

1 [Requirements Suspended for Certain Transient Merchants]  
 2 AMENDING ARTICLE 3 OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE, BY  
 3 AMENDING SECTION 255, EXEMPTING THOSE CERTAIN TRANSIENT MERCHANTS  
 4 THAT OPERATE AT MOSCONE CENTER OR THE BILL GRAHAM CIVIC AUDITORIUM  
 5 AND AGREE TO COMPLY WITH ALL THE CITY AND COUNTY OF SAN FRANCISCO'S  
 6 RULES FROM THE BONDING REQUIREMENT OTHERWISE APPLICABLE TO  
 7 TRANSIENT MERCHANTS UNDER ARTICLE 3.

8 Note: Additions are underlined; deletions are in ((double parentheses)).

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

10 Section 1. Article 3 of Part III of the San Francisco Municipal Code is hereby amended  
 11 by amending Section 255, to read as follows:

12 **SEC. 255. BOND.** ((Before any license, as provided by this Article, shall be issued for  
 13 engaging in the business of transient merchant as defined in this Article, the applicant)) Every  
 14 transient merchant as defined in Section 251 of this Article that is that is required to obtain a  
 15 license under Section 250 of this Article shall file with the Tax Collector a bond in the sum of  
 16 \$5,000 before any license shall be issued, which shall run to the City and County of San  
 17 Francisco and to any person, firm or corporation who shall sustain any injury or loss covered  
 18 by the bond. Such bond shall be executed by the applicant as principal, and by a corporation  
 19 or association which is licensed by the Insurance Commissioner of this State to transact the  
 20 business of fidelity and surety insurance, as surety.

21 The bond shall be conditioned that the applicant shall comply fully with all the  
 22 provisions of the ordinances of the City and County and laws of the State of California  
 23 regulating and concerning the sales of goods, wares and merchandise and will pay all  
 24 judgments rendered against said applicant for any violation of said ordinances or statutes, or  
 25 any of them, together with all judgments and costs that may be recovered against applicant by

Supervisor Leno

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1 any person or persons for damage growing out of any misrepresentation or deception  
2 practiced on any person transacting such business with such applicant, whether said  
3 misrepresentations or deceptions were made or practiced by the owners or by their agents,  
4 servants or employees, either at the time of making the sale or through any advertisement of  
5 any character whatsoever printed or circulated with reference to the goods, wares and  
6 merchandise sold, or any part thereof.

7 The City and County may bring an action upon the bond for the recovery of any  
8 damage sustained by it, and also any person, firm or corporation who sustains any injury or  
9 loss covered by the bond may, in addition to any other remedy that he may have, bring an  
10 action in his own name upon the bond for the recovery of any damage sustained by him;  
11 provided, however, that no such action may be brought and maintained after the expiration of  
12 one year from and after the date the alleged act complained or occurred.

13 The aggregate liability of the surety for any and all claims which may arise under such  
14 bond shall in no event exceed the amount of the penalty of such bond regardless of the length  
15 of time it shall remain in force or the number of renewal licenses issued thereunder.

16  
17 APPROVED AS TO FORM:

18 LOUISE H. RENNE, City Attorney

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20  
21 By:

  
22 GEORGE W. PUTRIS  
23 Deputy City Attorney  
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25

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# City and County of San Francisco

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

## Tails Ordinance

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**File Number:** 000437

**Date Passed:**

Ordinance amending Article 3 of Part III of the San Francisco Municipal Code, by amending Section 255, exempting those certain transient merchants that operate at Moscone Center or the Bill Graham Civic Auditorium and agree to comply with all the City and County of San Francisco's rules from the bonding requirement otherwise applicable to transient merchants under Article 3.

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May 8, 2000 Board of Supervisors — PASSED ON FIRST READING

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

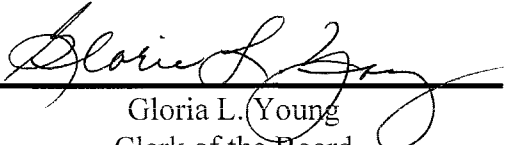
Absent: 1 - Teng

May 15, 2000 Board of Supervisors — FINALLY PASSED

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

File No. 000437

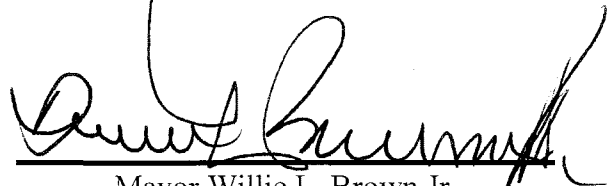
I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on May 15, 2000 by  
the Board of Supervisors of the City and  
County of San Francisco.

  
Gloria L. Young  
Clerk of the Board

MAY 26 2000

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Date Approved

  
Mayor Willie L. Brown Jr.