**CITY AND COUNTY OF SAN FRANCISCO  
MUNICIPAL CODE**

POLICE CODE

The San Francisco Municipal Code is current through Ordinance 107-13, File No. 130070, approved June 13, 2013, effective July 13, 2013.

The Police Code was last amended by Ordinance 100-13, File No. 130182, approved June 6, 2013, effective July 6, 2013.



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| The San Francisco Municipal Code: | | |
| Charter  Administrative Code  Building, Electrical, Housing, Mechanical and Plumbing Codes  Business and Tax Regulations Code  Campaign and Governmental Conduct Code | Environment Code  Fire Code  Health Code  Municipal Elections Code  Park Code  Planning Code  Police Code | Port Code  Public Works Code  Subdivision Code  Transportation Code  Zoning Maps  Comprehensive Ordinance Table |

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PREFACE TO THE POLICE CODE

This electronic version of the City and County of San Francisco Municipal Code is updated as amending legislation is approved. New Ordinance Notices are inserted where applicable to call the user's attention to material that has been affected by legislation that has been passed but is not yet effective. Any references to such legislation are also compiled in a table at the end of this Code. The amendments are then incorporated into the Code when they become effective.

Beginning with ordinances passed in 2011, all ordinances affecting this Code are summarized in a table that lists the identifying information (ordinance and file numbers), effective date, short title, and sections affected for each such ordinance. Users should note that the operative date of an ordinance may be later than the effective date of the ordinance. A delayed operative date will be noted in the ordinance.

This Code may contain various Editor's Notes (explaining the disposition of or cross referencing various provisions), and/or Codification Notes (documenting scrivener's errors and the like found in the underlying ordinances). Such notes have been inserted by the publisher for the convenience of the user or as historical references. They have not been approved or adopted by the City and County of San Francisco, and are of no legal force or effect.

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SEC. 1. ARK, BOAT, VESSEL, DUMPING, ETC., OF, PROHIBITED.

It shall be unlawful for any person, firm, association or corporation to dump or discard any boat, vessel, barge, ark, or any floating structure, on the shore line, or streets of the City and County of San Francisco, that are now submerged, or any portion of the City and County of San Francisco inside of the boundary of the State of California's property on the waterfront of said City and County of San Francisco.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1.1. CLIPPER COVE SPECIAL-USE AREA.

(a) **Special-Use Area.** In order to promote the recreational use of Clipper Cove, reduce existing and potential conflicts among recreational users of Clipper Cove, protect the overall public health and safety of users of the Cove, and to eliminate adverse environmental impacts to the San Francisco Bay, Clipper Cove is hereby designated a Special-Use Area as that term is defined and used in California's Harbors and Navigation Code (*see*, California Harbors and Navigation Code §§ 651, 660).

(b) **Clipper Cove Defined.** For the purposes of Section 1.1 of this Code, Clipper Cove is defined as that section of San Francisco Bay bounded by the south shore of Treasure Island, the north shore of Yerba Buena Island, and the connecting causeway, west of a line extending from the southeast corner of the finger pier known as "Pier 1" along the east side of Treasure Island, at about latitude 37 [degrees] 49' 11", longitude 122 [degrees] 21' 40", approximately 153 [degrees] 20' to the northeasterly point of Yerba Buena Island, at about latitude 37 [degrees] 48' 55", longitude 122 [degrees] 21' 30".

(c) **Permit Requirements.**

(1) Treasure Island Development Authority ("TIDA") shall erect signage at the entrance to the Clipper Cove Special-Use Area informing boaters of permit requirements and the method for obtaining a permit;

(2) It shall be unlawful for a vessel to be moored, anchored, or otherwise allowed to remain in Clipper Cove for more than 24 hours without a valid permit or permit extension issued by TIDA or its designee; and,

(3) It shall be unlawful for any vessel to remain moored, anchored, or otherwise allowed to remain in Clipper Cove after expiration or revocation of such permit.

(d) **Salvage Prohibited.** It shall be unlawful for any person to conduct salvage operations or to be in possession of materials salvaged from Clipper Cove, without written permission from TIDA.

(e) **Criminal Penalties.** A violation of any of the provisions of Section 1.1 shall be a misdemeanor or an infraction. The complaint charging the violation shall specify whether the violation is a misdemeanor or infraction. Any violation may be charged and punished as a misdemeanor instead of an infraction; except that any violation of Section 1.1(d) "Salvage Prohibited" shall be charged and punished as a misdemeanor.

(1) A person found guilty of a misdemeanor shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars ($1,000.00), or both.

(2) A person found guilty of an infraction shall be punished by a fine of up to $100 for a first violation, and up to $500 for a second violation within one year of the date of the first violation. If a person is charged with a third violation within one year of the date of the second or subsequent violation, it shall be charged as a misdemeanor.

(f) **Administrative Citation and Penalty.** The TIDA Director or designee may issue an administrative citation that imposes an administrative fine for violation of any provision of this Section 1.1 or the TIDA Clipper Cove Special Use Area Rules and Regulations. San Francisco Administrative Code Chapter 100 "Procedures Governing the Imposition of Administrative Fines" as it may be amended from time to time is hereby incorporated in its entirety, and shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties issued under this Subsection (f).

(g) **Removal and Storage of Vessels.**

(1) TIDA shall erect signage at the entrance to Clipper Cove informing boaters that vessels moored, anchored, or otherwise allowed to remain in Clipper Cove in violation of this Section 1.1 are subject to removal.

(2) TIDA or its designee may remove and store any vessel that is moored, anchored, or otherwise allowed to remain in Clipper Cove in violation of this ordinance, 72 hours after notice is posted in accordance with this Subsection (g). The registered owner of any vessel removed and stored under this Section 1.1 shall be responsible for reimbursing TIDA or its designee for the cost of such removal and storage.

(3) Not less than 72 hours prior to removing a vessel moored or anchored in violation of this Section 1.1, TIDA or its designee shall securely attach to the vessel a distinctive notice stating that the vessel will be removed for violation of this Section 1.1.

(4) Within 48 hours after the removal of a vessel pursuant to this Section 1.1, excluding weekends and holidays, TIDA or its designee must send notice of removal of the vessel by certified or first-class mail: to the registered and legal owners, if known or discovered before or after the removal, at their addresses of record with the Department of Motor Vehicles and the National Vessel Documentation Center, and to any other person that TIDA or its designee knows has an interest in the vessel.

(5) The notice of removal required by Subsections 1.1(g)(3) and (g)(4) shall include the following:

(A) TIDA's name, address, and telephone number, and, if applicable, the name, address and telephone number of TIDA's designee;

(B) A description of the vessel;

(C) The location from which the vessel was removed;

(D) The location of the intended or actual place of storage;

(E) The authority and purpose for removal of the vessel;

(F) A statement that the vessel may be claimed and recovered within 15 days of the date the notice of removal is issued upon payment of any costs incurred by TIDA or its designee related to salvage and storage of the vessel, and that following expiration of the 15-day period the property will be sold or otherwise disposed of by TIDA or its designee;

(G) A statement that the registered or legal owners or any other person known to have an interest in the property shall have the opportunity for a post-removal hearing before TIDA or its designee to determine the validity of the removal and storage, if a request for a hearing is made to TIDA or its designee in person, by telephone, by email or by regular mail within 10 days from the date of notice; and that if the registered or legal owner or any other person known to have an interest in the property disagrees with the decision of TIDA or its designee after the hearing, he or she may seek review of the decision of TIDA or its designee pursuant to Government Code § 11523 and Harbors and Navigation Code § 526(b)(7) or their successor provisions.

(6) TIDA or its designee shall conduct any requested hearing within 48 hours of the time it receives the request, excluding weekends and holidays. TIDA may authorize its own officers or employees to conduct the hearing, but the hearing officer shall not be the same person who directed the removal and storage of the vessel. The failure of either the registered or legal owners or any other person known to have an interest in the property to request or attend a scheduled hearing shall not affect the validity of the hearing.

(7) TIDA shall be responsible for the costs incurred for removal and storage if it is determined in the post-storage hearing that valid grounds for the removal and storage were not established.

(h) **TIDA Clipper Cove Special-Use Area Rules and Regulations.**

(1) The Treasure Island Development Authority Board of Directors shall periodically review the TIDA Clipper Cove Special-Use Area Rules and Regulations regarding permits and related matters, and update as appropriate in conformance with this Section 1.1, California Harbors and Navigation Code, other applicable laws and regulations, and as otherwise deemed appropriate by the TIDA Board.

(2) A public hearing shall be conducted before any adoption, amendment, or repeal of any rule or regulation. At least ten days' public notice shall be given for such public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.

(i) The remedies, penalties and procedures provided under this Section are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures.

(Added by Ord. 193-09, File No. 090555, App. 8/20/2009; amended by Ord. 10-13, File No. 121030, App. 2/4/2013, Eff. 3/6/2013)

SEC. 2. PURPOSE.

It is the intent of the Board of Supervisors that the costs incurred by the City and County of San Francisco (hereinafter the City) in processing applications for permits issued by the Police Department or Entertainment Commission, and regulating activities authorized thereby, shall be defrayed by filing fees and license fees (as hereinafter defined), which fees are imposed solely for the purpose of paying for the processing and regulatory services provided.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.1. DEFINITIONS.

(a) **Filing Fee.** A filing fee is a fee levied by the Department to reimburse it for all costs, direct and indirect, including an allocatable portion of fixed overhead costs, incurred in processing any permit application or application for amendment to a permit, and in conducting any investigation connected therewith.

(b) **License Fee.** A license fee is a fee levied by the Department on behalf of the City to reimburse the City for the costs incurred by the City in engaging in regulatory, inspection, and police activities in connection with the type of activity, business, profession, calling or event authorized by each type of permit approved by the San Francisco Police Department or Entertainment Commission.

(c) **Service Fee.** A service fee is a fee levied by the Department to reimburse it for services providing in processing or investigating any permit application or application for amendment to or renewal of a permit, which amount is not included in the filing fee, and includes fees for fingerprinting, criminal history background checks, and advertising and notices.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 171-10, File No. 100709, App. 7/23/2010)

SEC. 2.2. FEE SETTING PROCEDURE.

Each year the Chief of Police and Executive Director of the Entertainment Commission shall cause a report to be made of the revenues received from each type of fee collected by the Police Department and Entertainment Commission, respectively, the costs incurred in providing the services for which the fee is assessed, the anticipated costs for the ensuing fiscal year and the rates which would be necessary to support such costs for each type of fee. Said report shall be filed with the Controller no later than April 1st of each year pursuant to the provisions of Section 3.17-2 of the San Francisco Administrative Code.

The Controller shall file said report with the Board of Supervisors no later than May 15th of each year and the Board of Supervisors shall, by ordinance, establish or readjust the rates for the filing fees and license fees. The rates set shall be equal to, but not greater than, the rates necessary to support the costs of providing the services for which each fee is assessed.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 193-05, File No. 051027, App. 7/29/2005)

SEC. 2.3. GENERAL PROVISIONS.

A permit does not take the place of any license required by law. A permit shall not be transferable except as provided in this Code.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.4. MANNER OF APPLYING FOR PERMIT.

All applications for permits required by this Code shall be made to the Police Department or Entertainment Commission in the manner prescribed in this Code and in Part III of the San Francisco Municipal Code.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.5. INVESTIGATION BY THE POLICE DEPARTMENT.

When an application is filed with the Police Department or Entertainment Commission for any of the permits required by this Code, the Police Department shall cause an investigation to be made when required by this Code prior to deciding whether to grant the permit. No permit may be issued without such investigation when it is required.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.6. DISCRETIONARY POWERS.

The Police Department or Entertainment Commission, as the case may be, may issue a permit or in the exercise of the discretion provided in Section 26, Part III of the San Francisco Municipal Code, the Police Department or Entertainment Commission, as the case may be, may deny the permit; provided, however that when the approval of other City Departments is required, no permit shall be issued without the approval of such Departments.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.7. TRANSFER OF PERMITS.

No permits issued by the Police Department or Entertainment Commission, as the case may be, are transferable except as expressly permitted in this Code. All applications for transfer of permit shall be made to the Police Department or Entertainment Commission, as the case may be, and shall be accompanied by the payment of the same filing fee as for an initial application.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.8. TAX COLLECTOR TO DELIVER PERMIT.

Upon approval of the permit by the Police Department or Entertainment Commission, as the case may be, said permit, except as provided in Section 2.9 of this Article, shall be delivered to the Office of the Tax Collector, where it shall be delivered in turn to the applicant upon payment to the Tax Collector of the license fee required by law or ordinance. Written notice of the renewal, annual or otherwise, of a permit shall be delivered to the applicant upon payment of the annual license fee to the Tax Collector; but such permit or license shall not be delivered to the applicant by the Tax Collector if the Tax Collector receives written notification from the Police Department or Entertainment Commission, depending on which one has authority to approve the particular type of permit or license, requesting that the issuance of such permit or license be withheld.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.9. PERMITS ISSUED BY THE POLICE DEPARTMENT OR ENTERTAINMENT COMMISSION.

Since the following permits have no license in connection therewith, they will not be delivered to the Tax Collector, but will be issued directly from the office of the Police Department or Entertainment Commission, as the case may be.

Change in Color Scheme.

Closing-Out Sale.

Commercial Parking Permit.

Dance Hall Keeper, One Night Dance.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 219-10, File No. 100639, App. 8/12/2010)

SEC. 2.10. ANNUAL RENEWAL.

Except for permits and licenses governed under Section 76.1 of the Business and Tax Regulations Code, permits issued by the Police Department or Entertainment Commission after the adoption of this ordinance, with the exception of permits issued for temporary operations, shall be valid until the next annual renewal date as provided in this Code or for one year from the date of issuance when there is no annual renewal date, unless revoked prior to such date. The permit shall be renewed for the ensuing year and each year thereafter upon payment of the annual license fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 2.11. QUARTERLY PERMITS TO BECOME ANNUAL.

Quarterly permits issued by the Police Department prior to the adoption of this ordinance shall be renewed each quarter until January 1, 1982, at which time the permits shall be issued annually as provided in Section 2.10 of this Article.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.12. POWER OF REVOCATION.

After written notice to the permittee, and after a hearing conducted pursuant to the requirements of Article I, Part III of the San Francisco Municipal Code, the Police Department or Entertainment Commission, as the case may be, shall have the power to revoke or suspend any permit issued by the Police Department or Entertainment Commission, respectively, under the provisions of this Code or Part III of the San Francisco Municipal Code for violations of any such provisions or written regulations of any Department relating to the use of the permit by the permittee, his agent or employee. Upon a determination that the permittee has violated or attempted to violate the aforesaid provisions of the Municipal Code or written Departmental regulations, the Police Department or Entertainment Commission, as the case may be, shall revoke or suspend the permit. The Police Department or Entertainment Commission, as the case may be, shall forward to the Tax Collector, and any other City Department involved in the issuance of such permit, written notice of such revocation or suspension.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.13. RIGHT OF APPEAL.

Whenever an application for any permit provided for in this Code shall be denied or an existing permit revoked or suspended, the person aggrieved shall have the right to appeal to the Board of Permit Appeals from such denial, revocation or suspension. An appeal shall be presented to the Board of Permit Appeals in the manner prescribed in Article I, Part III of the San Francisco Municipal Code.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.14. LICENSE FEES NOT REFUNDABLE UPON REVOCATION OF PERMIT.

License fees are not refundable upon the revocation or suspension of any permit pursuant to the provisions of Section 2.12 of this Article.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.15. FILING FEES NOT REFUNDABLE.

Filing fees are payable in advance and are not refundable.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.16. PENALTIES FOR NONPAYMENT OF LICENSE FEES.

All license fees are payable when due, unless otherwise provided, at the Office of the Treasurer and Tax Collector, in City Hall. For all permits and licenses except those governed under Section 76.1 of the Business and Tax Regulations Code, if a license fee is not paid within 30 days after the same becomes due, the Tax Collector shall add 10 percent to the amount of the stated fee as a penalty for nonpayment. If the license fee is not paid within 60 days after the same becomes due, the Tax Collector shall increase the penalty for nonpayment to 15 percent of the amount of the stated fee. If the license fee is not paid within 90 days after the same becomes due, the Tax Collector shall increase the penalty for non-payment to 25 percent of the amount of the stated fee, provided however, when a permittee has failed for a period of six months or more to pay a license fee, the Tax Collector shall, in such instance, impose another penalty of 25 percent of the total amount of fee delinquent, including previous penalty charges, to the total amount due for the delinquency payment.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 2.17. REVOCATION OF PERMIT FOR NONPAYMENT OF PERMITS OR LICENSES.

Each year the Tax Collector shall forward to the Police Department and Entertainment Commission a list of those permit holders who have not paid the overdue fees for a period of six months or more, and the Police Department or Entertainment Commission, as the case may be, shall initiate revocation proceedings pursuant to the provisions of Section 2.12 of this Code. After a permit is revoked for nonpayment of the license fee, a new permit may be issued, but only upon filing a new application and the payment, in advance, of the filing and license fees and any overdue fees and penalties.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.19. NOT EXEMPTED FROM PAYING OTHER FEES.

Payment of filing fees and license fees as provided in this Code does not exempt the permit holder from payment of any other charges which may be levied pursuant to other sections of the San Francisco Municipal Code or written rules and regulations of any department relating to the permit.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.20. PERMITTING SUBSTITUTES FOR METAL BADGES.

Whenever in this Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code, there appears a requirement for a metal badge, metallic plate, metallic bus permit or metallic chauffeur's badge, metal or metallic "jitney bus" permit or metal or metallic "jitney bus" license metallic badge or card or other similar requirement of metal, the officer responsible for the issuance thereof may substitute any suitable material for metal or metallic material.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.21. PAYMENT FOR BADGE.

The Tax Collector shall collect a fee for each badge issued in connection with a permit or license. The cost for the badge shall be set by the issuing department and shall be for the cost of processing and issuing the badge.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.22. PAYMENT FOR IDENTIFICATION CARD.

The Tax Collector shall collect a fee for each identification card issued in connection with a permit or license. The cost for the identification card shall be set by the issuing department and shall cover the cost of processing and issuing the identification card.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.23. COMPLIANCE.

No permit shall be granted unless the applicant agrees to comply in all respects with the applicable requirements of this Code. It shall be unlawful to do or perform the act or carry on the business, trade, profession or calling for which a license or permit is required by law or ordinance or to own, keep or use the article or thing, for the owning, keeping or using of which a license or permit is required by law or ordinance, unless such license or permit be first procured.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.24. SURRENDER OF PERMIT.

Whenever any business or occupation, for which a permit has been issued by the Chief of Police or Entertainment Commission, is terminated or sold, the permit holder shall surrender the permit to the Chief of Police or Entertainment Commission, as the case may be, who shall void said permit. The Chief of Police or Entertainment Commission, as the case may be, shall notify the Tax Collector when a permit has been voided.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 2.25. DETERMINATION OF PERCENTAGE OF FEES CREDITED TO OTHER DEPARTMENTS.

Each year the Controller shall determine what percentage of the money charged for any filing fee is charged in order to offset the costs incurred by City departments other than the Police Department in regulating and inspecting permits issued by the Police Department and the appropriate percentage of such fees shall be credited by the Police Department to the other department as required by the Charter and Municipal Code.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 193-05, File No. 051027, App. 7/29/2005)

SEC. 2.26 SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.

The following filing fees, payable in advance to the City and County of San Francisco, are required when submitting applications for permits to the Police Department or Entertainment Commission:

| **TYPE OF PERMIT** | FILING FEE |
| --- | --- |
| Permit Amendment | $ 261 |
| Permit Renewal (unless otherwise specified) | 605 |
| Amusement Park | 0 |
| Auto Wrecker | 1,085 |
| Ball or Ring Throwing Games | 0 |
| Balloon and Kite Advertising | 67 |
| Billiard Parlor | 456 |
| Bingo Games | 261 |
| Charitable Organizations - Certificate of Registration |  |
| Sales Solicitations | 132 |
| Non-Sales Solicitations | 101 |
| Document Copies | 25 |
| ID Card | 25 |
| Circus | 0 |
| Closing-Out Sale | 439 |
| Commercial Parking (garage or lot) | 762 |
| Dance Hall Keeper | 1,401 |
| Amendment to Permit | 660 |
| One Night Dance | 40 |
| Dealer in Firearms and/or Ammunition | 1,295 |
| Renewal | 370 |
| Discharge of Cannon | 646 |
| Driverless Auto Rental | 1,055 |
| Encounter Studio |  |
| Owner | 903 |
| Employee | 251 |
| Escort Service |  |
| Owner | 991 |
| Employee | 379 |
| Extended Hours Permit | 1,500 |
| Amendment to Permit | 660 |
| Fortuneteller | 67 |
| Funeral Procession Escort | 379 |
| Insignia and Uniform | 0 |
| General Soliciting Agent | 252 |
| Itinerant Show | 680 |
| Itinerant Show/Nonprofit   [Fee set by Police Code Section 1017.2] | 100 |
| Junk Dealer |  |
| Junk Dealer operating within or in conjunction with a junk yard | 1,358 |
| Junk Dealer operating without a junk yard | 768 |
| Licensed Tour Guide |  |
| Owner - Buses | 990 |
| Owner - Other Motorized Vehicles | 705 |
| Owner - Bicycle/Segway/Other Mechanism | 490 |
| Owner - Walking | 395 |
| Employee | 116 |
| Limited Live Performance | 385 |
| Amendment to Permit | 129 |
| Loudspeaker | 416 |
| Vehicle | 416 |
| Masked Ball | 779 |
| Massage Establishment | 1,684 |
| Masseur/Masseuse | 202 |
| Trainee | 202 |
| Mechanical Amusement Devices | 568 |
| Mechanical Contrivance | 568 |
| Miniature Golf Course | 595 |
| Mobile Caterer | 1,092 |
| Additional Stop | 257 |
| Assistant | 320 |
| Transfer of Stop | 820 |
| Museum | 645 |
| Nude Models in Public Photographic Studio |  |
| Owner | 877 |
| Employee | 251 |
| Off-Heliport Landing Site | 667 |
| One Time Event | 255 |
| Outcall Massage | 462 |
| Pawnbroker | 939 |
| Peddler |  |
| Food for Human Consumption | 824 |
| Nonfood | 519 |
| Employee | 163 |
| Pedicab Driver | 168 |
| Pedicab Owner |  |
| First Pedicab | 453 |
| Each Additional Pedicab | 163 |
| Photographer, Public Place |  |
| Owner | 644 |
| Solicitor | 421 |
| Photographic Solicitor |  |
| Owner | 644 |
| Employee | 230 |
| Place of Entertainment | 1,500 |
| Amendment to Permit | 660 |
| Poker | 1,259 |
| Amendment to Permit | 257 |
| Public Bathhouse | 1,122 |
| Public Outcry Sales | 1,151 |
| Recreational Equipment Vendor | 408 |
| Rodeo Exhibition/Wild West Show | 651 |
| Second Hand Dealer | 200 |
| Second Hand Dealer, Auto Accessories | 1,091 |
| Shooting Gallery | 899 |
| Skating Rink | 709 |
| Tow Car Driver | 579 |
| Tow Car Firm | 1,028 |
| Trade-In Dealer | 1,055 |
| Valet Parking |  |
| Fixed Location | 899 |
| Annual Special Event | 899 |
| Vehicle for Hire, Nonmotorized | 981 |
| Advertising and notices | 168 |
| Backgrounds | 67 |
| Fingerprints | 98 |

(Amended by Ord. 467-86, App. 12/5/86; Ord. 382-91, App. 10/28/91; Ord. 309-93, App. 10/5/93; Ord. 238-96, App. 6/11/96; Ord. 63-97, App. 3/6/97; Ord. 150-02, File No. 021071, App. 7/12/2002; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 196-03, File No. 021948, App. 8/1/2003; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. 86-10, File No. 100008, App. 4/30/2010; Ord. 171-10, File No. 100709, App. 7/23/2010; Ord. 219-10, File No. 100639, App. 8/12/2010; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 166-12, File No. 120597, App. 7/27/2012, Eff. 8/26/2012; Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 2.26.1. SCHEDULE OF PERMITS AND FILING FEES.

