

FILE NO. 990586

ORDINANCE NO. 135-99

1 [Street Closures]

2 AMENDING PART I, CHAPTER 2, ARTICLE VIII, OF THE SAN FRANCISCO MUNICIPAL
3 CODE (ADMINISTRATIVE CODE) BY REPEALING SECTIONS 2.70 THROUGH 2.76, AND
4 AMENDING PART II, CHAPTER XI, OF THE SAN FRANCISCO MUNICIPAL CODE
5 (TRAFFIC CODE) BY ADDING ARTICLE 21, SECTIONS 800 THROUGH 815, TO
6 TRANSFER THE PROVISIONS GOVERNING THE TEMPORARY USE OR OCCUPANCY
7 OF PUBLIC STREETS.

8

9 Note: Additions and substitutions are underlined;
10 deletions are in ((double parentheses)).

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

12

13 Section 1. Chapter 2, Article VIII, of the San Francisco Administrative Code is hereby
14 amended by repealing Chapter 2, Article VIII, Sections 2.70 through 2.76.

15

16 ((**SEC. 2.70. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
17 **TRANSPORTATION (ISCOTT)**). There is hereby established a committee to be known as the
18 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the
19 department heads or their designated representatives from the following departments and
20 agencies: Parking and Traffic, Public Works, Police, Fire, Public Health, Municipal Railway,
21 and City Planning. The Director of the Department of Parking and Traffic, or his or her
22 designee shall serve as Chair of ISCOTT. The Director of Administrative Services or his or her
23 designee shall review recycling plans and recommend with ISCOTT when the Committee
24 considers for approval applications for the temporary use or occupancy of a public street, a
25 street fair or an athletic event which include the dispensing of beverages or other use which

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1 generates large volumes of recyclable materials, pursuant to the provisions of Section 2.70-5.
2 In exercising its powers the Committee shall consult with any other City department or agency
3 which could be affected by any temporary use or occupancy of a public street. The Committee
4 shall have the authority to take all acts reasonably necessary for it to carry out any duties
5 imposed upon it by ordinance. Before acting on any application for temporary use or
6 occupancy of public streets, street fair or an athletic event, ISCOTT shall conduct a public
7 hearing at publicly noticed times and at places to be determined by the Committee.))
8

9 **((SEC. 2.70-1. REQUEST FOR PERMISSION FOR TEMPORARY USE OR**
10 **OCCUPANCY OF PUBLIC STREETS; PROCEDURE.** (a) Any person seeking permission for
11 the temporary use or occupancy of a public street within the City and County shall file an
12 application with, and on a form provided by, the Director of the Department of Parking and
13 Traffic (hereafter, the "Director"), and shall pay a filing fee of \$80; provided, however, that (a)
14 if the application is filed fewer than 60 days prior to the date of the proposed temporary use or
15 occupancy, then the applicant shall pay a filing fee of \$140, (b) if the application is filed fewer
16 than 30 days prior to the date of the proposed temporary use or occupancy, then the applicant
17 shall pay a filing fee of \$180, and (c) if the application is filed fewer than seven days prior to
18 the date of the proposed temporary use or occupancy under the conditions set forth in the
19 succeeding paragraph, then the applicant shall pay a filing fee of \$250.

20 An application shall not be accepted or approved for a proposed temporary use or
21 occupancy scheduled to occur fewer than seven calendar days after the application is
22 submitted to the Director, except as follows in this paragraph: (a) An application for a
23 proposed temporary use or occupancy scheduled to occur fewer than seven calendar days
24 after the application date may be filed for emergency consideration. The Director shall
25 consider the request if the applicant has demonstrated that an extraordinary emergency exists

1 that requires the closing of a street, and provided that there is adequate time available for the
2 Director to conduct the required public hearing and post notice of the scheduled hearing at
3 least 24 hours in advance of the hearing. (b) The Mayor's Film and Video Arts Commission
4 (the "Film Commission"), or other successor commission or division of the Mayor's office, may
5 file with the Director an application on behalf of a film or other video production company
6 (which company shall be responsible for the payment of all applicable fees) for a proposed
7 temporary use or occupancy scheduled to occur fewer than seven calendar days after the
8 application date, provided that there is adequate time available for the Director to conduct the
9 required public hearing and post notice of the scheduled hearing at least 24 hours in advance
10 of the hearing. The Film Commission (or the film company on whose behalf the application
11 was made) shall (i) notify residents, merchants and other occupants of the public street(s) to
12 be closed of the dates proposed for street closure, and (ii) notify any and all affected City
13 departments, including the Chief of Police, the General Manager of the Municipal Railway and
14 the Director of the Department of Public Works.

15 The completed application shall include, when applicable, maps and/or drawings which
16 identify the streets that would be affected, describe the scope and design of the event,
17 including illustrations of the location of staging, food booths, seating, and a diagram of an
18 emergency access plan. In addition, the Director may request such additional information as
19 is necessary to allow ISCOTT to make an informed evaluation of the proposed temporary use
20 or street occupancy.

21 Applicants shall be responsible for posting notice of the public hearing at least seven
22 calendar days prior to the hearing at which the application will be reviewed by ISCOTT. Such
23 notice shall include a description of the streets that would be affected and shall be posted in
24 the area of the proposed temporary use or street occupancy according to rules and
25 regulations prescribed by the Director. A declaration under penalty of perjury shall be

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1 submitted to the Director by the applicant attesting that the required public notices have been
2 posted.

3 Upon receipt, the Director shall refer such a request to ISCOTT for its review and
4 approval, or disapproval.

5 **(b) ISCOTT Review and Approval Process.** In reviewing an application, ISCOTT
6 shall: Consider the impact of the temporary use or occupancy of public streets on the traffic,
7 security, health, and safety of the public; determine the traffic, security, health, and safety
8 requirements of the proposed temporary use or occupancy; and evaluate the measures
9 proposed by the applicant to satisfy those requirements. It shall be the duty of ISCOTT to also
10 consider the following:

11 1. Demonstrated ability of the applicant to comply with requirements necessary to
12 protect the safety, health, and welfare of the public.

13 2. Duration of the temporary use or street occupancy and the City's ability to
14 accommodate such use or occupancy with the necessary resources.

15 3. Overextension of the City's resources because of previously approved
16 temporary use or occupancy of public streets or other activities that could cause scheduling
17 conflicts during the same period.

18 4. The availability of an appropriate emergency access plan.

19 5. The number of major events (as defined in Section 2.70-2 below) scheduled
20 during the period for which the applicant seeks a permit, the nature and location of the major
21 events, and the demand these major events will have on the City's resources, including its
22 police, emergency and sanitation personnel. In considering the major events for which
23 applications have been filed and/or approved, ISCOTT should give priority based on the
24 chronological order in which the applications are received, and applicants denied permission
25 on the basis that there are too many major events already approved or pending for approval

1 shall be offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in
2 its discretion, grant preference to recurring events traditionally or historically associated with a
3 particular day or dates, provided that applications, once approved, cannot be revoked
4 because of the subsequent filing of an application for a permit for an event traditionally or
5 historically associated with a particular day or dates.

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

10 The ISCOTT committee may impose additional requirements or conditions it deems
11 necessary to protect the public interest by ensuring traffic management, security of property
12 and health and safety of citizens. At the time ISCOTT reviews the application, it shall also
13 determine the necessity of and the total estimated actual costs incurred by the Municipal
14 Railway to run motor coaches to accommodate the rerouting of electrically powered transit
15 vehicles because of restrictions which are imposed by the temporary street closing. The
16 applicant shall pay a fee to the Municipal Railway which is calculated at the rate of \$6.00 per
17 electrically powered vehicle hour per line affected. For purposes of this provision, "vehicle
18 hour" shall mean the number of hours each coach on a line is in operation during the day of
19 the street closing. If the application is approved, the General Manager of the Municipal
20 Railway shall transmit to the applicant an invoice for the fee. The applicant shall make full
21 payment of the fee no later than five days prior to the date of the street closing, or in
22 accordance with a schedule agreed to by the General Manager of Municipal Railway. ISCOTT
23 shall not disapprove any application for a temporary use or occupancy of public streets
24 because of the applicant's political, religious, or cultural orientation.

25 Notice of ISCOTT's action of approval or disapproval shall be submitted to the Director;

1 the Chief of Police; the Chief of the Fire Department; the Director of Health; the General
2 Manager of the Municipal Railway; the Director of Public Works and the Director of City
3 Planning, and be maintained as a matter of record. The Director shall deem the application
4 approved by ISCOTT as submitted, if ISCOTT takes no action to approve or disapprove the
5 application within 30 days of receipt of the application.

