[Revisions to Division I of the San Francisco Transportation Code.]

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underline; Board amendment deletions are strikethrough normal.

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

Section 1. Division I of the San Francisco Transportation Code is hereby amended by amending Section 3.4, to read as follows:

Sec. 3.4. DIVERTING OF TRAFFIC AND TEMPORARY PARKING RESTRICTIONS.
(a) Temporary traffic diversion and parking restrictions for planned activities shall be posted as described in sub-section (b), (c), and (d) except in the case of threats to public health or safety or emergency requiring immediate response. A Police Officer or Parking Control Officer may divert traffic from any street or area, and/or may temporarily prohibit or restrict Parking on any street when made necessary or advisable by any parade, public assemblage, film production, traffic congestion, conflagration, building collapse, obstruction on or damage to any street, residential move, or the need to protect public health and safety.

(b) Building Construction, Maintenance or Repair. Except in the case of threats to public health or safety or emergency requiring immediate response, any temporary Parking restriction or prohibition except those governed by paragraph (e) of this Section related to building construction, maintenance, or repair in the public right-of-way shall be posted in compliance with Article 15, Section 724.3 of the Public Works Code, with appropriate signs displaying a contact person and telephone number for information regarding the reasons for the restrictions. The contact person shall be available to respond to inquiries during business hours. Such signs shall be posted every 20 linear feet, and at each end of the zone in which Parking will be restricted or prohibited, at least 72 hours in advance of the prohibition or restriction; provided, however, that posting a notice of a temporary Parking restriction or prohibition at any Parking Space with a meter, or by the Film Commission, may be posted no less than 24 hours in advance of the prohibitions or restrictions.

(c) Special Events, Parades, Public Assemblages, Film Production, and Street Obstructions for Public Works. Except in the case of threats to public health or safety or emergency requiring immediate response, any temporary Parking restriction or prohibition for any parade, public assemblage, film production, traffic congestion, conflagration, building collapse, or obstruction on, or repair work to, any street shall be posted with appropriate signs displaying a contact person and telephone number for information regarding the reasons for the restrictions. The contact person shall be available to respond to inquiries during business hours. Such signs...
shall be posted at least every 100 linear feet, and at each end of the zone in which Parking
will be restricted or prohibited, at least 72 hours in advance of the prohibition or restriction;
provided, however, that posting a notice of a temporary Parking restriction or prohibition at
any Parking Space with a meter, or by the Film Commission, may be posted no less than 24
hours in advance of the prohibitions or restrictions. Parking limitations shall apply for 100
linear feet on either side of each posted sign.

(d) Residential or Commercial Moves. Any temporary Parking restriction or prohibition to
accommodate a residential or commercial moving vehicle shall be posted with appropriate signs
displaying a contact person and telephone number for information regarding the reasons for the
restrictions. The contact person shall be available to respond to inquiries during business hours. Such
signs shall be posted at a maximum spacing not to exceed 50 linear feet, and at each end of the zone in
which Parking will be restricted or prohibited, at least 72 hours in advance of the prohibition or
restriction; provided, however, that such signs posted at any Parking Space with a meter, or by the
Police Department, may be posted no less than 24 hours in advance of the prohibition or restriction.
Parking limitations shall apply for 50 linear feet on either side of each posted sign.

Section 2. Division I of the San Francisco Transportation Code is hereby amended by
amending Section 6.7, to read as follows:

SEC. 6.7. CONDITIONS.

Any permission for the temporary use or occupancy of a public street authorized by the
City shall be subject to the following conditions:

(a) The temporary use or occupancy of a public street shall not unnecessarily obstruct
or bar public access onto said street. Sidewalks shall remain open at all times for pedestrian
use unless closure of the sidewalk is provided for by resolution of the Board of Supervisors
explaining the reason for such closure.
(b) No object of any nature shall be placed or maintained within 15 feet of any fire hydrant or within five feet of any fire alarm box or police call box.

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

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

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

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

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

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

(i) Street barricades determined by the Police Department as being necessary to protect the public's safety shall be delivered by the Police Department or the department's designee; shall be maintained in said locations at all times during the period of such use or occupancy by the permittee; and shall be collected by the Police Department or the department's designee upon termination of the period of said use or occupancy.

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

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

(I) Applicants for permission to hold a street fair on a predominantly commercial street shall comply with the following requirements for insurance coverage. For purposes of this Subsection, a "predominantly commercial street" shall mean a street block on which at least 50 percent of front footage of private property on the ground floor of the street is used for commercial purposes. A street block shall be measured from street intersection to street intersection, but shall not include any alley intersection.

(1) Applicants shall maintain in force, during the full term of the permit, insurance as follows:

(A) General Liability Insurance with limits not less than $500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations Coverages;

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

(C) If the applicant has employees, Workers' Compensation with Employers' Liability limits not less than $500,000 each accident.

(2) General Liability and Automobile Liability Insurance policies shall be endorsed to provide the following:

(A) Name as additional insureds the City and County of San Francisco, its officers, agents and employees;
(B) That such policies are primary insurance to any other insurance available to the Additional Insureds with respect to any claims arising out of activities under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought.