Notwithstanding the provisions of Section 1085 of this Code, the following filing fees, payable in advance to the Taxi Commission, are required when submitting applications for Motor Vehicle for Hire permits to the Taxi Commission:

| **TYPE OF PERMIT** | FILING FEE |
| --- | --- |
| Color scheme, new |  |
| 1-5 medallions | $1,225.00 |
| 6-15 medallions | 1,796.30 |
| 16-49 medallions | 3,595.00 |
| 50 or more medallions | 4,492.00 |
| Color scheme change | 413.00 |
| Interurban bus | 268.00 |
| Jitney bus driver | 53.00 |
| Jitney bus owner | 268.00 |
| Lost medallion | 246.00 |
| Metallic medallion | 48.00 |
| Motorized rickshaw | 268.00 |
| Public convenience and necessity application | 343.00 |
| Public passenger vehicle driver | 78.00 |
| Ramped taxicab | 520.00 |
| Sightseeing bus | 268.00 |
| Taxicab | 1,264.00 |
| Taxicab radio dispatch service | 3,859.00 |

(Added by Ord. 383-91, App. 10/28/91; amended by Ord. 309-93, App. 10/5/93; Ord. 238-96, App. 6/11/96; Ord. 63-97, App. 3/6/97; Ord. 88-99, File No. 981443, App. 4/30/99; Ord. 176-02, File No. 011178, App. 8/23/2002; Ord. 196-07, File No. 070814, App. 8/3/2007; Ord. 107-08, File No. 080605, App. 6/24/2008)

SEC. 2.27. SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE POLICE DEPARTMENT OR ENTERTAINMENT COMMISSION.

The following license fees are payable to the Tax Collector for permits issued by the Police Department or Entertainment Commission and, when applicable, for their renewal:

Note: All license fees are at an annual rate unless otherwise indicated.

| TYPE OF PERMIT | LICENSE FEE |
| --- | --- |
| Amusement Park | $0 |
| Antique Shop | 0 |
| Auto Wrecker | 535.50 |
| Ball or Ring Throwing Games | 0 |
| Balloon and Kite Advertising | 0 |
| Billiard Parlor |  |
| First Table | 159 |
| Each Additional Table | 14 |
| Bingo Game | 0 |
| Circus | 0 |
| Dance Hall Keeper | 448 |
| Dealer in Firearms and/or Ammunition | 499.50 |
| Discharge of Cannon | 90.50 per day |
| Driverless Auto Rental | 367.50 |
| Encounter Studio |  |
| Owner | 558.50 |
| Employee | 99.50 |
| Escort Service |  |
| Owner | 564.50 |
| Employee | 131.50 |
| Extended Hours Permit | 531 |
| Fortuneteller | 0 |
| Funeral Procession Escort | 0 |
| General Soliciting Agent | 129.50 |
| Itinerant Show, Each Concession | 62 per day |
| Licensed Tour Guide |  |
| Owner - Buses, per vehicle | 972 |
| Owner - Other Motorized Vehicles, per vehicle | 195.50 |
| Owner - Bicycle/Segway/Other Mechanisms, per mechanism | 195.50 |
| Owner - Walking | 195.50 |
| Employee | 0 |
| Limited Live Performance | 157 |
| Loudspeaker | 170 |
| Masked Ball | 253 per day |
| Massage Establishment | 860 |
| Masseur/Masseuse | 119 |
| Trainee | 119 per 90-day permit |
| Mechanical Amusement Devices |  |
| First Machine | 301 |
| Each Additional Machine | 0 |
| Mechanical Contrivance | 0 |
| Miniature Golf Course | 206.50 |
| Mobile Caterer | 695 |
| Assistant | 49 |
| Museum | 249.50 |
| Nude Models in Public Photographic Studio |  |
| Owner | 535.50 |
| Employee | 131.50 |
| Off-Heliport Landing Site | 79.50 per day |
| Pawnbroker | 583.50 |
| Peddler |  |
| Food for Human Consumption | 747 |
| Nonfood | 199 |
| Employee | 81 |
| Pedicab Driver | 66.50 |
| Pedicab Owner | 0 |
| Photographer, Public Place |  |
| Owner | 249.50 |
| Solicitor | 121.50 |
| Photographic Solicitor |  |
| Owner | 209.50 |
| Employee | 121.50 |
| Place of Entertainment | 511 |
| Poker | 357.50 |
| Public Bathhouse | 483.50 |
| Public Outcry Sales | 338.50 |
| Recreational Equipment Vendor | 352.50 |
| Rodeo Exhibition/Wild West Show | 0 |
| Second Hand Dealer | 0 |
| Second Hand Dealer, Auto Accessories | 0 |
| Shooting Gallery | 0 |
| Skating Rink | 0 |
| Tow Car Driver | 75.50 |
| Tow Car Firm |  |
| First Tow Truck | 595.50 |
| Each Additional Tow Truck | 234 |
| Trade-In Dealer | 662.50 |
| Valet Parking |  |
| Fixed Location | 310.50 |
| Annual Special Event | 209.50 |
| Vehicle for Hire, Nonmotorized | 209.50 |

(Amended by Ord. 467-86, App. 12/5/86; Ord. 382-91, App. 10/28/91; Ord. 309-93, App. 10/5/93; Ord. 238-96, App. 6/11/96; Ord. 63-97, App. 3/6/97; Ord. 150-02, File No. 021071, App. 7/12/2002; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 196-03, File No. 021948, App. 8/1/2003; Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 194-06, File No. 060779, App. 7/21/2006; Ord. 86-10, File No. 100008, App. 4/30/2010; Ord. 171-10, File No. 100709, App. 7/23/2010; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 166-12, File No. 120597, App. 7/27/2012, Eff. 8/26/2012; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 2.27.1. SCHEDULE OF LICENSE FEES FOR MOTOR VEHICLE FOR HIRE PERMITS.

Notwithstanding the provisions of Section 1085 of this Code, the following license fees are payable to the Tax Collector for permits issued by the Taxi Commission and, when applicable, for their renewal:

Note: All license fees are at an annual rate unless otherwise indicated.

| **TYPE OF PERMIT** | LICENSE FEE |
| --- | --- |
| Color scheme, new |  |
| 1-5 medallions | $ 811.00 |
| 6-15 medallions | 1,339.00 |
| 16-49 medallions | 3,319.00 |
| 50 or more medallions | 4,149.00 |
| Interurban Bus | 277.00 |
| Jitney Bus Driver | 58.00 |
| Jitney Bus Owner | 277.00 |
| Motorized Rickshaw | 277.00 |
| Public Passenger Vehicle Driver | 54.00 |
| Ramped Taxicab | 166.00 |
| Sightseeing Bus | 277.00 |
| Taxicab | 957.00 |
| Taxicab Radio Dispatch Service | 4,264.00 |

(Added by Ord. 383-91, App. 10/28/91; amended by Ord. 309-93, App. 10/5/93; Ord. 238-96, App. 6/11/96; Ord. 63-97, App. 3/6/97; Ord. 88-99, File No. 981443, App. 4/30/99; Ord. 176-02, File No. 011178, App. 8/23/2002; Ord. 196-07, File No. 070814, App. 8/3/2007; Ord. 107-08, File No. 080605, App. 6/24/2008)

SEC. 2.28. RESERVED.

(Amended by Ord. 355-85, App. 7/12/85; repealed by Ord. 86-10, File No. 100008, App. 4/30/2010)

SEC. 2.29. ADDITIONAL LICENSE FEES.

(a) When either a mobile caterer's or pawnbroker's permit and license is originally granted an additional license fee shall be charged as shown below:

Mobile Caterer $7,500

Pawnbroker 6,000

(b) The license fees required to be paid by this Section are imposed, pursuant to the taxing power of the City and County of San Francisco, solely for the purpose of obtaining revenue and they predated the passage of Article XIIIA of the California Constitution.

(c) Any person required to pay a fee under this Section shall not be relieved from the payment of any license tax or fee for the privilege of doing such business required under any other ordinance of the City and County and shall remain subject to the regulatory provisions of other ordinances.

(d) Every person to whom a license or permit is transferred, except where the transfer is to the spouse, child, or children of a license or permit holder by testate or intestate succession or to the spouse of a license or permit holder, pursuant to a marital settlement agreement, with the consent of the Chief of Police and the Director, shall pay to the Tax Collector upon delivery of each such license or permit by the Tax Collector a fee as follows:

Mobile Caterer $ 500

Pawnbroker 6,000

(e) The Tax Collector shall transmit all moneys collected pursuant to this Section of the Code to the Treasurer for deposit to the General Fund.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 2.30. ADDITIONAL FEES-MOTORIZED CABLE CARS.

The following filing fees are payable in advance to the Police Department when submitting applications for motorized cable car and motorized cable car operator's permits:

Owner $ 105

Operator 62

The following license fees are payable to the Tax Collector for permits issued by the Police Department:

Owner $ 69

Operator 11

(Added by Ord. 272-82, App. 6/10/82)

SEC. 2.31. ANNUAL ADJUSTMENT OF FEES.

Beginning with fiscal year 2003-2004, fees set in Sections 2.26, 2.26.1, 2.27, and 2.27.1, may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Police Department, Taxi Commission, and Entertainment Commission shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is more than the costs of providing the services for which each fee is assessed.

(Added by Ord. 150-02, File No. 021071, App. 7/12/2002; amended by Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 196-07, File No. 070814, App. 8/3/2007)

SEC. 6.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 7.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 12.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 13. SOLICITATION OF PEDESTRIANS PROHIBITED; PENALTY; EXCEPTION.

(a) No person shall stand or shall cause or permit any person to stand nor shall an employer cause or permit any person to stand on the sidewalk or street in front of any store or building for the purpose of calling the attention of passersby to goods, wares or merchandise displayed or on sale in such store or building, or in any other store or building, or to solicit patronage for any business or service or to entice or persuade passersby to enter such store or building or any other store or building, or to accept the service of any business.

(b) **Penalty.** Any person who violates any provision of this Section shall be guilty of an infraction, the penalty for which shall be as follows:

(1) A fine of not less than $100 nor more than $250;

(2) A fine of not less than $250 nor more than $750 for a second offense occurring within six months of the prior offense; and

(3) A fine of not less than $750 nor more than $1,000 for a third and each subsequent offense occurring within six months of a prior offense.

(c) **Exception.** It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly, or with the distribution of leaflets, handbills or other written materials.

(Added by Ord. 614-79, App. 12/13/79)

SEC. 18. PENALTY.

Any person who shall violate any of the provisions of Section 17 of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $50 or by imprisonment in the County Jail for not more than 30 days or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC., OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.

(a) No person shall consume any alcoholic beverage in any quantity on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within the City and County of San Francisco; nor shall any person consume any alcoholic beverage within 15 feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or the person in lawful possession thereof; provided, however, that the provisions of this Section shall not apply to the interior portion of any private dwelling, habitat, or building, to the consumption by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content, or to those persons consuming alcoholic beverages while viewing a parade for which a permit has been granted pursuant to Section 367 of this Code. Further, this Section shall not be applicable in those prescribed areas and during such time for which permission for temporary use or occupancy of public streets and appurtenant areas has been granted by:

(1) The Board of Supervisors pursuant to the provisions of Section 2.70 of the Administrative Code;

(2) The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment anywhere in San Francisco that meets the requirements of a full-service restaurant, pursuant to Planning Code Section 790.92 as interpreted by the Zoning Administrator; or

(3) The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment that had a valid tables and chairs permit and California Department of Alcoholic Beverage Control beverage license or permit on the effective date of this ordinance.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine of not less than $25 nor more than $100.

(Amended by Ord. 156-86, App. 5/9/86; Ord. 400-97, App. 10/17/97)

SEC. 22. OBSTRUCTING ANY STREET, SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED; PENALTY; EXCEPTIONS.

(a) No person shall wilfully and substantially obstruct the free passage of any person or persons on any street, sidewalk, passageway or other public place.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine of not less than $50 nor more than $500.

(c) **Exceptions.**

(1) It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly; and

(2) nothing contained herein shall be deemed to prohibit persons from sitting on public benches or other public facilities provided for such purpose.

(Added by Ord. 454-79, App. 9/7/79)

SEC. 23. OBSTRUCTING ANY STREET, SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED, SECOND OFFENSE WITHIN 24 HOURS; PENALTY; EXCEPTIONS.

(a) Any person who wilfully and substantially obstructs the free passage of any person or persons on any street, sidewalk, passageway or other public place within 24 hours after violating and being cited for said violation of Section 22 shall be in violation of this Section.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months or by a fine of not more than $500, or by both such fine and imprisonment.

(c) **Exceptions.** (1) It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly; and (2) nothing contained herein shall be deemed to prohibit persons from sitting on public benches or other public facilities provided for such purpose.

(Added by Ord. 454-79, App. 9/7/79)

SEC. 24. OBSTRUCTING ANY STREET, SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED: SECOND OFFENSE WITHIN 120 DAYS OF CONVICTION; PENALTY; EXCEPTIONS.

(a) Any person who wilfully and substantially obstructs the free passage of any person or persons on any street, sidewalk, passageway or other public place within 120 days after the date of conviction of a violation of Section 22 shall be in violation of this Section.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months or by a fine of not more than $500, or by both such fine and imprisonment.

(c) **Exceptions.** (1) It is not intended that this Section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly; and (2) nothing contained herein shall be deemed to prohibit persons from sitting on public benches or other public facilities provided for such purpose.

(Added by Ord. 454-79, App. 9/7/79)

SEC. 25. REMAINING UPON PRIVATE OR BUSINESS PROPERTY AFTER BEING REQUESTED TO LEAVE; PENALTY; EXCEPTIONS.

(a) No person shall wilfully remain upon any private property or business premises after being notified by the owner, lessee, or other person in charge thereof to leave.

(b) No person, without permission, expressed or implied, of the owner, lessee, or other person in charge of private property or business premises shall enter upon such private property or business premises after having been notified by the owner, lessee, or other person in charge thereof to keep off or to keep away therefrom.

(c) **Notice.** Such notification referred to in subparagraphs (a) and (b) above may be oral or in the form of a written notice, posted in a conspicuous place, describing the specific area and hours in which persons are to keep off or to keep away.

(d) **Penalty.** Any person who shall violate any of the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine which shall be not less than $50 nor more than $500.

(e) **Exceptions.** This Section shall not apply in any of the following instances: (1) where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person; (2) where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers; or (3) where its application would result in an interference with or inhibition of any exercise of a constitutionally protected right of freedom of speech or assembly.

(Added by Ord. 454-79, App. 9/7/79)

SEC. 26. REMAINING UPON PRIVATE OR BUSINESS PROPERTY AFTER BEING REQUESTED TO LEAVE; SECOND OFFENSE WITHIN 24 HOURS; PENALTY; EXCEPTIONS.

(a) Any person who remains upon or returns to said private property or business premises within 24 hours after violating and being cited for said violation of Section 25 and who is again notified by the owner, lessee, or other person in charge of the property to leave, or by a police officer at the specific request of said person in charge, and who refuses to do so, shall be in violation of this Section.

(b) **Notice.** Such notification referred to by owners, lessees or other persons in charge of premises in subparagraph (a) above may be oral or in the form of a written notice, posted in a conspicuous place, describing the specific area and hours in which persons are to keep off or to keep away.

(c) **Penalty.** Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months or by a fine of not more than $500, or by both such fine and imprisonment;

(d) **Exceptions.** This Section shall not apply in any of the following instances: (1) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person; (2) Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers; or (3) Where its application would result in an interference with or inhibition of any exercise of a constitutionally protected right of freedom of speech or assembly.

(Added by Ord. 454-79, App. 9/7/79)

SEC. 27. REMAINING UPON PRIVATE OR BUSINESS PROPERTY AFTER BEING REQUESTED TO LEAVE, SECOND OFFENSE WITHIN 120 DAYS OF CONVICTION; PENALTY; EXCEPTIONS.

(a) Any person who remains upon or returns to said private property or business premises within 120 days after the date of conviction of a violation of Section 25 and who is again notified by the owner, lessee, or other person in charge of the property to leave, or by a police officer, at the specific request of said person in charge, and who refuses to do so, shall be in violation of this Section.

(b) **Notice.** Such notification referred to by owners, lessees or other persons in charge of premises in subparagraph (a) above may be oral or in the form of a written notice, posted in a conspicuous place, describing the specific area and hours in which persons are to keep off or to keep away.

(c) **Penalty.** Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months or by a fine of not more than $500, or by both such fine and imprisonment;

(d) **Exceptions.** This Section shall not apply in any of the following instances: (1) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person; (2) Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers; or (3) Where its application would result in an interference with or inhibition of any exercise of a constitutionally protected right of freedom of speech or assembly.

(Added by Ord. 454-79, App. 9/7/79)

SEC. 28. KITE FLYING PROHIBITED NEAR HIGH VOLTAGE LINES AND BROADCASTING TOWERS.

It shall be unlawful for any person to fly any kite so that the kite, tail, or string comes within 25 feet of any high voltage overhead conductor or artificially illuminated television or radio transmitting tower. As used in this Section, a "high voltage overhead conductor" is any electrical conductor with a voltage in excess of 750 volts, installed above the ground and not enclosed in iron pipe or equivalent; and an "artificially illuminated television or radio transmitting tower" is a radio or television transmitting tower equipped with electric lighting to avoid hazard to aircraft.

(Amended by Ord. 458-80, App. 9/26/80)

SEC. 33. RUBBISH, ETC., THROWING ON STREETS PROHIBITED.

It shall be unlawful for any person or persons to put, place, sweep, throw, brush or in any other manner deposit any rubbish, paper, cards, newspapers, wrapping or wrapping paper, container of any kind, string, cord, rope or other binding or fastening material, sweepings, dirt or debris or discarded material of any kind or character upon any sidewalk, street, alley, gutterway or other public place in the City and County of San Francisco. It shall also be unlawful for any person or persons to throw, sweep or brush any rubbish, paper sweepings or dirt from any residence, flat, apartment house, store or office building into any sidewalk, street or alley.

(Amended by Ord. 1994, Series of 1939, App. 3/8/43)

SEC. 34. ACCUMULATION OF LITTER ON SIDEWALKS PROHIBITED.

It shall be unlawful for the occupant, or in the absence of an occupant, the owner or lessee, of any building in the City and County, to permit litter to remain or accumulate upon the sidewalk in front of or abutting said building. Said litter may be disposed of as provided in Section 35(a) of the Code, provided, however, that on any day the street fronting or abutting said building is scheduled to be serviced by mechanical equipment under controlled parking conditions, said litter, other than food products or material intended for food or drink may be deposited in said street, but only one hour prior to said service. The term "litter" as used herein shall mean and include the enumeration of items set forth in Section 33 of this Code.

(Amended by Ord. 7-77, App. 1/7/77)

SEC. 35. CUSPIDORS, ETC., NOT TO BE EMPTIED ON SIDEWALK.

No cuspidors, spittoons, tubs or other such articles shall be washed, cleaned or emptied on any public streets, sidewalks or alleyways in this City and County.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 35(a). USE OF SIDEWALK TRASH OR LITTER RECEPTACLES.

The litter receptacles placed on the sidewalks by the Department of Public Works may be used for deposit of casual litter such as food, wrappers and lunchbags. Sweepings from sidewalk cleaning, as specified in Section 34, may also be deposited in such receptacles. It is unlawful for any person to deposit any household garbage, refuse, waste, sweepings, or dirt collected within any residence, flat, apartment house, store, or office building in, on top, or alongside such litter receptacles.

(Amended by Ord. 410-75, App. 10/1/75)

SEC. 36. TENANT OF LOWER FLAT RESPONSIBLE.

When there are flats or more than one house fronting on a pavement, the proprietor or tenant of the lower flat or house nearest the sidewalk shall be held responsible for the cleanliness of said sidewalk.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 37. PENALTY.

(a) Any person who shall violate any of the provisions of Sections 33, 34, 35 or 36 of this Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for the first offense by a fine of not less than $80 nor more than $100; and for a second offense by a fine of not less than $150 nor more than $200; and for each additional offense by a fine of not less than $300 nor more than $500.

(b) Any person who shall violate any of the provisions of Section 35(a) of this Article shall be guilty of an infraction and, upon conviction thereof, shall be punished for the first offense by a fine of not less than $80 nor more than $100; for a second offense by a fine of not less than $150 nor more than $200; and for each additional offense by a fine of not less than $300 nor more than $500.

(c) Alternatively, any person who violates any of the provisions of Sections 33, 34, or 35(a) of this Article shall be subject to an administrative penalty not to exceed $1,000 for each violation. Administrative penalties authorized by this section shall be assessed, enforced and collected in accordance with Section 39-1 of this Code.

(Amended by Ord. 72-86, App. 3/14/86; Ord. 197-98, App. 6/19/98; Ord. 87-03, File No. 030482, App. 5/9/2003; Ord. 292-04, File No. 040561, App. 12/24/2004)

SEC. 38. ENFORCEMENT OF LITTER LAWS; DESIGNATED OFFICERS AND EMPLOYEES.

The classes of officers or employees of the City and County of San Francisco hereinbelow set forth may have the duty of enforcing those provisions of state law or the San Francisco Municipal Code which relate to abatement of nuisance conditions on public property or the littering of private or public property, including, but not limited to, streets, sidewalks, parks, squares or recreation areas within said City and County, the removal or abatement of any such litter from said private or public property or the unauthorized use of litter receptacles. In addition to any other authority provided by state law or the Municipal Code, each of these classes of officers or employees may also issue citations imposing administrative penalties authorized by Section 39-1.

| **Classification Number** | Class Title |
| --- | --- |
| 0941 | Manager VII (positions assigned to the Department of Public Works only) |
| 1312 | Public Information Officer (positions assigned to the Department of Public Works only) |
| 1314 | Public Relations Officer (positions assigned to the Department of Public Works only) |
| 3130 | Arboretum Director |
| 3230 | Golf Director |
| 3234 | Harbormaster |
| 3287 | Assistant Recreation Supervisor |
| 3289 | Recreation Supervisor |
| 3291 | Principal Recreation Supervisor |
| 3292 | Assistant Superintendent, Recreation |
| 3418 | Gardener Assistant Supervisor |
| 3422 | Park Section Supervisor |
| 3426 | Urban Forester |
| 3432 | Assistant Director, Arboretum |
| 3436 | Tree Topper Supervisor I |
| 3438 | Tree Crew Supervisor II |
| 3440 | Landscaping and Street Planting Supervisor |
| 3462 | Assistant Director, Golf Course Maintenance |
| 3464 | Area Supervisor, Parks, Squares and Facilities |
| 3466 | Assistant Superintendent, Parks, Squares and Facilities |
| 5103 | Operations Superintendent |
| 5170 | Superintendent, Street Cleaning and Tree Planting |
| 5173 | Assistant Superintendent, Street Cleaning and Tree Planting |
| 5182 | Deputy Director of Engineering |
| 5190 | Director of Public Works |
| 5194 | Deputy Director for Operations |
| 6120 | Environmental Health Inspector |
| 6122 | Senior Environmental Health Inspector |
| 6124 | Principal Environmental Health Inspector |
| 6126 | Chief, Bureau of Environmental Health Services |
| 6127 | Assistant Chief, Bureau of Environmental Health Services |
| 6230 | Street Inspector |
| 6231 | Senior Street Inspector |
| 6232 | Street Inspector Supervisor |
| 7215 | General Laborer Supervisor I |
| 7281 | Street Cleaning General Foreman |
| 8208 | Park Patrol Officer |
| 8210 | Head Park Patrol Officer |
| 8214 | Parking Controlman |
| 8280 | Environmental Control Officer |
| 8282 | Senior Environmental Control Officer |
| H4 | Inspector, Bureau of Fire Prevention and Public Safety |
| H22 | Lieutenant, Bureau of Fire Prevention and Public Safety |
| H32 | Captain, Bureau of Fire Prevention and Public Safety |
| H40 | Battalion Chief, Fire Department |
| H50 | Assistant Chief, Fire Department |

(Added by Ord. 76-87, App. 3/20/87; amended by Ord. 175-92, App. 6/16/92; Ord. 87-03, File No. 030482, App. 5/9/2003)

SEC. 39. PROCEDURE FOR ENFORCEMENT OF LITTER LAWS.

