[Payment of Fixed Pedestal Permit Fees For Space In Fixed Pedestal Newsracks.]

Ordinance amending Public Works Code Section 184.12(e) to allow applicants for fixed pedestal permit to pay fixed pedestal permit fees within ten business days after the Director's allocation of space in a fixed pedestal newsrack.

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

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

Section 1. The San Francisco Public Works Code is hereby amended by amending Section 184.12(e) thereof to read as follows:

Sec. 184.12(e) PERMIT REQUIREMENT.

(1) Fixed Pedestal Permit. Permits are necessary to facilitate the regulation and inspection of newsrack boxes for the purposes set forth in this section. Except where this section or the guidelines expressly provide otherwise, no person may place any publication in any newsrack box in a fixed pedestal unit on a public sidewalk, street or public right-of-way in a fixed pedestal zone for the purpose of sale or distribution without having first obtained from the Director a fixed pedestal permit authorizing placement of the publication in that newsrack box.

(2) Duty to Obtain Permit. Except where this section or the guidelines expressly provide otherwise, each publication seeking access to a newsrack box or boxes in a fixed pedestal unit or cluster of fixed pedestal units shall apply to the City or a fixed pedestal permit for each newsrack box in each fixed pedestal unit to which the publication seeks access. The permit holder shall be responsible for the payment of all fees or penalties due or imposed under this section with respect to that permit holder's newsrack box(es). Once a permit has
been granted pursuant to this section and the requirements of the guidelines, and if the permit
has not subsequently been revoked, the permit holder shall not be required to renew or
reapply for another fixed pedestal permit for the same newsrack box.

(3) Application. Application for a fixed pedestal permit shall be made in writing on a
form and in a manner provided by the City and filed with the Director or by other medium
approved by the Director. The application package shall inform the applicant of the
requirements of this section and the guidelines promulgated under this section.

(4) Permit Issuance.

(A) The Director shall grant or deny a properly completed and timely
application for a fixed pedestal permit from a publication, or from the agent for a publication,
accompanied by written authorization from the publication, along with the required fee, as
specified in the guidelines, within fifteen (15) business days of the Director's receipt of the
application. However, if the Director has not completed the application of the space allocation
procedures set forth in subsection 184.12(h) and the guidelines, the Director shall have an
additional five (5) business days to grant or deny the application.

(B) The Director shall issue the fixed pedestal permit unless the Director finds
one or more of the following grounds for denial to exist, in which case the Director shall deny
the application for a permit. The grounds for denial of an application for a fixed pedestal
permit are: (i) the application is incomplete; (ii) the application was not submitted on time; (iii)
the required fee was not submitted on time; (iv) space in the newsrack box that is the subject of
the application is not available after application of the space allocation procedures set forth in
subsection 184.12(h) and the guidelines; or (iv) the publication that applied for the permit has
failed to pay any outstanding administrative penalties levied against it pursuant to subsection
184.12(k)(1)(A). If an application is denied, the Director shall notify the applicant promptly in
writing, explaining the reasons for the denial, and citing the relevant portions of this subsection and the guidelines.

(5) Violations. Failure to comply with any requirement of this section, or any requirement of the guidelines authorized by this section, shall constitute a violation of this section. Any such violation may be cause for removal of the offending freestanding newsrack or unauthorized fixed pedestal unit, or disabling of the offending newsrack box pursuant to subsection 184.12(j), and for the imposition of administrative penalties pursuant to subsection 184.12(k).

(6) Permit Revocation.

(A) The Board of Supervisors specifically determines that any fixed pedestal permit issued pursuant to this section confers a non-transferable, revocable privilege upon the permit holder. Where one or more of the grounds for revocation specified in subparagraph (B) exist, the Director shall promptly initiate such revocation in order to ensure that space in the fixed pedestal unit is made available to another publication that will lawfully use it, including publications that did not receive such space during initial implementation in the fixed pedestal zone in which the fixed pedestal unit in question is located. Any such permit may be revoked by the Director fifteen (15) business days after the Director provides written notice to the permit holder that one or more of the grounds for revocation specified in subparagraph (B) exist, if the permit holder does not correct all of the violations on or before the close of the fifteenth (15th) business day. If the permit is revoked, the Director shall notify the permit holder promptly in writing, explaining the reasons or the revocation, and citing the relevant portions of this subsection and the guidelines.

(B) The grounds for revocation of a fixed pedestal permit are: (i) the permit holder did not submit the required permit fee, as specified in the guidelines, within ten (10) business
days of the Director's approval of the voluntary space allocation agreement or of the space allocation meeting at which the permit holder was allocated the newsrack box that is the subject of the permit; (ii) the permit holder did not submit the required annual fee on time; (iii) the newsrack box that is the subject of the permit has been vacated pursuant to subsection 184.12(j)(3)(D); (iii) the newsrack box that is the subject of the permit has been abandoned pursuant to subsection 184.12(b)(1); or (iv) the Director's decision to grant the permit was successfully challenged by a person aggrieved by the determination pursuant to subsection 184.12(m) and the guidelines. In addition, the Board of Supervisors may at any time in its exclusive legislative discretion elect to repeal or amend this section and thereby render null and void any permits issued pursuant this section.

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

By: WAYNE SNODGRASS
Deputy City Attorney
Ordinance amending Public Works Code Section 184.12(e) to allow applicants for fixed pedestal permit to pay fixed pedestal permit fees within ten business days after the Director's allocation of space in a fixed pedestal newsrack.

April 17, 2007 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 24, 2007 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano
I hereby certify that the foregoing Ordinance was FINALLY PASSED on April 24, 2007 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbenkian
Interim Clerk of the Board

Mayor Gavin Newsom