6 (c) **Appeals Process.** Should the application be disapproved by ISCOTT, the
7 applicant may first appeal the decision to the Director if the application was filed at least 30
8 days prior to the date of the proposed temporary use or occupancy. Such appeal shall be
9 made by filing the appeal with the Director on a form provided by the Director within five
10 working days of disapproval. Upon receipt, the Director shall set a time and place for hearing
11 such appeal. In considering the appeal the Director shall conduct a public hearing for which
12 notice shall be posted at least 72 hours in advance of the hearing at the Department of
13 Parking and Traffic, at the main library, and at the Office of the Clerk of the Board of
14 Supervisors.

15 At the appeal hearing, the appellant and members of ISCOTT shall have an opportunity
16 to present oral testimony and written materials in support of their positions. The Director shall
17 conduct the hearing according to the same standards of review as set forth in Section 2.70-
18 1(b) hereof. Upon hearing the appeal, and after any further investigation by the Director, the
19 Director may affirm, reverse, or modify the ISCOTT decision. Notice of the Director's action of
20 approval or disapproval shall be submitted to the Chief of Police, the Chief of the Fire
21 Department, the Director of Health, the General Manager of the Municipal Railway, the
22 Director of Public Works and the Director of City Planning and be maintained as a matter of
23 record.

24 If the Director denies the application after the appeal described in the preceding
25 paragraph, the applicant may then appeal the decision to the Board of Supervisors. Such

1 appeal shall be made by filing the appeal with the Clerk of the Board, on a form provided by
2 the Clerk, within five working days of the Director's disapproval. The Board may establish a
3 fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall set a time
4 and place for hearing such appeal by the Board of Supervisors, which hearing shall be at the
5 Board's next regular meeting, provided that all applicable public notice requirements are
6 satisfied. The Board shall conduct the hearing according to the same standards of review as
7 set forth in Section 2.70-1(b) hereof. Upon hearing the appeal, and after any further
8 investigation that the Board may request, the Board may affirm, reverse or modify the
9 Director's decision. The decision of the Board regarding the appeal shall be final.

10 Any permission for the temporary use of occupancy of a public street authorized
11 pursuant to these provisions shall be subject to the conditions set forth in San Francisco
12 Administrative Code Sections 2.71 and 2.72.

13 (d) **Late Application.** Should the applicant file an application for a proposed
14 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
15 occupancy, and not far enough in advance of the proposed use or occupancy to allow
16 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
17 Director shall have the responsibility and duty to consider and approve or disapprove the
18 application after consulting with the members of ISCOTT. The Director shall conduct a public
19 hearing for which notice shall be posted at least 24 hours in advance of the hearing at the
20 Department of Parking and Traffic, the main library, and at the Office of the Clerk of The
21 Board of Supervisors. At the hearing, the applicant and interested persons shall have an
22 opportunity to present oral testimony and written materials in support of their position. The
23 Director shall conduct the hearing according to the same standards of review as set forth in
24 Section 2.70-1(b) hereof. Notice of the Director's action of approval or disapproval shall be
25 submitted to the Chief of Police, the Chief of the Fire Department, the Director of Health, the

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1 General Manager of the Municipal Railway, the Director of Public Works and the Director of
2 City Planning, and shall be maintained as a matter of record. In the event the Director
3 disapproves the application, the applicant shall have the right to appeal the Director's decision
4 to the Board of Supervisors in accordance with the same terms and conditions as set forth in
5 Subsection (c) of this Section above.))

6
7 ((**SEC. 2.70-2. MAJOR EVENTS DEFINED.** "Major events" are those events, including
8 athletic events, involving any of the following: The use or occupancy of more than five blocks,
9 the expected attendance of more than 1,000 people at any one time, or the rerouting of more
10 than three Municipal Railway transit lines. "Major events" shall also include any sports events
11 at Candlestick Park with expected attendance of more than 50,000 people, or any parade
12 governed by the provisions of Police Code Section 366 et seq.))

13
14 ((**SEC. 2.70-3. INSURANCE.** Sponsors of major events shall be required to provide an
15 insurance policy naming the City as an additional insured, in a form approved by the Office of
16 Risk Management. Coverage shall be in an amount of \$1,000,000 or more, as determined by
17 the Office of Risk Management. This insurance requirement shall be waived by the Committee
18 of the Board where the event constitutes the exercise of rights protected under the First
19 Amendment to the United States Constitution, and the event sponsor submits a sworn
20 statement of indigency.))

21
22 ((**SEC. 2.70-4. NOTICE.** The Clerk of the Board of Supervisors shall transmit copies of
23 any legislation approving a temporary street closing to the Director of Public Works, Chief of
24 Police, the Chief of the Fire Department, the Superintendent of Emergency Hospital Service of
25 the Department of Public Health and to the General Manager of the Municipal Railway.

1
2 **SEC. 2.70-5. RECYCLING, COLLECTION AND DISPOSITION.** (a) Any applicant
3 seeking permission for the temporary use or occupancy of a public street, a street fair or an
4 athletic event within the City and County for an activity or special event that includes
5 dispensing of beverages from glass, aluminum, or plastic containers, or which causes to be
6 generated large amounts of other recyclable materials, shall be required to submit a plan
7 demonstrating a good-faith effort to provide a method to separate glass, aluminum and plastic
8 beverage containers or other materials for the purpose of recycling.

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

11 (1) A plan which describes the number and location of source-separated recycling
12 containers which are necessary to ensure convenient utilization and protect public health and
13 safety; and

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

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

25 The Director of Public Works shall maintain records for a period of three years which

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

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

16
17 **((SEC. 2.70-6. TEMPORARY USE OF STREETS FOR STREET FAIRS.**

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

- 19 (1) "Director" means the Director of the Department of Parking and Traffic or his or
20 her designee.
- 21 (2) 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 (3) "Sponsor" means that organization responsible for organizing a street fair and
24 authorized to represent the street fair before City agencies and officials.
- 25 (4) A "street fair" means a social or community event, not including an athletic event

1 or parade, in which any group of persons convene to celebrate their community or
2 neighborhood on any street in the City and County of San Francisco which event obstructs or
3 interferes with the normal flow of vehicular traffic.

4 (b) **Applying for Temporary Use of Street for Street Fair.** Notwithstanding any
5 other provisions of the Administrative Code of the City and County of San Francisco, the
6 regulation of street fairs, including the processes for obtaining permits from the City for
7 conducting these street fairs and the payment of associated fees to the City, shall be
8 governed by Section 2.70-6 of the Administrative Code. In order to provide for the safe,
9 orderly and cost-effective conduct of street fairs, any organization seeking permission for the
10 temporary use of a street for the purpose of conducting a street fair shall file an application
11 with the Director no later than 90 days prior to the proposed date for the event. Applications
12 shall be submitted on forms prepared by the Director after conferring with the appropriate
13 representatives from the Police Department, Fire Department, Department of Public Health,
14 the Municipal Railway, the Department of Public Works and the Department of Parking and
15 Traffic. At the time of filing an application under this Section, the sponsoring organization shall
16 also file a \$80 application fee.

17 (c) **Timeliness of Applications.** No person submitting an application after the
18 deadlines set forth in this ordinance shall be granted permission to conduct a street fair in the
19 corresponding period unless the person demonstrates to the satisfaction of the Director that
20 the failure to submit a timely application was justified by extraordinary circumstances;
21 provided, however, that in no event shall an applicant be permitted to file an application less
22 than 60 days prior to the proposed date for the event. A late fee of \$80 shall be assessed for
23 untimely filed applications.

24 (d) **Review of Application.**

25 (1) Upon receiving an application for permission for the temporary use of a street for

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

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

23 (e) **Review by ISCOTT; Recommendation.** Except as provided in Subsection
24 (d)(2) of this Section, no later than 60 days prior to the proposed date of the street fair,
25 ISCOTT shall review the application and shall recommend that the Director grant, deny, or

1 grant with conditions the application for a permit. The Director may accept or reject the
2 recommendation of ISCOTT, and may grant, deny or grant with conditions the application for
3 a permit. Upon granting permission to conduct a street fair, the Director shall cause all
4 necessary permits to be issued to the sponsor of the street fair. If the Director denies
5 permission to conduct the street fair, the Director shall state in writing his or her reasons for
6 the denial.