In the enforcement of said provisions the classes of officers and employees set forth in Section 38 shall utilize, where appropriate, the procedure as prescribed by Section 836.5 and Chapter 5C (commencing with Section 853.5) of Title 3, Part 2, of the Penal Code of the State of California.

(Added by Ord. 76-87, App. 3/20/87)

SEC. 39-1. PROCEDURE FOR ASSESSMENT AND COLLECTION OF ADMINISTRATIVE PENALTIES FOR SPECIFIED LITTERING AND NUISANCE VIOLATIONS.

(a) This Section shall govern the imposition, assessment and collection of administrative penalties imposed pursuant to Sections 37, 38 and 63 of the Police Code, Sections 41.13, 283.1, 287, 288.1 and 600 of the Health Code, and Sections 170, 173, 174, 174.2, and 724.5 of the Public Works Code.

(b) The Board of Supervisors finds:

(1) That it is in the best interest of the City and its citizens to provide an alternative, administrative penalty mechanism for enforcement of the littering and nuisance violations covered by this section in addition to the existing enforcement mechanisms authorized under the California Penal Code; and

(2) That the administrative penalty scheme established by this section is not intended to be punitive in nature, but is instead intended to compensate the public for the injury and damage caused by the prohibited conduct. The administrative penalties authorized under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(c) **Administrative Citation.** Where an officer or employee designated in Section 38 determines that there has been a violation of a local litter or nuisance law that authorizes imposition of an administrative penalty, the officer or employee may issue an administrative citation to the person and/or entity responsible for the violation. For purposes of this Section, an entity is responsible if an officer, employee or agent of the entity commits the violation. The citation shall inform the person or entity responsible of the date, time, place and nature of the violation and the amount of the proposed penalty, and shall state that the penalty is due and payable to the City Treasurer within 15 City business days from the date of the notice, if not contested within the time period specified. The citation shall also state that the person or entity responsible has the right, pursuant to Subsection (d), to request administrative review of the citing officer or employee's determination as to the violation and assessment of penalties, and shall set forth the procedure for requesting administrative review. The Director shall serve the administrative citation as follows:

1. Where there is a nexus between the violator and a specific property:

(A) One copy of the Notice shall be posted in a conspicuous place upon the building or property.

(B) One copy of the Notice shall be served upon each of the following:

(i) The person, if any, in real or apparent charge and control of the premises or property involved;

(ii) The owner of record.

Service required by subparagraph (B) may be made by personal service or by certified mail.

2. Where the issuing officer or employee is unable to ascertain a nexus between the violation and property within the City, a completed copy of the administrative citation may be served on the individual who has committed the violation by personal service or by certified mail.

3. For purposes of this Section, there is a nexus where activity on the property has caused, contributed to, or been a substantial factor in causing, the violation.

(d) **Request for Hearing; Hearing.**

(1) A person or entity that has been issued an administrative citation may request administrative review in order to contest the citation issued in accordance with this section. Administrative review shall be initiated by filing a request for administrative review with the Director of Public Works within 15 City business days from the date of the citation. Failure to request a hearing within the time specified in the citation shall be deemed an admission that the cited person or entity committed the violation identified in the administrative citation.

(2) Whenever administrative review is requested pursuant to this Section, the Director of Public Works shall, within five City business days of receipt of the request, notify the requestor of the date, time, and place of the administrative review hearing by certified mail. Such hearing shall be held no later than thirty (30) calendar days after the Director receives the request, unless time is extended by mutual agreement of the affected parties.

(3) The administrative review hearing shall be conducted by a neutral hearing of officer from outside the Department of Public Works and the department whose employee issued the citation, assigned by the Director of Administrative Services. The Director of Administrative Services may issue rules as needed to implement this requirement. The parties may present evidence and testimony to the hearing officer. All testimony shall be under oath. The hearing officer shall ensure that a record of the proceedings is maintained. The burden of proof to uphold the violation shall be on the City, but the administrative citation shall be prima facie evidence of the violation.

(4) The hearing officer shall issue a decision including a summary of the issues and the evidence presented, and findings and conclusions, within ten (10) calendar days of the conclusion of the hearing. The hearing officer may uphold the penalty imposed by the citation, reduce the penalty, or dismiss the citation. A copy of the decision shall be served by certified mail upon the person or entity contesting the violation. The decision shall be a final administrative determination. An aggrieved party may seek judicial review of the decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

(e) **Payment and Collection of Penalty.**

(1) Where a person or entity has not made a timely request for administrative review, the penalty shall be due and payable to the City Treasurer on or before 15 City business days from the date of issuance.

(2) Where a person or entity has made a timely request for administrative review, and the penalty has been upheld in whole or in part upon review, any administrative penalty imposed by the hearing officer shall be due and payable not later than ten City business days from the date of the notice of decision issued under subparagraph (d)(4).

(3) If a penalty due and payable under paragraphs (1) or (2) remains unpaid after the specified due date, the Director of Public Works shall send the violator written notice that the penalty is overdue. Penalties that remain unpaid 30 days after the due date shall be subject to a late payment penalty of ten percent (10%) plus interest at the rate of one percent (1%) per month on the outstanding balance, which shall be added to the penalty amounts from the date that payment is due. Persons and entities against whom administrative penalties are imposed shall also be liable for the costs and attorney's fees incurred by the City and County in bringing any civil action to enforce the provisions of this section, including obtaining a judgment for the amount of the administrative penalty and other costs and charges.

(4) Where there is a nexus between the violation and property in the City owned by the violator, the Director shall further inform the violator that if the amount due is not paid within 30 days from the date of the notice, the Director shall initiate proceedings to make the amount due and all additional authorized costs and charges, including attorneys fees, a lien on the property. Such liens shall be imposed in accordance with Chapter 10, Article XX of the Administrative Code.

(f) The revenues generated by penalties from an administrative citation issued pursuant to this Section may be expended only by the department that is responsible for issuing the administrative citation, except that each department other than Public Works that issues administrative citations pursuant to this Section shall reimburse the Department of Public Works for the costs incurred by the Department of Public Works in administering review of those citations issued by the other department. The revenues from administrative citations issued by Class 8280 Environmental Control Officers and 8282 Senior Environmental Control Officers may be expended exclusively by the Department of Public Works for the purpose of funding litter enforcement and abatement except where the use or expenditure of those revenues is specifically directed by law to another program within the Department of Public Works.

(Added by Ord. 87-03, File No. 030482, App. 5/9/2003; amended by Ord. 27-06, File No. 051142, App. 2/16/2006; Ord. 74-11, File No. 110280, App. 5/5/2011, Eff. 6/4/2011)

SEC. 43. PERMITS FOR USE OF LOUDSPEAKER OR SOUND AMPLIFYING EQUIPMENT OUTSIDE BUILDINGS OR OUT OF DOORS.

(a) **Use of Loudspeakers.** Upon application made as herein provided and subject to the provisions of Sections 47.2 and 49 of this Code, the Entertainment Commission, at its discretion, may issue a permit for use of a loudspeaker or sound amplifier not attached to sound trucks to project sound outside of any building or at any location out of doors in any part of said City and County at such times and upon such days as it may designate, for any lawful purpose.

(b) **Information Required for Permit.** Application to the Entertainment Commission for a permit to use a loudspeaker or sound amplifier as herein provided shall be made on a form available at the office of the Entertainment Commission and shall contain the following information:

(1) The name and address of applicant;

(2) The purpose for which sound amplification will be used;

(3) Location at which loudspeaker or amplifier will be placed;

(4) Hours during which sound will be amplified; and

(5) Dates upon which sound amplification will be made.

(Amended by Ord. 172-69, App. 5/21/69; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 193-05, File No. 051027, App. 7/29/2005)

SEC. 43.1. FILING FEE.

Every person desiring a permit pursuant to Section 43 of this Article shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 43.2. LICENSE FEE.

Upon granting the loudspeaker permit, the Entertainment Commission shall forward the permit to the Tax Collector, if the permit authorizes sound amplification for seven or more days in a calendar year, who shall issue a license upon payment by the applicant of the license fee. The license fee shall be annually paid on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 44. "PERSON" DEFINED.

The word "person" as used in Sections 43 to 49, inclusive, of this Article shall include and mean any person, firm, association or corporation.

(Amended by Ord. 172-69, pp. 5/21/69)

SEC. 45. EXCEPTIONS-RADIO, TELEVISION RECEIVING SETS, PEDESTRIAN OPERATED BULLHORNS.

The provisions of Sections 43 to 48, inclusive, of this Article shall not apply (a) to radio or television receiving sets permanently installed in private automobiles to receive programs broadcast from regularly licensed and established radio stations or to other mechanical sound or voice-reproducing devices for the pleasure and entertainment of the occupants of such automobiles; (b) to radio or television receiving sets installed in any dwelling house to receive programs broadcast from regularly licensed and established radio stations for the pleasure and entertainment of the occupants of such dwelling houses; (c) to radio or television receiving sets established or maintained in stores indoors to demonstrate radio or television sets carried for sale or demonstration; or (d) pedestrian operated bullhorns, not exceeding 10 watts, E.I.A.; provided, however, that the provisions of Section 49 hereof shall be applicable to all such sets or devices.

(Amended by Ord. 172-69, App. 5/21/69)

SEC. 46. DEFINITIONS.

(a) **"Sound Truck."** The words "sound truck" as used in this Code shall mean any motor vehicle, horse drawn vehicle or other means of conveyance, having mounted thereon, attached thereto or carrying any sound amplifying equipment, except that an "Unenclosed Tour Bus" as defined in Section 2913 of this Code shall not be considered a "sound truck" for purposes of this Article.

(b) **"Sound Amplifying Equipment."** The words "sound amplifying equipment" as used in this Code, shall mean any machine or device for the reproduction or amplification of the human voice, music or other sound. "Sound amplifying equipment" shall not be construed as including standard automobile radios, television receiving sets or mobile radio telephone equipment or other mechanical sound or voice-reproducing devices when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

(Amended by Ord. 172-69, App. 5/21/69; Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SEC. 47. USE OF SOUND TRUCKS, REGISTRATION AND PERMIT REQUIRED.

It shall be unlawful for any person to use or cause to be used in the City and County of San Francisco any sound truck without first having obtained from the Entertainment Commission a certified copy of the endorsed registration statement which shall constitute a permit to use and operate such equipment. This certified copy shall be placed in a conspicuous and uniform place on each sound truck for which the permit is obtained, and shall be promptly displayed and shown to any San Francisco police officer upon request.

(a) Each person desiring to use, or cause to be used, any sound truck within the City and County of San Francisco must file with the Entertainment Commission thereof a written registration statement in duplicate, which shall state the following:

(1) Name and home address of the applicant;

(2) Address of place of business of applicant;

(3) Name and address of person having direct charge of the sound truck;

(4) The purpose for which the sound truck will be used;

(5) A general statement as to the section or sections of the city in which the sound truck will be used;

(6) The proposed hours of operation of the sound truck;

(7) The number of days of proposed operation of the sound truck;

(8) The general description of the sound amplifying equipment which is to be used;

(9) The maximum sound-producing power of the sound amplifying equipment to be used in or on the sound truck, the voltage used by said equipment and the rated power output in watts.

(b) A filing fee shall be charged for each original written registration statement filed with the Entertainment Commission.

(Added by Ord. 172-69, App. 5/21/69; amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 47.1. REGISTRATION STATEMENT AMENDMENT.

Any person using, or causing to be used, a sound truck within the City and County of San Francisco shall amend the registration statement filed pursuant to Section 47(a) within 48 hours after any change in the information therein furnished.

(Added by Ord. 172-69, App. 5/21/69)

SEC. 47.2. REGULATIONS FOR USE.

Use of any sound amplifying equipment, whether truck-mounted or otherwise, within the City and County of San Francisco shall be subject to the following regulations:

(1) The only sounds permitted are music or human speech;

(2) Hours of operation permitted shall be between 9:00 a.m. and 10:00 p.m.; operation after 10:00 p.m. is permitted only at the location of a public event or affair of general public interest or as otherwise permitted by the Entertainment Commission;

(3) Except as permitted by the Entertainment Commission sound shall not be issued within 450 feet of hospitals, schools, churches, courthouses, public libraries or mortuaries;

(4) No sound truck with its amplifying device in operation shall traverse any one block in the City and County more than four times in any one calendar day;

(5) Amplified human speech and music shall not be unreasonably loud, raucous, jarring or disturbing to persons of normal sensitiveness within the area of audibility, nor louder than permitted in Subsections (6) and (7) hereof;

(6) When the sound truck is in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 450 feet from its source; provided, however, that when the sound truck is stopped by traffic, the said sound amplifying equipment shall not be operated for longer than one minute at such stop;

(7) Except as permitted by the Entertainment Commission for public gatherings, in all cases where sound amplifying equipment remains at one location or when the sound truck is not in motion, the volume of sound shall be controlled so that it will not be audible for a distance in excess of 250 feet from the periphery of the attendant audience;

(8) No sound amplifying equipment shall be operated unless the axis of the center of any sound reproducing equipment used shall be parallel to the direction of travel of the sound truck; provided, however, that any sound reproducing equipment may be so placed upon said sound truck as to not vary more than 15° either side of the axis of the center of the direction of travel and, provided further, that radial, nondirectional type of loudspeakers may be used on said sound trucks either alone or in conjunction with sound reproducing equipment placed within 15of the center line of the direction of travel.

(Added by Ord. 172-69, App. 5/21/69; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 48. LICENSE REQUIRED.

It shall be unlawful for any person to use or cause to be used any sound truck in the City and County of San Francisco for any purpose before an application has been filed with the Entertainment Commission as provided in Section 47(a) of this Code; the applicant has expressly assumed responsibility for performance of all matters and observance of all restrictions contained in Section 47.2 of this Code; the Entertainment Commission has approved the application and issued a permit at its discretion, as provided in Section 652 et seq. of this Code; and a license has been obtained from the Tax Collector as therein provided. The terms and conditions of Section 682 et seq. of this Code apply with full force and effect to the licensing of all sound trucks used for any purpose within the City and County of San Francisco.

(Added by Ord. 172-69, App. 5/21/69; amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 193-05, File No. 051027, App. 7/29/2005)

SEC. 49. UNNECESSARY NOISE, AUTHORIZED EMERGENCY VEHICLES.

(a) Except as provided in Sections 43, 45, 46, 47.1, 47.2, and 48 of this Code, and to amplifying equipment used in authorized emergency vehicles as defined in the California Vehicle Code, it shall be unlawful for any person to use, operate, maintain, or permit to be played, used or operated any radio or television receiving set, musical instrument, phonograph, juke box, broadcasting equipment or other machine or device for the producing, reproducing or amplification of sound or human voice in such manner as to produce raucous noises or in such manner so as to disturb the peace, quiet and comfort of persons in the neighborhood or with volume louder than is necessary for convenient hearing for the person or persons for whom said machine, instrument or device is operated.

(b) The operation of any such set, instrument, phonograph, juke box, broadcasting equipment, machine or device between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of 50 feet from the property line of the property from whence the sound is emitted, shall be *prima facie* evidence of a violation of this Section.

(c) The operation of any such set, instrument, phonograph, juke box, broadcasting equipment, machine or device at any time in such a manner as to cause a noise level in excess of the standards set forth in Article 29 of this Code shall be *prima facie* evidence of a violation of this Section.

(d) Any person who violates this Section shall be deemed guilty of an infraction or misdemeanor and subject to the criminal penalties specified in Section 1060.25(a) as well as the civil penalties specified in Section 1060.25(c).

(e) In addition to the criminal and civil penalties in Subsection (d), the Director of the Department of Public Health, or his or her respective designee, may also issue administrative citations for the violation of this Section. San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations issued under this Subsection (e). For purposes of calculating and imposing the administrative penalties under this Subsection (e), each day a violation occurs or continues shall constitute a separate violation. The Director of the Department of Public Health may recover any costs and fees, including but not limited to attorneys' fees, for enforcement initiated through this Section and authorized under this Section.

(f) The remedies specified in this Section shall not preclude any other remedies available under state or local law.

(Added by Ord. 172-69, App. 5/21/69; amended by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 50. SEVERABILITY.

It is the intention of the Board of Supervisors that each separate section, subsection or subdivision, sentence, clause or phrase of Sections 43 to 49, inclusive, of this Code shall be deemed independent of each other and it is the further intention of the Board of Supervisors that if any section, subsection or subdivision, sentence, clause or phrase be declared invalid or unconstitutional, all other remaining portions thereof shall remain valid and enforceable.

(Added by Ord. 172-69, App. 5/21/69)

SEC. 51. SMOKING IN ENCLOSED SECTION OF STREET CARS, CABLE CARS, MOTOR COACHES AND TROLLEY COACHES PROHIBITED.

It shall be unlawful for any person to smoke any cigar, pipe or cigarette, or to carry any lighted cigar, pipe or cigarette within the enclosed section of any street car, cable car, motor coach or trolley coach operated within the City and County of San Francisco.

(Amended by Ord. 4007, Series of 1939, App. 9/5/46)

Sec. 51.1.

(Added by Ord. 49-73, App. 2/8/73; amended by Ord. 562-88, App. 12/27/88; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 51.2.

(Added by Ord. 49-73, App. 2/8/73; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 52. PENALTY.

Any person who shall violate any of the provisions of Sections 51, 51.1 or 51.2 of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $25 or by imprisonment in the County Jail for not more than 10 days, or by both such fine and imprisonment.

(Added by Ord. 49-73, App. 2/8/73)

SEC. 53. RESERVED.

(Added by Ord. 74-86, App. 3/14/86; amended by Ord. 562-88, App. 12/27/88; Repealed by Ord. 312-08, File No. 081009, App. 12/19/2008)

SEC. 53.1. RESERVED.

(Added by Ord. 74-86, App. 3/14/86; Repealed by Ord. 312-08, File No. 081009, App. 12/19/2008)

SEC. 55. SMOKING, ETC., ON WHARVES, ETC.

(a) It shall be unlawful for any person to smoke, carry or possess a lighted cigar, cigarette, or pipe, or to smoke tobacco or any other similar substance in any form, or to ignite any match or mechanical lighter on or in any wharf, pier, dock, bulkhead, or marine facility; provided, however, that tobacco may be smoked in any area or space on or in any such place or structure, that may be set apart for such purpose by the joint action of the Chief of the Fire Department and the Board of State Harbor Commissioners, and clearly so designated by duly posted signs; but any such permission to smoke in a designated area or space may be withdrawn at any time by like joint action. Provided, however, that in every area or space set apart as a space or area within which smoking is permitted, in accordance with the provisions of this Section, there shall be provided at least one approved fireproof container filled with sand for every three hundred square feet or fraction thereof of floor area for the purpose of depositing cigarettes or cigar butts, tobacco, matches and other material which may be productive of starting fires and at least one approved portable fire extinguisher for every five hundred square feet or fraction thereof of said floor area, which fire extinguisher shall be at least two and one-half gallon capacity or at least one quart capacity if said fire extinguisher is of the carbon tetrachloride type.

(b) It shall be unlawful for any person to smoke, carry or possess a lighted cigar, cigarette, or pipe, or to smoke tobacco or any other similar substance in any form, or to ignite any match or mechanical lighter on any vessel moored at any wharf, pier, dock, bulkhead, or marine facility; provided, however, that tobacco may be smoked in any area or space that may be set apart for such purpose on any such vessel by the joint action of the Chief of the Fire Department and the master of said vessel, and clearly so designated by duly posted signs; but, any such permission to smoke in a designated area or space may be withdrawn at any time by like joint action; and provided further, that in no case shall smoking be permitted

(1) On weather decks,

(2) When loading or discharging explosives,

(3) In cargo spaces,

(4) When gas freeing ship's tanks or when loading in bulk any liquid inflammable cargo having a flash point of 80° F. or below.

(Amended by Ord. 2692, Series of 1939, App. 4/26/44)

SEC. 55.1. OPEN FLAME OR ELECTRIC ARC UNLAWFUL-EXCEPTION.

It shall be unlawful for any person to use an open flame of any character or an electric arc, excepting only when said open flame or electric arc is necessarily employed in the making of repairs, alterations, or structural changes on or in any wharf, pier, dock, bulkhead or marine facility or within any hatch, hold or other space wherein cargo of any character is or may be kept or stored in any vessel on or within the limits of the City and County of San Francisco.

(Added by Ord. 2692, Series of 1939, App. 4/26/44)

SEC. 56. AUTHORITY TO MAKE RULES.

The Chief Engineer of the Fire Department, in conjunction with the Chief of the Division of Fire Prevention and Investigation, is hereby authorized and given full power and authority to make all necessary rules and regulations, not in conflict with the provisions of Sections 55 and 55.1 of this Chapter, providing for the use of any open flame or electric arc when the same are used in the making of repairs, alterations, or structural changes on any wharf, pier, dock, bulkhead or marine facility or within any hatch, hold or other space wherein cargo of any character is or may be kept or stored in any vessel on or within the limits of the City and County of San Francisco, and providing for the safe and proper fire protection for any area or space, including any office or lunchroom, wherein smoking is permitted in accordance with Section 55 of this Chapter.

(Amended by Ord. 2692, Series of 1939, App. 4/26/44)

SEC. 57. VIOLATION.

Any person who shall violate any of the provisions of Sections 55, 55.1 and 56 of this Article, or any rule or regulation made by the Chief of the Fire Department in conjunction with the Chief of the Division of Fire Prevention and Investigation, under authority hereof, shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding $500, or imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

(Amended by Ord. 1691, Series of 1939, App. 4/26/44)

SEC. 58. EXCEPTION.

The Municipal Recreation Concrete Pier at the Aquatic Park shall be exempt from the provisions of Sections 55 and 57 of this Article, except those provisions contained in Section 56 of this Article.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 63. OBSTRUCTIONS ON STREETS AND SIDEWALKS.

(a) It shall be unlawful for any person, firm or corporation, occupying or having charge or control of any premises, to place or cause to be placed, or suffer to remain upon the sidewalk, or upon the half of the street in front of such premises, any Article or substance which shall obstruct the passage of such street or sidewalk.

(b) It shall be unlawful for any person, firm or corporation to enter into a lease, rental agreement or contract of any kind, written or oral, with or without compensation, for the use of any street or sidewalk.

(c) As an alternative to any other fines or penalties applicable to a violation of this section, any person, firm or corporation who is in violation of this section shall be subject to an administrative penalty not to exceed $300 for each violation. The administrative penalty shall be assessed, enforced and collected in accordance with Section 39-1 of this Code.

(Amended by Ord. 169-87, App. 5/4/87; Ord. 87-03, File No. 030482, App. 5/9/2003)

SEC. 64. EXCEPTIONS.

