

1 [Repealing Section 1159 of the Police Code -- Union Square and Fisherman's Wharf  
2 Sightseeing Vehicle Stands]

3 **Ordinance Repealing Police Code Section 1159, which authorizes the Department of**  
4 **Parking and Traffic to issue to a single entity or person a permit for a sightseeing stand**  
5 **on Powell Street, for the purpose of selling tickets for sightseeing tours and providing**  
6 **sightseeing information.**

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

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

12 Section 1. The San Francisco Police Code is hereby amended by repealing Section  
13 1159, to read as follows:

14 ~~Sec. 1159. UNION SQUARE AND FISHERMAN'S WHARF SIGHTSEEING VEHICLE~~  
15 ~~STANDS.~~

16 ~~(a) Union Square Stand. The Department of Parking and Traffic shall issue to a single person~~  
17 ~~or entity a permit for a sightseeing vehicle to stand on the east side of Powell Street, between Geary~~  
18 ~~and Post Streets, for the purpose of selling tickets for sightseeing tours and for the other purposes as~~  
19 ~~described in this Section. A vehicle owned by the permittee may pick up and discharge sightseeing~~  
20 ~~passengers from the Powell Street curb in front of the vehicle ticket stand an average of not more than~~  
21 ~~two times each hour, provided that such vehicle does not spend more than 10 minutes at the curb in~~  
22 ~~each instance.~~

23 ~~(b) Permit Required. None of the vehicles mentioned in this Section shall stand on the streets mentioned~~  
24 ~~herein unless the permit from the Department of Parking and Traffic has been first obtained. Not more~~  
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1 ~~than one permit shall be issued to any person, firm, corporation or association for more than one~~  
2 ~~vehicle at any one time.~~

3 ~~(c) Terms of Permit. The permit referred to in Subsections (a) and (b) above shall have a term of five~~  
4 ~~years, and shall be competitively rebid every five years by the Department of Parking and Traffic in~~  
5 ~~order to ensure that the fee for such permit reflects the fair market value for such permit and that the~~  
6 ~~service to the touring public and to the City is adequate. The Department of Parking and Traffic may~~  
7 ~~revoke the permit at any time if it finds, after notice and hearing, that the permittee is in material~~  
8 ~~violation of the conditions of the permit as specified in this Section and a written agreement between~~  
9 ~~the Department and the permittee. The Department of Parking and Traffic shall base its decision to~~  
10 ~~award the permit upon specific applicable criteria developed and published by the Department, after a~~  
11 ~~public comment period of not less than 30 days, which shall include, but not be limited to, the factors~~  
12 ~~set forth below.~~

13 ~~(1) Whether the financial, equipment, and personnel resources, and the financial responsibility, of the~~  
14 ~~proposed permittee are such that it will likely be able to conduct its proposed sightseeing tour~~  
15 ~~operation during the term of the permit and otherwise fulfill its obligations under this Section;~~

16 ~~(2) Whether the proposed permittee's duration and breadth of experience in the sightseeing tour~~  
17 ~~business in San Francisco is sufficient;~~

18 ~~(3) Whether a "prevailing wage" as that term is defined in Section 6.1-3 of Chapter 6 of the San~~  
19 ~~Francisco Administrative Code has been or will be paid to employees of the proposed permittee or its~~  
20 ~~independent contractors, and whether the various terms and conditions of employment required by law~~  
21 ~~have and will be observed;~~

22 ~~(4) Whether the amount of public liability and vehicle insurance coverage carried by the proposed~~  
23 ~~permittee is reasonable;~~

24 ~~(5) Whether a Public Utilities Commission sightseeing or other appropriate permit or certificate~~  
25 ~~granting authority to operate sightseeing and/or charter tours has been obtained;~~

1 ~~(6) Whether the proposed permittee has a record of timely and comprehensive tour service to the~~  
2 ~~public;~~

3 ~~(7) In the case of an existing permittee, whether the permittee's record of performance of its obligations~~  
4 ~~under this Section is satisfactory.~~

5 ~~(d) The successful permittee shall conduct its sightseeing tour operation substantially in accordance~~  
6 ~~with the terms and conditions of a written agreement developed by the Department of Parking and~~  
7 ~~Traffic in accordance with this Section. The permittee shall offer and display to the public free of~~  
8 ~~charge at the ticket stand a brochure containing information about the history of San Francisco and~~  
9 ~~Union Square. The permittee shall staff the ticket stand with at least one person knowledgeable about~~  
10 ~~the history of San Francisco and Union Square, not less than 10 hours per day, seven days per week,~~  
11 ~~and shall provide sightseeing tours to the public each day of the year including holidays. At all times~~  
12 ~~during the term of the permit, the permittee shall carry general public liability and vehicle insurance in~~  
13 ~~amounts not less than those required by the Department of Parking and Traffic in its reasonable~~  
14 ~~discretion, but in no event less than the amounts required to be carried by holders of sightseeing~~  
15 ~~permits granted by the California Public Utilities Commission.~~

16 ~~(e) Fisherman's Wharf Stand. The Department of Parking and Traffic may issue permits for sightseeing~~  
17 ~~vehicles to stand on the north side of Beach Street between Leavenworth and Jones Streets, and the east~~  
18 ~~and west side of Leavenworth Street between Beach and Jefferson Streets. Sightseeing tour vehicles~~  
19 ~~shall not stand on the streets mentioned herein unless the permit from the Department of Parking and~~  
20 ~~Traffic has first been obtained. The Department of Parking and Traffic shall establish fees for such~~  
21 ~~permits based upon the estimated cost of administering the permit process.~~

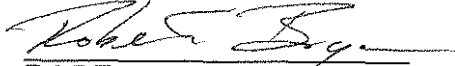
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1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By:   
4 ROBERT A. BRYAN  
5 Deputy City Attorney

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# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 021885

**Date Passed:**

Ordinance repealing Police Code Section 1159, which authorizes the Department of Parking and Traffic to issue to a single entity or person a permit for a sightseeing stand on Powell Street, for the purpose of selling tickets for sightseeing tours and providing sightseeing information.

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March 25, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval

April 1, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,  
Newsom, Peskin, Sandoval

File No. 021885

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on April 1, 2003 by  
the Board of Supervisors of the City and  
County of San Francisco.

APR 11 2003

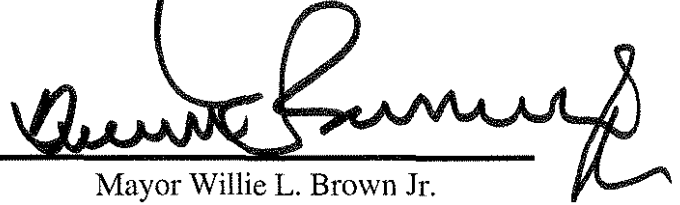
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Date Approved



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Gloria L. Young  
Clerk of the Board



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Mayor Willie L. Brown Jr.