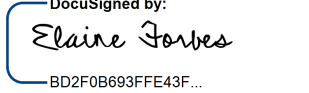


Port of San Francisco  
Executive Director  
**ADMINISTRATIVE REGULATIONS**  
for  
Mobile Vendors

Approved By:   
Executive Director  
Elaine Forbes

on September 9, 2022  
Date

**1. Authority; Purpose; and Effective Date.**

- a. The following Administrative Regulations are promulgated by the Executive Director pursuant to Port Code section 2A.5 and Operational Standards section 5.
- b. The purposes of the Administrative Regulations are to implement and provide site-specific application of the Operational Standards.
- c. The Effective Date of the Administrative Regulations is the date of approval.

**2. Definitions.**

- a. **Administrative Citation.** An administrative fine for a violation of this Article 2A, as described in Section 2A.8(b). (Port Code §2A.1.)
- b. **Administrative Regulations** means the rules and regulations of the Executive Director of the Port, as may be promulgated or amended from time to time, and which implement and provide site-specific application of the Operational Standards. (Op. Std. §2.a.)
- c. **Certified Farmers' Market.** A farmers' market operated in accordance with Health Code Section 440(d) and with Chapter 10.5 (commencing with section 47000) of Division 17 of the California Food and Agricultural Code, as each may be amended, and any implementing regulations. (Port Code §2A.1.)
- d. **City.** The City and County of San Francisco. (Port Code §2A.1.)
- e. **Department.** The Port. (Port Code §2A.1.)
- f. **Director.** The Executive Director of the Port, or the Executive Director's designee. (Port Code §2A.1.)
- g. **Enforcement Official.** Officers, employees, and contractors of the Port, and of such other departments and agencies of the City, as designated by the Director. (Port Code §2A.1; see section 10.b of the Administrative Regulations for delegation.)

h. **Food.** Any food, foodstuffs, or beverage for human consumption, and is inclusive of the definitions of “Food” in Health Code Section 440(b) and in California Health and Safety Code section 113781, as each may be amended. (Port Code §2A.1.)

i. **Merchandise.** Any item that is not Food and that is not an art or craft regulated under Article 24 (Regulating Street Artists) of the Police Code. (Port Code §2A.1.)

j. **Mobile Vendor or Vendor.** A person or entity that Vends Food or Merchandise from a pushcart, pedal-driven cart, wagon, or other nonmotorized conveyance, or from one’s person or a stand, display, showcase, table, rack, or other movable structure. The term Mobile Vendor is comprised of each Roaming Mobile Vendor and each Stationary Mobile Vendor, and includes but is not limited to a Sidewalk Vendor as defined in California Government Code section 51036, as it may be amended from time to time. If a Mobile Vendor Vends as an employee or agent of another person or entity, that person or entity is also a Mobile Vendor. (Port Code §2A.1.)

k. **Operational Standards** mean the guidelines and general standards applicable to Mobile Vendors as approved from time to time by the Port Commission. (Op. Std. §2.b.)

l. **Port.** The Port of the City and County of San Francisco. Also, designated as the Department. (Port Code §2A.1.)

m. **Roaming Mobile Vendor.** A Mobile Vendor that moves from place to place and stops intermittently to complete a Vending transaction. (Port Code §2A.1.)

n. **Rules and Regulations.** The Rules and Regulations of Mobile Vendors as described in Section 2A.5 of this Article. (Port Code §2A.1.)

o. **Stationary Mobile Vendor.** A Mobile Vendor that Vends from one or more fixed locations. (Port Code §2A.1.)

p. **Swap Meet.** A swap meet operated in accordance with Article 6 (commencing with section 21660) of Chapter 9 of Division 8 of the California Business and Professions Code, as it may be amended, and any regulations adopted in accordance with that chapter. (Port Code §2A.1.)

q. **Vend** (and variations such as Vends, Vending). To sell, offer for sale, expose or display for sale, solicit offers to purchase, or barter Food or Merchandise. Vending includes offering free samples of Food or Merchandise that are also for sale, or negotiating fees for Food or Merchandise. (Port Code §2A.1.)

r. **Vending Equipment** means all of the materials that a Mobile Vendor uses to Vend in accordance with Section 6 of the Administrative Regulations. Vending

Equipment includes but is not limited to a pushcart, pedal-driven cart, wagon, or other nonmotorized conveyance, a stand, display, showcase, table, rack, or other movable structure, and any boxes or storage devices containing Food or Merchandise.