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

13
14 Fire Department:

15 Application fee: \$129.00

16 Inspection fee — Food vendors using propane, butane,
17 charcoal briquettes or open flame:

18 First Day of Street Fair:

19 1 to 10 food vendors: \$163.28

20 11 to 20 food vendors: \$326.56

21 21 to 30 food vendors: \$489.84

22 31 food vendors and over: \$652.92

23 Each Consecutive Day of Street Fair:

24 1 to 20 food vendors: \$163.28

25 21 food vendors and over: \$326.56

1 LPG heaters: \$163.28 and \$40.82 for each hour after four hours of service.

2 Whenever an LPG heater is used in a tent where a public
3 assembly event is held, one inspector shall be on duty
4 during the duration of the operation of the heater, pursuant
5 to Section 2501.19.1 of the Municipal Fire Code.

6 Tents or membrane structures

7 permit fee: \$146.00

8 Fireworks or pyrotechnics

9 permit fee: \$90.00

10
11 Public Health:

12 Application fee: \$50.00 application fee payable by sponsor or, where no
13 sponsor, by individual vendor

14 Permit fee: \$25.00 per booth selling food or beverages (first day)

15
16 \$10.00 per booth selling food or
17 beverages (each day after first day)

18
19 Municipal Railway fee: \$6.00 per electrically powered vehicle hour per line affected,
20 where "vehicle hour" means the number of hours each
21 coach on a line is in operation during the day of the event.

22
23 Police Department: 40 percent of the projected Police Department costs incurred by
24 reason of the street fair; provided, that this fee shall not
25 exceed \$2,500. ISCOTT shall waive all or part of this fee

1 upon a showing that the sponsors of the event are unable to
2 pay the full fee.

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

7 (g) **Insurance.** Street fair sponsors shall be required to file with the Director proof of
8 the insurance required by San Francisco Administrative Code Section 2.71(1) no later than
9 the Thursday before the date of the street fair.

10 (h) **Conditions.** In addition to any other conditions imposed by the Director, any
11 street fair conducted pursuant to this Article shall be subject to the conditions set forth in San
12 Francisco Administrative Code Section 2.71.

13 (i) **Appeals.** Any appeal from the denial of the issuance of a permit to conduct a
14 street fair, from the imposition of conditions on the issuance of a permit, or the determination
15 or refund of fees shall be to the Board of Supervisors. Such appeal shall be made by filing
16 with the Clerk of the Board, on a form provided by the Clerk of the Board, within 10 days of
17 the Director's approval or disapproval or the determination or refund of fees. The Board may
18 establish a fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall
19 set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its
20 next regular meeting in conformance with public notice requirements.

21 At the appeal hearing, the appellant and Director shall have an opportunity to present
22 oral testimony and written materials in support of their positions. Upon hearing the appeal,
23 and after any further investigation which the Board may request, the Board may affirm,
24 reverse, or modify the Director's decision on the issue appealed.

25 (j) **Notice.** The Director shall transmit copies of the granting of permission to

1 conduct a street fair to the Chief of Police, the Chief of the Fire Department, the General
2 Manager of the Municipal Railway, the Director of Public Works, the Director of the Bureau of
3 Environmental Health Services of the Department of Public Health and the Superintendent of
4 Emergency Hospital Service of the Department of Public Health.

5 (k) **Authorization to Sell Goods; Unauthorized Sales.** The sponsor of a street fair
6 shall determine which individuals or organizations may sell goods or merchandise on a street
7 that has been closed for the purposes of conducting a street fair, provided, however, that such
8 authorization shall not be withheld on the basis of the race, sex, religion, creed, national origin
9 or sexual orientation of the person seeking such authorization. Individuals seeking to sell
10 goods or merchandise in a street that has been closed for the purpose of a street fair without
11 the authorization of a sponsor may be cited for violating San Francisco Police Code Section
12 869 (peddling without a permit). Nothing in this Section shall be construed to deprive the
13 Department of Public Health of its authority to determine that foods or beverages may be sold.

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

18 (m) **Annual Reports.** No later than December 1st of each year, the Chief of Police
19 and the Director or their designees shall provide to the Board of Supervisors written reports
20 setting forth in detail the Police Department and Parking and Traffic Department costs,
21 respectively, associated with street fairs for that year.

22 (n) **City Undertaking Limited to Promotion of General Welfare.** In undertaking
23 the adoption and enforcement of this Section, the City is assuming an undertaking only to
24 promote the general welfare. It is not assuming, nor is it imposing on its officers or employees,
25 an obligation for breach of which the City is liable in money damages to any person who

1 claims that such breach proximately caused injury.

2 (o) **Severability.** If any part of this Section, or the application thereof, is held to be
3 invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall
4 otherwise continue in full force and effect. To this end, the provisions of this ordinance, and
5 each of them, is severable.)

6
7 ((**SEC. 2.71. CONDITIONS.** Any permission for the temporary use or occupancy of a
8 public street authorized by the City and County of San Francisco shall be subject to the
9 following conditions:

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

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

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

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

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

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

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

3 (h) Official traffic-control devices and traffic signal controllers shall not be covered or
4 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
7 said locations at all times during the period of such use or occupancy by the permittee; and
8 shall be returned to the San Francisco Police Department by the Police Department upon
9 termination of the period of said use or occupancy.

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

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

17 (l) Applications for permission to hold a street fair on a predominantly commercial
18 street shall be accompanied by evidence of insurance coverage as hereinafter set forth. For
19 purposes of this subsection, a "predominantly commercial street" shall mean a street block on
20 which at least 50 percent of front footage of private property on the ground floor of the street is
21 used for commercial purposes. A street block shall be measured from street intersection to
22 street intersection, but shall not include any alley intersection.

23 Applicants shall maintain in force, during the full term of the permit, insurance as
24 follows:

25 (1) General Liability Insurance with limits not less than \$500,000 each occurrence

1 Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability,
2 Personal Injury, Broadform Property Damage, Products and Completed Operations
3 Coverages;

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

8 (3) If the applicant has employees, Workers' Compensation with Employers' Liability
9 limits not less than \$500,000 each accident. General Liability and Automobile Liability
10 Insurance policies shall be endorsed to provide the following:

11 1. Name as additional insureds the City and County of San Francisco, its officers,
12 agents and employees;

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

17 Certificates of insurance, in format and with insurers satisfactory to the City evidencing
18 all applicable coverages shall be furnished to the City 10 days prior to the issuance of the
19 permit and before commencing any operations under the permit, with complete copies of
20 policies to be furnished to the City upon request.

21 The insurance requirement of this subsection shall be waived by the Board of
22 Supervisors if the applicant certifies in writing that (1) the purpose of the street fair is First
23 Amendment expression and that (2) the cost of obtaining insurance is so financially
24 burdensome that it would constitute an unreasonable prior restraint on the right of First
25 Amendment expression, or that it has been impossible for the applicant to obtain insurance

1 coverage.

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

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

6
7 ((**SEC. 2.72. EXCEPTIONS.** The provisions of Sections 2.70 and 2.71 of this Article
8 shall not be applicable to permits issued by the Director of Public Works pursuant to the
9 provisions of Section 724 of the Public Works Code or to the temporary use or occupancy of a
10 public street by a school where the school is using the street area for play purposes during
11 specified hours of the school day.))

12
13 ((**SEC. 2.73. TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS BY THE**
14 **SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR DEBARKATION AND**
15 **EMBARKATION OF STUDENTS: DUTIES.** Notwithstanding the conditions set forth in
16 Section 2.71 of this Article, any school of the San Francisco Unified School District receiving
17 permission for the temporary use or occupancy of a public street within the City and County
18 pursuant to Section 2.70 of this Article for the debarkation and embarkation of students from
19 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 of bus zones;

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

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

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1
2 ((SEC. 2.74. PERMITS FOR USE OF UNITED NATIONS PLAZA FOR CERTAIN
3 **ACTIVITIES TO BE ISSUED BY THE RECREATION AND PARK DEPARTMENT.** (a) The
4 area of the City and County of San Francisco referred to in this section as the United Nations
5 Plaza is comprised of Fulton Street between Hyde and Market streets and Leavenworth Street
6 between McAllister and Fulton streets, previously closed to vehicular traffic by the Board of
7 Supervisors.

8 (b) Notwithstanding Section 2.70, permits for the use of United Nations Plaza shall
9 be issued by the Recreation and Park Department according to the procedures and standards
10 established for the issuance of permits for the use of property under the jurisdiction of the
11 Recreation and Park Commission; provided, however, that the Recreation and Park
12 Department shall only issue permits for activities which are recreational in nature or which are
13 engaged in primarily for the purpose of espousing or advocating causes or ideas which
14 activities are generally recognized as protected by the First Amendment to the U. S.
15 Constitution. Permits to engage in any other type of activity shall be issued by the Board of
16 Supervisors.