The provisions of Section 63(a) of this Article shall not apply to:

(a) Goods or merchandise in actual course of receipt, delivery or removal;

(b) Lamp posts or hydrants, erected by permission of the Director of Public Works;

(c) Any tree, plant or shrub planted in the sidewalk area, or any boxed or potted tree, plant or shrub set on the sidewalk area when the containers are not attached to the building;

(d) Watering troughs placed by permission of the Director of Public Works upon sidewalks for the accommodation of the public;

(e) Bicycle racks or motorcycle racks placed upon the sidewalks by permission of the Director of Public Works and of the adjoining property owners for the accommodation of persons using such bicycle or motorcycle, the same not to exceed three feet in width and three feet in height and to be entirely devoid of advertising matter; provided, that motorcycle racks shall be supplied with a metallic pan for the purpose of catching oil drippings;

(f) Hitching posts placed by permission of the Director of Public Works upon sidewalks, in accordance with pattern indicated in the design approved by and on file in the office of said Director;

(g) Sockets to be placed upon the outer line of the sidewalk within the curb line for the support of flagpoles to be used for the display of flags. The said sockets shall be approved by, and installed under the supervision and to the satisfaction of, the Director of Public Works;

(h) "A" boards or advertising signs, placed and displayed by authorized representatives of the Armed Forces of the United States, in aid of their respective recruitment programs;

(i) A display stand placed on the sidewalk, within a certain area as set forth in Sections 153 and 183-1 of Article 5.3 of the Public Works Code, for display of fruits and vegetables or nonfood merchandise. The display stand shall be approved by, placed under the supervision of, and maintained under conditions established by, the Director of Public Works.

(Amended by Ord. 523-83, App. 11/4/83)

SEC. 65. OBSTRUCTING PASSENGER LOADING ZONES.

(a) **Findings.**

(1) San Francisco is a dense, urban environment that, like many large cities, experiences both heavy motor vehicle traffic on streets and heavy pedestrian traffic on sidewalks, particularly in areas with concentrated commercial businesses and other facilities open to the public.

(2) Reducing traffic congestion on City streets and maintaining a smooth flow of pedestrian traffic and access to authorized commercial businesses and other facilities on public sidewalks are essential to public safety, thriving neighborhoods and a vital economy in the City.

(3) The need to control pedestrian and commercial traffic is greatest during the hours of operation of businesses, shops, restaurants, and other organizations and commercial enterprises, when streets and public sidewalks are congested, and when City residents are most likely to use their neighborhood sidewalks.

(4) Various entities, including for example, restaurants, hotels, apartment buildings, schools, religious institutions, health care facilities, and adult and child day care facilities, have significant numbers of customers or patrons who are picked up or dropped off by motor vehicles. These entities may request that the City, through its Municipal Transportation Agency (''MTA"), establish a "white zone," which is a passenger loading area at the street curb fronting the entity. White zones require payment of a fee, a public hearing and approval by the City's Traffic Engineer.

(5) By facilitating access to businesses, shops, organizations and services, white zones reduce the number of vehicles double parked on City streets and obviate the need for drivers to circle blocks in search of a parking space in order to drop off or pick up passengers. White zones serve an important role in reducing traffic congestion, improving vehicular and pedestrian safety, and reducing motor vehicle emissions.

(6) An individual's placement of physical items, including, but not limited to, materials, objects, substances, or articles of personal property on a white zone curb or on a sidewalk adjacent to a white zone, can prevent or impede a passenger's ability to enter or exit a vehicle stopped in the white zone, or his or her unobstructed passage across the sidewalk between the white zone and the adjacent building, which in turn endangers the safety of motor vehicle passengers and other members of the public seeking to use these zones, especially seniors, individuals with a disability, including individuals with mobility, vision, or hearing impairments, and children and their parents or guardians, and frustrates the very purposes of the white zone.

(7) Existing laws that prohibit the intentional, willful or malicious obstruction of pedestrians on sidewalks do not adequately address the safety hazards, disruption and impediments to pedestrian and vehicular traffic that blocking access to white zones and sidewalks adjacent to white zones causes.

(b) **Definitions.** For purposes of this section, the following terms shall have the following meanings:

(1) ''Adjacent Sidewalk" shall mean that portion of a sidewalk located next to a White Zone Curb, and extending across the sidewalk to the back of curb line as depicted in the City's official record of sidewalk widths, bounded at either end of the White Zone Curb by a line perpendicular to the curb and extending to the back of curb line as depicted in the City's official record of sidewalk widths.

(2) ''Business or Facility" shall mean any commercial, noncommercial, or nonprofit enterprise providing goods or services, including, but not limited to, stores, shops, offices, schools, religious institutions, places of entertainment, health care facilities, child and adult day care facilities, hotels, and apartment buildings. Except for public schools and public health care facilities, ''Business or Facility" shall not include any building owned by a governmental entity and used for governmental purposes.

(3) "Obstruct" shall mean to either: a) place any physical items, including, but not limited to, materials, objects, substances, or articles of personal property on a White Zone Curb or an Adjacent Sidewalk; or b) suspend any physical items, including, but not limited to, materials, objects, or articles of personal property over a White Zone Curb or an Adjacent Sidewalk so that the lowest edge of the material, object or article is at a height of less than seven feet above the White Zone Curb or Adjacent Sidewalk. For purposes of this Section, a person, and anything worn or carried by a person, shall not constitute an obstruction.

(4) "White Zone Curb" shall mean the curbside edge of a sidewalk designated as a passenger loading zone that the Municipal Transportation Agency has painted white.

(c) **Prohibition.** It shall be unlawful to Obstruct a White Zone Curb or Adjacent Sidewalk in front of any Business or Facility at any time during which use of the parking space adjacent to the White Zone Curb is restricted to passenger loading and unloading.

(d) **Exceptions.** The prohibition in Subsection (c) shall not apply to the placement of:

(1) Any property placed on or affixed to an Adjacent Sidewalk by a governmental entity, a public utility, or the Joint Pole Authority, including but not limited to telephone, electrical and light poles, traffic control and directional signs and devices, parking meters, fire hydrants, emergency call boxes, United States Postal Service mail receptacles or boxes, public transportation shelters, benches and identifying signs, bicycle racks, and bicycles stored in such racks;

(2) Any property or equipment that the City authorizes in accordance with the Public Works Code or under any permit from, or regulations or orders issued by, the Director of Public Works;

(3) Physical items on a White Zone Curb or Adjacent Sidewalk in the course of operating or patronizing a commercial establishment conducted on an Adjacent Sidewalk pursuant to a sidewalk use permit;

(4) Physical items on a White Zone Curb or Adjacent Sidewalk in the course of participating in or attending a parade, festival, performance, or similar event conducted in the street or on a public sidewalk pursuant to and in compliance with a street use or other applicable permit; or

(5) Any personal property required by a person for personal mobility or medical purposes.

(e) **Notification.** A peace officer may not cite a person for violating this Section unless the person engages in conduct this Section prohibits after a peace officer has notified the person that the conduct violates this Section.

(f) **Penalty.** Any person violating Subsection (c) of this Section shall be guilty of an infraction and shall be punished by a fine not to exceed one hundred dollars ($100) for a first violation, two hundred dollars ($200) for a second violation of Subsection (c) within a year of a first violation, and five hundred dollars ($500) for each additional violation of Subsection (c) within a year of a first violation.

(g) **Other laws and orders.** Nothing in this Section shall be construed to permit willfully and substantially obstructing the free passage on the sidewalk of any person in violation of State or local law.

(h) **Disclaimer.** In undertaking the adoption and implementation of this Ordinance, the City is assuming an undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(i) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof.

(Added by Ord. 125-12, File No. 120559, App. 6/29/2012, Eff. 7/29/2012)

**Editor's Note:** See also Transportation Code Secs. 7.2.27 ("Infractions – Curb Parking – White Zones"); 8.1(a)(8) (authorizing removal of vehicle parked in violation of White Zone restriction or prohibition); 1006 (miscellaneous regulations pertaining to White Zones).

SEC. 69. PILING OF LUMBER AND TIMBER REGULATED.

It shall be unlawful for any person, firm or corporation to place or pile, or cause to be placed or piled, any lumber or timber to a greater height than 35 feet measured vertically from the general level of the ground on which it is placed or piled.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 74. HYDRANTS, OBSTRUCTION OF, PROHIBITED.

It shall be unlawful for any person to obstruct any hydrant on any public street, or to place or deposit any lumber, rock, sand, or other substance within 15 feet of any hydrant on the roadway of any street.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 87. SCATTERING BILLPOSTING REFUSE PROHIBITED.

No person, firm or corporation shall scatter, daub or leave any paint, paste, glue, or other substance used for painting or affixing advertising matters upon any public street or sidewalks or scatter or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth or materials of whatsoever kind removed from billboards on any public street or on private property.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 92. RESERVED.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 93. RESERVED.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 94. FORECLOSURE RESPONSIBILITY AND ACCOUNTABILITY.\*

**Title.** This Section shall be known as the Foreclosure Responsibility and Accountability Ordinance.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

(Former Sec. 94 added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 94.1. FINDINGS AND PURPOSE.\*

(a) San Francisco is still seeing a significant number of foreclosures. According to the San Francisco Assessor/Recorder's fiscal year 2010-2011 Annual Report, there were 2,277 notices of default recorded in residential, commercial and industrial properties. This statistic represents an average of 184 recorded notices of default per month, up 171% from five years ago.

(b) In addition, there were 927 actual foreclosures in the 2010-2011 fiscal year or an average of 83 per month. This figure represents a 3% increase from the previous fiscal year, and an 1128% increase from five years ago when foreclosures averaged 7 per month.

(c) The majority of foreclosures in San Francisco are non-judicial foreclosures. A non-judicial foreclosure allows a lender to sell a property to pay off an existing debt, assuming the lender is authorized to foreclose and that all the requisite procedures are followed. Often, by the time the foreclosure process has concluded, the foreclosed property is in a state of disrepair, often suffering from deferred maintenance and neglect and needing significant repairs.

(d) Once a foreclosure has concluded, properties can remain in a state of disrepair for months, even years. Often, a foreclosing owner, despite having the resources and ability to abate the conditions, chooses to leave the property in its current state subjecting tenants and the surrounding community and neighbors to the effects of this neglect: further deteriorating conditions such as mold, lack of heat and hot water, peeling paint, overgrown vegetation, vulnerability to squatters, blight, and other nuisance.

(e) The City recognizes the importance in a dense, urban environment of the need to ensure that properties are maintained in a healthy and safe condition, free of nuisances and blight and therefore it is the policy of the City that all Departments consider enforcement of this Ordinance a high priority. By holding owners of foreclosed properties responsible for maintaining their properties and increasing the potential consequences errant owners face for permitting nuisances to continue, the City can more effectively ensure that its neighborhoods are healthy and sate for those who choose to live, work or visit.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

SEC. 94.2. DEFINITIONS.\*

For the purposes ofthis Article, the following terms shall have the following meanings:

(a) "Foreclosed Property/ies" means a property where a Trustee Deed is issued evidencing the sale, recovery or transfer to a lender or a third party pursuant to any judicial or non-judicial process initiated as recourse for a borrower's default or alleged default on a loan secured by the property.

(b) "Public Nuisance" includes any condition that is defined as a public nuisance under California state law including California Civil Code Sections 3479 and 3480. "Public Nuisance" also includes any condition declared by the San Francisco Municipal Code to be a public nuisance.

(c) "Person" shall include, but is not limited to:

(1) individuals;

(2) corporations;

(3) not-for-profit organizations;

(4) partnerships;

(5) associations;

(6) other business entities; and

(7) groups of individuals or entities.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

SEC. 94.3. ENHANCED PENALTIES FOR FORECLOSED PROPERTIES.\*

(a) It shall be unlawful to maintain a foreclosed property in a manner that constitutes a public nuisance.

(b) Maintaining a foreclosed property in a manner that constitutes a public nuisance shall be considered an aggravating factor in fashioning civil penalties and/or injunctive relief pursuant to state or local law, including California Civil Code Sections 3479-3480, California Code of Civil Procedure Section 731, Health and Safety Code Sections 11570 *et seq.* and 17910 *et seq.*, and the San Francisco Municipal Code.

(c) Persons who own ten or more foreclosed properties shall be liable for an increased penalty of up to three times (treble) the amount of any civil penalty assessed by a court of competent jurisdiction for maintaining a foreclosed property in a manner that constitutes a public nuisance. In these circumstances, a court may treble any award of civil penalties authorized by applicable provisions of state and local law including but not limited to the following:

(1) San Francisco Administrative Code

(2) San Francisco Building Code

(3) San Francisco Electrical Code

(4) San Francisco Fire Code

(5) San Francisco Health Code

(6) San Francisco Housing Code

(7) San Francisco Mechanical Code

(8) San Francisco Planning Code

(9) San Francisco Plumbing Code

(10) San Francisco Public Works Code.

(d) Nothing in this Article shall be interpreted as restricting or otherwise limiting the enforcement authority that state law or the Charter or Municipal Code vest in the City, its agencies, officers or employees or any state agency.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

SEC. 94.4. SEVERABILITY.\*

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause. or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

SEC. 94.5. NO CONFLICT WITH STATE OR FEDERAL LAW.\*

Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

SEC. 94.6. UNDERTAKING FOR THE GENERAL WELFARE.\*

In adopting and implementing this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing in its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 212-12, File No. 120318, App. 10/9/2012, Eff. 11/8/2012)

SEC. 95. PROHIBITING THE FREE DISTRIBUTION OF TOBACCO IN PUBLIC PLACES AND PLACES OPEN TO THE PUBLIC; PENALTY.

(a) No person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute, or direct, authorize, or permit any agent or employee to distribute, (1) any cigarette or other tobacco or smoking product, including any smokeless tobacco product, or (2) coupons, certificates, or other items that can be exchanged or used to acquire any cigarette or other tobacco or smoking product, including a voucher, ticket, rebate, rebate offer, check, credit, token, code, password or any item labeled "coupon" or "coupon offer"; or (3) tobacco accessories, including cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco or smoking product, to any person on any public street or sidewalk or in any public park or playground or on any other public ground in any public building or place open to the public.

(b) No agent or employee of any person, firm, association or corporation in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes shall in the course of such business distribute (1) any cigarette or other tobacco or smoking product, including any smokeless tobacco product, or (2) coupons, certificates, or other items that can be exchanged or used to acquire any cigarette or other tobacco or smoking product, including a voucher, ticket, rebate, rebate offer, check, credit, token, code, password or any item labeled "coupon" or "coupon offer", or (3) tobacco accessories, including cigarette papers or wrappers-pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco or smoking product, to any person on any public street or sidewalk or in any public park or playground or on any other public ground or in any public building or place open to the public.

(c) Any person, firm, association or corporation who violates Subsection (a) shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. Each distribution of cigarettes or other tobacco or smoking products or tobacco accessories to a person shall be considered a separate offense.

(d) Any person violating Subsection (b) shall be deemed guilty of an infraction. Every violation is punishable by (1) a fine not exceeding $100 for a first violation; (2) a fine not exceeding $200 for a second violation within one year, (3) a fine not exceeding $500 for each additional violation within one year. Each distribution of cigarettes or other tobacco or smoking products or tobacco accessories to a person shall be considered a separate offense.

(Added by Ord. 296-88, App. 6/29/88; amended by Ord. 312-08, File No. 081009, App. 12/19/2008)

ARTICLE 1.1:  
REGULATING THE USE OF VEHICLES FOR HUMAN HABITATION

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| --- | --- |
| Sec. 96. | Definitions. |
| Sec. 97. | Use of Vehicles for Human Habitation Prohibited. |
| Sec. 97.1. | Exception. |
| Sec. 98. | Penalty. |
| Sec. 99. | Severability. |

SEC. 96. DEFINITIONS.

For the purpose of this Article the following words and phrases shall mean and include:

(a) **House car.** House car shall mean a motor vehicle originally designed or permanently or temporarily altered and equipped for human habitation, or to which a camper has been permanently or temporarily attached.

(b) **Camper.** Camper shall mean a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.

(c) **Trailer Coach.** Trailer coach is a structure designed to be drawn by a motor vehicle for human habitation, or human occupancy, for carrying persons or property on its own.

(d) **Person.** An individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either thereof.

(Added by Ord. 77-71, App. 4/2/71)

**Editor's Note:** For the material added to Art. 1 of this Code by Ord. 212-12 and designated therein as Secs. 96 through 96.6, see Secs. 94 through 94.6.

SEC. 97. USE OF VEHICLES FOR HUMAN HABITATION PROHIBITED.

(a) No person shall use or occupy or permit the use or occupancy of any house car, camper or trailer coach for human habitation, including but not limited to sleeping, eating or resting, either single or in groups, on any street, park, beach, square, avenue, alley or public way, within the City and County of San Francisco between the hours of 10:00 p.m. and 6:00 a.m.

(b) No person shall use or occupy or permit the use or occupancy of any motor vehicle for human habitation, either single or in groups, on any street, park, beach, square, avenue, alley or public way, within a residential neighborhood of the City and County of San Francisco between the hours of 10:00 p.m. and 6:00 a.m. For the purposes of this Section, "motor vehicle" shall mean any self-propelled vehicle other than a house car, camper or trailer coach. "Residential neighborhood" shall mean any area of the City zoned for R-H, R-M or R-C use under the City Planning Code, and "habitation" shall mean the use of a motor vehicle as a dwelling place, and shall not mean the use of a motor vehicle for allevation of sickness or temporary physical inability to operate such motor vehicle.

(Amended by Ord. 417-84, App. 10/5/84)

SEC. 97.1. EXCEPTION.

The General Manager of the Recreation and Park Department may by written permit allow the use or occupancy of any housecar, camper or trailer coach on or in any property under the jurisdiction of the Recreation and Park Commission when he finds that such use is necessary for the operation and protection of City property and livestock.

The permission granted by the General Manager may be revoked upon five days written notice to the permittee.

(Added by Ord. 77-71, App. 4/2/71)

SEC. 98. PENALTY.

Any person who violates any provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction such person shall be punished by a fine of not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment.

(Added by Ord. 77-71, App. 4/2/71)

SEC. 99. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 77-71, App. 4/2/71)

ARTICLE 1.2  
DISCRIMINATION IN HOUSING AGAINST FAMILIES WITH MINOR CHILDREN

|  |  |
| --- | --- |
| Sec. 100. | Findings. |
| Sec. 101. | Definition: Housing Accommodation. |
| Sec. 102. | Prohibited Activity. |
| Sec. 103. | Occupancy Standards. |
| Sec. 104. | Tenant Age Policy Not Prohibited. |
| Sec. 105. | Requirements of Financial Obligations Not Prohibited. |
| Sec. 106. | Penalty. |
| Sec. 107. | Civil Action. |
| Sec. 107.1. | Liability. |
| Sec. 107.2. | Injunctive Relief. |
| Sec. 107.3. | Administrative Remedies. |
| Sec. 107.4. | Limitation on Actions. |
| Sec. 107.5. | Bar. |
| Sec. 108. | Severance Clause. |

SEC. 100. FINDINGS.

After public hearings with the reception of testimony and documentary evidence, we find that discrimination against families with minor children in the leasing or renting of housing accommodations exists within the City and County of San Francisco. We further find that the existence of such discrimination poses a substantial threat to the health and welfare of a sizable segment of the community, namely families with minor children.

We find that a shortage of housing suitable for families with minor children exists within the City and County. We further find that a low vacancy rate exists in all rental housing throughout San Francisco. The addition of discrimination against families with minor children to the above two factors creates an untenable situation for the children of San Francisco.

We find that existing state and local laws prohibiting housing discrimination against families with children have not stopped acts of discrimination. Some landlords have attempted to circumvent these laws by engaging in subtle forms of discrimination that do not overtly exclude families with children but that nonetheless limit their opportunities to rent. Some landlords use overly restrictive occupancy standards to limit the number of persons who can reside in a rental unit. These standards have an adverse effect on the ability of families with children to rent because families with children tend to have a larger number of persons per household than childless households. Other forms of subtle discrimination include rent surcharges for additional occupants of a unit and unreasonable rules governing children's conduct in and around the rental unit.

The overall effect of such discrimination is to encourage the flight of families from the City and to further diminish family-oriented neighborhoods. It has an overall detrimental effect on the composition of the City, the stability of neighborhoods, the preservation of family life within the City, the living conditions of our children, the quality of our schools, and the viability of children's activities and organizations.

This discrimination cuts across all racial, ethnic and economic levels but has a disproportionate and adverse effect on racial and ethnic minority families.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

SEC. 101. DEFINITION: HOUSING ACCOMMODATION.

Residential rental unit consisting of one or more rooms.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

SEC. 102. PROHIBITED ACTIVITY.

It shall be unlawful for the owner, lessor, lessee, sublessee, real estate broker, assignee, or other person having the rights of ownership, the right of possession, or the right to rent or lease any housing accommodations, or any agent or employee of such person to:

(a) Refuse to rent or lease, or otherwise deny to or withhold from any person such accommodations because such person has a minor child or children who shall occupy the leased or rented premises with such person;

(b) Represent to any person because of the potential tenancy of a minor child or children that housing accommodations are not available for inspection or rental when such dwelling is in fact so available;

(c) Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the rental of housing accommodations that indicates any preference, limitation, or discrimination based on the potential tenancy of a minor child or children;

(d) Discriminate against any person in the terms, conditions or privileges of the rental of housing accommodations or in the provision of services or facilities in connection therewith, because of the potential tenancy of a minor child or children;

(e) Refuse to rent after the making of a bona fide offer, or to refuse to negotiate for the rental of, or otherwise make unavailable or deny, housing accommodations to any person because of the potential tenancy of a minor child or children;

(f) Include in any lease or rental agreement of housing accommodations a clause providing that as a condition of continued tenancy the tenants shall remain childless or shall not bear children;

(g) Charge additional rent, deposits, fees, or surcharges on the basis of actual or potential number or age of persons living in the housing accommodations;

(h) Establish unreasonable rules for, or conditions of, occupancy of housing accommodations which have the effect of excluding or discriminating against persons with children. Examples of unreasonable rules include, but are not limited to, the following:

(1) Restricting the hours during which minor children but not adults may use recreational facilities on the property;

(2) Requiring that minor children who are six years of age or older be accompanied by a parent or other adult when using common areas which are accessible to all tenants and which do not present any unusual hazards;

(3) Limiting the occupancy of persons with children to certain units, floors or areas of an apartment building; and

(4) Prohibiting children of the opposite sex from sharing the same bedroom.

Nothing in this subsection shall preclude a property owner or other person having the right to rent or lease any housing accommodations from adopting reasonable policies or practices regulating the use of the accommodations or its common areas, facilities, and services even though those policies and practices have the effect of excluding persons with children. A policy or practice is reasonable, under this subsection, if it fulfills a business necessity. Business necessity is demonstrated by independent and objective evidence that the policy or practice in question serves a legitimate and nondiscriminatory business purpose and is essential to the safe and continued operation of the business.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87; Ord. 123-93, App. 4/29/93)

SEC. 103. OCCUPANCY STANDARDS.

No provision of this Article shall be construed to authorize occupancies in violation of the floor-area standards of Section 501.1 of Article 5 of the San Francisco Housing code except that children under the age of six shall not be counted for purposes of determining whether a family complies with the standards of the San Francisco Housing Code.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 104. TENANT AGE POLICY NOT PROHIBITED.

In residential buildings otherwise covered by this ordinance, where the owner has complied with the requirements of Section 51.3 of the California Civil Code pertaining to senior-citizen housing, said owner or any other person enumerated in Section 102 hereinabove shall be exempt from the provisions of this ordinance.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

SEC. 105. REQUIREMENTS OF FINANCIAL OBLIGATIONS NOT PROHIBITED.