- s. **Vendor** means a “Mobile Vendor” as defined above.

### 3. Permits.

- a. The Real Estate Division of the Port will issue vendor permits through a uniform application process.

- b. Permit Required; Mandatory Display. (Port Code §2A.2.)

- (a) No person may Vend on any property within the regulatory jurisdiction of the Port, including a public right-of-way (as that term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley, walkway, or pedestrian path available to the public, without first having obtained either a Roaming Mobile Vendor permit or a Stationary Mobile Vendor permit pursuant to this Article 2A.

- (b) A Mobile Vendor shall prominently display a Mobile Vendor permit that corresponds with the Mobile Vendor’s business activity while Vending in accordance with this Article 2A.

- c. Mobile Vendor Permit Type. (Port Code §2A.3.)

- (a) Each Mobile Vendor permit must identify whether the permit authorizes the permittee to Vend Food, Vend Merchandise, or Vend both Food and Merchandise.

- (b) The Department may issue a time-limited Mobile Vendor permit to a nonprofit corporation that is exempt from federal taxation under 26 U.S.C. section 501(c)(3), as it may be amended, and which permit may apply to multiple Mobile Vendors as further described in the permit.

- (c) A Mobile Vendor permit authorizing the permittee to Vend either Merchandise or Food and Merchandise may also Vend an art or craft regulated under Article 24 (Regulating Street Artists) of the Police Code if the Mobile Vendor has obtained a Street Artist Certificate under Article 24 of the Police Code.

- d. Permit Fee. (Op. Std. §4.)

The Port shall collect an annual permit fee pursuant to Port Code Section 2A.4, equal to One Hundred Dollars (\$100). Separate annual fees may apply and be payable to the Tax Collector, Department of Public Health, and the Port Fire Marshal for any approvals required by each department.

- e. Permit Application. (Port Code §2A.4.)

- (a) Department Permit. The Department shall establish a uniform application process through which a Mobile Vendor may request, and upon approval receive, a Mobile Vendor permit. The permit application shall require:

- Vendor.
- (1) The name, phone number, and current mailing address of the Mobile Vendor.
  - (2) A description of the Food and/or Merchandise to Vend.
  - (3) A certification by the Mobile Vendor that to their knowledge and belief, the information submitted for the permit application is true.
  - (4) Proof of Identity, as described in Administrative Code Section 95.2 and as it may be amended, of the Mobile Vendor.
  - (5) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if applicable, of the Mobile Vendor.
  - (6) If the Mobile Vendor is an agent of an individual, company, partnership, or corporation (each a "principal"), the name and business address of the principal.
  - (7) Any other information deemed relevant by the Department.

(b) Additional Permit Conditions.