17 (c) An appeal from the denial of a permit application by the Recreation and Park
18 Department for the use of United Nations Plaza shall be made to the Board of Supervisors. An
19 appropriate committee of the Board of Supervisors shall consider the appeal before it goes to
20 the full Board, unless there is insufficient time before the date of the proposed event for
21 committee review. If a quorum of the full Board cannot be convened in time to consider the
22 appeal before the date of the proposed event, the procedure to be followed shall be that
23 established in the Park Code or by Commission resolution for the appeal of the denial of a
24 permit application by the Recreation and Park Department when a quorum of the Recreation
25 and Park Commission cannot be convened in a timely manner to consider the appeal. In the

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1 event that neither the Code nor a Commission resolution contains such a procedure, the
2 decision of the Recreation and Park Department shall be final.

3 (d) All procedures and standards, other than procedures for appeal of the denial of
4 a permit application, shall be the same for permits issued by the Recreation and Park
5 Department for the use of United Nations Plaza as they are for permits issued for the use of
6 park property. If a permittee uses United Nations Plaza and damages it, or fails to clean up
7 after the permitted event, or otherwise leaves the property in a manner that occasions the
8 expenditure of labor or money to restore the Plaza, the Recreation and Park Department may
9 bill the permittee pursuant to its usual procedures and otherwise seek any remedy normally
10 sought when the property involved is property under the jurisdiction of the Recreation and
11 Park Commission.

12 (e) Nothing in this action shall be construed as evidence of an intent to dedicate the
13 United Nations Plaza as a park or to place the United Nations Plaza under the jurisdiction of
14 the Recreation and Park Commission. Nor shall anything in this section be construed as
15 evidence of an intent that any of the provisions of the San Francisco Charter pertaining to
16 park property are to be applicable to the United Nations Plaza.))

17
18 ((**SEC. 2.75-1. ATHLETIC EVENTS.** Notwithstanding any other provision of the
19 Administrative Code of the City and County of San Francisco, the regulation of athletic events
20 as defined herein, including the processes for obtaining permits from the City for conducting
21 these athletic events and the payment of associated fees to the City, shall be governed by
22 Sections 2.75-1 through 2.75-5 of the Administrative Code.

23 For the purposes of this Article, an "athletic event" is an event in which a group of
24 people collectively engage in a sport or form of physical exercise on any street in the City and
25 County of San Francisco, which event obstructs or interferes with the normal flow of vehicular

1 traffic. An "athletic event" includes, but is not limited to, jogging, bicycling, racewalking, roller
2 skating or running. Any event taking place entirely on property under the jurisdiction of the
3 Recreation and Parks Department of the City and County of San Francisco shall be exempt
4 from this ordinance.))

5
6 ((**SEC. 2.75-2. ATHLETIC EVENTS; DESIGNATION OF ROUTES.** (a) The increasing
7 number of athletic events being held on City streets places a significant burden on the City
8 and its inhabitants. Athletic events provide entertainment and recreation for San Franciscans
9 and people throughout the Bay Area, as well as promoting and supporting tourism in the City.
10 But closing off several major streets at the same time to accommodate a race often causes
11 hardship in the daily lives of local residents, widespread disruption of public transit service,
12 increased litter on public streets and sidewalks, and potential interference with emergency
13 services. By adopting this ordinance, the Board of Supervisors intends to reconcile the City's
14 interest in promoting athletic events with the right of its citizens to the quiet enjoyment of their
15 own neighborhoods.

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

25 (c) Any person seeking permission to conduct an athletic event as defined in

1 Section 2.75-1 shall file an application. The filing of an application and its processing shall be
2 governed by the same processes, application fees, appellate procedures, Municipal Railway
3 fees, and other requirements contained in Section 2.70-1 of the Administrative Code, which
4 sets forth the procedures for requesting permission for temporary use or occupancy of public
5 streets. A street closing for an athletic event shall be restricted to those routes designated
6 pursuant to this section. The applicant may, as part of the application, request a waiver of this
7 restriction. In considering a request for a waiver, the City may take into account the extent to
8 which the event has been held along a particular route prior to the effective date of this
9 ordinance if that same route has been in use continuously for a period of three or more years.
10 An applicant's request for a waiver shall be granted to the extent that a change of route is
11 required by the Police Department for reasons of public safety.))

12
13 ((**SEC. 2.75-3. ATHLETIC EVENTS; PUBLIC NOTICE.** (a) ISCOTT shall mail a copy
14 of any application for a temporary street closing for an athletic event to any community group
15 or neighborhood association that has previously requested in writing to be notified of such
16 applications.

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

24 Each notice shall be headed "STREET CLOSED FOR ATHLETIC EVENT" in letters
25 not less than one inch in height, and shall in legible characters (1) briefly describe the event to

1 be held; (2) identify the date and time the event is to take place; and, (3) warn that the street
2 will be closed to traffic at that time.))

3
4 **((SEC. 2.75-4. ATHLETIC EVENTS; COST RECOVERY — POLICE.** (a) An
5 application for a temporary street closing for an athletic event shall be deemed a request for
6 police department services within the meaning of Sections 10B.1 through 10B.5 of the San
7 Francisco Administrative Code. If the temporary street closing is approved, the Chief of Police
8 may detail such personnel to police the event in the number and for the period of time the
9 Chief determines to be necessary to perform the services. If the on-site services of two or
10 more police officers are required during the event, the applicant shall be liable for the cost of
11 police services, including field investigation needed to determine manpower requirements,
12 and shall be responsible for indemnifying and holding harmless the City and County of San
13 Francisco and the police personnel as required by Section 10B.2.

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

23 (c) Within a reasonable time after the event is over, the Chief of Police shall
24 determine the amount of money necessary to cover the cost of services provided by the
25 Police Department pursuant to Section 10B.2 of this Code. If the deposit pursuant to

1 Subsection (b) hereof is insufficient to cover the cost of police services, the Chief of Police
2 shall notify the applicant by United States mail to the address listed on the application and
3 they shall have ten days to pay the balance. If the amount deposited exceeds the actual
4 costs, the Chief of Police shall authorize a refund of the excess to the applicant at the address
5 shown on the application.

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

12
13 ((**SEC. 2.75-5. ATHLETIC EVENTS; COST RECOVERY — PUBLIC WORKS.** (a) An
14 application for a temporary street closing for an athletic event shall be deemed a request for
15 Department of Public Works services within the meaning of Sections 10B.11 through 10B.15
16 of the San Francisco Administrative Code. If the temporary street closing is approved, the
17 Director of Public Works may detail such personnel to provide street- cleaning and related
18 services for the event in the number and for the period of time the Director determines to be
19 necessary to perform the services. The applicant for the temporary street closing shall be
20 liable for the cost of street-cleaning and related services, including field investigation needed
21 to determine manpower requirements, and shall be responsible for indemnifying and holding
22 harmless the City and County of San Francisco and the Department of Public Works
23 personnel as required by Section 10B.12.

24 (b) Upon approval of a temporary street closing for an athletic event, a sum of
25 money which the Director of Public Works estimates will be necessary to cover the costs of

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

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

18 (d) If the Board of Supervisors has approved a temporary street closing for an
19 athletic event and the applicant cancels the event after personnel have been assigned to
20 provide street-cleaning and related services to the event and such personnel have begun that
21 duty, the applicant shall be liable for the time expended by Department of Public Works
22 personnel pursuant to Section 10B.12 of the San Francisco Administrative Code. If a
23 temporary street closing is revoked, the money deposited for the costs of street-cleaning and
24 related services pursuant to this ordinance shall be refunded.))
25

1 **((SEC. 2.76. MONITORED BICYCLE PARKING AT PUBLIC EVENTS.**

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

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1 Section 2. Part II, Chapter XI, of the San Francisco Municipal Code (Traffic Code) is
2 hereby amended by adding Article 21, Sections 800 through 815, to read as follows:

3 **ARTICLE 21: TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS**

- 4 Sec. 800. Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT).
5 Sec. 801. Request for Permission for Temporary Use or Occupancy of
6 Public Streets; Procedure.
7 Sec. 802. Major Events Defined.
8 Sec. 803. Insurance.
9 Sec. 804. Notice.
10 Sec. 805. Recycling, Collection and Disposition.
11 Sec. 806. Temporary Use of Streets for Street Fairs.
12 Sec. 807. Conditions.
13 Sec. 808. Exceptions.
14 Sec. 809. Temporary Use or Occupancy of Public Streets by the San
15 Francisco Unified School District for Debarkation and
16 Embarkation of Students: Duties.
17 Sec. 810. Athletic Events.
18 Sec. 811. Athletic Events; Designation of Routes.
19 Sec. 812. Athletic Events; Public Notice.
20 Sec. 813. Athletic Events; Cost Recovery—Police.
21 Sec. 814. Athletic Events; Cost Recovery—Public Works.
22 Sec. 815. Monitored Bicycle Parking at Public Events.

