

1 [Prohibiting Advertising on San Francisco Bay]
2 APPROVING AND AFFIRMING REGULATION PROHIBITING ADVERTISING ON SAN
3 FRANCISCO BAY WATERS WITHIN THE JURISDICTION AND CONTROL OF THE SAN
4 FRANCISCO PORT COMMISSION, SUBJECT TO SPECIFIC LIMITATIONS, AS ADOPTED
5 BY THE SAN FRANCISCO PORT COMMISSION BY RESOLUTION 98-113, AND
6 APPROVING AND AFFIRMING THAT AN INFRACTION OF THOSE REGULATIONS IS A
7 MISDEMEANOR.

8

9 Note: This entire section is new.

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

11 Section 1. Findings. The Board of Supervisors hereby finds that:

12 (a) The Burton Act (Chapter 1333 of the California Statutes of 1968) and Section B3.581 of
13 the City Charter empower and obligate the Port Commission of San Francisco ("the
14 Commission") to use, conduct, operate, maintain, manage, regulate and control the Port area
15 of San Francisco; and

16 (b) The Commission is charged with promoting the Port area, including the San Francisco
17 Bay, for waterborne commerce, navigation and fisheries, and uses that attract people to use
18 and enjoy the Bay; and

19 (c) The Commission is charged with ensuring pedestrian and motorist safety in and around
20 the Port and seeks to limit hazards to pedestrians and motorists brought about by distracting
21 advertising signs; and

22 (d) The Commission has found that because the proliferation and location of advertising signs
23 in the Port area can contribute to visual blight, traffic hazards and a reduction in the value of
24 the Bay as preeminent public attraction, it is in the public interest to regulate general
25 advertising signs; and

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1 (e) The Commission found that advertising signage on sailboats does not present the same
2 severe problems of visual blight or potential hazard to pedestrian and motorist safety as
3 advertising signage on other types of vessels and sailboats historically have attracted visitors,
4 competitions, and resulting critical economic activity to the Port, and therefore advertising
5 signage on functional sailboat sails and hulls should not be prohibited; and

6 (f) The Commission found that advertising signage identifying commercial shipping, tourist,
7 passenger, and fishing vessels or their services or commodities also does not present the
8 same problems of visual blight as other types of advertising signage on vessels and is part of
9 the traditional view of a working Port observed by the public, and these vessels are critical to
10 the economy of the Port and therefore should not be prohibited from displaying words or
11 pictures that identify or advertise the vessel, or the use, activity, or function of the vessel; and

12 (g) Pursuant to the authority granted by the Burton Act, the City Charter and this Board by
13 Ordinance 40-69, and as herein affirmed, the Commission adopted Resolution 98-113
14 amending Article 13, Section 100 of the San Francisco Port Commission regulations entitled
15 "Harbor Traffic Code" to read as follows:

16 Article 13. General Advertising Signs on Vessels Prohibited.

17
18 Section 100.

19 (a) **Prohibition.** No general advertising sign may be posted, exhibited, or
20 carried on the outside of any vessel on any waters within the jurisdiction of the San Francisco
21 Port Commission.

22
23 (b) **Limitations.**

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1 (i) *Business Signs.* The prohibition in this Article shall not apply to business
2 signs.

3
4 (ii) *Sailboats.* The prohibition in this Article shall not apply to the hull on a
5 sailboat or to sails on a sailboat, provided that the sails are designed, and are being used,
6 primarily for the propulsion of the sailboat.

7
8 (iii) *Noncommercial Content.* Any sign authorized by this Article may contain
9 noncommercial content wholly or partially in lieu of any other content.

10
11 (c) Definitions.

12
13 (i) *Business Sign.* The term "business sign" means a sign which directs
14 attention to a business, commodity, service, industry or other activity which is sold, offered or
15 conducted, other than incidentally, on the vessel upon which such sign is located or to which it
16 is affixed.

17
18 (ii) *General Advertising Sign.* The term "general advertising sign" means a sign
19 which directs attention to a business, commodity, industry, or other activity which is sold,
20 offered or conducted elsewhere than on the vessel upon which the sign is located, or to which
21 it is affixed and which is sold, offered or conducted on such vessel only incidentally if at all.

22
23 (iii) *Sailboat.* Any watercraft designed to be and capable of being propelled
24 solely by wind power.