- (1) Each Mobile Vendor shall register with the Tax Collector pursuant to Article 12 (Business Registration) of the Business and Tax Regulations Code, if applicable. Separate fees may apply and be payable to the Tax Collector.
- (2) Each permit that applies to a Mobile Vendor that uses an energy source, including propane, butane, or battery, is conditioned on the Mobile Vendor obtaining approval from the Port Fire Marshal and complying with sections of the Fire Code that apply to the use of flammable gas, flammable liquids, compressed gas, open flames, and other energy sources. Separate fees may apply and be payable to the Port Fire Marshal.
- (3) Each permit for Food Vending is conditioned on the Mobile Vendor obtaining a permit to operate a food facility from the Department of Public Health pursuant to Health Code Section 452, as it may be amended. Separate fees may apply and be payable to the Department of Public Health.
- (4) Each Mobile Vendor permit issued pursuant to this Article 2A and the approval, as applicable, of the Tax Collector (issuance of business registration certificate; see subsection (b)(1)), Port Fire Marshal (see subsection (b)(2)), and the Department of Public Health (see subsection (b)(3)), shall authorize inspection by the City of the Mobile Vendor's operations at any time during operating hours.
- (5) The applicable conditions of this subsection (b) are preconditions to the issuance of a Mobile Vendor permit. Lapse or revocation of approvals, as applicable, from the Tax Collector, Port Fire Marshal, or Department of Public Health shall, by operation of law, automatically invalidate any Mobile Vendor permit without further action by the Department.

f. Additional Port Permit Requirements.

Pursuant to Port Code sections 2A.4(a)(7) and 2A.4(f)(1)(e), the following requirements, if applicable, are additional preconditions to the issuance of a Mobile Vendor permit. Lapse or revocation of applicable approvals or requirements described below shall, by operation of law, automatically invalidate any Mobile Vendor permit without further action by the Port.

(1) Each Mobile Vendor permit issued pursuant to Article 2A of the Port Code shall require the Mobile Vendor to procure and maintain insurance in coverages and amounts as determined by the City's Risk Manager.

(2) Each Mobile Vendor permit issued pursuant to Article 2A of the Port Code shall require any Mobile Vendor that Vends an art or craft regulated under Article 24 (Regulating Street Artists) of the Police Code shall obtain a Street Artist Certificate in accordance with Article 24 of the Police Code.

g. Permit Expiration. (Port Code §2A.4(d).)

Each Mobile Vendor permit shall expire one year after issuance by the Department unless renewed or unless the particular circumstances warrant a permit term of less than one year.

**4. Vending Hours of Operations.**

Vending shall be permitted between the hours of 8:00 am to 9:00 pm in order to maintain the scenic nature and facilitate the public's use and enjoyment of the San Francisco Bay and recreational opportunities. (Op. Std. §3.e.)

**5. Vending Location.**

a. Certified Farmer's Market or Swap Meet. (Port Code §2A.5(a).)

No person, without written approval of the Director, may Vend within the immediate vicinity of a permitted Certified Farmers' Market or a permitted Swap Meet during the operating hours of that Certified Farmers' Market or Swap Meet.

b. Temporary Special Permit. (Port Code §2A.5(b).)

No person, without written approval of the Director, may Vend within the immediate vicinity of a temporary special permit issued by the City, or any of its departments or agencies, that authorizes the temporary use of, or encroachment on, the sidewalk or other public area, including an encroachment permit, special event permit, or temporary event permit for purposes including filming, parades, or outdoor concerts. This prohibition against Vending shall be effective only for the limited duration of the temporary special permit. Any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the temporary special permit must also be provided to any Mobile Vendor specifically permitted by the Director to operate in the immediate vicinity of the temporary special permit.

c. Stationary Mobile Vendors.

(1) To immediately implement Operational Standards 3.a and 3.b, Stationary Mobile Vendors will only be permitted in designated vending locations established by marking stalls on the pavement, and identified on a map posted on the Port's website of stationary Vending locations and the number of stalls at each location.

(2) Commencing in July 2022, Vending stalls at the Pier 45, Pier 43, Powell and The Embarcadero, and Pier 1/2 locations (Stalls A-1, A-2, B-1, B-2, B-3, C-1, C-2, G-1 and G-2) will be allocated according to the process and under the rules set forth in Attachment A. Vending stalls at all other stationary Vending locations may be used on a first come, first served

basis for each day. Vendors must remove all Vending Equipment and all other belongings from the stall at the end of each day. No Vendor may use the same stall for two consecutive days, even if they are the first to arrive on the second day. No individual vendor may use two stalls at the same time.