23 **SEC. 800. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND**
24 **TRANSPORTATION (ISCOTT).** There is hereby established a committee to be known as the
25 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), consisting of the
department heads or their designated representatives from the following departments and
agencies: Parking and Traffic, Public Works, Police, Fire, Public Health, Municipal Railway,
and City Planning. The Director of the Department of Parking and Traffic, or his or her
designee shall serve as Chair of ISCOTT. The Director of Administrative Services or his or her
designee shall review recycling plans and recommend with ISCOTT when the Committee
considers for approval applications for the temporary use or occupancy of a public street, a
street fair or an athletic event which include the dispensing of beverages or other use which
generates large volumes of recyclable materials, pursuant to the provisions of Section 805. In

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1 exercising its powers the Committee shall consult with any other City department or agency
2 which could be affected by any temporary use or occupancy of a public street. The Committee
3 shall have the authority to take all acts reasonably necessary for it to carry out any duties
4 imposed upon it by ordinance. Before acting on any application for temporary use or
5 occupancy of public streets, street fair or an athletic event, ISCOTT shall conduct a public
6 hearing at publicly noticed times and at places to be determined by the Committee.

7
8 **SEC. 801. REQUEST FOR PERMISSION FOR TEMPORARY USE OR**
9 **OCCUPANCY OF PUBLIC STREETS; PROCEDURE.** (a) Any person seeking permission for
10 the temporary use or occupancy of a public street within the City and County shall file an
11 application with, and on a form provided by, the Director of the Department of Parking and
12 Traffic (hereafter, the "Director"), and shall pay a filing fee of \$80; provided, however, that (a)
13 if the application is filed fewer than 60 days prior to the date of the proposed temporary use or
14 occupancy, then the applicant shall pay a filing fee of \$140, (b) if the application is filed fewer
15 than 30 days prior to the date of the proposed temporary use or occupancy, then the applicant
16 shall pay a filing fee of \$180, and (c) if the application is filed fewer than seven days prior to
17 the date of the proposed temporary use or occupancy under the conditions set forth in the
18 succeeding paragraph, then the applicant shall pay a filing fee of \$250.

19 An application shall not be accepted or approved for a proposed temporary use or
20 occupancy scheduled to occur fewer than seven calendar days after the application is
21 submitted to the Director, except as follows in this paragraph: (a) An application for a
22 proposed temporary use or occupancy scheduled to occur fewer than seven calendar days
23 after the application date may be filed for emergency consideration. The Director shall
24 consider the request if the applicant has demonstrated that an extraordinary emergency exists
25 that requires the closing of a street, and provided that there is adequate time available for the

1 Director to conduct the required public hearing and post notice of the scheduled hearing at
2 least 24 hours in advance of the hearing. (b) The Mayor's Film and Video Arts Commission
3 (the "Film Commission"), or other successor commission or division of the Mayor's office, may
4 file with the Director an application on behalf of a film or other video production company
5 (which company shall be responsible for the payment of all applicable fees) for a proposed
6 temporary use or occupancy scheduled to occur fewer than seven calendar days after the
7 application date, provided that there is adequate time available for the Director to conduct the
8 required public hearing and post notice of the scheduled hearing at least 24 hours in advance
9 of the hearing. The Film Commission (or the film company on whose behalf the application
10 was made) shall (i) notify residents, merchants and other occupants of the public street(s) to
11 be closed of the dates proposed for street closure, and (ii) notify any and all affected City
12 departments, including the Chief of Police, the General Manager of the Municipal Railway and
13 the Director of the Department of Public Works.

14 The completed application shall include, when applicable, maps and/or drawings which
15 identify the streets that would be affected, describe the scope and design of the event,
16 including illustrations of the location of staging, food booths, seating, and a diagram of an
17 emergency access plan. In addition, the Director may request such additional information as
18 is necessary to allow ISCOTT to make an informed evaluation of the proposed temporary use
19 or street occupancy.

20 Applicants shall be responsible for posting notice of the public hearing at least seven
21 calendar days prior to the hearing at which the application will be reviewed by ISCOTT. Such
22 notice shall include a description of the streets that would be affected and shall be posted in
23 the area of the proposed temporary use or street occupancy according to rules and
24 regulations prescribed by the Director. A declaration under penalty of perjury shall be
25 submitted to the Director by the applicant attesting that the required public notices have been

1 posted.

2 Upon receipt, the Director shall refer such a request to ISCOTT for its review and
3 approval, or disapproval.

4 (b) **ISCOTT Review and Approval Process.** In reviewing an application, ISCOTT
5 shall: Consider the impact of the temporary use or occupancy of public streets on the traffic,
6 security, health, and safety of the public; determine the traffic, security, health, and safety
7 requirements of the proposed temporary use or occupancy; and evaluate the measures
8 proposed by the applicant to satisfy those requirements. It shall be the duty of ISCOTT to also
9 consider the following:

10 1. Demonstrated ability of the applicant to comply with requirements necessary to
11 protect the safety, health, and welfare of the public.

12 2. Duration of the temporary use or street occupancy and the City's ability to
13 accommodate such use or occupancy with the necessary resources.

14 3. Overextension of the City's resources because of previously approved
15 temporary use or occupancy of public streets or other activities that could cause scheduling
16 conflicts during the same period.

17 4. The availability of an appropriate emergency access plan.

18 5. The number of major events (as defined in Section 802 below) scheduled during
19 the period for which the applicant seeks a permit, the nature and location of the major events,
20 and the demand these major events will have on the City's resources, including its police,
21 emergency and sanitation personnel. In considering the major events for which applications
22 have been filed and/or approved, ISCOTT should give priority based on the chronological
23 order in which the applications are received, and applicants denied permission on the basis
24 that there are too many major events already approved or pending for approval shall be
25 offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in its

1 discretion, grant preference to recurring events traditionally or historically associated with a
2 particular day or dates, provided that applications, once approved, cannot be revoked
3 because of the subsequent filing of an application for a permit for an event traditionally or
4 historically associated with a particular day or dates.

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

9 The ISCOTT committee may impose additional requirements or conditions it deems
10 necessary to protect the public interest by ensuring traffic management, security of property
11 and health and safety of citizens. At the time ISCOTT reviews the application, it shall also
12 determine the necessity of and the total estimated actual costs incurred by the Municipal
13 Railway to run motor coaches to accommodate the rerouting of electrically powered transit
14 vehicles because of restrictions which are imposed by the temporary street closing. The
15 applicant shall pay a fee to the Municipal Railway which is calculated at the rate of \$6.00 per
16 electrically powered vehicle hour per line affected. For purposes of this provision, "vehicle
17 hour" shall mean the number of hours each coach on a line is in operation during the day of
18 the street closing. If the application is approved, the General Manager of the Municipal
19 Railway shall transmit to the applicant an invoice for the fee. The applicant shall make full
20 payment of the fee no later than five days prior to the date of the street closing, or in
21 accordance with a schedule agreed to by the General Manager of Municipal Railway. ISCOTT
22 shall not disapprove any application for a temporary use or occupancy of public streets
23 because of the applicant's political, religious, or cultural orientation.

24 Notice of ISCOTT's action of approval or disapproval shall be submitted to the Director;
25 the Chief of Police; the Chief of the Fire Department; the Director of Health; the General

1 Manager of the Municipal Railway; the Director of Public Works and the Director of City
2 Planning, and be maintained as a matter of record. The Director shall deem the application
3 approved by ISCOTT as submitted, if ISCOTT takes no action to approve or disapprove the
4 application within 30 days of receipt of the application.

5 (c) **Appeals Process.** Should the application be disapproved by ISCOTT, the
6 applicant may first appeal the decision to the Director if the application was filed at least 30
7 days prior to the date of the proposed temporary use or occupancy. Such appeal shall be
8 made by filing the appeal with the Director on a form provided by the Director within five
9 working days of disapproval. Upon receipt, the Director shall set a time and place for hearing
10 such appeal. In considering the appeal the Director shall conduct a public hearing for which
11 notice shall be posted at least 72 hours in advance of the hearing at the Department of
12 Parking and Traffic, at the main library, and at the Office of the Clerk of the Board of
13 Supervisors.

