

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

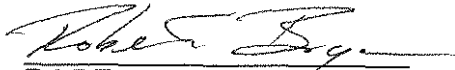
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1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

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

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City and County of San Francisco

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

Tails Ordinance

File Number: 021885

Date Passed:

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

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

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

April 1, 2003 Board of Supervisors — FINALLY PASSED

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

File No. 021885

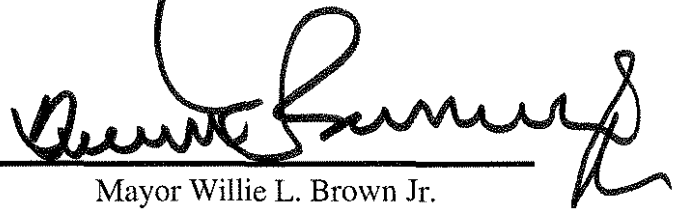
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on April 1, 2003 by
the Board of Supervisors of the City and
County of San Francisco.

APR 11 2003

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.