## **6. Vending Equipment.**

a. Vending is restricted to non-motorized conveyances, stands, or pushcarts. Vending is not allowed from an automobile regardless of whether the automobile is parked in a lawful parking space. (Port Code §2A.1.)

b. Vending Equipment may not be more than 10 feet in length, 10 feet in depth, and 10 feet in height, including wheels, axles, umbrellas, tents, or canopies, and other appurtenances. When in use, the umbrella, tent, or canopy shall not exceed 10 feet in height as measured from ground level to its highest point. The umbrella, tent, or canopy must be made of a sturdy and safe material and must be attached and anchored to the Vending Equipment in such a way that sudden bursts of wind will not dislodge it. (Op. Std. §§3.a. & 3.b.)

c. A Roaming Mobile Vendor may have no more than one (1) umbrella that complies with the requirements in Administrative Regulation Section 6.b. The umbrella cannot be attached to any public or private fixture, such as the sidewalk, street furniture, fence, rail, bench, bike rack, tree, pole, sign, or other publicly-owned object. (Op. Std. §§3.a. & 3.b.)

d. No connection to external power, piping, or plumbing is allowed. The Vending Equipment must be entirely self-contained.

e. Signage is permitted only if attached to the Vending Equipment or the Mobile Vendor's person. Signage may not be attached to any public or private fixture, such as the sidewalk, street furniture, fence, rail, bench, bike rack, tree, pole, sign, or other publicly-owned object. (Op. Std. §§3.a – 3.b.)

f. Vending Equipment must not lean against or attach to a permanent building or structure.

g. Each Stationary Mobile Vendor shall be limited to two (2) chairs. The chairs may be placed behind or next to (but not in front of) the Vending Equipment. (Op. Std. §3.a.)

h. Mobile Vendors are prohibited from placing Vending Equipment in a parking stall or a designated parking area for automobiles, bicycles, scooters, pedicabs or other mobility devices. (Op. Std. §§3.a – 3.c.)

i. Food and Merchandise must be securely fastened to or secured within the Vending Equipment. Mobile Vendors must ensure that sudden bursts of wind will not dislodge Food or Merchandise. (Op. Std. §§3.a – 3.c.)

j. Mobile Vendors shall not leave Vending Equipment, or Food or Merchandise, unattended. For the purposes of these Administrative Regulations, unattended means that the Mobile Vendor is not within 10 feet of the Vending Equipment and/or the Food or Merchandise.

k. Vending Equipment shall not be chained or fastened to the sidewalk, street furniture, fence, rail, bench, bike rack, tree, pole, sign, or other publicly-owned object. (Op. Std.

§§3.a – 3.c.)

l. Mobile Vendors must display their Port-issued Mobile Vendor permit on their Vending Equipment when operating. To the greatest extent feasible, the Permit shall be placed on the upper left-hand corner of Vending Equipment on the side that faces the public or is nearest the path of pedestrian travel. (Port Code §2A.2(b).)

m. Mobile Vendors must maintain, possess, and display or show all local authority permits required by either the State or City.

n. Food or Merchandise shall not be displayed directly upon a street, sidewalk, pathway, pier, wharf, or grass or landscaping, or other structure (street furniture, fence, rail, bench, bike rack, tree, pole, sign, or other publicly-owned object), or any public place. (Op. Std. §§3.a – 3.b.)

o. Stationary Vending Equipment shall be parallel to the curb, with the longest side of the Vending Equipment parallel to the curb.

p. Stationary Mobile Vendors shall store any Food and Merchandise, and any accessory items entirely within or beneath the Vending Equipment. Food, merchandise, and any accessory items shall not be stored or piled alongside, behind, or in front of the Vending Equipment. (Op. Std. §§3.a – 3.b.)

q. In addition to prohibitions on the sale of alcohol, cannabis, other controlled substances, ammunition, animals, counterfeit goods, firearms, or tobacco, which exist in local, state, or federal law, Mobile Vendors are prohibited from Vending any harmful or dangerous items or noise-making devices. (Op. Std. §§3.a – 3.b.)