(3) Certificates of insurance, in format and with insurers satisfactory to the City evidencing all applicable coverages shall be furnished to the City not less than 10 working days prior to the date of the event and before commencing any operations under the permit, with complete copies of policies to be furnished to the City upon request.

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

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

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

Section 3. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.12, to read as follows:

SEC. 7.2.12. BICYCLE RIDING RESTRICTED.

To ride a bicycle upon any sidewalk in violation of any restriction on riding bicycles on sidewalks except as authorized set forth in Section 1007 of Division II. (96)

Section 4. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.26, to read as follows:
SEC. 7.2.26. CURB PARKING--YELLOW ZONES.
To Park in a yellow zone indicated by yellow paint on the curb or signage, except for the purpose of loading or unloading passengers or freight, during any time in which Parking is restricted or prohibited at that yellow zone. Non-commercial vehicles shall not be Parked in a yellow zone in excess of a period of three minutes, during which the operator must be in attendance, under any circumstances during times when Parking is allowed at a yellow zone except while the operator is in attendance. (38.B, 38.B.1, 38.G)

Section 5. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.27, to read as follows:

SEC. 7.2.27. CURB PARKING--WHITE ZONES.
To Park a vehicle, except to load or unload passengers, in a white zone indicated by white paint on the curb or signage for more than five minutes during any time in which Parking is restricted or prohibited at that white zone; or to Park any commercial vehicle in a white zone at any time., Vehicles shall not be stopped in white zones under any circumstances during the times that Parking is restricted or prohibited, except while the operator is in attendance; provided that the operator is not required to be in attendance when the vehicle is Parked: (a) at a hospital, (b) at a school when the vehicle displays a Special License Plate or Placard, and (c) at a child care center, as defined by California Code of Regulations, Section 101152(c)(7). (38.C)

Section 6. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.28, to read as follows:

SEC. 7.2.28. CURB PARKING--GREEN ZONES.
To Park a vehicle in a green zone indicated by green paint on the curb during any time in which Parking is restricted or prohibited at that green zone. Unless exempt, to Park a vehicle in a green zone indicated by green paint on the curb beyond the specified time limits. (38.D)
Section 7. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.29, to read as follows:

SEC. 7.2.29. PARKING PROHIBITED FOR MORE THAN 72 HOURS SEVEN DAYS.

No person shall park or leave standing any vehicle on any public street or highway for more than 72 consecutive hours (7 days), provided, however, that vehicles that are lawfully parked pursuant to this Section shall remain subject to all other parking restrictions, including but not limited to temporary parking restrictions.

Section 8. Division I of the San Francisco Transportation Code is hereby amended by deleting Section 7.2.44, in its entirety:

SEC. 7.2.44. PARKING CONTROL CANDLESTICK PARK ACCESS ROAD.

To park a vehicle on any portion of the Candlestick Park access road system designated in Division II during the days and the hours in which temporary parking restrictions are posted due to an event scheduled for Candlestick Park (32.4, 32.4.1)

Section 9. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.71, to read as follows:

SEC. 7.2.71. OBSTRUCTING TRAFFIC — WITHOUT PERMIT; VIOLATION OF TERMS OF PERMIT; VIOLATION OF DIVISION II, SECTION 903.

To obstruct traffic without a Special Traffic Permit, or obstruct traffic in violation of the terms of a Special Traffic Permit, or violate the regulations set forth in Division II, Section 903.

Each hour or portion thereof during which the obstruction continues shall constitute a separate offense. The first, and each subsequent offense within a one year period, shall result in a penalty set forth in Division II, Section 302.

Section 10. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.80, to read as follows:
SEC. 7.2.80. VEHICLES FOR HIRE AND TAXIS; PARKING PROHIBITED IN CERTAIN USE DISTRICTS.

For the operator of any vehicle for hire that is registered or required to be registered with the California Public Utilities Commission to leave any such vehicle unattended in any street in a RH-1(D), RH-1, RH-2, RH-3, RH-4, RM-1, RM-2, RM-3, RM-4 or P Use District, or for any Taxi to remain parked in such districts for a period in excess of four (4) hours. (63.2)

Section 11. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.2.101, to read as follows:

SEC. 7.2.101. FARE EVASION REGULATIONS.

(a) For any passenger or other person in or about any public transit station (including an outdoor high-level boarding platform or station operated by the Bay Area Rapid Transit District), streetcar, cable car, motor coach, trolley coach or other public transit vehicle to evade any fare collection system or proof of payment program instituted by the Municipal Transportation Agency.

(b) For any person to board or ride a streetcar, motor coach, trolley coach without prior or concurrent payment of fare.