14 At the appeal hearing, the appellant and members of ISCOTT shall have an opportunity
15 to present oral testimony and written materials in support of their positions. The Director shall
16 conduct the hearing according to the same standards of review as set forth in Section 801(b)
17 hereof. Upon hearing the appeal, and after any further investigation by the Director, the
18 Director may affirm, reverse, or modify the ISCOTT decision. Notice of the Director's action of
19 approval or disapproval shall be submitted to the Chief of Police, the Chief of the Fire
20 Department, the Director of Health, the General Manager of the Municipal Railway, the
21 Director of Public Works and the Director of City Planning and be maintained as a matter of
22 record.

23 If the Director denies the application after the appeal described in the preceding
24 paragraph, the applicant may then appeal the decision to the Board of Supervisors. Such
25 appeal shall be made by filing the appeal with the Clerk of the Board, on a form provided by

1 the Clerk, within five working days of the Director's disapproval. The Board may establish a
2 fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall set a time
3 and place for hearing such appeal by the Board of Supervisors, which hearing shall be at the
4 Board's next regular meeting, provided that all applicable public notice requirements are
5 satisfied. The Board shall conduct the hearing according to the same standards of review as
6 set forth in Section 801(b) hereof. Upon hearing the appeal, and after any further investigation
7 that the Board may request, the Board may affirm, reverse or modify the Director's decision.
8 The decision of the Board regarding the appeal shall be final.

9 Any permission for the temporary use of occupancy of a public street authorized
10 pursuant to these provisions shall be subject to the conditions set forth in Sections 807 and
11 808.

12 (d) **Late Application.** Should the applicant file an application for a proposed
13 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
14 occupancy, and not far enough in advance of the proposed use or occupancy to allow
15 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
16 Director shall have the responsibility and duty to consider and approve or disapprove the
17 application after consulting with the members of ISCOTT. The Director shall conduct a public
18 hearing for which notice shall be posted at least 24 hours in advance of the hearing at the
19 Department of Parking and Traffic, the main library, and at the Office of the Clerk of The
20 Board of Supervisors. At the hearing, the applicant and interested persons shall have an
21 opportunity to present oral testimony and written materials in support of their position. The
22 Director shall conduct the hearing according to the same standards of review as set forth in
23 Section 801(b) hereof. Notice of the Director's action of approval or disapproval shall be
24 submitted to the Chief of Police, the Chief of the Fire Department, the Director of Health, the
25 General Manager of the Municipal Railway, the Director of Public Works and the Director of

1 City Planning, and shall be maintained as a matter of record. In the event the Director
2 disapproves the application, the applicant shall have the right to appeal the Director's decision
3 to the Board of Supervisors in accordance with the same terms and conditions as set forth in
4 Subsection (c) of this Section above.

5
6 **SEC. 802. MAJOR EVENTS DEFINED.** "Major events" are those events, including
7 athletic events, involving any of the following: The use or occupancy of more than five blocks,
8 the expected attendance of more than 1,000 people at any one time, or the rerouting of more
9 than three Municipal Railway transit lines. "Major events" shall also include any sports events
10 at Candlestick Park with expected attendance of more than 50,000 people, or any parade
11 governed by the provisions of Police Code Section 366 et seq.

12
13 **SEC. 803. INSURANCE.** Sponsors of major events shall be required to provide an
14 insurance policy naming the City as an additional insured, in a form approved by the Office of
15 Risk Management. Coverage shall be in an amount of \$1,000,000 or more, as determined by
16 the Office of Risk Management. This insurance requirement shall be waived by the Committee
17 of the Board where the event constitutes the exercise of rights protected under the First
18 Amendment to the United States Constitution, and the event sponsor submits a sworn
19 statement of indigency.

20
21 **SEC. 804. NOTICE.** The Clerk of the Board of Supervisors shall transmit copies of any
22 legislation approving a temporary street closing to the Director of Public Works, Chief of
23 Police, the Chief of the Fire Department, the Superintendent of Emergency Hospital Service of
24 the Department of Public Health and to the General Manager of the Municipal Railway.

1 **SEC. 805. RECYCLING, COLLECTION AND DISPOSITION.** (a) Any applicant
2 seeking permission for the temporary use or occupancy of a public street, a street fair or an
3 athletic event within the City and County for an activity or special event that includes
4 dispensing of beverages from glass, aluminum, or plastic containers, or which causes to be
5 generated large amounts of other recyclable materials, shall be required to submit a plan
6 demonstrating a good-faith effort to provide a method to separate glass, aluminum and plastic
7 beverage containers or other materials for the purpose of recycling.

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

10 (1) A plan which describes the number and location of source-separated recycling
11 containers which are necessary to ensure convenient utilization and protect public health and
12 safety; and

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

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

24 The Director of Public Works shall maintain records for a period of three years which
25 document the recycling performance of the applicant when a temporary use of a public street

1 is permitted. If an applicant for a temporary street closing, street fair or athletic event has been
2 granted approval in the past pursuant to a permit issued by the City and County of San
3 Francisco and failed to collect and dispose recyclable beverage containers, ISCOTT may
4 require the applicant to pay a deposit in an amount greater than that normally required, so
5 long as the increased amount is reasonably related to the anticipated costs of collecting and
6 disposing of recyclable materials. However, if an applicant who has failed to comply with a
7 recycling plan in the past has, since that occurrence, temporarily used a public street, or
8 sponsored a street fair or athletic event pursuant to a permit and has complied with a
9 recycling plan, the amount of the deposit normally required of applicants shall apply.

10 The Director of Administrative Services shall promulgate any rules and regulations
11 necessary or appropriate to carry out the purposes and requirements of this ordinance. Before
12 issuing or amending any rules or regulations, the Director of Administrative Services shall
13 provide a 30-day public comment period by providing published notice in an official
14 newspaper of general circulation in the City of the intent to issue or amend the regulations.

15
16 **SEC. 806. TEMPORARY USE OF STREETS FOR STREET FAIRS.**

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

18 (1) "Director" means the Director of the Department of Parking and Traffic or his or
19 her designee.

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

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

24 (4) A "street fair" means a social or community event, not including an athletic event
25 or parade, in which any group of persons convene to celebrate their community or

1 neighborhood on any street in the City and County of San Francisco which event obstructs or
2 interferes with the normal flow of vehicular traffic.

3 (b) **Applying for Temporary Use of Street for Street Fair.** Notwithstanding any
4 other provisions of the Administrative Code of the City and County of San Francisco, the
5 regulation of street fairs, including the processes for obtaining permits from the City for
6 conducting these street fairs and the payment of associated fees to the City, shall be
7 governed by Section 806. In order to provide for the safe, orderly and cost-effective conduct of
8 street fairs, any organization seeking permission for the temporary use of a street for the
9 purpose of conducting a street fair shall file an application with the Director no later than 90
10 days prior to the proposed date for the event. Applications shall be submitted on forms
11 prepared by the Director after conferring with the appropriate representatives from the Police
12 Department, Fire Department, Department of Public Health, the Municipal Railway, the
13 Department of Public Works and the Department of Parking and Traffic. At the time of filing an
14 application under this Section, the sponsoring organization shall also file a \$80 application
15 fee.

16 (c) **Timeliness of Applications.** No person submitting an application after the
17 deadlines set forth in this ordinance shall be granted permission to conduct a street fair in the
18 corresponding period unless the person demonstrates to the satisfaction of the Director that
19 the failure to submit a timely application was justified by extraordinary circumstances;
20 provided, however, that in no event shall an applicant be permitted to file an application less
21 than 60 days prior to the proposed date for the event. A late fee of \$80 shall be assessed for
22 untimely filed applications.

23 (d) **Review of Application.**

24 (1) Upon receiving an application for permission for the temporary use of a street for
25 purposes of conducting a street fair, the Director shall review the application to determine

1 whether the information required in the application has been provided. If the Director
2 determines that the applicant has failed to provide the information required, the Director shall,
3 within five business days of receiving the application, notify the applicant of what additional
4 information is required. If the applicant fails to provide the additional information required
5 within five business days of notification by the Director, the applicant's application shall be
6 deemed to be untimely filed; provided, however, that upon good cause shown the Director
7 may extend this five-day period. Except as provided in Subsection (2) of this Section, the
8 Director shall transmit the completed application to ISCOTT.