r. No Mobile Vendor may Vend in any location that would reduce the clear path of travel below the minimum needed to allow adequate circulation. This minimum clearance shall be 16 feet on the Embarcadero Promenade due to its high pedestrian volumes, or 6 feet elsewhere on Port property.

s. All applicable parking regulations shall be observed.

t. Due to high pedestrian volume, no Mobile Vendor may Vend within any Port property within the Oracle Park Special Event Area defined by SFMTA during the two hours immediately before an event and the two hours immediately after an event, unless written consent from SFMTA is first obtained.

u. Mobile Vendors shall not make excessive noise and are prohibited from using speakers, amplifiers, musical instruments, or noise-making devices. (Op. Std. §§3.a – 3.b.)

## **7. Energy Sources.**

a. No Mobile Vendor shall use any power source that poses a fire or public safety hazard or wet cell battery with removable fill caps. (Op. Std. §§3.a – 3.b.)

b. No Mobile Vendor shall connect to any building, vehicle, or any City or Port power source. (Op. Std. §§3.a – 3.b.)

**8. Trash, Recycle, Compost, and Other Debris.**

- a. Mobile Vendors are responsible for clean-up and removal of any Food or Merchandise, and any item, package, refuse, waste, litter or other materials occurring because of or related to Vending Food or Merchandise.
- b. Mobile Vendors are prohibited from placing any liquid or solid waste, or debris of any kind, in Port trash, recycle, or compost receptacles.
- c. Mobile Vendors must bring their own vermin-proof trash receptacles and remove any and all waste, refuse and litter collected or discarded as a result of preparing, selling or consuming food items or merchandise on Port property.

**9. Good Neighbor Policies. (Port Code §2A.7.)**

Mobile Vendors shall operate in accordance with the following good neighbor policies:

- (a) Mobile Vendors shall be individually responsible for any garbage, detritus, or debris that directly results from their Vending activity;
- (b) Noise and odors shall be contained within the immediate area of the Mobile Vendor so as not to be a nuisance to neighbors; and
- (c) Mobile Vendors shall urge patrons to not litter and to maintain the safety, cleanliness, quiet, peace, and orderliness of the area; and
- (d) Stationary Mobile Vendors shall provide for proper and adequate storage and disposal of garbage, detritus, and debris.

**10. Enforcement and Appeals.**

- a. Port Code §2A.8.
  - (a) Nuisance Declaration. Any violation of this Article 2A, or any applicable Rules and Regulations, constitutes a public nuisance.
  - (b) Administrative Citation. Any Enforcement Official may issue an Administrative Citation as described below for any violation of this Article 2A, or of the Rules and Regulations that interpret and implement this Article, that occurs on a public right-of-way (as that term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley, walkway, wharf, pier, or pedestrian path available to the public:
    - (1) Vending that violates a requirement in this Article or in the Rules and Regulations, other than failure to possess a valid license or permit:
      - (A) An administrative fine equal to \$100 for a first violation.
      - (B) An administrative fine equal to \$200 for a second violation within twelve months of the first violation.
      - (C) An administrative fine equal to \$500 for a third violation, and each subsequent violation, within twelve months of the first violation.
      - (D) In addition to any other authorized enforcement activity, a Mobile Vendor's license and/or permit may be revoked or suspended for the remainder of its term upon a fourth or subsequent violation.