This ordinance shall not prohibit the person having the right to rent or lease the premises from requiring the same financial obligations of prospective tenants with minor children as he or she may require of prospective tenants without children. However, no discrimination in the amount or manner of payment of said financial obligations shall be permitted.

(Added by Ord. 320-75, App. 7/14/75)

SEC. 106. PENALTY.

Any person who violates any provision of Section 102 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $2,000 or by imprisonment in the County Jail for a period of not more than six months, or both.

Any person believing that a violation of said section has been committed may file a complaint with the District Attorney.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

SEC. 107. CIVIL ACTION.

Any aggrieved person may enforce the provisions of this Article by means of a civil action.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.1. LIABILITY.

Any person who violates any of the provisions of this Article or who aids in the violation of any provisions of this Article shall be liable for, and the court must award to the individual whose rights are violated, three times the amount of special and general damages, or three times the amount of one month's rent that the landlord charges for the unit in question. The court may award in addition thereto, not less than $200 but not more than $400, together with attorney's fees, costs of action, and punitive damages.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.2. INJUNCTIVE RELIEF.

(a) Any person who commits, or proposes to commit, an action in violation of this Article may be enjoined therefrom by any court of competent jurisdiction.

(b) Any action for injunctive relief under this Article may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any person or entity that will fairly and adequately represent the interests of the protected class.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.3. ADMINISTRATIVE REMEDIES.

A person or organization who believes that a violation of the provisions of this Article has occurred may file with the Human Rights Commission a complaint pursuant to the procedures of Article 33 of the San Francisco Police Code, Section 3307(b).

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.4. LIMITATION ON ACTIONS.

Judicial actions or complaints to the Human Rights Commission under this Article must be filed within one year of the alleged discriminatory acts.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 107.5. BAR.

A complaint to the Human Rights Commission is not a prerequisite to the filing of a civil action under this section. The pendency of a complaint before the Human Rights Commission shall not bar any civil action under this section, but a final judgment in any civil action shall bar any further proceedings by the Human Rights Commission.

(Added by Ord. 399-87, App. 9/25/87)

SEC. 108. SEVERANCE CLAUSE.

If any article, section, subsection, paragraph, sentence, clause or phrase of this Code, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part hereof. The Board of Supervisors hereby declares that it would have passed each Article, section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more Articles, sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 320-75, App. 7/14/75; amended by Ord. 399-87, App. 9/25/87)

ARTICLE 1.3:  
TEMPORARY MORATORIUM ON RENTAL INCREASES RENT ROLLBACK BASED UPON APRIL 15, 1979, RENTAL RATES AND REFUNDING ANY RENT INCREASES

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| --- | --- |
| Sec. 109.1. | Purpose. |
| Sec. 109.2. | Definitions. |
| Sec. 109.3. | Rental Increase Moratorium and Rollback Provisions. |
| Sec. 109.4. | Violation of Ordinance. |
| Sec. 109.5. | Refusal of a Tenant to Pay a Rent Increase. |
| Sec. 109.6. | Severability. |
| Sec. 109.7. | Extension. |

SEC. 109.1. PURPOSE.

The passage of Proposition 13, the property tax reform measure on June 6, 1978 ballot, has meant substantial property tax decreases to most landlords in the City and County of San Francisco. Through the use of a Renters Hot Line and public hearings, it has been found that a substantial number of landlords have increased the rents of tenants, and few have decreased rents, despite the passage of Proposition 13.

The Board of Supervisors will be considering the feasibility and desirability of measures designed to address the problems created by the unjustified spiraling rents in the City and County of San Francisco. Pending further study of the development and adoption of measures to address the problems created by the unjustified rent increases, it is necessary to temporarily roll back rents and, through June 14, 1979, to prohibit most rental increases on rental residential units within the City and County of San Francisco.

(Added by Ord. 181-79, App. 4/24/79)

SEC. 109.2. DEFINITIONS.

(a) **Housing Services.** Services connected with the use or occupancy of a rental unit including, but not limited to, repairs, replacement, maintenance, painting, light, heat, water, elevator service, laundry facilities and privileges, janitor service, refuse removal, furnishings, telephone, parking and any other benefits, privileges or facilities.

(b) **Landlord.** An owner, lessor, sublessor, including any person, firm, corporation, partnership, or other entity, entitled to receive rent for the use of any rental unit, or the agent, representative or successor of any of the foregoing.

(c) **Moratorium Period.** The period of time beginning on the effective date of this article and continuing through June 14, 1979, or until such time as the Board of Supervisors establishes a procedure for the adjustment and/or regulations of rents, whichever occurs first. During this period, rents shall not be increased.

(d) **Rent.** The consideration, including any bonus, benefits or gratuity demanded or received, for or in connection with the use or occupancy of a rental unit or the transfer of a lease for such a unit, including but not limited to monies demanded or paid for parking, for furnishings, for housing services of any kind, for subletting, or for security deposits for damages and/or for cleaning.

(e) **Rental Units.** All dwellings in the City and County of San Francisco designed for rental use or actually rented at any time on or after June 1, 1977 including single family dwellings and mobile homes, together with the land and buildings appurtenant thereto, and all services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. The term shall not include:

(1) Housing accommodations in hotels, motels, inns, tourist homes and rooming and boarding houses (which are rented primarily to transient guests for a period of less than 14 days);

(2) Dwelling units in nonprofit cooperatives owned and controlled by a majority of the residents;

(3) Housing accommodations in any hospital, convent, monastery, extended care facility, asylum, nonprofit home for the aged, or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(4) Dwelling units which a government unit, agency or authority owns, operates, or manages or which are specifically exempted from municipal rent regulation by state or federal law or administrative regulation;

(5) Dwelling units located in a structure completely or newly constructed after the effective date of this Article;

(6) Dwelling units subject to a legally binding lease which sets forth the rental unit rent, provided that said lease was entered into prior to the effective date of this ordinance.

(f) **Tenant.** A tenant, subtenant, lessee, sublessee or any other person entitled to the use or occupancy of any rental unit.

(Added by Ord. 181-79, App. 4/24/79)

SEC. 109.3. RENTAL INCREASE MORATORIUM AND ROLLBACK PROVISIONS.

(a) Beginning on the effective date of this article and continuing through June 14, 1979, or until such time as the Board of Supervisors establishes a procedure for the adjustment and/or regulation of rents, whichever occurs first, rental units rents shall not be increased.

(b) During the moratorium period, the minimum rent for a rental unit in the City and County of San Francisco shall be the following:

(1) For a rental unit which was rented as of April 15, 1979, and continued to be rented thereafter to one or more of the same persons:

The rent shall not exceed that in effect on April 15, 1979. The level of housing services provided to the rental unit on that date shall not be reduced during the moratorium period.

(2) For a rental unit which was not rented as of April 15, 1979, but which was rented on or after April 16, 1979:

The rent shall not exceed that received for said rental unit when last occupied. The level of housing services provided to the rental unit or the re-rental date shall not be reduced during the moratorium period.

(3) For a rental unit vacated on or after April 16, 1979, and prior to the end of the moratorium period:

The rent shall not exceed that received for said rental unit when last occupied. The level of housing services provided to the rental unit when last occupied shall not be reduced during the moratorium period.

(c) Any increase above the maximum rent for a rental unit collected for the period of April 16, 1979 through June 14, 1979 shall be refunded by the landlord to the tenant(s). Said refund shall be made within 10 days of the effective date of this ordinance.

(Added by Ord. 181-79, App. 4/24/79)

SEC. 109.4. VIOLATION OF ORDINANCE.

It shall be unlawful for any landlord to demand, accept, receive or retain any payment of rent in excess of the maximum lawful rents set forth in this Article. Any person violating any of the provisions, or failing to comply with any of the requirements, of this Article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Article shall be punishable by a fine of not more than $500 or by imprisonment in the County Jail for a period of not more than six months, or by both. Each violation of any provision of this article, and each day during which any such violation is committed, permitted or continued, shall constitute a separate offense.

(Added by Ord. 181-79, App. 4/24/79)

SEC. 109.5. REFUSAL OF A TENANT TO PAY A RENT INCREASE.

A tenant may refuse to pay any increase in rent which is in violation of this Article and such violation shall be a defense in any action brought to recover possession of a rental unit or to collect the illegally charged rent increase.

(Added by Ord. 181-79, App. 4/24/79)

SEC. 109.6. SEVERABILITY.

If any provision or clause of this Article or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this Article are declared to be severable.

(Added by Ord. 181-79, App. 4/24/79)

SEC. 109.7. EXTENSION.

The provisions of this ordinance are extended through June 30, 1979, or until such time as the Board of Supervisors establishes a procedure for the adjustment and/or regulation of rents, whichever occurs first.

(Added by Ord. 248-79, App. 6/5/79)

ARTICLE 1.4:  
[RESERVED]

ARTICLE 1.5:  
DISPLAY OF LIFE AND PROPERTY CONSERVATION DECALS

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| Sec. 109.20. | Definitions. |
| Sec. 109.21. | Display of Life and Property Conservation Decals. |
| Sec. 109.22. | Costs of Removal. |

SEC. 109.20. DEFINITIONS.

(a) The term "life and property conservation decals" as used in this Article shall include, but not be limited to, any and all decals, signs, stickers and other devices designed to be displayed as notice to the public generally or specifically to police, fire, public health and other emergency services by persons occupying residential rental or leased property.

(b) The word "landlord" shall mean the person(s) owning, in whole or in part, residential property within the City and County which is held out for rental or lease, and it shall include any and all agents, brokers, managers, employees and other representatives of such person(s).

(c) The word "person" shall include, but not be limited to, a natural person, partnership, firm or corporation or any other kind of business or legal entity.

(d) The word "tenant" shall include any and all persons lawfully occupying residential property pursuant to a lease or other rental agreement, whether written or oral.

(Added by Ord. 464-83, App. 9/16/83)

SEC. 109.21. DISPLAY OF LIFE AND PROPERTY CONSERVATION DECALS.

A person is authorized by the provisions of this Article to display life and property conservation decals on windows, doors and other appropriate parts of residential property in which he or she is a tenant, and it shall be a prohibited practice for any landlord to order or effect the removal of such decals prior to the termination of the tenancy.

(Added by Ord. 464-83, App. 9/16/83)

SEC. 109.22. Costs of removal.

In the event that a landlord incurs expenses in order to remove a life and property conservation decal from residential property after the termination of a tenancy, it shall be considered a repair expense chargeable against the security deposit as set forth in California Civil Code Section 1950.5(b) and (e).

(Added by Ord. 464-83, App. 9/16/83)

ARTICLE 2:  
DISORDERLY CONDUCT

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| --- | --- |
| Sec. 110. | Ball Playing on Public Street Prohibited. |
| Sec. 120-2. | Aggressive Solicitation Ban/Substance Abuse and Mental Health Diversion Program. |
| Sec. 121. | Loitering Outside Nightclubs Prohibited. |
| Sec. 122. | Aggressive Pursuit Prohibited. |
| Sec. 124. | Findings. |
| Sec. 124.1. | Definitions. |
| Sec. 124.2. | Loitering Prohibited. |
| Sec. 124.3. | Use of Toilet by More Than One Person Prohibited. |
| Sec. 124.4. | Warning Required Prior to Enforcement. |
| Sec. 124.5. | Penalties. |
| Sec. 124.6. | Severability. |
| Sec. 125. | Bribery of Police Officers Prohibited. |
| Sec. 130. | Defacement, Etc., of Property in Civic Center Prohibited. |
| Sec. 131. | Penalty. |
| Sec. 132. | Intoxicating Liquors Prohibited Upon Premises of San Francisco General Hospital. |
| Sec. 133. | Penalty. |
| Sec. 136. | Flags, Bunting, Etc., Injury to, Prohibited. |
| Sec. 148. | Definition of Stadium. |
| Sec. 149. | Excluding Intoxicated or Disorderly Patrons. |
| Sec. 153. | Urination and Defecation. |
| Sec. 154. | Prohibiting Public Nudity. |
| Sec. 157. | Crowds to Disperse on Order of Police Officer. |
| Sec. 163. | Penalty. |
| Sec. 168. | Promotion of Civil Sidewalks. |
| Sec. 220. | Visiting House of Ill Fame for Unlawful Purpose Prohibited. |
| Sec. 221. | Knowingly Becoming Inmate of or Contributing to Support of House of Ill Fame Prohibited. |
| Sec. 225. | Soliciting Prostitution Prohibited. |
| Sec. 226. | Penalty. |
| Sec. 236. | Use of Buildings for Prostitution Prohibited. |
| Sec. 240. | Unlawful to Offer or Agree to Commit Prostitution, Etc. |
| Sec. 249. | Persons Convicted of Certain Crimes Required to Register in the Office of The Chief of Police. |
| Sec. 250. | Driving any Motor Vehicle by Persons Convicted of Certain Crimes Prohibited Without First Registering Such Vehicle in the Office of Chief of Police. |
| Sec. 251. | Chief of Police to Photograph and Fingerprint Registrant. |
| Sec. 252. | Registration Required Within Forty-Eight Hours. |
| Sec. 253. | Notice of Change of Residence Required Within Twenty-Four Hours. |
| Sec. 254. | False Statements Prohibited. |
| Sec. 255. | Penalty for Refusal or Neglect to Comply. |
| Sec. 256. | Conviction Defined. |
| Sec. 257. | A Conviction Set Aside Not Deemed a Conviction. |
| Sec. 258. | Penalty. |
| Sec. 259. | State Laws. |
| Sec. 259.1. | Registration Files Confidential. |
| Sec. 259.2. | Exemption. |
| Sec. 259.3. | Notice to Potential Victims of Stalker. |

SEC. 110. BALL PLAYING ON PUBLIC STREET PROHIBITED.

It shall be unlawful for any person to play at or participate in any game of ball on any public street or highway.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 115.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 120.

(Added by Ord. 1.075, App. 10/11/38; repealed by Proposition M, 11/4/2003)

SEC. 120-1.

(Added by Proposition J, 11/3/92; repealed by Proposition M, 11/4/2003)

SEC. 120-2. AGGRESSIVE SOLICITATION BAN/ SUBSTANCE ABUSE AND MENTAL HEALTH DIVERSION PROGRAM.

(a) **Findings.** The people of San Francisco find that the problems of aggressive and improper solicitation are among the most difficult and vexing faced by the City and that prior approaches mostly have failed.

The people of San Francisco find that aggressive solicitation for money in public and private places threatens residents' and visitors' safety, privacy and quality of life. San Franciscans seek policies that preserve citizens' right to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, permitting appropriate and safe commercial activities of street artisans, performers and merchants and providing for the basic needs of indigent and vulnerable populations. Where appropriate, San Franciscans also seek to establish policies and programs that limit the ability of indigent and homeless substance abusers to use cash contributions for the purchase of alcohol and illegal drugs.

The people of San Francisco find that the City's existing laws regulating panhandling and solicitation are outdated and unenforceable as a result of numerous court decisions and criminalize violators instead of diverting them to screening and assessment for eligibility in drug and alcohol dependency and mental health treatment programs.

The people of San Francisco find that people who aggressively or improperly solicit because of drug or alcohol dependency or mental illness should be diverted from the criminal court system to a program of screening, assessment and referral operated by the San Francisco Department of Public Health.

(b) **Goals.** This section: (1) replaces prior bans on panhandling, restrictions on aggressive solicitation, and solicitation near automatic teller machines (ATMs) rendered unenforceable by court rulings with a new aggressive solicitation prohibition; (2) establishes new specific prohibitions on solicitation near ATM machines, near residential property, in parking lots, on median strips and near freeway offramps and on the Municipal Railway and the BART system; (3) establishes a requirement that, as appropriate, violators of this ordinance be diverted from the criminal justice system to a screening and assessment program to identify candidates for alcohol and drug dependency treatment and mental health services administered by the Department of Public Health in order to clear their citations.

(c) **Definitions.** For purposes of this section:

1. "Aggressive manner" shall mean:

A. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;

B. Continuing to solicit from a person after the person has given a negative response to such soliciting;

C. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

D. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

E. Using violent or threatening gestures toward a person solicited; or,

F. Following the person being solicited, with the intent of asking that person for money or other things of value.

2. "Soliciting" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

3. "Public place" shall mean a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

4. "Check cashing business" shall mean any person duly licensed by the Attorney General to engage in the business of cashing checks, drafts or money orders for consideration pursuant to Section 1789.31 of the California Civil Code.

5. "Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

6. "Automated teller machine facility" shall mean the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers after regular banking hours.

(d) **Prohibited acts.**

1. No person shall solicit in an aggressive manner in any public place.

2. No person shall solicit within twenty feet of any entrance or exit of any check cashing business or within twenty feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

3. No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway on-ramp or off-ramp, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting donations or the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

4. No person shall solicit in any public transportation vehicle, or in any public or private parking lot or structure.

5. Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.

(e) **Penalties.** Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine not to exceed $50, or by attending a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or by attending a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services. Any person guilty of violating this ordinance three or more times in a twelve month period shall be guilty of a misdemeanor and shall be fined not less than $300 or more than $500, and/or referred to a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services, and/or referred to a community service assignment, or imprisoned in the county jail for a period no longer than three months.

(f) **Diversion Program.** The Director of Public Health shall establish, administer and/or certify the assessment and screening programs set forth in subsection (e) of this section and shall establish guidelines for determining whether and under what circumstances violators may be eligible to participate in diversion programs. In addition, the Department of Public Health shall establish, administer and/or certify diversion programs appropriate for treatment of violators, and shall establish guidelines for determining whether the conditions of diversion have been satisfied. All rules and guidelines governing the diversion program shall be established by the Director of Public Health subject to the approval of the San Francisco Health Commission not later than six months after the Board of Supervisors has declared the results of the election at which this measure is passed. Individuals who are referred for treatment but fail to participate in such treatment shall be subject to the other penalties set forth in subsection (e) of this section.

(g) **Effective Date.** This law shall become effective six months after the Board of Supervisors has declared the results of the election at which this measure is passed.

(h) **Severability.** If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

(Added by Proposition M, 11/4/2003)

Sec. 121.

(Added by Proposition J, 6/7/94; repealed by Proposition M, 11/4/2003)

SEC. 121. LOITERING OUTSIDE NIGHTCLUBS PROHIBITED.

(a) **Findings.** The Board of Supervisors of the City and County of San Francisco finds that persons who loiter outside a nightclub when an event is in progress imperil the public's safety and welfare. The areas outside nightclubs have become the site of robberies, assaults, and battery. In addition, the Board finds that persons attending nightclubs have become intimidated and fearful for their safety because of the presence of persons loitering outside the clubs. Prohibiting loitering outside nightclubs will assist police and club security staff in protecting club patrons and may decrease the incidence of crimes of violence directed at club patrons by providing law enforcement officers with an additional crime-fighting tool that does not infringe on any person's basic rights.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person to loiter outside any nightclub between the hours of 9 p.m. and 3 a.m. when the nightclub is open for business.

(c) **Definitions.**

(1) For the purpose of this ordinance, unless a person is engaged in an activity described in Subsection (d), a person loiters outside a nightclub when the person remains as a pedestrian for a period of over three (3) minutes within ten (10) feet from the entrance to the nightclub or within ten (10) feet from any point on any lines formed at the entrance to a nightclub.

(2) For the purposes of this ordinance, a nightclub is a Place of Entertainment as defined in Police Code Section 1060.

(d) **Application.** This ordinance is not intended to prohibit any person from engaging in any lawful activity that must be conducted within ten (10) feet from the entrance to a nightclub or ten (10) feet from any point at any lines formed at the entrance to a nightclub such as (1) waiting in line to enter a nightclub, (2) being present in a smoking area designated by the club outside the club for patrons, or (3) waiting for a bus at a bus stop or waiting in line to enter a theater or other business. Lawful activity does not include any activity that can be conducted more than ten (10) feet from the entrance to the nightclub or more than ten (10) feet from any point on any lines formed at the entrance to a nightclub.

(e) **Warning.** Before any law enforcement officer may cite or arrest a person under this ordinance, the law enforcement officer or personnel working for the nightclub must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.

(f) **Penalties.**

(1) **First Conviction.** Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated.

(2) **Subsequent Convictions.** In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a thirty (30)-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Any person violating any provision of this Section a third time, and each subsequent time, within a thirty (30) day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

(g) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof.

(Added by 86-09, File No. 080322, App. 5/20/2009)

SEC. 122. AGGRESSIVE PURSUIT PROHIBITED.

(a) It shall be unlawful for any person to engage in aggressive pursuit of another.

(b) For purposes of this Section, "aggressive pursuit" shall mean the wilful, malicious or repeated following or harassment of another person, including, but not limited to, wilful or malicious communications by telephone, modem, facsimile or mail with the intent to cause annoyance, intimidation or fear on the part of the person being pursued.

(c) Any person violating this Section shall be guilty of aggressive pursuit, and upon conviction thereof, shall be subject to a fine of not more than $500, or by imprisonment in the County Jail for a term not to exceed six months, or by both such fine and imprisonment.

(d) Any person who shall violate Section 122 on a Municipal Transportation Agency transit platform or vehicle or within 25 feet of a bus zone shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment.

For purposes of this Section, "a Municipal Transportation Agency transit platform" shall include, but not be limited to: an outdoor high-level boarding platform, a street-level boarding island, paid areas of any public transit station (including stations operated by the Bay Area Transit District), and MTA pole stops. "A Municipal Transportation Agency transit vehicle" shall include, but not be limited to: a street car, a cable car, a motor coach, a trolley coach, or other in-service public transit vehicle.

(e) In the event that the, Juvenile Court sustains a petition against a minor for conduct violating this Section (or the minor otherwise admits or submits to the petition), the Board of Supervisors urges the Court to favor community service and an in-home or other "non-custodial" placement in disposing of the case.

(Added by Ord. 90-94, App. 2/25/94; Ord. 227-10, File No. 100879, App. 8/17/2010)

SEC. 123. RESERVED.

(Added by Ord. 90-94, App. 2/25/94; Renumbered by Ord. 227-10, File No. 100879, App. 8/17/2010)

SEC. 124. FINDINGS.

The People of the City and County of San Francisco find that persons who loiter or linger at or near automatic public toilets imperil the public's safety and welfare. Some of the automatic public toilets are being used as a place of narcotics sales and use, and for disposal of hypodermic needles. In addition, the People find that persons making legitimate use of automatic public toilets have become intimidated and fearful for their safety because of the presence of persons loitering in or near the toilets and leaving drug paraphernalia in and around the toilets, preventing persons with legitimate need for the toilets from using the toilets. Limiting the number of persons who may use an automatic public toilet at any one time and prohibiting loitering or lingering at or near such toilets may decrease the incidence of these crimes by providing law enforcement officers with an additional crime fighting tool that does not infringe on any person's basic rights.

No state law addresses this type of behavior or protects the public from these problems.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 124.1. DEFINITIONS.

(1) For the purpose of this ordinance, a person loiters or lingers at or near an automatic public toilet when the person remains within 10 feet of such a toilet for a period of over two minutes without lawful business.

(2) For the purpose of this ordinance, an automatic public toilet is a single-user toilet located on a public sidewalk or other public property. Automatic public toilets include what are commonly referred to as Decaux toilets.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 124.2. LOITERING PROHIBITED.

It shall be unlawful for any person to loiter or linger at or near any automatic public toilet in the City and County of San Francisco. This Section is not intended to prohibit any person from engaging in any lawful business that must be conducted within ten feet of an automatic public toilet, such as (1) using an automatic public toilet; (2) waiting in line to use an automatic public toilet; (3) accompanying or assisting another person who is using an automatic public toilet; or (4) activities such as waiting for a bus at a bus stop or waiting in line to enter a theater or other business where the bus stop or line is within 10 feet of an automatic public toilet. Lawful business does not include any activity that can be conducted more than 10 feet from a public toilet.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 124.3. USE OF TOILET BY MORE THAN ONE PERSON PROHIBITED.