1 (iv) *Sign.* Any structure, part thereof, or device or inscription which is located
2 upon, attached to, or painted, projected or represented on any vessel and which displays or
3 includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light
4 trademark or other representation used as, or in the nature of, an announcement,
5 advertisement, attention arrester, direction, warning or designation by or of any person, firm,
6 group, organization, place, commodity, product, service, business, profession, enterprise or
7 industry.

8
9 (v) *Vessel.* Any watercraft of any kind, including but not limited to motorized,
10 towed, or sailing watercraft such as ships, boats, tugboats, barges and sailboats; and
11

12 (h) This Board recognizes and approves of Article 6, Section 59 of the San Francisco Port
13 Commission Harbor Traffic Code making a violation of that code, including Article 13, Section
14 100, a misdemeanor: and

15 (i) This Board affirms the findings of the Port Commission and further finds that the
16 regulations set forth in Article 13, Section 10 of the San Francisco Port Commission Harbor
17 Traffic Code are necessary to promote public safety, health, welfare, convenience and
18 enjoyment of public travel, to protect the public investment in the San Francisco waterfront
19 and preserve the scenic beauty of the San Francisco Bay as observed from the waterfront;
20 and

21 (j). This Board acknowledges that this regulation is not applicable to cargo containers or other
22 goods being transported on cargo ships to the extent that this regulation is preempted by the
23 Federal Shipping Act.
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1 Section 2. This Board of Supervisors does hereby approve and affirm the action of the San
2 Francisco Port Commission in adopting Resolution 98-113, amending Article 13, Section 100
3 of the San Francisco Port Commission Harbor Traffic Code as set forth above, and
4 recognizes the San Francisco Port Commission's authority to adopt regulations with respect
5 to the land and water within its jurisdiction and control as generally set forth in the Port
6 Commission's Harbor Traffic Code, pursuant to authority granted to it Commission by the
7 Burton Act, the City Charter and this Board pursuant to Ordinance 40-69.

8
9 Section 3. This Board of Supervisors does hereby approve and affirm Article 6, Section 59 of
10 the San Francisco Port Commission's Harbor Traffic Code providing that "Any person violating
11 any of the provisions of this Code shall be guilty of a misdemeanor," recognizing that a
12 violation of Article 13, Section 100 of the Harbor Traffic Code is a misdemeanor.

13
14 Section 4. Severability. If any provision, section, paragraph, clause, sentence or phrase of
15 this ordinance, or the application thereof to any person or circumstances, shall be held invalid,
16 such invalidity shall not affect the other provisions or applications of this ordinance which can
17 be given effect without the invalid provisions or application and, to this end, the provisions of
18 this ordinance are hereby declared to be severable.

19 APPROVED AS TO FORM:

20 LOUISE H. RENNE, City Attorney

21
22
23 By:



24 Noreen Ambrose

25 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

File Number: 982040

Date Passed:

Ordinance approving and affirming regulation prohibiting advertising on San Francisco Bay Waters within the jurisdiction and control of the San Francisco Port Commission, subject to specific limitations, as adopted by the San Francisco Port Commission by Resolution 98-113 and approving and affirming that an infraction of those regulations is a misdemeanor.

December 14, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Teng, Yaki, Yee

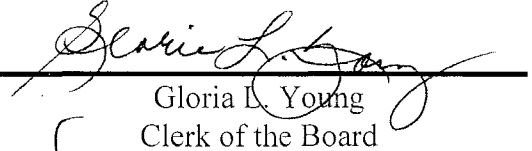
December 21, 1998 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom, Yaki, Yee

Absent: 1 - Teng

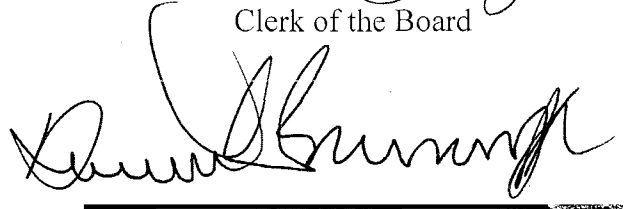
File No. 982040

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on December 21,
1998 by the Board of Supervisors of the City
and County of San Francisco.


Gloria L. Young
Clerk of the Board

DEC 24 1998

Date Approved


Mayor Willie L. Brown Jr.