- (2) Vending without a valid license or permit:
  - (A) An administrative fine equal to \$250 for a first violation.
  - (B) An administrative fine equal to \$500 for a second violation within twelve months of the first violation.
  - (C) An administrative fine equal to \$1,000 for a third violation, and each subsequent violation, within twelve months of the first violation.
  - (D) Upon submission of proof of a valid permit, the administrative fines set forth in subsections (A) through (C) of this subsection (b)(2) shall be reduced to equal the administrative fines set forth in subsections (A) through (C) of subsection (b)(1), as those amounts may be revised pursuant to subsection (b)(5).
- (3) Failure to pay an Administrative Citation described in this subsection (b) shall not be punishable as an infraction or misdemeanor; further, additional fines, fees, assessments, or any other financial conditions beyond those authorized in this subsection (b) may not be assessed.
- (4) When assessing an Administrative Citation authorized in this subsection (b), the Director shall take into consideration the person's ability to pay the fine using the criteria described in subsection (a) or (b) of California Government Code section 68632, as it may be amended. Notice shall be given to the Mobile Vendor of the right to request an ability-to-pay determination and instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program. If the Mobile Vendor meets the ability-to-pay criteria, the Department shall accept 20% of the total administrative fine specified in subsection (b)(1) or (b)(2), as applicable, as full satisfaction.
- (5) The amounts of the administrative fines identified in subsections (A) through (C) of subsections (b)(1) and (b)(2) shall automatically increase or decrease to the maximum amount authorized under California Government Code section 51039, as it may be amended. If section 51039 is repealed and not replaced with a similar limitation on administrative fines, then the administrative fine amounts in this Section 2A.8 may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index.
- (6) Within 10 days of issuance, the Administrative Citation must be paid unless a written appeal is filed with the Director. The grounds of appeal are limited to error or abuse of discretion in the issuance of the Administrative Citation. The Director may make an ability-to-pay determination pursuant to subsection (b)(4), but inability to pay shall not be grounds for rescinding the Administrative Citation or reducing the amount required to satisfy the fine to an amount less than the amount specified in subsection (b)(4). The Director may investigate the Administrative Citation and any claims by the appellant, and shall issue and mail a written decision on the appeal within 30 days of receipt of the written appeal. Within 20 days of the Director's decision upholding a fine in whole or in part, the Administrative Citation must be paid. The method for judicial review of an Administrative Citation pursuant to subsection (b)(1) is an appeal

filed with San Francisco Superior Court pursuant to Government Code section 53069.4.

(7) Collection of Fines. The failure of any person to pay a fine assessed by administrative citation within the required time constitutes a debt to the City. Simple interest at 10% per year shall accrue on unpaid amounts. The City may file a civil action including a small claims action or may pursue any other legal remedy to collect such money.

(c) Temporary Order to Cease Vending and Removal.

(1) Any Enforcement Official may order a Mobile Vendor to promptly cease Vending when, in the judgment of the Enforcement Official, (A) the Mobile Vendor constitutes a safety hazard, including but not limited to impeding the safe use of a public right of way by pedestrians and persons with disabilities, or (B) when the presence of an emergency so requires, or (C) if the Mobile Vendor is unpermitted.

(2) (A) After the Enforcement Official orders an unpermitted Mobile Vendor to cease Vending, the Mobile Vendor must discontinue any Vending and remove all Food, Merchandise, and any other Vending paraphernalia from property within the regulatory jurisdiction of the Port. A failure to promptly obey any such orders from an Enforcement Official is a violation of this Article 2A

(B) After the Enforcement Official orders a permitted Mobile Vendor to cease Vending, the Mobile Vendor must discontinue any Vending and follow the orders of the Enforcement Official with regard to removing and relocating all Food, Merchandise, and any other Vending paraphernalia, and any other orders the Enforcement Official may give to mitigate safety hazards, and no further Vending may occur until the conditions that caused the order to cease Vending have been abated to the satisfaction of the Enforcement Official. A failure to promptly obey any such orders from an Enforcement Official is a violation of this Article 2A.