It shall be unlawful for more than one person over the age of thirteen (13) years old to enter or remain in an automatic public toilet at one time, unless the person using the automatic public toilet has a disability that causes the person to require assistance, in which case the person's assistants may enter and remain in an automatic public toilet with the disabled person. The Department of Public Works shall post signs on all automatic public toilets notifying users of the restrictions set forth in this Section.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 124.4. WARNING REQUIRED PRIOR TO ENFORCEMENT.

Before any law enforcement officer may cite or arrest a person under Sections 124.2 of this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 124.5. PENALTIES.

(1) **First Conviction.** Any person violating any provision of this ordinance shall be guilty of an infraction. Upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated.

(2) **Subsequent Convictions.** In any accusatory pleading charging a violation of Section 124.2 or 124.3, if the defendant has been previously convicted of a violation of such Sections, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of such Sections a second time within a 30-day period shall be guilty of an infraction and shall be punished by a fine of not less than $300 or more than $500, and/or community service, for each provision violated. Any person violating any provision of such Sections a third time, and each subsequent time, within a 30-day period shall be guilty of an infraction and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 124.6. SEVERABILITY.

If any subsection, sentence, clause, phrase, or word of this ordinance be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this ordinance or any part thereof. The People hereby declare that they would have adopted this ordinance notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(Added by Ord. 215, File No. 011410, App. 11/2/2001)

SEC. 125. BRIBERY OF POLICE OFFICERS PROHIBITED.

It shall be unlawful for any person to give or offer or promise to give any police officer, or for any police officer to solicit or accept from any person any bribe or reward as a consideration for permitting the violation of any ordinance of this city and county, or as a consideration for not arresting any person who has violated any such ordinance.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 130. DEFACEMENT, ETC., OF PROPERTY IN CIVIC CENTER PROHIBITED.

It shall be unlawful for any person to deface, mar, scratch, or in any way injure the walls, columns, balustrades, railings or ornaments of the City Hall, Auditorium, Library or other building composing the Civic Center, or to deposit rubbish on, or deface or injure in any manner the grounds of the Civic Center, or to mutilate any of the trees or structures therein.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 131. PENALTY.

Any person violating any of the provisions of Section 130 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than $50, or by imprisonment in the County Jail for a period of not more than 50 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 132. INTOXICATING LIQUORS PROHIBITED UPON PREMISES OF SAN FRANCISCO GENERAL HOSPITAL.

It shall be unlawful for any person to take, transport, possess or consume any malt, vinous or intoxicating liquors upon the premises of the San Francisco General Hospital without permission of the Superintendent in charge or of the Director of Public Health.

(Added by Ord. 563-58, App. 10/22/58)

SEC. 133. PENALTY.

Any person who shall violate any of the provisions of Section 132 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed $500, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

(Added by Ord. 563-58, App. 10/22/58)

SEC. 136. FLAGS, BUNTING, ETC., INJURY TO, PROHIBITED.

It shall be unlawful for any person to destroy, mutilate or otherwise injure or deface any flag, bunting, paraphernalia or other property of the City and County used for decorative purposes upon the streets or buildings within the City and County, or to remove the same without the permission of the department controlling such property.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 141.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 142.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 147.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 148. DEFINITION OF STADIUM.

For purposes of this article, a stadium is defined as a location enclosed by a building, structure, or fence designed to hold more than 25,000 patrons and designed for the exhibition of an athletic event, whether on private or public property, except property under the control of the Recreation and Park Department.

(Added by Ord. 54-00, File No. 000475, App. 3/31/2000)

SEC. 149. EXCLUDING INTOXICATED OR DISORDERLY PATRONS.

Members of the San Francisco Police Department are authorized to order persons to stay out of, or to leave, any stadium when such officers have reasonable cause to conclude that the person so excluded:

(a) Is using any drug, or any "controlled substance" as that term is defined and described in the California Health and Safety Code;

(b) Is under the influence of intoxicating liquor, any drug, or any "controlled substance" as that term is defined and described in the California Health and Safety Code, or any combination of any intoxicating liquor, drug, or controlled substance, and is in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others or interferes with or obstructs or prevents the use of the stadium by other patrons;

(c) Is doing any act injurious to the stadium's structure, signage or facility;

(d) Throws any potentially dangerous object;

(e) Possesses any firearm or other object used primarily as a weapon;

(f) Climbs or jumps from any wall, fence or structure;

(g) Gains admittance without paying;

(h) Disobeys any rule or regulation governing such stadium after being warned not to do so by a police officer or employee of the stadium owner or tenant, if the officer or employee has reasonable cause to conclude that such behavior damages or risks damage to property or injures or risks injury to any person or interferes with the use and enjoyment of such area or facility by other persons; or

(i) Behaves in so noisy, boisterous or rowdy a manner as to disturb spectators or participants at any event at the stadium.

(Added by Ord. 54-00, File No. 000475, App. 3/31/2000)

SEC. 152.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 153. URINATION AND DEFECATION.

(a) It shall be unlawful for any person to deposit or cause to be deposited any human urine or feces upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public property other than property designated or set aside for that purpose.

(b) **Penalty.** Any person who shall violate the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine which shall be not less than $50 nor more than $500.

(c) The Department of Public Works shall work with other City Departments to post and update on the City's website a list of the locations and hours of operation of all available City-operated restroom facilities.

(d) **Exemption.** Persons who violate this ordinance due to verified medical conditions shall be exempt from the enforcement provisions of this ordinance.

(Added by Ord. 160-02, File No. 020293, App. 7/19/2002)

SEC. 154. PROHIBITING PUBLIC NUDITY.

(a) The Board of Supervisors finds that a person's public exposure of his or her private parts

(1) invades the privacy of members of the public who are unwillingly or unexpectedly exposed to such conduct and unreasonably interferes with the rights of all persons to use and enjoy the public streets, sidewalks, street medians, parklets, plazas, public rights-of-way, transit vehicles, stations, platforms, and transit system stops,

(2) creates a public safety hazard by creating distractions, obstructions, and crowds that interfere with the safety and free flow of pedestrian and vehicular traffic, and

(3) discourages members of the public from visiting or living in areas where such conduct occurs. The Board of Supervisors has enacted the provisions of this Section 154 for the purpose of securing and promoting the public health, safety, and general welfare of all persons in the City and County of San Francisco.

(b) A person may not expose his or her genitals, perineum, or anal region on any public street, sidewalk, street median, parklet, plaza, or public right-of-way as defined in Section 2.4.4(t) of the Public Works Code, or in any transit vehicle, station, platform, or stop of any government operated transit system in the City and County of San Francisco.

(c) The provisions of this chapter shall not apply to

(1) any person under the age of five years or

(2) any permitted parade, fair, or festival held under a City or other government issued permit. Notwithstanding this exemption, all persons participating in or attending permitted parades, fairs or festivals shall comply with Section 1071.1(b)(2) of the San Francisco Police Code.

(d) Any person who violates this Section 154 shall be guilty of an infraction and upon conviction thereof such person shall be punished by a fine not to exceed one hundred dollars ($100) for a first violation, and not to exceed two hundred dollars ($200) for a second violation within twelve months of the first violation.

(e) Upon the third or subsequent conviction under this Section 154 with in twelve months of the first violation, such person shall be guilty of an infraction or a misdemeanor. The complaint charging such violation shall specify whether, in the discretion of the District Attorney, the violation is an infraction or a misdemeanor. If charged as an infraction, upon conviction, the violator shall be punished by a fine not to exceed $500. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine not to exceed $500 or by imprisonment in the County Jail for a period not to exceed one year or by both such fine and imprisonment.

(f) This Section shall not supersede or otherwise affect existing laws regulating nudity under the San Francisco Municipal Code, including but not limited to the Park Code, Police Code, and Port Code. But in the event of a conflict between this Section 154 and Police Code 1071.1(b)(2), this Section 154 shall prevail.

(g) A violation of this Section does not require lewd or sexually motivated conduct as required under the indecent exposure provisions of California Penal Code Section 314 or for purposes of California Penal Code Section 290(c).

(h) **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

(Added by Ord. 234-12, File No. 120984, App. 12/6/2012, Eff. 1/5/2013, Oper. 2/1/13)

**Editor's Note:** See also the following provisions of the San Francisco Municipal Code:  
 Prohibiting Nude Performers, Waiters and Waitresses – Police Code Art. 15.3;  
 Nude Models in Public Photography Studios – Police Code Art. 15.5;  
 Disorderly Conduct (Relating to Nudity) – Park Code Sec. 4.01(h); Port Code Sec. 3.1(h).

SEC. 157. CROWDS TO DISPERSE ON ORDER OF POLICE OFFICER.

Whenever the free passage of any street or sidewalk shall be obstructed by a crowd, except on occasion of public meeting, the persons composing such crowd shall disperse or move on when directed so to do by any police officer.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 162.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 163. PENALTY.

Any person violating any of the provisions of Section 162 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than $100 and not more than $500, or by imprisonment in the County Jail for a term of not more than six months, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 168. PROMOTION OF CIVIL SIDEWALKS.

(a) **Findings.** San Francisco is a dense, urban environment where everyone must use the public sidewalk for travel. The people of San Francisco find that maintaining pedestrian and authorized commercial activity on public sidewalks is essential to public safety, thriving neighborhoods and a vital economy in the City. The people of the City and County of San Francisco find that sitting or lying down is not the customary use of the public sidewalks. The need to maintain pedestrian and commercial traffic is greatest during the hours of operation of businesses, shops, restaurants, and other City commercial enterprises when public sidewalks are congested, and when City residents are most likely to use their neighborhood sidewalks. Persons who sit or lie down on public sidewalks during business hours threaten the safety of pedestrians, especially the elderly, disabled, vision-impaired, and children. Persons who sit or lie down also deter residents and visitors from patronizing local shops, restaurants and businesses, and deter people from using the sidewalks in their neighborhoods. San Franciscans seek policies that preserve the right to enjoy public space and traverse freely, while protecting the free-speech rights of individuals and groups, as well as other safe activity consistent with City permitting requirements. Business areas and neighborhoods become dangerous to pedestrian safety and economic vitality when individuals block the public sidewalks. This behavior causes a cycle of decline as residents and tourists go elsewhere to walk, meet, shop and dine, and residents become intimidated from using the public sidewalks in their own neighborhoods. Because lying down or sitting is an incompatible use of the sidewalk in residential and commercial areas, and in order to prevent displacement of violators from one district or neighborhood to another, the prohibition applies Citywide.

The prohibition against sitting or lying down on sidewalks leaves intact the individual's right to speak, protest or engage in other lawful activity on any sidewalk consistent with any City permitting requirements.

The prohibition applies only to public sidewalks. There are a number of places where the restrictions of this ordinance do not apply, including private property, beaches, plazas, public parks, public benches, and other common areas open to the public. The prohibition contains exceptions for medical emergencies, those in wheelchairs, and permitted activities, among others.

The people of San Francisco acknowledge that there are myriad reasons why one might sit or lie down on a public sidewalk. The City has offered and offers services to those engaged in sitting or lying down on the sidewalk who appear to be in need, or to those who request service assistance, but the offers are refused in many cases or people continue the conduct despite the provision of services. The City will continue to invest in services for those in need and make efforts to maintain and improve safety on public sidewalks for everyone. In order to provide an opportunity for law enforcement officers to engage people, and to offer to refer to an appropriate entity if the person asks, or if the officer has reason to believe that such a referral would be beneficial, a peace officer may not issue a citation without first warning a person that sitting or lying down is unlawful.

Present laws that prohibit the intentional, willful or malicious obstruction of pedestrians do not adequately address the safety hazards, disruption and deterrence to pedestrian traffic caused by persons sitting or lying on sidewalks.

(b) **Prohibition.** In the City and County of San Francisco, during the hours between seven (7:00) a.m. and eleven (11:00) p.m., it is unlawful to sit or lie down upon a public sidewalk, or any object placed upon a public sidewalk.

(c) **Exceptions.** The prohibitions in Subsection (b) shall not apply to any person:

1. Sitting or lying down on a public sidewalk due to a medical emergency;

2. Using a wheelchair, walker, or similar device as the result of a disability;

3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a sidewalk use permit;

4. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;

5. Sitting on a fixed chair or bench located on the public sidewalk supplied by a public agency or by the abutting private property owner;

6. Sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk;

7. Who is a child seated in a stroller; or

8. Who is in an area designated as a Pavement to Parks project.

(d) **Warning.** No person shall be cited under this Section unless the person engages in conduct prohibited by this Section after having been notified by a peace officer that the conduct violates this Section.

(e) **Other laws and orders.** Nothing in any of the exceptions listed in Subsection (c) shall be construed to permit any conduct which is prohibited by Police Code Sections 22-24, which prohibit willfully and substantially obstructing the free passage of any person.

(f) **Penalties.**

1. **First Offense.** Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100 and/or community service, for each provision violated.

2. **Subsequent Offenses.** Any person violating any provision of this Section within 24 hours after violating and being cited for a violation of this Section shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than ten (10) days, or by both such fine and imprisonment. Any person violating any provision of this Section within 120 days after the date of conviction of a violation this Section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than thirty (30) days, or by both such fine and imprisonment.

(g) **Reporting.** One year after the effective date of this ordinance, and every two years thereafter, the Police Department shall make a written report to the Mayor and the Board of Supervisors that evaluates the effectiveness of enforcement of this ordinance on the City's neighborhoods.

(h) **Outreach.** The City shall maintain a neighborhood outreach plan to provide the social services needed by those who chronically sit or lie down on a public sidewalk. The plan will include, but not be limited to, health care and social service capacity, evaluation of service delivery and identification of areas for improved service delivery.

(i) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof.

(Added by Prop. L, App. 11/2/2010)

Sec. 169.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 170.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 171.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 176.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 177.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 182.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 183.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 193.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 194.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 199.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 205.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 210.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 215.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 220. VISITING HOUSE OF ILL FAME FOR UNLAWFUL PURPOSE PROHIBITED.

It shall be unlawful for any person to resort to or visit any disorderly house or house of ill fame for the purpose of engaging in or observing any lewd, indecent or obscene act or conduct.

(Amended by Ord. 60-58, App. 2/5/58)

SEC. 221. KNOWINGLY BECOMING INMATE OF OR CONTRIBUTING TO SUPPORT OF HOUSE OF ILL FAME PROHIBITED.

It shall be unlawful for any person knowingly to become an inmate of, or contribute to the support of, any disorderly house or house of ill fame.

(Added by Ord. 60-58, App. 2/5/58)

SEC. 225. SOLICITING PROSTITUTION PROHIBITED.

It shall be unlawful for any person on any public street or highway or elsewhere, to solicit, by word, act, gesture, knock, sign or otherwise, any person for the purpose of prostitution.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 226. PENALTY.

Any person violating the provisions of Section 225 of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed $100, or by imprisonment for not more than 50 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

Sec. 231.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 236. USE OF BUILDINGS FOR PROSTITUTION PROHIBITED.

It shall be unlawful for any person, company or corporation owning or acting as agent for the owner of any building to suffer or permit said building or any portion thereof to be rented, leased, occupied or used for the purposes of prostitution.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 240. UNLAWFUL TO OFFER OR AGREE TO COMMIT PROSTITUTION, ETC.

Every person is guilty of a misdemeanor who:

(a) Offers or agrees to commit any lewd or indecent act or any act of prostitution; or

(b) Offers to secure another for the purpose of committing any act of prostitution, fornication, assignation or for any other lewd or indecent act with any other person; or

(c) Is in or near any thoroughfare or public place for the purpose of inducing, enticing or procuring another to commit an act of lewdness, fornication or unlawful sexual intercourse; or

(d) Knowingly transports any person to any place for the purpose of committing any lewd or indecent act or any act of prostitution; or

(e) Knowingly receives, offers or agrees to receive any person into any place or building for the purpose of assignation or of performing any act of lewdness or fornication, or knowingly permits any person to remain there for any such purposes; or

(f) Directs any person to any place for the purpose of committing any lewd or indecent act or any act of prostitution or fornication; or

(g) In any way aids or abets or participates in the doing of any of the acts prohibited by subdivisions (a) to (f), inclusive, of this Section.

(Added by Ord. 4428, Series of 1939, App. 5/12/47)

Sec. 241.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 242.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 243.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 244.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 245.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 246.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 247.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 248.

(Added by Ord. 6094, Series of 1939, App. 6/23/50; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 249. PERSONS CONVICTED OF CERTAIN CRIMES REQUIRED TO REGISTER IN THE OFFICE OF THE CHIEF OF POLICE.

Every person who subsequent to July 1, 1944, has been or hereafter is convicted of a crime in the State of California under the provisions of one or more of the following Sections of the Penal Code of California, to-wit, Sections 265, 274, or Subdivision 2 of Section 261, or Subdivisions 3 or 5 of Section 311, or who has, subsequent to July 1, 1944, or is hereafter convicted of, in the State of California, or elsewhere, any attempt or conspiracy to commit any offense described or referred to in this Section; or who has been or who subsequently is convicted of any offense, attempts included, in any other place than the State of California subsequent to July 1, 1944, which offense if committed in the State of California would have been punishable under one or more of the above mentioned Sections and comes into the City and County of San Francisco from any point outside of such City and County, whether in transit through said City and County, or otherwise, shall report to the Chief of Police within 48 hours after his arrival within the boundaries of said City and County, and shall furnish to the Chief of Police in a written statement signed by such person, the true name of such person and each and every other name or alias by which such person is or has been known, a full and complete description of himself, the name of each crime hereinabove in this Section enumerated of which he shall have been convicted, together with the name of the place where each such crime was committed, and the name under which he was convicted, and the date of the conviction thereof; the name, if any, and the location of each prison, reformatory or other penal institution in which he shall have been confined as punishment therefor, together with the location or address of his residence, stopping place or living quarters in this City and County; and each one thereof, if any, or the addresses or location of his intended residence, stopping place or living quarters therein and each one thereof, with the description of the character of each such place, whether a hotel, apartment house, dwelling house, or otherwise, giving the street number thereof, if any, or such description of the address or location thereof as will so identify the same as to make it possible of location, and the length of time for which he expects or intends to reside within the territorial boundaries of this City and County.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 250. DRIVING ANY MOTOR VEHICLE BY PERSONS CONVICTED OF CERTAIN CRIMES PROHIBITED WITHOUT FIRST REGISTERING SUCH VEHICLE IN THE OFFICE OF CHIEF OF POLICE.

At the time of furnishing the information required by Sections 249 to 259.2 of this Article, such person and every person required to register pursuant to Section 290 to the Penal Code, shall also furnish information on any or all motor vehicles owned or operated by him, to-wit: make, body type, year of manufacture, motor number, license number, color of vehicle and other distinguishing features. Such person also shall report to the Chief of Police any repair work, painting, or other alterations changing the general appearance of the motor vehicle made after it has been registered, within 48 hours after such alteration. Such a person shall not drive any motor vehicle on which the above information has not been filed with the Chief of Police.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 251. CHIEF OF POLICE TO PHOTOGRAPH AND FINGERPRINT REGISTRANT.

At the time of furnishing the information required by Sections 249 to 259.2 of this Article, the said person shall be photographed and fingerprinted by the Chief of Police and the said photograph and fingerprints shall be made a part of the permanent record herein provided for.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 252. REGISTRATION REQUIRED WITHIN FORTY-EIGHT HOURS.

Every person residing within this City and County at the time Sections 249 to 259.2 of this Article become effective, who has been convicted subsequently to July 1, 1944, of any crime referred to in Sections 249 to 259.2 of this Article, shall, within 48 hours from and after the effective date hereof, furnish to the Chief of Police in a written statement signed by such person, all the information which Sections 249 to 259.2 of this Article require to be furnished, together with the photographs and fingerprints hereinbefore provided for.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 253. NOTICE OF CHANGE OF RESIDENCE REQUIRED WITHIN TWENTY-FOUR HOURS.

In the event that any person required in Sections 249 to 259.2 of this Article to register shall change any such place of residence, stopping place, or living quarters to any new or different place or places within this City and County other than any place last shown in such report to the Chief of Police, he shall within 24 hours after the making of such change, notify the Chief of Police in a written and signed statement of such change of address and shall furnish in such written statement to the Chief of Police his new address and each one thereof.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 254. FALSE STATEMENTS PROHIBITED.

A person required by any provision of Sections 249 to 259.2, inclusive, of this Article to register shall not furnish in such report any false or fictitious address or any address other than a true address or intended address, and shall not furnish, in making any such report, any false, untrue, or misleading information or statement relating to any information required by any provisions of Sections 249 to 259.2, inclusive, of this Article, to be made or furnished.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 255. PENALTY FOR REFUSAL OR NEGLECT TO COMPLY.

Any person required to do so by any provision of Sections 249 to 259.2, inclusive, of this Article, who fails, neglects or refuses to make such report or to furnish such information, photograph, or fingerprints, or who fails, neglects, or refuses to render or furnish the same within the time hereinbefore prescribed, or who fails, neglects, or refuses to furnish to the Chief of Police within such time any information, photographs, and fingerprints required to be furnished by any provision of Sections 249 to 259.2, inclusive, of this Article, or who furnishes any false, untrue, or misleading information or statement relating to any information required by any provision of Sections 249 to 259.2, inclusive, of this Article, to be made or furnished, is guilty of a misdemeanor.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 256. CONVICTION DEFINED.

If a conviction has been set aside by pardon or, pursuant to Section 1203.4 of the Penal Code of the State of California, or a similar law in any other state or jurisdiction, after the termination of probation, such conviction nevertheless shall be deemed a conviction included in Sections 249 to 259.2, inclusive, of this Article.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 257. A CONVICTION SET ASIDE NOT DEEMED A CONVICTION.

If a conviction has been set aside in any other manner, including reversal by an Appellate Court or the granting of a writ of certiorari, habeas corpus, or coram nobis, it shall not be deemed to be a conviction included in Sections 249 to 259.2, inclusive, of this Article.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 258. PENALTY.

Any person violating any provision of Sections 249 to 259.2, inclusive, of this Article, is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed $500, or by imprisonment in the County Jail for a period of not to exceed six months, or by both such fine and imprisonment.

Each separate day, or any portion thereof, during which any violation of Sections 249 to 259.2, inclusive, of this Article, occurs or continues, and each failure, neglect or refusal to make any such report or to furnish any such information, photograph, or fingerprints during each or any day or portion thereof from and after the expiration of the time specified in Sections 249 to 259.2, inclusive, of this Article, within which such report must be made, or such information, photograph, or fingerprints furnished, shall be deemed to constitute a separate violation thereof, and a separate offense thereunder, and upon conviction therefor each such violation shall be punishable as herein provided.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 259. STATE LAWS.

Sections 249 to 259.2, inclusive, of this Article, do not prohibit or require any act specifically prohibited, required, or permitted by Section 290 of the Penal Code or by any other state statute or state law.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 259.1. REGISTRATION FILES CONFIDENTIAL.

The files maintained by the Chief of Police under Sections 249 to 259.2, inclusive, of this Article, shall be confidential; however, said records, photographs and fingerprints shall at all reasonable times be open to the inspection of any peace officer having jurisdiction within the territorial boundaries of said City and County.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 259.2. EXEMPTION.

If, because of the provisions of any state statute, or otherwise, any person, other than a peace officer, has, despite the provisions of Section 259.1 of this Article, the right to inspect any information, photograph, fingerprints, or other documents referred to in Sections 249 to 259.1 of this Article, then Sections 249 to 259.1, inclusive, of this Article, do not require the furnishing of such information, photograph, fingerprints, or other document.