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

22 (e) **Review by ISCOTT; Recommendation.** Except as provided in Subsection
23 (d)(2) of this Section, no later than 60 days prior to the proposed date of the street fair,
24 ISCOTT shall review the application and shall recommend that the Director grant, deny, or
25 grant with conditions the application for a permit. The Director may accept or reject the

1 recommendation of ISCOTT, and may grant, deny or grant with conditions the application for
2 a permit. Upon granting permission to conduct a street fair, the Director shall cause all
3 necessary permits to be issued to the sponsor of the street fair. If the Director denies
4 permission to conduct the street fair, the Director shall state in writing his or her reasons for
5 the denial.

6 (f) Fee. No later than 60 days prior to the proposed date of the street fair and in
7 consultation with other City departments, ISCOTT shall determine the fee to be charged for
8 the permit pursuant to the schedule below. No other fee for conducting a street fair shall be
9 required or assessed. All fees paid by the sponsors for street fair permits shall be deposited in
10 the general fund. The fee shall be based on the actual costs to the City of temporarily closing
11 the street for the street fair, pursuant to the following fee schedule:

12
13 Fire Department:

14 Application fee: \$129.00

15 Inspection fee — Food vendors using propane, butane, charcoal briquettes or
16 open flame:

17 First Day of Street Fair:

18 1 to 10 food vendors: \$163.28

19 11 to 20 food vendors: \$326.56

20 21 to 30 food vendors: \$489.84

21 31 food vendors and over: \$652.92

22 Each Consecutive Day of Street Fair:

23 1 to 20 food vendors: \$163.28

24 21 food vendors and over: \$326.56

25 LPG heaters: \$163.28 and \$40.82 for each hour after four hours of service.

1 Whenever an LPG heater is used in a tent where a public
2 assembly event is held, one inspector shall be on duty
3 during the duration of the operation of the heater, pursuant
4 to Section 2501.19.1 of the Municipal Fire Code.

5 Tents or membrane structures

6 permit fee: \$146.00

7 Fireworks or pyrotechnics

8 permit fee: \$90.00

9
10 Public Health:

11 Application fee: \$50.00 application fee payable by sponsor or, where no
12 sponsor, by individual vendor

13 Permit fee: \$25.00 per booth selling food or beverages (first day)
14 \$10.00 per booth selling food or beverages (each day after
15 first day)

16
17 Municipal Railway fee: \$6.00 per electrically powered vehicle hour per line affected,
18 where "vehicle hour" means the number of hours each
19 coach on a line is in operation during the day of the event.

20
21 Police Department: 40 percent of the projected Police Department costs incurred by
22 reason of the street fair; provided, that this fee shall not
23 exceed \$2,500. ISCOTT shall waive all or part of this fee
24 upon a showing that the sponsors of the event are unable to
25 pay the full fee.

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

5 (g) **Insurance.** Street fair sponsors shall be required to file with the Director proof of
6 the insurance required by Section 807(1) no later than the Thursday before the date of the
7 street fair.

8 (h) **Conditions.** In addition to any other conditions imposed by the Director, any
9 street fair conducted pursuant to this Article shall be subject to the conditions set forth in
10 Section 807.

11 (i) **Appeals.** Any appeal from the denial of the issuance of a permit to conduct a
12 street fair, from the imposition of conditions on the issuance of a permit, or the determination
13 or refund of fees shall be to the Board of Supervisors. Such appeal shall be made by filing
14 with the Clerk of the Board, on a form provided by the Clerk of the Board, within 10 days of
15 the Director's approval or disapproval or the determination or refund of fees. The Board may
16 establish a fee to be imposed upon the filing of any such appeal. Upon receipt, the Clerk shall
17 set a time and place for hearing such appeal by the Board of Supervisors, which shall be at its
18 next regular meeting in conformance with public notice requirements.

19 At the appeal hearing, the appellant and Director shall have an opportunity to present
20 oral testimony and written materials in support of their positions. Upon hearing the appeal,
21 and after any further investigation which the Board may request, the Board may affirm,
22 reverse, or modify the Director's decision on the issue appealed.

23 (j) **Notice.** The Director shall transmit copies of the granting of permission to
24 conduct a street fair to the Chief of Police, the Chief of the Fire Department, the General
25 Manager of the Municipal Railway, the Director of Public Works, the Director of the Bureau of

1 Environmental Health Services of the Department of Public Health and the Superintendent of
2 Emergency Hospital Service of 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
5 that has been closed for the purposes of conducting a street fair, provided, however, that such
6 authorization shall not be withheld on the basis of the race, sex, religion, creed, national origin
7 or sexual orientation of the person seeking such authorization. Individuals seeking to sell
8 goods or merchandise in a street that has been closed for the purpose of a street fair without
9 the authorization of a sponsor may be cited for violating San Francisco Police Code Section
10 869 (peddling without a permit). Nothing in this Section shall be construed to deprive the
11 Department of Public Health of its authority to determine that 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
14 fees, representing the costs saved by City departments by reason of the cancellation of the
15 street fair.

16 (m) **Annual Reports.** No later than December 1st of each year, the Chief of Police
17 and the Director or their designees shall provide to the Board of Supervisors written reports
18 setting forth in detail the Police Department and Parking and Traffic Department costs,
19 respectively, associated with street fairs for that year.

20 (n) **City Undertaking Limited to Promotion of General Welfare.** In undertaking
21 the adoption and enforcement of this Section, the City is assuming an undertaking only to
22 promote the general welfare. It is not assuming, nor is it imposing on its officers or employees,
23 an obligation for breach of which the City is liable in money damages to any person who
24 claims that such breach proximately caused injury.

25 (o) **Severability.** If any part of this Section, or the application thereof, is held to be

1 invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall
2 otherwise continue in full force and effect. To this end, the provisions of this ordinance, and
3 each of them, is severable.

4
5 **SEC. 807. CONDITIONS.** Any permission for the temporary use or occupancy of a
6 public street authorized by the City and County of San Francisco shall be subject to the
7 following conditions:

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

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

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

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

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

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

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

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

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

15 (l) Applications for permission to hold a street fair on a predominantly commercial
16 street shall be accompanied by evidence of insurance coverage as hereinafter set forth. For
17 purposes of this subsection, a "predominantly commercial street" shall mean a street block on
18 which at least 50 percent of front footage of private property on the ground floor of the street is
19 used for commercial purposes. A street block shall be measured from street intersection to
20 street intersection, but shall not include any alley intersection.

21 Applicants shall maintain in force, during the full term of the permit, insurance as
22 follows:

23 (1) General Liability Insurance with limits not less than \$500,000 each occurrence
24 Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability,
25 Personal Injury, Broadform Property Damage, Products and Completed Operations

1 Coverages;

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

6 (3) If the applicant has employees, Workers' Compensation with Employers' Liability
7 limits not less than \$500,000 each accident. General Liability and Automobile Liability
8 Insurance policies shall be endorsed to provide the following:

9 1. Name as additional insureds the City and County of San Francisco, its officers,
10 agents and employees;

11 2. That such policies are primary insurance to any other insurance available to the
12 Additional Insureds with respect to any claims arising out of activities under the permit, and
13 that insurance applies separately to each insured against whom claim is made or suit is
14 brought.

15 Certificates of insurance, in format and with insurers satisfactory to the City evidencing
16 all applicable coverages shall be furnished to the City 10 days prior to the issuance of the
17 permit and before commencing any operations under the permit, with complete copies of
18 policies to be furnished to the City upon request.

19 The insurance requirement of this subsection shall be waived by the Board of
20 Supervisors if the applicant certifies in writing that (1) the purpose of the street fair is First
21 Amendment expression and that (2) the cost of obtaining insurance is so financially
22 burdensome that it would constitute an unreasonable prior restraint on the right of First
23 Amendment expression, or that it has been impossible for the applicant to obtain insurance
24 coverage.

25 (m) Signs shall be posted pursuant to San Francisco Health Code Sections 265

1 through 265.3 wherever alcohol is offered for sale.

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

4
5 **SEC. 808. EXCEPTIONS.** The provisions of Sections 800 and 807 of this Article shall
6 not be applicable to permits issued by the Director of Public Works pursuant to the provisions
7 of Section 724 of the Public Works Code or to the temporary use or occupancy of a public
8 street by a school where the school is using the street area for play purposes during specified
9 hours of the school day.