(3) If a Mobile Vendor fails, within a reasonable time, to remove Food, or Merchandise, or any other Vending paraphernalia from the location subject to the order to cease Vending, or to follow any other orders the Enforcement Official may issue to mitigate safety hazards, the Enforcement Official may order the Department to remove any or all of the items. Prior to removal by the Department, the Enforcement Official shall warn the Mobile Vendor of the impending removal and impoundment, and shall urge the Mobile Vendor to make every effort to remove the items, or cause their removal. Where the Department actually removes any items, the Enforcement Official shall issue an Administrative Citation to the Mobile Vendor. The Mobile Vendor shall pay the actual costs of removal and storage of any items impounded, and of disposal of any items the storage of which may cause public health, safety, or infestation issues. The Mobile Vendor may contest the liability for these costs by timely appealing the Administrative Citation. However, these actual costs to the City are not subject to reduction based on the ability to pay; actual costs are a debt to the City that may be collected in the same manner as provided in subsection (b)(7). Mobile Vendor items that have been removed and stored may be recovered

within 90 days from the date of removal and upon payment of a sum equal to the costs of removal, plus any reasonable transport and storage costs, as determined by the Department, and any costs incurred by the Department in disposing of any items contained in the Mobile Food Facility.

b. Identification of Enforcement Officials. The following individuals (“Enforcement Officials”) are empowered to issue a Notice of Violation and Administrative Citation for any violation of Port Code Article 2A, the Operational Standards, or the Administrative Regulations:

- (1) Port Property Managers
- (2) Port Wharfingers
- (3) Port Security and Emergency Planning Manager and 0931 Proposition F vending enforcement personnel reporting to such Manager and/or the Assistant Port Director
- (4) Agents or employees of Allied Security, or similar Port security services contractor, when assigned to patrol Port property or Port projects.

c. Notice of Violation.

(1) To ensure the accuracy of Administrative Citations, Enforcement Officials, upon witnessing a Vendor violate Port Code Article 2A, the Operational Standards, or the Administrative Regulations, may issue a Notice of Violation to the Vendor. The Notice of Violation shall include: (i) information identifying the Offender, (ii) details of the violation, (iii) the name or identifying number of the Enforcement Official, and a general description of (iv) administrative fines, payment method and options, including the ability-to-pay determination, (v) the appeals process.

(2) The Port will use the information included in a Notice of Violation to issue an Administrative Citation to the Vendor within 15 calendar days of issuing the Notice of Violation.

(3) Administrative Citation Issuance Date. For purposes of payment and appeals deadlines, the issuance date of any Administrative Citation delivered by the U.S. Postal Service shall be five calendar days after the date of mailing.

## **11. Amendment, Replacement, and Waiver of Administrative Regulations.**

a. The Executive Director may amend, replace, or otherwise alter any of the Administrative Regulations in conformance with local and state law at any time and as needed to further the purposes of the Operational Standards, Article 2A of the Port Code, and in accordance with state law. Note, the following sections of the Administrative Regulations are excerpts of the Port Code or Operational Standards and may not be amended by the Executive Director: 2.a – 2.q, 3.b – 3.e (excluding 3.c(c)),

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3.g, 5.a – 5.b, 9, and 10.a, inclusive. (Op. Std. §5.a.)

b. Any revisions to the Administrative Regulations shall not take effect until the Administrative Regulations have been published on the Port's website and adequate signage informing the public and Mobile Vendors of the applicable Administrative Regulations are posted. (Op. Std. §5.b.)

c. The Executive Director may temporarily waive application of any Administrative Regulation. Waiver shall be documented in writing and identify how the waiver implements or furthers one or more of the purposes of the Operational Standards or of local or state law.

ATTACHMENT A  
VENDING STALL ALLOCATION PROCESS

All stalls are available on a first come first served basis except for the following locations: Pier 45 (A-1, A-2), Pier 43 (B-1, B-2, B-3), Powell & The Embarcadero (C-1, C-2) and Pier 1/2 (G-1, G-2) which will be subject to the following allocation process on Fridays, Saturdays and Sundays.

Port staff will allocate stalls to permitted vendors on a monthly basis via the following steps:

1. Port staff will ask each applicant who satisfies all permit issuance requirements to indicate if the permitted vendor would be interested in being scheduled for a vending stall at one of the locations listed above on a Friday, Saturday, or Sunday. Vendors may enter their names in the lottery for each, any, or all of the four locations:
  - Pier 45
  - Pier 43
  - Powell & The Embarcadero
  - Pier 1/2

A vendor may communicate at any time to Port staff that such vendor is no longer interested in joining lotteries for each, any, or all of the four locations; such vendor will be removed as requested.