(Added by Ord. 6164, Series of 1939, App. 7/31/50)

SEC. 259.3. NOTICE TO POTENTIAL VICTIMS OF STALKER.

(a) Whenever a person is to be released who has been arrested or detained for violating Penal Code Section 647.9 (stalking) or convicted of violating Penal Code Section 647.9, the custodial official making the release shall endeavor promptly to notify of the impending release any person who is a potential stalking victim of the individual to be released. Where feasible, the releasing authority shall give the notice required by this Section at least five calendar days prior to the release by certified mail and by telephone. For the purpose of this ordinance, a person is a potential stalking victim of an individual where the individual has been previously arrested, or detained for violating Penal Code Section 647.9 or convicted for violating Penal Code Section 647.9 in connection with that person. In addition, a potential stalking victim shall include any person who has filed with the San Francisco Police Department a written complaint of stalking activities by the individual to be released directed at the complainant. In addition, a potential stalking victim shall include any person who the Police Department has reason to believe, based on evidence it has gathered or received, is a potential stalking victim of the individual to be released.

(b) In undertaking the enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 364-93, App. 11/18/93)

ARTICLE 3:  
GAMES OF CHANCE

|  |  |
| --- | --- |
| Sec. 260. | Playing Poker in Public Places Prohibited. |
| Sec. 277. | Dice Throwing in Certain Cases Prohibited. |
| Sec. 282. | Gambling in Barricaded Rooms Prohibited. |
| Sec. 283. | Visiting Barricaded Gambling Rooms Prohibited. |
| Sec. 288. | Visiting Gambling House Prohibited. |
| Sec. 293. | Possession of Gambling Implements Prohibited. |
| Sec. 294. | Possession Defined. |
| Sec. 325. | Operation of Slot Machines Prohibited. |
| Sec. 326. | Operation Defined. |
| Sec. 327. | Penalty. |
| Sec. 331. | Visiting Pool Rooms Prohibited. |
| Sec. 332. | Betting, Pool Selling, Pool Buying on Horse Races Prohibited. |
| Sec. 333. | Bookmaking, Pool Buying, Wagers, Bets on Dog Races Prohibited. |
| Sec. 334. | Pool Selling, Bookmaking, Betting on Contests Between Men Prohibited. |
| Sec. 335. | Immunity From Prosecution. |
| Sec. 340. | Strap Game, Trick of The Loop, Prohibited. |
| Sec. 341. | Operation of Strap Game, Trick of The Loop, Prohibited. |

SEC. 260. PLAYING POKER IN PUBLIC PLACES PROHIBITED.

It shall be unlawful for any person to play the game of poker, for money or other representative of value, in any barroom or public place, or for any person having the possession or charge or control of any barroom or public place to permit the game of poker to be played therein for money or other representative of value, unless licensed pursuant to Article 32A of the Police Code.

(Amended by Ord. 437-82, App. 9/3/82)

Sec. 265.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 266.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 270.

(Added by Ord. 210, Series of 1939, App. 7/12/39; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 271.

(Added by Ord. 211, Series of 1939, App. 7/12/39; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 272.

(Added by Ord. 211, Series of 1939, App. 7/12/39; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 277. DICE THROWING IN CERTAIN CASES PROHIBITED.

No person shall draw numbers, figures, letters or cards in the nature of a game of chance, or throw or count dice or engage or take part in any way therein, or in any game of chance of any kind whatever for money, thing in action, property or valuables of any kind whatever in a public place, or place open to public view, or where the same may be seen by persons being or passing upon the street or in the presence or view of two or more persons, including those engaged therein; and no person shall permit or suffer the same upon his or her premises or place, or upon any premises or place under his or her control; provided, that cube or poker dice may be thrown for merchandise within a place of business where such merchandise is ordinarily sold, by persons other than the proprietor of such business and the employees of such proprietor.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 282. GAMBLING IN BARRICADED ROOMS PROHIBITED.

It shall be unlawful for any person within the limits of the City and County of San Francisco to exhibit or expose to view in any barred or barricaded house or room, or in any place built or protected in a manner to make it difficult of access or ingress to police officers, when three or more persons are present, any cards, dice, dominoes, fan-tan table or layout, or any part of such layout, or any gambling implements whatsoever.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 283. VISITING BARRICADED GAMBLING ROOMS PROHIBITED.

It shall be unlawful for any person for the practice of gambling within the limits of the City and County of San Francisco to visit or resort to any such barred or barricaded house or room or other place built or protected in a manner to make it difficult of access or ingress to police officers, where any cards, dice, dominoes, fan-tan table or layout, or any part of such layout or any gambling implements whatsoever are exhibited or exposed to view when three or more persons are present.

(Amended by Ord. 59-58, App. 2/5/58)

SEC. 288. VISITING GAMBLING HOUSE PROHIBITED.

It shall be unlawful for any person to keep or maintain, or visit for the practice of gambling, or to contribute to the support of any house or place where gambling is carried on or conducted, or to knowingly let or underlet or transfer the possession of, any house or premises for use by any person for said purpose.

(Amended by Ord. 59-58, App. 2/5/58)

SEC. 293. POSSESSION OF GAMBLING IMPLEMENTS PROHIBITED.

It shall be unlawful for any person to have in his possession, unless it be shown that such possession is innocent or for a lawful purpose, any faro box, faro table, faro layout, faro cases, faro checks, or other implement or implements for playing any banking game.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 294. POSSESSION DEFINED.

Any person found in any room or apartment where such gambling implement or implements are discovered shall, unless the contrary appear, be deemed to have possession of the same; provided, that the possession of such implements by the manufacturer of the same shall be deemed innocent or for a lawful purpose.

(Added by Ord. 1.075, App. 10/11/38)

Sec. 299.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 300.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 305.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 310.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 315.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

Sec. 320.

(Amended by Ord. 59-58, App. 2/5/58; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 325. OPERATION OF SLOT MACHINES PROHIBITED.

It shall be unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise to operate, keep, maintain, rent, use or conduct, within the City and County of San Francisco, any clock, tape, slot or card machine, or any other machine, contrivance or device upon which money is staked or hazarded upon chance or into which money is paid, deposited, or played, upon chance or upon result of the action of which money or any other article or thing of value is staked, bet, hazarded, won or lost upon chance.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 326. OPERATION DEFINED.

It shall be unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to operate, keep, maintain, rent, use or conduct, within the City and County of San Francisco, any machine, contrivance, appliance or mechanical device upon the result of the action of which money or other valuable things are staked, or hazarded, and which is operated, or played by placing or depositing therein any coins, checks, slugs, balls or other articles or device, or in any other manner, and by means of the action thereof, or as a result of the operation of which, any merchandise, money, representative or article of value, check or token, redeemable in, or exchangeable for money, or any other thing of value is won or lost, or taken from or obtained from such machine when the result of the action or operation of such machine, contrivance, appliance, or mechanical device, is dependent upon hazard or chance.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 327. PENALTY.

Any person who shall violate any of the provisions of Sections 325 and 326 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $100, nor more than $500, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 331. VISITING POOL ROOMS PROHIBITED.

It shall be unlawful for any person in the City and County of San Francisco to become an inmate of or, for any unlawful purpose to visit any house, premises, room, apartment or place carried on, conducted, or used as a "Poolroom" or house, premises, room or apartment carried on, conducted or used as a place for, or for the purpose of making, buying or selling pools, or for making "books," or pools, or for making bets or wagers or for making out, issuing or delivering "pool tickets," cards, prints, papers or memoranda showing or indicating, or purporting or understood to show or indicate the character or nature of a pool, or bet, or wager, or amount of money, or thing, or article staked, pledged or wagered, or for recording or registering "books," pools, bets or wagers or for the receipt, payment, distribution of money or other articles or things as representatives of value paid, offered, staked, pledged, bet, wagered, lost or won on a horse race, or on horse racing, on a contest or on contest of speed between horses, or on a dog race, or on dog racing, or on a contest or on contests of speed between dogs, or on a contest or on contest between men.

(Amended by Ord. 59-58, App. 2/5/58)

SEC. 332. BETTING, POOL SELLING, POOL BUYING ON HORSE RACES PROHIBITED.

It shall be unlawful for any person, firm or corporation to sell or buy pools or make books or make or receive as principal or agent or otherwise, any bet or wager whereby money or other representative of value is staked or pledged on a race or races understood to be run, or purporting to be run between horses.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 333. BOOKMAKING, POOL BUYING, WAGERS, BETS ON DOG RACES PROHIBITED.

It shall be unlawful for any person or corporation in the City and County of San Francisco to sell or buy or make books or make any bet or wager in any system of registering bets or wagers wherein money or any other representative of value is staked or pledged on races between dogs.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 334. POOL SELLING, BOOKMAKING, BETTING ON CONTESTS BETWEEN MEN PROHIBITED.

It shall be unlawful for any person in the City and County of San Francisco to sell or buy pools or make books, or make any bet or wager in any system of registering bets or wagers wherein money or any other representative of value, or other articles of value are staked or pledged on contests between men.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 335. IMMUNITY FROM PROSECUTION.

No person, otherwise competent as a witness, is disqualified from testifying as such concerning the offenses defined in Sections 331 to 335, inclusive, of this Article, on the ground that such testimony may incriminate such witness under the provisions defined in said sections, but no prosecution can afterward be had against such witness for any offense defined in said sections, concerning which he testified.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 340. STRAP GAME, TRICK OF THE LOOP, PROHIBITED.

It shall be unlawful for any person to advise or solicit or challenge another person to bet or wager anything of value on the game played by means of a strap and commonly known as the "strap game" or "trick of the loop," or to win or acquire any money or thing of value from any person by means of said game. Any instrument, of whatever texture, used to play said "strap game" or "trick of the loop," shall be deemed a strap for the purposes of Sections 340 and 341 of this Article.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 341. OPERATION OF STRAP GAME, TRICK OF THE LOOP, PROHIBITED.

It shall be unlawful for any person to permit the "strap game" or "trick of the loop," to be played for anything of value in or on any premises under his control.

(Added by Ord. 1.075, App. 10/11/38)

ARTICLE 4:  
PARADES

|  |  |
| --- | --- |
| Sec. 366. | Definitions. |
| Sec. 367. | Permit Required; Procedure. |
| Sec. 368. | Indemnification Agreement. |
| Sec. 369. | Grounds for Denial of Application for Parade Permit. |
| Sec. 370. | Procedure Following Denial of Application. |
| Sec. 371. | Appeals. |
| Sec. 372. | Revocation by Police Chief. |
| Sec. 373. | Violation of Permit Conditions. |
| Sec. 374. | Unlawful to Sponsor or Participate in a Parade Without a Permit or to Interfere With Such Event. |
| Sec. 375. | Chief of Police to Establish Lines. |
| Sec. 376. | Chief of Police to Divert Parade Around Fire, Etc. |
| Sec. 377. | Interference With City Property Prohibited. |
| Sec. 378. | Penalties. |
| Sec. 379. | Severability. |

SEC. 366. DEFINITIONS.

For the purpose of Sections 366 to 379 inclusive, the following definitions shall apply:

(a) The term "approve," when used in connection with approval of an application for a parade permit by the Chief of Police, means that the Chief of Police has determined that none of the grounds for denying an application, as set forth in Section 369, exists, and that a permit is to be issued once the applicant complies with Section 367, pertaining to applications, and Section 368, pertaining to indemnification.

(b) A "business district" is that area adjacent to a public street in which: (1) 50 percent or more of the property fronting upon one side of the street, for a distance of 600 feet, is occupied by structures in use for commercial purposes; or, (2) 50 percent or more of the property fronting upon both sides of the street, considered together and for a distance of 300 feet, is occupied by structures in use for commercial purposes. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for commercial purposes to the length of the street exists.

(c) "Chief of Police" includes the Special Events Unit or any representative designated by the Chief of Police.

(d) To "issue" a permit is to deliver to an applicant for a parade permit written permission to sponsor or hold an event at a specified date and location.

(e) A "parade" is an event, not including an athletic event, in which a group of persons proceed as a collective body for more than one block on any street in the City and County of San Francisco, whether on foot or in any type of vehicle or on an animal or animals, which event obstructs or interferes with the normal flow of vehicular traffic. An "athletic event" is an event in which a group of people collectively engage in a sport or form of physical exercise on any street in the City and County of San Francisco, including but not limited to jogging, bicycling, racewalking, roller skating or running.The following processions are not included in the definitions of a "parade": (1) processions composed wholly of the military or naval forces of the United States or of the State of California; (2) processions incidental to a wedding or funeral; (3) processions composed of one or more governmental officials or candidates accompanied by security personnel to which such officials or candidates are entitled by virtue of their office or candidacy. Any event taking place entirely on property under the jurisdiction of the Recreation and Park Commission shall be exempt from this ordinance.

(f) "Person" shall include and mean any person, firm, association, corporation, club, organization or ad hoc committee.

(Added by Ord. 254-84, App. 5/31/84; amended by Ord. 394-88, App. 8/26/88)

SEC. 367. PERMIT REQUIRED; PROCEDURE.

(a) Any person desiring to sponsor a parade on any street of the City and County of San Francisco, excluding streets on property under the jurisdiction of the Recreation and Park Commission, shall first obtain a permit therefor from the Chief of Police.

(b) Written application for such permit should be made to the Special Events Unit at least 60 days in advance in order to insure timely appeal of a denial of the application. However, all applications for permits shall be processed by the Chief of Police so long as they are received at least 15 working days in advance of the proposed date of the event; provided, however, that when the proposed event designates a route which passes through a business district, extends over an area which involves more than five intersections (not including alleys), anticipates a number of participants exceeding 250, or requires the Municipal Railway to substantially alter passenger routes or schedules, the applicant shall apply at least 30 days in advance of the proposed date; provided, further, that the Chief of Police may grant a permit to an applicant who applies less than 15 working days in advance if the Chief of Police determines that the permit application requires no substantial investigation or preparation of the route, which determination shall not be subject to administrative review.

(c) The time limitations prescribed above for the filing of a permit application may be waived by the Chief of Police if the applicant can show that the event or events giving rise to the permit application did not reasonably allow the applicant time to file within the time prescribed and imposition of the time limitations would place an unreasonable restriction on the right of free speech.

(d) Application shall be made on a form provided by the Chief of Police and shall include: the name, business and home address, and business and home phone number of the applicant (who shall be a natural person), of the sponsor of the event, and of the event organizer (that is, the person responsible for managing and organizing the details of the parade); the relationship of the applicant to the sponsor; proof of the applicant's authority to act on behalf of the sponsor; a description of the route of the event; the names of all streets to be used; the number of participants anticipated; the starting time and expected finishing time of the event; and any other information requested in order to enable the Chief of Police to verify the information required in this subsection.

(e) Application for a permit shall be accompanied by a nonrefundable permit application fee, in the amount set forth in Section 2.26 of the Police Code.

(f) Applications submitted 60 days or more before the date of the proposed event shall be processed within 30 days. Applications submitted between 30 and 59 days before the date of the proposed event shall be processed within 20 days. Applications submitted between 15 and 29 days before the date of the proposed event shall be processed at least seven days before the date of the proposed event.

(g) Applications submitted less than 15 days before the date of the proposed event shall be processed within a reasonable time, which time shall be given to the applicant at the time the applicant is informed that the time limitations set forth in this Section have been waived.

(h) If an application is not processed within the time specified in Subsection (f), the applicant may obtain approval of a permit application by providing the Chief of Police with two copies of a letter addressed to the Chief of Police, which letter sets forth the details of the proposed event and the date of the application and the fact that the application has not yet been processed. The applicant shall deliver one copy of the letter and have the second copy file-stamped as proof of having complied with this Section. If the Chief of Police does not process the application within 48 hours of delivery by the applicant of the letter described above, the application shall be deemed approved.

(i) The Chief of Police shall issue a permit immediately upon approval of the permit application, and execution and receipt of the indemnification agreement required by Section 368.

(j) The Chief of Police shall, as appropriate, transmit copies of any parade permit issued to the Chief of the Fire Department, the Department of Public Works, Emergency Hospital Service, Department of Public Health, and the General Manager of the Municipal Railway.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 368. INDEMNIFICATION AGREEMENT.

The applicant or sponsor of a parade permit must sign an agreement to reimburse the City and County of San Francisco for any costs incurred by it in repairing damage to City property which results from the actions of those sponsoring the event or authorized participants in the event, and to defend the City against and indemnify and hold the City harmless from any liability to any person which results from the actions of those sponsoring the event or authorized participants in the event. Execution of this agreement must occur at least one calendar week before the date of the proposed event, unless the application is not approved by that time, in which case the Chief of Police shall designate a reasonable time within which it is to be provided.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 369. GROUNDS FOR DENIAL OF APPLICATION FOR PARADE PERMIT.

The Chief of Police shall approve an application for a parade permit unless he or she determines, from a consideration of the application, or such information as the Chief of Police may otherwise obtain, or both, that:

(a) The Chief of Police has reasonable cause to conclude that the applicant or any person or persons participating in the parade will, in connection with that activity, cause physical injury to persons or substantial damage to property; or

(b) The conduct of the event will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or

(c) The conduct of the event will require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City and County of San Francisco; or

(d) The concentration of persons, animals and vehicles at the assembly areas of the event will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas; or

(e) The conduct of the event will interfere with the movement of fire-fighting equipment en route to a fire; or

(f) The conduct of the event will substantially obstruct or interfere with any construction or maintenance work scheduled to take place upon or along the public streets; or

(g) Another permit application has been received, and has been or may be approved, to sponsor a parade at the same time and place requested by the applicant, or so close in time and place that undue confusion or congestion would result, or the Police Department would bear an unreasonable burden in meeting the request for services by more than one applicant; or

(h) The parade will not move from its point of origin to its point of termination in four hours or less, or such other reasonable time limit as set by the Chief of Police in light of all relevant circumstances; or

(i) The applicant fails to provide the information requested on the application form or to provide Police Department staff, when requested to do so, with further information in order to enable the Chief of Police to verify the information required on the application form; or

(j) The applicant fails to provide proof of approval from other governmental departments or agencies when such approval is legally required; or

(k) The applicant fails or refuses to comply with any condition reasonably imposed on the granting of the permit in order to insure the safety of event participants, members of the Police Department or the public, or to insure the orderly flow of traffic, or to avoid the likelihood of harm to public or private property, which conditions may include a change in the route of the event; provided, however, that nothing in this Section shall be deemed to authorize the Chief of Police to impose conditions which unreasonably interfere with the right of free speech; or

(l) Other circumstances exist which make it likely that the event would significantly interfere with ordinary activities in the City and County of San Francisco.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 370. PROCEDURE FOLLOWING DENIAL OF APPLICATION.

Upon the denial of any application for a parade permit, the Chief of Police shall inform the applicant of the reason or reasons for the denial in writing.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 371. APPEALS.

The Board of Supervisors shall by motion designate an appropriate committee of the Board to act as a "Committee on Parades" for the purposes of Sections 366 to 379, inclusive, of this Article.

The applicant may appeal the denial of an application for a parade permit, or the imposition of conditions on the issuance of a permit, to the Committee on Parades, if such appeal can be timely made. The Committee shall consider such appeal and may either concur in the action of the Chief of Police or overrule such action and order that the permit be approved. If the Committee orders that a permit be approved, it shall have the authority to impose only such conditions as are recommended by the Chief of Police.

(Added by Ord. 254-84, App. 5/31/84; amended by Ord. 394-88, App. 8/26/88)

SEC. 372. REVOCATION BY POLICE CHIEF.

The Chief of Police may revoke a parade permit if an emergency arises which makes it impossible to assign the necessary personnel to the event and still provide the personnel required elsewhere to protect the public, or if information is obtained after the permit is issued from which the Chief of Police reasonably concludes that the permit should not have been approved for reasons set forth in Section 369.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 373. VIOLATION OF PERMIT CONDITIONS.

If a parade deviates from the route approved by the Chief of Police or if participants violate any conditions contained in the permit, the police officer whom the Chief of Police has designated as the officer in charge of overseeing personnel necessary to police the event may, after warning the participants and providing them with an opportunity to return to the approved route or to follow the permit conditions, revoke the permit.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 374. UNLAWFUL TO SPONSOR OR PARTICIPATE IN A PARADE WITHOUT A PERMIT OR TO INTERFERE WITH SUCH EVENT.

It shall be unlawful for any person to sponsor a parade unless a permit has been issued for the event, or for any person to participate in such an event with the knowledge that the sponsors of the event have not been issued the required permit or with the knowledge that a permit has been issued and subsequently revoked. Nor shall any person interfere with or disrupt a lawful parade undertaken pursuant to a permit, or participate in such event unless designated as a participant by its sponsor.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 375. CHIEF OF POLICE TO ESTABLISH LINES.

(a) The Chief of Police is hereby empowered to establish lines, if he or she deems it necessary, on both sides of the street along the proposed route over which a parade is to pass, and no person or vehicle of any kind, excepting those described in Subsection (b), shall pass over or through said lines. Such lines may be established either by means of a physical barrier, such as a rope, or by designating a curb or some other line of demarcation as the line beyond which no person or vehicle is to pass.

(b) Notwithstanding the provisions of Subsection (a), the following persons and vehicles are authorized to cross lines established along a parade route:

(i) Any city, county, state or federal peace or fire prevention officer or vehicle responding to an emergency call; or

(ii) Ambulances of public or private character, or any other vehicle when such vehicle is employed in carrying a sick or injured person to a hospital or other place for treatment or relief; or

(iii) United States Postal Service vehicles; or

(iv) Auxiliary fire apparatus or emergency vehicles when responding to a call to a fire, a burglar alarm, or other emergency call; or

(v) Any other person or vehicle, including regularly scheduled mass transit vehicles, whose passage is deemed necessary or convenient by the Chief of Police or the police officer whom the Chief of Police has designated as the officer in charge of overseeing Police Department personnel assigned to the event.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 376. CHIEF OF POLICE TO DIVERT PARADE AROUND FIRE, ETC.

In case of fire, accident or any emergency along the route of a parade, the Chief of Police or the police officer in charge of the detail on the streets along which the parade shall pass, is hereby given full power to divert the parade around such fire, accident or emergency, over and along the nearest cross street from such fire, accident or emergency and shall direct the return of the parade to the route originally authorized.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 377. INTERFERENCE WITH CITY PROPERTY PROHIBITED.

It shall be unlawful for any person to remove, displace or interfere with any socket, pole, wire, ropes or other property of the City and County of San Francisco used in connection with the regulation of a parade.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 378. PENALTIES.

Any person violating any provision of Sections 366 through 379 of this Code shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not to exceed $500.

(Added by Ord. 254-84, App. 5/31/84)

SEC. 379. SEVERABILITY.

If any of the provisions of this Article, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Article, or the application of such provisions to the persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

(Added by Ord. 254-84, App. 5/31/84)

ARTICLE 4.1:  
[RESERVED]

ARTICLE 4.2:  
[RESERVED]

ARTICLE 4.3:  
[RESERVED]

ARTICLE 4.4:  
[RESERVED]

ARTICLE 4.5:  
FUNERAL PROCESSION ESCORTS

|  |  |
| --- | --- |
| Sec. 385. | Purpose. |
| Sec. 386. | Unlawful to Direct Traffic Without Authorization. |
| Sec. 387. | Permit Required; Application; Term. |
| Sec. 388. | Indemnification and Insurance Requirements. |
| Sec. 389. | Grounds for Denial of Permit. |
| Sec. 390. | Appeals. |
| Sec. 391. | Authorized Traffic Direction Activities. |
| Sec. 392. | Diversion in Case of Emergency. |
| Sec. 393. | Traffic Safety Instruction Program. |
| Sec. 394. | Official Insignia and Uniform; Advisory Guidelines. |
| Sec. 395. | Penalties for Violation. |
| Sec. 396. | Severability. |

SEC. 385. PURPOSE.