(c) For any person to board a streetcar, motor coach, trolley coach through the rear exit except: (i) when a representative of the transit system is present at such exit for the collection of fares or transfers or the inspection for proof of payment; (ii) when the streetcar, motor coach, trolley coach or other transit vehicle is operating at a station or boarding platform where fares are collected prior to boarding the transit vehicle; (iii) when necessary for access by persons with disabilities on wayside boarding platforms; or (iv) when the streetcar, motor coach, or trolley coach is operating on a transit line or in a Proof of Payment Zone; or (v) on lines, routes or at locations designated by the SFMTA.
(d) To fail to display a valid fare receipt or transit pass at the request of any authorized representative of the transit system or duly authorized peace officer while on a transit vehicle or in a Proof of Payment Zone.

(e) To misuse any transfer, pass, ticket, or token with the intent to evade the payment of any fare.

(f) To knowingly use or attempt to use any illegally printed, duplicated, or otherwise reproduced token, card, transfer or other item for entry onto any transit vehicle or into any transit station with the intent of evading payment of a fare.

(g) For any unauthorized person to use a discount ticket or fail to present, upon request from a system fare inspector, acceptable proof of eligibility to use a discount ticket.

(127)

Section 12. Division I of the San Francisco Transportation Code is hereby amended by amending Section 7.3.3, to read as follows:

SEC. 7.3.3. OBSTRUCTING TRAFFIC.

To obstruct traffic four or more times within one year without a Special Traffic Permit, or in violation of the terms of a Special Traffic Permit or the regulations set forth in Division II, Section 903. Each hour or portion thereof during which the obstruction continues shall constitute a separate offense. Any person and/or business entity violating this section may be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of at least $1,000, or imprisonment in the county jail not exceeding six months, or both. (194.3)

Section 13. Division I of the San Francisco Transportation Code is hereby amended by amending Section 8.1, to read as follows:

SEC. 8.1. CIRCUMSTANCES PERMITTING REMOVAL.
(a) When any legally required signage is posted giving notice, any Police Officer or Parking Control Officer is authorized, in accordance with all applicable requirements of this Code and the Vehicle Code, to remove or cause to have removed any vehicle that is:

(1) Parked in violation of Vehicle Code Section 22500, 22651 or 22652; (70, 70b) or

(2) Parked, disabled or abandoned in a manner as to obstruct the normal movement of pedestrian or vehicular traffic, or in a condition to create a hazard to other traffic in violation of Vehicle Code Sections 22651(b) or 22654(c); (70, 70(b), 71b, 159) or

(3) Not a motorcycle and is Parked in an area designated as motorcycle parking only; (27, 219) or

(4) Interfering with the use of any Street for purposes other than the normal flow of traffic in violation of signs posted at least 24 hours before such use is scheduled to begin, in accordance with Vehicle Code § 22654(d) or 22651(m); (193, 193.4) or

(5) Parked at a Stand when such vehicle is not within the class of vehicles authorized to use such Stand, or is Parked at a Stand outside of the hours that such vehicle is authorized to use a Stand; (33.5A) or

(6) Parked in such a manner that it blocks any entrance to any residence or blocks access to electric vehicle charging bays; (32.21, 32.21A, 32.22) or

(7) Parked in violation of any restriction or prohibition in Division II for which Division II authorizes removal of vehicles in accordance with Vehicle Code Section 22651(n); (32.4.1, 32.4.3, 27) or

(8) Parked in violation of a Parking restriction or prohibition posted at a curb painted white, yellow, green or red; (33.3, 38.B, 38.C) or

(9) Parked on a Street for 16872 or more consecutive hours (72 days), except that no vehicle may be removed pursuant to this Section except in compliance with all procedural requirements of this Code; (37(a), 159, 159.10) or
(10) Parked in any Municipal Parking Facility in any manner which violates this Code, or which is left in a Municipal Parking Facility for more than 24 hours after the expiration of the period for which the parking fee was paid for that vehicle; (32.14, 32.19) or

(11) A bicycle left unattended in any manner that obstructs a sidewalk, street, alley, transit access or other public place. (219.2) or

(12) Parked on any Street in violation of Section 7.2.299, provided that (a) such vehicle has been issued a notice of parking violation for violation of Section 7.2.299 within the past 30 days; (b) such previous notice of parking violation was accompanied by a warning that an additional violation may result in the impoundment of the vehicle, and (c) a subsequent notice of parking violation was issued at least 24 hours prior to impoundment of the vehicle.

(b) Any peace officer or other employee authorized to enforce Port Regulations who finds any vehicle or animal unattended and standing or Parked in violation of Port Regulations may remove the vehicle or cause it to be removed to the nearest garage or such animal to the nearest place of safety. (220)

(c) Any peace officer who arrests the operator of a vehicle that is licensed as a charter-party carrier of passengers by the CPUC for operating as a taxicab may impound the vehicle in accordance with California Public Utilities Code §5411.5.

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

By: JHNK
Deputy City Attorney
Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park.

August 3, 2009 Board of Supervisors — SUBSTITUTED

October 27, 2009 Board of Supervisors — PASSED, ON FIRST READING
  Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
  Absent: 1 - Campos

November 3, 2009 Board of Supervisors — FINALLY PASSED
  Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 3, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

11-10-09
Date Approved

Mayor Gavin Newsom