
24 the obligations of the annual permittee under any permit(s) for mobile storage containers and
25 the compliance with all terms and conditions of this Section (the "deposit"). The deposit shall

1 be in the sum of \$30,000 in favor of the "Department of Public Works, City and County of San
2 Francisco."

3 (b) Annual permittees may request the Department to deduct the individual location
4 permit fees from a single deposit. After approving such request, the Department will
5 automatically deduct said permit fees so long as a constant balance of \$25,000 is maintained
6 on file with the Department. If, at the end of the annual permit term, the permittee's deposit
7 exceeds \$30,000, the Department shall refund the excess to the permittee unless the
8 permittee requests that the excess be applied to a new annual permit.

9 Section 726.5. INSURANCE REQUIREMENTS FOR ANNUAL PERMIT HOLDER.

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

14 (1) Workers' Compensation with employers' liability limits not less than
15 \$1,000,000 each accident;

16 (2) Commercial general liability insurance with limits not less than
17 \$1,000,000 each occurrence combined single limit for bodily injury and property damage,
18 including contractual liability; personal injury; explosion, collapse, and underground (xcu);
19 products; and completed operations; and

20 (3) Business automobile liability insurance with limits not less than
21 \$1,000,000 each occurrence combined single limit for bodily injury and property damage,
22 including owned, nonowned, and hired auto coverage, as applicable;

23 (b) Said policy or policies shall include the City and its officers and employees
24 jointly and severally as additional insureds, shall apply as primary insurance, shall stipulate
25 that no other insurance effected by the City will be called on to contribute to a loss covered

1 thereunder, and shall provide for severability of interests. Said policy or policies shall provide
2 that an act or omission of one insured, which would void or otherwise reduce coverage, shall
3 not reduce or void the coverage as to any other insured. Said policy or policies shall afford full
4 coverage for any claims based on acts, omissions, injury, or damage which occurred or arose,
5 or the onset of which occurred or arose, in whole or in part, during the policy period. Said
6 policy or policies shall be endorsed to provide 30 calendar days advance written notice of
7 cancellation or any material change to the Department.

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

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

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

19 Section 726.6. ADDITIONAL REQUIREMENTS.

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

23 (b) Mobile storage containers shall be completely covered at all times while being
24 transported through city streets.

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1 (c) Notwithstanding any other applicable provisions of this Code, the Director of
2 Public Works is authorized to order the immediate removal of a mobile storage container
3 when, in his or her opinion, the storage container constitutes a safety hazard or public
4 nuisance, or when the presence of an emergency requires removal. After notification by the
5 Director of the removal order the storage container shall be removed immediately from the
6 street area by the responsible annual permit holder or person. If the permittee or person does
7 not remove the storage container immediately, the Director may order the Department of
8 Public Works to remove the container. The permittee or person shall pay to the City the costs
9 of removal. If a permittee does not pay such cost, the director shall deduct said cost from the
10 permittee's deposit. No mobile storage container shall be placed at that location until the
11 conditions which have caused the removal order shall have been abated to the satisfaction of
12 said Director. In addition, any use of the mobile storage containers that is inconsistent with
13 this Section shall be grounds for immediate removal.

14 (d) A person who is in wilful noncompliance with this Section shall not apply for nor
15 be issued an annual mobile storage container permit or an individual location permit unless
16 the Director, by written authorization, grants a waiver to this prohibition. Wilful noncompliance
17 shall include, without limitation, deliberate acts that result in failure to: (1) satisfy any
18 requirements, terms, or conditions of this Section, or the orders, policies, regulations, rules, or
19 standard plans and specifications of the Department or (2) pay any outstanding assessments,
20 fees, penalties set forth in this Section that have been finally determined by the City or a court
21 of competent jurisdiction.

22 Section 726.7 ORDERS AND REGULATIONS.

23 The Director may adopt such orders, policies, regulations, rules, or standard plans and
24 specifications as he or she deems necessary in order to preserve and maintain the public
25 health, safety, welfare, and convenience. Such orders, policies, regulations, or rules may

1 included, but are not limited to, permit application materials, placement of and information
2 contained on signs, site conditions, accessibility of sidewalks and streets. When such orders,
3 policies, regulations or rules will affect the operations and enforcement of the Department of
4 Parking and Traffic, the Director of the Department of Public Works shall consult with and
5 provide an opportunity to comment to the Director of the Department of Parking and Traffic
6 prior to adoption of such orders, policies, regulations, or rules.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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By: _____
John D. Malamut
Deputy City Attorney

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