10
11 **SEC. 809. TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS BY THE**
12 **SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR DEBARKATION AND**
13 **EMBARKATION OF STUDENTS: DUTIES.** Notwithstanding the conditions set forth in
14 Section 807 of this Article, any school of the San Francisco Unified School District receiving
15 permission for the temporary use or occupancy of a public street within the City and County
16 pursuant to Section 800 of this Article for the debarkation and embarkation of students from
17 buses, shall be solely responsible for:

18 (a) The procurement and placement of all street barricades necessary for the
19 establishment of the requested student debarkation and embarkation of bus zones;

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

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

24
25 ///

1 **SEC. 810. ATHLETIC EVENTS.** Notwithstanding any other provision of this Code, the
2 regulation of athletic events as defined herein, including the processes for obtaining permits
3 from the City for conducting these athletic events and the payment of associated fees to the
4 City, shall be governed by Sections 810 through 814.

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

12
13 **SEC. 811. ATHLETIC EVENTS; DESIGNATION OF ROUTES.** (a) The increasing
14 number of athletic events being held on City streets places a significant burden on the City
15 and its inhabitants. Athletic events provide entertainment and recreation for San Franciscans
16 and people throughout the Bay Area, as well as promoting and supporting tourism in the City.
17 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,
19 increased litter on public streets and sidewalks, and potential interference with emergency
20 services. By adopting this ordinance, the Board of Supervisors intends to reconcile the City's
21 interest in promoting athletic events with the right of its citizens to the quiet enjoyment of their
22 own neighborhoods.

23 (b) Athletic events requiring temporary street closings shall be limited in location to
24 routes previously designated as appropriate by the Board of Supervisors. These routes shall
25 be drawn up by ISCOTT and approved by resolution of the Board of Supervisors. In

1 designating these routes, ISCOTT and the Board shall consider the effect of the designation
2 upon: Local traffic patterns; Municipal Railway routes; the ability of the Police Department and
3 the Department of Public Works to provide special services to the event; the safe and efficient
4 delivery of police, fire and emergency medical services to the affected neighborhoods; the
5 safety of participants in the event; and, the rights of participants, residents and local
6 businesses to the reasonable use and enjoyment of City streets.

7 (c) Any person seeking permission to conduct an athletic event as defined in
8 Section 810 shall file an application. The filing of an application and its processing shall be
9 governed by the same processes, application fees, appellate procedures, Municipal Railway
10 fees, and other requirements contained in Section 801, which sets forth the procedures for
11 requesting permission for temporary use or occupancy of public streets. A street closing for an
12 athletic event shall be restricted to those routes designated pursuant to this section. The
13 applicant may, as part of the application, request a waiver of this restriction. In considering a
14 request for a waiver, the City may take into account the extent to which the event has been
15 held along a particular route prior to the effective date of this ordinance if that same route has
16 been in use continuously for a period of three or more years. An applicant's request for a
17 waiver shall be granted to the extent that a change of route is required by the Police
18 Department for reasons of public safety.

19
20 **SEC. 812. ATHLETIC EVENTS; PUBLIC NOTICE.** (a) ISCOTT shall mail a copy of
21 any application for a temporary street closing for an athletic event to any community group or
22 neighborhood association that has previously requested in writing to be notified of such
23 applications.

24 (b) If the temporary street closing is approved, the applicant shall cause notices of
25 the event to be conspicuously posted on both sides of the street along the entire route, at not

1 more than 300 feet in distance apart on each street so posted, but not less than three notices
2 on each street forming part of the route. The notices shall be posted not less than 72 hours
3 prior to the scheduled start of the event. The applicant shall remove the notices within 48
4 hours after the completion of the event, or be liable for the costs of removal by the City
5 pursuant to Article 10 of the San Francisco Police Code.

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

10
11 **SEC. 813. ATHLETIC EVENTS; COST RECOVERY — POLICE.** (a) An application
12 for a temporary street closing for an athletic event shall be deemed a request for police
13 department services within the meaning of Sections 10B.1 through 10B.5 of the San
14 Francisco Administrative Code. If the temporary street closing is approved, the Chief of Police
15 may detail such personnel to police the event in the number and for the period of time the
16 Chief determines to be necessary to perform the services. If the on-site services of two or
17 more police officers are required during the event, the applicant shall be liable for the cost of
18 police services, including field investigation needed to determine manpower requirements,
19 and shall be responsible for indemnifying and holding harmless the City and County of San
20 Francisco and the police personnel as required by Section 10B.2.

21 (b) Upon approval of a temporary street closure for an athletic event, a sum of
22 money which the Chief of Police estimates will be necessary to cover the costs of services
23 pursuant to Administrative Code Section 10B.2 shall be due. No temporary street closure shall
24 be deemed effective until such sum of money is deposited with the Chief of Police of the City
25 and County of San Francisco and the applicant presents to the Chief of Police proof of such

1 deposit. The sum of money required pursuant to this paragraph shall be deposited at least
2 one calendar week before the scheduled event. If the applicant does not deposit the sum
3 required within the time limit specified, the temporary street closing shall be deemed denied,
4 or, if the street closing already has been approved, revoked.

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

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

19
20 **SEC. 814. ATHLETIC EVENTS; COST RECOVERY — PUBLIC WORKS.**

21 (a) An application for a temporary street closing for an athletic event shall be deemed a
22 request for Department of Public Works services within the meaning of Sections 10B.11
23 through 10B.15 of the San Francisco Administrative Code. If the temporary street closing is
24 approved, the Director of Public Works may detail such personnel to provide street- cleaning
25 and related services for the event in the number and for the period of time the Director

1 determines to be necessary to perform the services. The applicant for the temporary street
2 closing shall be liable for the cost of street-cleaning and related services, including field
3 investigation needed to determine manpower requirements, and shall be responsible for
4 indemnifying and holding harmless the City and County of San Francisco and the Department
5 of Public Works personnel as required by Section 10B.12.

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

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

25 (d) If the Board of Supervisors has approved a temporary street closing for an

1 athletic event and the applicant cancels the event after personnel have been assigned to
2 provide street-cleaning and related services to the event and such personnel have begun that
3 duty, the applicant shall be liable for the time expended by Department of Public Works
4 personnel pursuant to Section 10B.12 of the San Francisco Administrative Code. If a
5 temporary street closing is revoked, the money deposited for the costs of street-cleaning and
6 related services pursuant to this ordinance shall be refunded.

7
8 **SEC. 815. MONITORED BICYCLE PARKING AT PUBLIC EVENTS.** The
9 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), or other
10 applicable permitting authority, is authorized and encouraged in its discretion to require, and
11 develop guidelines regarding, monitored bicycle parking at appropriate large permitted public
12 events. The sponsor of the public event may provide such monitoring service or ensure that
13 such monitored bicycle parking is available in local garages or other similar facilities. If the
14 sponsor provides monitored bicycle parking, the sponsor may charge a nominal fee for such
15 service. The amount of such fee shall be included as part of the sponsor's permit application.
16 If the sponsor is unable to ascertain the fee amount at the time of the permit application, the
17 sponsor may submit a fee schedule to ISCOTT, or other applicable permitting authority, as
18 soon as possible but no later than 10 days before the event.

19
20 APPROVED AS TO FORM:

21 LOUISE H. RENNE, City Attorney

22
23
24 By:



25 THOMAS J. OWEN
Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

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

Tails Ordinance

File Number: 990586

Date Passed: May 28, 1999

Ordinance amending Part 1 Chapter 2, Article VIII, of the San Francisco Municipal Code (Administrative Code) by repealing Section 2.70 through 2.76 and amending Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) by adding Article 21, Sections 800 through 815, to transfer the provisions governing the temporary use or occupancy of public streets.

May 10, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

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

May 10, 1999 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

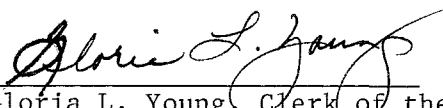
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 17, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Bierman, Katz, Leno, Newsom, Teng, Yaki
Absent: 3 - Brown, Kaufman, Yee

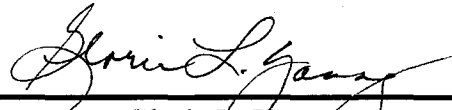
May 28, 1999 Mayor — APPROVED

9/23/99 - Tails Errata: to correct the title to reflect the amendment of the whole which was adopted.


Gloria L. Young, Clerk of the Board

File No. 990586

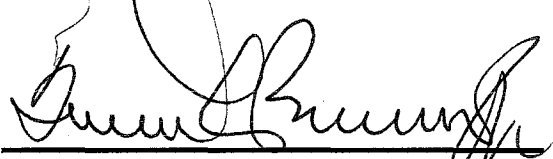
I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 17, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 28 1999

Date Approved



Mayor Willie L. Brown Jr.