2. Prior to 10am on the date two days before the first Friday to be scheduled (the "Lottery Date") Port staff will assemble a list of all vendors interested in participating in the lottery for each of the spaces listed above. On the Lottery Date, Port staff will hold a blind drawing to assign all vendors interested in each respective location a number from 1 to "n" for each location ("n" equaling the number of interested vendors in each location).
3. Port staff will perform the lottery drawings for each location in the following order: first for the location with the greatest number of vendors entered for the lottery (*i.e.*, the highest "n"); second for the location with the second greatest number of vendors; etc., until the lottery is completed for the location with least number of interested vendors. If there is an equal number of vendors that have entered their names into the lottery for more than one location, then the lotteries shall be held in order of the northernmost location to the southernmost location.
4. Using numbers assigned in the blind drawing for each respective location, Port staff will allocate vendors to each stall per day in numerical order for the lottery period (as shown in the following example lottery table):

Vendor Number Assigned in Each Location Lottery	Lottery For Most- Requested Location (Date)	Lottery for the 2nd Most-Requested Location (Date)	Lottery for the 3rd Most-Requested Location (Date)
1	A-1 (1st Friday)	B-1 (1st Friday)	C-1 (1st Friday)
2	A-2 (1st Friday)	B-2 (1st Friday)	C-2 (1st Friday)
3	A-1 (1st Saturday)	B-3 (1st Friday)	C-1 (1st Saturday)
4	A-2 (1st Saturday)	B-1 (1st Saturday)	C-2 (1st Saturday)
5	A-1 (1st Sunday)	B-2 (1st Saturday)	C-1 (1st Sunday)
6	A-2 (1st Sunday)	B-3 (1st Saturday)	C-2 (1st Sunday)
Etc.	A-1 (2nd Friday)	B-1 (1st Sunday)	C-1 (2nd Friday)

5. Conflicting Allocations.

As set forth in Section 5.c.2 of the Regulations, no vendor may occupy two vending stalls at the same time. Accordingly, Port staff will take steps to ensure that no vendor is assigned to two stalls on the same day. During the second and subsequent lotteries, if a vendor has previously been assigned to a location with greater demand for the same day, then the next vendor without a conflict from prior location-based lotteries shall be assigned the stall in the second or subsequent lottery. The vendor with a conflict would be assigned the next available date that does not have a conflict, and assignments would proceed in that order from there unless and until there is another date with a conflict.

For example and with reference to the lottery table above: If Vendor X was assigned number “1” in the first lottery (*i.e.* assigned vending stall A-1 on the first Friday) and Vendor X also entered the third lottery and was assigned number “2,” Vendor X would be ineligible for assignment to stall C-2 and the next vendor number without a conflicting allocation would be assigned to that stall (*e.g.*, vendor number “3” would be assigned to stall C-2 for the first Friday). Vendor X would be assigned to stall C-1 for the first Saturday, vendor number 4 would be assigned to stall C-2 for that day and stall allocations would continue until all available dates and stall locations were allocated for the lottery period, with further conflicts being resolved in the same manner.

6. Upon completion of the scheduling process, Port staff will provide the final schedule to vendors, PMs, Wharfingers, any private security personnel in contract with Port, and interested Port staff.

Port staff will repeat the lottery process for the four locations on the date that is two days before the first Friday to be scheduled. If that date is a City holiday or the Wednesday before Thanksgiving, step 1 will be performed by the preceding Tuesday.

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If a Vendor does not occupy its stall by 10am on the Vendor's assigned day, such stall shall be available on a first-come, first-served basis to any permitted Stationary Mobile Vendor, provided Vendor did not utilize the same stall on the immediately preceding day.