This Article is enacted pursuant to California Vehicle Code Section 21100(e), which authorizes local entities to permit the appointment of persons other than traffic officers to direct traffic under prescribed circumstances which require such traffic direction in order to ensure the orderly flow of traffic. Nothing in this Article shall be construed to preclude the San Francisco Police Department from escorting funeral processions.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 386. UNLAWFUL TO DIRECT TRAFFIC WITHOUT AUTHORIZATION.

It shall be unlawful for any person other than an officer of the Police Department, a member of the Fire Department, or a person authorized by the provisions of this Article or other applicable laws to direct or attempt to direct traffic by voice, hand or other signal, except for the operation of any manually operated traffic control signal device erected by the Department of Public Works.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 387. PERMIT REQUIRED; APPLICATION; TERM.

(a) No person other than an officer of the Police Department, a member of the Fire Department or a person authorized by other applicable laws shall direct or attempt to direct traffic without first obtaining a permit therefor from the Chief of Police, pursuant to this Article.

(b) Applications for funeral escort permits shall be made on a form provided by the Chief of Police, and shall include:

(1) the name and business address of the applicant;

(2) proof of indemnification and insurance as required by Section 388 of this Article;

(3) proof of satisfactory completion of a traffic safety program of instruction, as set forth in Section 393 of this Article;

(4) proof that the applicant holds a valid California vehicle operator's license, properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions;

(5) payment of the necessary application, permit insignia and uniform fees, as set forth in Sections 2.26 and 2.27 of the Police Code; and

(6) such other information as the Chief of Police may require.

(c) The Tax Collector shall issue funeral escort licenses upon payment of an annual license fee, which may be pro rated in the initial year of the license. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* Except pro rated licenses which may be less than one year, funeral escort licenses shall expire one year from the date of issuance unless the permit is revoked sooner. Permits shall be nontransferable.

(Added by Ord. 376-84, App. 8/13/84; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 388. INDEMNIFICATION AND INSURANCE REQUIREMENTS.

(a) The permittee shall sign an agreement to reimburse the City and County of San Francisco for any costs incurred by the City in repairing damage to City property which results from any of his or her actions under the permit, and to defend the City against and indemnify and hold the City harmless from any liability to any person which results from the actions of the permittee or his or her employees or agents. Execution of this agreement shall take place prior to issuance of a funeral escort permit.

(b) The permittee shall maintain throughout the term of any permit issued pursuant to this Article, insurance as follows:

(1) Workers' Compensation, with Employers' Liability limits not less than $1,000,000 each accident, but only if permittees have employees as defined by the California Labor Code;

(2) Comprehensive General Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Broadform Property Damage, products and Complete Operations Coverages;

(3) Comprehensive Automobile Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including owned, nonowned and hired auto coverages, as applicable.

Comprehensive General Liability and Comprehensive Automobile Liability Insurance policies shall be endorsed to provide the following:

(1) Name as ADDITIONAL INSUREDS the City and County of San Francisco, its officers, agents, employees, and member of commissions.

(2) That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of activities conducted under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought.

ALL POLICIES SHALL BE ENDORSED TO PROVIDE:

Thirty days advance written notice to City of cancellation, nonrenewal or reduction in coverage, mailed to the following address: CHIEF, OF POLICE, Hall of Justice, 850 Bryant Street, San Francisco, CA 94103.

Certificates of insurance, satisfactory to City, evidencing all coverages above shall be furnished to the City prior to issuance and renewal of permit and before commencing any operations under this permit, with complete copies of policies upon City request.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 389. GROUNDS FOR DENIAL OF PERMIT.

The Chief of Police shall approve an application for a funeral escort permit unless he or she determines, from a consideration of the application or such information as the Chief of Police may otherwise obtain, that:

(a) the application is incomplete; or

(b) the applicant has failed to comply with any of the other conditions set forth in this Article for issuance of a permit; or

(c) the applicant has been convicted of a crime, and the time for appeal has elapsed, or an order granting probation has been made suspending the imposition of sentence (irrespective of the entry of a subsequent order under Penal Code Section 1203.4); provided, however, that a permit may be denied upon this ground only if the crime is substantially related to the qualifications, functions or duties associated with escorting a vehicular funeral procession.

Upon the denial of any application for a funeral escort permit, the Chief of Police shall promptly inform the applicant in writing of the reason(s) for the denial.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 390. APPEALS.

The applicant may appeal the denial of an application for a funeral escort permit, the imposition of conditions on the issuance of a permit or the revocation of a permit to the Transportation and Traffic Committee of the Board of Supervisors by filing a notice of appeal in writing with the Clerk of the Board of Supervisors within five calendar days of the date of the notification of denial issued by the Chief of Police. The Transportation and Traffic Committee shall consider such appeal and may either concur in the action of the Chief of Police or overrule such action and order that the permit be approved or reinstated. If the Transportation and Traffic Committee orders that a permit be approved or reinstated it shall have the authority only to impose such conditions as are recommended by the Chief of Police. The decision of the Transportation and Traffic Committee shall be final.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 391. AUTHORIZED TRAFFIC DIRECTION ACTIVITIES.

(a) Any person issued a valid funeral escort permit pursuant to this Article and leading or otherwise escorting a vehicular funeral procession shall obey all traffic laws, including all speed laws, except that such person is authorized to stop cross-traffic, other than any emergency vehicles, to enable all vehicles in the funeral procession to proceed together as an unbroken column, at intersections controlled by:

(1) stop signs; provided that the permittee remains in the intersection until all vehicles in the funeral procession have cleared the intersection; and

(2) traffic signal lights; provided that the first vehicle in the funeral procession enters the intersection on a green light and the permittee remains in the intersection at all times when the light is not green.

(b) A permittee is authorized to direct traffic in the manner specified in this Section only while wearing an official insignia issued by the Chief of Police and carrying a valid permit issued to him or her as an individual pursuant to this Article.

(c) The Chief of Police may order the revocation of a funeral escort permit if the permittee has directed traffic in a manner contrary to that specified in this Section.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 392. DIVERSION IN CASE OF EMERGENCY.

In case of fire, accident, or any emergency along the route of a vehicular funeral procession, any officer of the Police Department or member of the Fire Department is hereby authorized to divert the funeral procession around such fire, accident or other emergency, the provisions of Section 391 of this Article notwithstanding. The permittee shall immediately cease all efforts to direct traffic when directed to do so by such police officer or firefighter and shall not resume efforts to direct traffic along the route of the vehicular funeral procession until authorized to do so by such police officer or firefighter.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 393. TRAFFIC SAFETY INSTRUCTION PROGRAM.

Each applicant shall submit to the Chief of Police evidence of the curriculum, including instructional materials and skills taught and practiced, of a previously approved instructional program of traffic safety and of the applicant's successful completion of such program. The Chief of Police shall review and approve such instructional programs if he or she reasonably determines that the program will provide sufficient training for persons seeking permits under this Article to direct traffic in a safe and lawful manner.

(Added Ord. 376-83, App. 8/13/83)

SEC. 394. OFFICIAL INSIGNIA AND UNIFORM; ADVISORY GUIDELINES.

(a) The Chief of Police shall approve an official insignia and uniform, to be worn as he or she may specify, by all permittees while directing traffic pursuant to this Article. Said uniform shall be distinctive from those worn by the San Francisco Police Department and the California Highway Patrol.

(b) The Chief of Police shall prepare written guidelines which shall be distributed to all applicants for permits under this Article. Such guidelines shall be advisory in nature and shall recommend procedures to insure safe vehicular funeral processions.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 395. PENALTIES FOR VIOLATION.

Any person violating the provisions of this Article shall be deemed guilty of an infraction, and upon conviction thereof shall be punished by a fine not to exceed $500.

(Added by Ord. 376-84, App. 8/13/84)

SEC. 396. SEVERABILITY.

If any of the provisions of this Article or the application of such provisions to any person or circumstances shall be held invalid, the remainder of this Article or the application of such provisions to the persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(Added by Ord. 376-84, App. 8/13/84)

ARTICLE 5:  
OFFENSIVE POWDERS

|  |  |
| --- | --- |
| Sec. 405. | Distributing "Ker Chew" Powders Prohibited. |
| Sec. 406. | Penalty. |
| Sec. 411. | Unlawful Possession of "Knockout Drops." |
| Sec. 412. | Mixing Prohibited. |
| Sec. 413. | Administering Drugs, Etc., Prohibited. |

SEC. 405. DISTRIBUTING "KER CHEW" POWDERS PROHIBITED.

It shall be unlawful for any person to sell, give away or in any manner to distribute within the City and County of San Francisco any "ker chew powders," "stink balls," or similar substances designed to give offense to the senses.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 406. PENALTY.

Any person violating the provisions of Section 405 of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than $10 nor more than $50, or by imprisonment in the County Jail for a period not exceeding 30 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 411. UNLAWFUL POSSESSION OF "KNOCKOUT DROPS."

No person shall have in his possession, with intent to use for an unlawful purpose, any liquid, drug or substance called or known as "knockout drops," or any liquid, drug or substance of similar properties or any chloral hydrate, or any solution, compound or mixture of chloral hydrate, or any liquid, drug, or substance of similar properties, which when put in, mixed or compounded with any beverage and drunk, causes or tends to cause stupefaction or insensibility or coma in the person drinking it.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 412. MIXING PROHIBITED.

No person shall, with unlawful intent, put in, mix or compound with any beverage to be drunk by any other person, any liquid, drug or substance mentioned in Section 411 of this Article.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 413. ADMINISTERING DRUGS, ETC., PROHIBITED.

No person shall, with unlawful intent, give or administer to, or compel, or cause, or persuade, or induce any person to drink any beverage which contains any liquid, drug or substance mentioned in Section 411 of this Article.

(Added by Ord. 1.075, App. 10/11/38)

ARTICLE 6:  
FRAUD AND DECEIT

|  |  |
| --- | --- |
| Sec. 445. | Defrauding Gas or Electric Company Prohibited. |
| Sec. 446. | Evidence of Guilt. |
| Sec. 451. | False Impersonation Prohibited. |
| Sec. 452. | Fraudulent Misrepresentations When Taking Civil Service Examinations Unlawful. |
| Sec. 456. | False Statements Relating to Merchandise or Services Prohibited-Penalty. |
| Sec. 457. | Retail Stores Posting Refund Policies; Penalties. |
| Sec. 458. | Retail Establishments Required to Issue Itemized Receipts for Goods Purchases; Penalties; Fines. |
| Sec. 461. | Defrauding Telephone Company Prohibited. |
| Sec. 462. | Evidence. |

SEC. 445. DEFRAUDING GAS OR ELECTRIC COMPANY PROHIBITED.

Every person who, with intent to injure or defraud, shall, in the City and County of San Francisco, State of California, have in his possession a machine, appliance, contrivance or device of any character used or intended to be used to prevent a gas or electric meter from correctly registering the gas or electricity passing through it, or to divert gas or electricity that should pass through it, is guilty of a misdemeanor.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 446. EVIDENCE OF GUILT.

In all prosecutions for violation of Section 445 of this Article, proof that any of the acts herein made unlawful was done upon the premises used or occupied by defendant charged with any violation of Section 445 of this Article, and that he received or would have the benefit of any such gas or electricity without having to pay therefor, shall be prima facie evidence of the guilt of such defendant.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 451. FALSE IMPERSONATION PROHIBITED.

It shall be unlawful for any person to falsely impersonate, or represent himself to be a police officer, deputy sheriff, deputy coroner, or member of the Fire Department; or to wear the badge of a police officer, deputy sheriff, deputy coroner, or of a member of the Fire Department or to use any signs, badges or devices used by the Police Department, Sheriff's or Coroner's offices, or by the Fire Department, unless he is authorized so to do, and is a member of either of said departments or offices.

SEC. 452. FRAUDULENT MISREPRESENTATIONS WHEN TAKING CIVIL SERVICE EXAMINATIONS UNLAWFUL.

It shall be unlawful for any person to impersonate another person, or permit or aid in any manner any other person to impersonate him in connection with any civil service examination conducted by the San Francisco Civil Service Commission, or in connection with any application for employment in the San Francisco municipal service; or to wilfully and knowingly make any false, incomplete or incorrect statement of material fact in, or in connection with, any application to participate in a civil service examination for appointment in the San Francisco municipal service and, upon conviction thereof, such person shall be punishable by a fine of not more than $500, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

(Added by Ord. 5431, Series of 1939, App. 4/1/49)

SEC. 456. FALSE STATEMENTS RELATING TO MERCHANDISE OR SERVICES PROHIBITED-PENALTY.

Any person, firm or corporation, or any employee thereof, who shall in any newspaper, magazine, circular, form letter, or any open publication, published, distributed or circulated in the City and County of San Francisco, or on any billboard, sign, card, label, or other advertising medium, or by means of any electric sign, window sign, show case display, or by any advertising device, or by public outcry or proclamation, to or with a considerable number of persons, make or disseminate, or cause to be made or disseminated, any statement or assertion of fact in relation to, modifying, explaining, or in any matter concerning any merchandise offered for sale, barter or trade, or any services or offer of employment, professional or otherwise, offered to be furnished, which statement or assertion of fact takes the form of or has the appearance of, or which is intended to commend such merchandise or services or employment, to the public or to a considerable number of persons, and which statement or assertion is untrue in any respect or calculated to mislead or misinform, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than $25, nor more than $500 or by imprisonment for a term not exceeding 180 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 457. RETAIL STORES POSTING REFUND POLICIES; PENALTIES.

Every retail store which does not refund cash, give credit, or allow equal exchanges when proof of purchase is presented within seven days of a retail sale of goods, shall conspicuously post such policy on signs:

(a) Posted at each cash register and sales counter, or;

(b) Posted at each public entrance, or;

(c) Attached to each item sold.

Such signs shall state what the store's policy is, including but not limited to: whether cash refund, store credit, or exchanges will be given; applicable time periods; and the types of merchandise which are covered by the policy.

This Section shall not apply to food, plants and flowers, perishable goods, goods marked "as is," final sale clearance goods, goods used or damaged after purchase, goods not returned in their original package, and goods which cannot be resold due to health considerations.

Violation of this Section is an infraction.

Stores which violate the provisions of this Section shall be liable to the buyer for a period up to seven days from the date of purchase for the amount of the purchase.

(Added by Ord. 447-81, App. 8/27/81)

SEC. 458. RETAIL ESTABLISHMENTS REQUIRED TO ISSUE ITEMIZED RECEIPTS FOR GOODS PURCHASES; PENALTIES; FINES.

(a) **Construction and Application.** This Section shall be liberally construed and applied to promote its underlying purpose which is to protect consumers against unfair and deceptive business practices.

(b) **Definitions.**

(1) "Goods" means tangible chattels sold for use primarily for personal, family or household purposes, including, but not limited to electronics equipment, photographic equipment, computer equipment, telephones, antiques and works of art.

(2) "Person" means an individual, partnership, corporation, limited liability company, association, or other group, however organized.

(3) "Consumer" means an individual who seeks or acquires or purchases any goods for personal, family, or household purposes.

(c) **Itemized Receipts Required.**

(1) Every retail establishment in the City and County of San Francisco shall provide the consumer with a written or printed itemized receipt or invoice for the sale of goods if the purchase price of any one item exceeds $100.00.

(2) All written or printed receipts or invoices required by this Section shall include the date of sale, the name and address of the seller, and if the item being sold is electronic equipment or photographic equipment, the manufacturer and model of each such item sold. All written or printed receipts or invoices required by this Section shall also separately state each good or item purchased, the total quantity of each good or item purchased, the unit cost of each good or item purchased or the cumulative costs of identical items purchased, the total costs of all goods or items purchased, and any applicable taxes.

(3) The itemized receipt for any item sold or represented to the consumer as an antique or original piece of art must state that the item is an antique or original piece of art.

(4) Any item or good that is not on the itemized receipt is hereby deemed to have no value if other items or goods, purchased at the same time, are returned for exchange or refund.

(d) **Consumer Action; Relief; Court Costs and Attorney's Fees.**

(1) Any consumer may bring an action against a retail establishment that violates this Section and for each transaction in violation of this Section, may recover or obtain (a) $250 or the total cost of goods purchased, whichever is greater, (b) an order enjoining the violation, (c) punitive damages, if the court determines that the violation was wilful, and (d) any other relief that the court deems proper.

(2) The court shall award court costs and attorney's fees to a prevailing plaintiff in litigation filed under this Section.

(e) **Penalties and Enforcement.**

(1) Any person or employee or agent thereof violating or failing to comply with this Section shall be guilty of a misdemeanor and upon conviction, may be fined not more than $500 for the first offense and $1,000 for each subsequent offense, or by imprisonment in the County Jail for not more than 6 months, or by both such fine and imprisonment.

(2) In addition to the penalties and fines provided by this Section, the City and County of San Francisco may initiate a civil action against any person to compel compliance or to enjoin violations of this Section. In the event the City and County of San Francisco prevails in any such action, it may recover court costs and reasonable attorney's fees. In addition, the court shall award a civil penalty, not to exceed $1,000 or three times the total cost of the goods sold, whichever is greater for each violation, if the City proves that the violation occurred after the City provided written warnings or notices of such violations and the violations continued.

(f) **Limitation of Actions.** Any action brought under this Section shall be commenced not more than two years from the date of the sale.

(g) **Severability.** If any part of this Section, or the application thereof to any person or circumstances is held invalid, the remainder of this Section, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

(Added by Ord. 61-00, File No. 992153, App. 4/14/2000)

SEC. 461. DEFRAUDING TELEPHONE COMPANY PROHIBITED.

Every person who, with intent to injure or defraud, shall in the City and County of San Francisco, State of California, have in his possession a machine, appliance, contrivance or device of any character used or intended to be used to prevent a telephone call registering apparatus from correctly registering, or used or intended to be used for the purpose of obtaining a telephone connection with another telephone station without depositing a five-cent piece in the coin-collecting attachment or token in the token-collecting attachment of any telephone instrument so equipped, is guilty of a misdemeanor.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 462. EVIDENCE.

In all prosecutions for violation of Section 461 of this Article proof that any of the acts herein made unlawful was done upon the premises used or occupied by defendant charged with any violation of Section 461 of this Article, and that he or any other person on the premises would receive or would have the benefit of such telephone connection or connections without having to pay thereof, shall be prima facie evidence of the guilt of such defendant.

(Added by Ord. 1.075, App. 10/11/38)

ARTICLE 7:  
ANIMALS AND BIRDS

|  |  |
| --- | --- |
| Sec. 485. | Trapping or Killing of Birds Prohibited; Exception. |
| Sec. 485.1. | Sterilization of Birds Prohibited; Exceptions. |
| Sec. 486. | Feeding Birds and Wild Animals Prohibited. |
| Sec. 487. | Reduction of Roosting and Breeding Areas. |
| Sec. 488. | Use of Steel-Jawed Traps Prohibited. |
| Sec. 490. | Regulating Riding of Horses in Public Places. |

SEC. 485. TRAPPING OR KILLING OF BIRDS PROHIBITED; EXCEPTION.

It shall be unlawful for any person to trap, capture, kill or otherwise destroy any wild bird within the City and County of San Francisco, except that pigeons and other wild birds which become a nuisance or a hazard to public health may be trapped or captured, in a humane manner, by, or with the permission of, the Director of Public Health.

It shall be the duty of the person who traps or captures pigeons or birds pursuant to the foregoing exception, to transport them in a humane manner and release them in some remote area.

(Amended by Ord. 235-72, App. 8/21/72)

SEC. 485.1. STERILIZATION OF BIRDS PROHIBITED; EXCEPTIONS.

It shall be unlawful for any person to sterilize or cause the sterilization of any wild bird within the City and County of San Francisco; provided, however, that pigeons or other wild birds which become a nuisance or a potential hazard to public health may be sterilized by the use of nontoxic sterilizants by or under the supervision of the Director of Public Health.

(Added by Ord. 235-72, App. 8/21/72)

SEC. 486. FEEDING BIRDS AND WILD ANIMALS PROHIBITED.

It shall be unlawful for any person to feed or offer food to any bird or wild animal in or on any sidewalk, street or highway of the City and County of San Francisco. It shall be unlawful to feed or offer food to any Red Masked Parakeet in any park of the City and County of San Francisco.

(Added by Ord. 268-64, App. 10/2/64; Ord. 133-07, File No. 070467, App. 6/15/2007)

SEC. 487. REDUCTION OF ROOSTING AND BREEDING AREAS.

The Director of Public Works is hereby authorized and directed to develop a humane plan to reduce the roosting and breeding areas for pigeons in or on all public buildings of the City and County and to work and cooperate in every reasonable way with other public agencies and private citizens toward the development of effective methods of reducing roosting and breeding areas for pigeons in or on other public and private buildings particularly in those areas where there is a high population density.

(Added by Ord. 268-64, App. 10/2/64)

SEC. 488. USE OF STEEL-JAWED TRAPS PROHIBITED.

It shall be unlawful for any person to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used any steel-jawed animal leg-hold trap, except as provided in California Health and Safety Code Section 1803.

(Added by Ord. 301-77, App. 7/8/77)

SEC. 490. REGULATING RIDING OF HORSES IN PUBLIC PLACES.

(a) **Use and Place Designated.** No person shall ride, drive or lead a horse unattached to a vehicle, for any purpose other than in the pursuit of a business or occupation, parade, show or similar exhibition for which a permit has been obtained under the provisions of this Code, in any public place in the City and County of San Francisco, except as hereinafter set forth in this Section:

(1) Upon unoccupied portions of the public beaches;

(2) Upon bridle trails and other equestrian paths designated for such purpose under the provisions of the Charter and Municipal Code of said City and County;

(3) Upon public roads, streets or highways when necessarily used for the sole purpose of entering or leaving such bridle trails, equestrian paths, or public beaches;

(4) Upon public roads, streets or highways when necessarily used in proceeding directly to or from a parade, show or similar exhibition, as hereinabove set forth, when engaged as a participant therein.

(b) **Manner of Use.** No person shall ride, drive or lead a horse as provided in Subdivision (a) of this Section:

(1) At a pace faster than a slow canter when passing any horse proceeding in the same direction, or at a pace faster than a walk when passing any horse standing or proceeding in the opposite direction;

(2) At a pace faster than a walk upon any pavement or crossing;

(3) At a pace faster than is reasonable or prudent having due regard for the traffic on, and the surface and width of, the ground being traversed, and in no event at a rate of speed which endangers the safety of persons, animals or property at any other time or place permitted in this Section;

(4) While intoxicated.

(c) **Two or More Riders.** Two or more persons shall not ride any such horse simultaneously.

(d) **Necessary Control.** Any police or deputy animal control officer may demand custody of any such horse in the event the person having charge thereof fails or refuses to exercise control necessary for the safety of such horse, rider or any other person, animal or property. Such horse so taken into custody may be returned to its stable or impounded as if running at large. Refusal of any such person to exercise such control shall constitute a violation of this Section.

(e) **Enforcement.** The Chief of Police and deputy animal control officers duly appointed by The San Francisco Department of Animal Care and Control shall enforce the provisions of this Section.

(f) **Penalty.** Each and every act which is a violation of any of the provisions of this Section shall be deemed a misdemeanor.

(Added by Ord. 4157, Series of 1939, App. 11/20/46; amended by Ord. 254-92, App. 8/7/92)

ARTICLE 7.1:  
HORSE-DRAWN VEHICLES

|  |  |
| --- | --- |
| Sec. 500. | Authority to Adopt This Article. |
| Sec. 500.1. | Authority to Issue Regulations. |
| Sec. 500.2. | Permits Required. |
| Sec. 500.3. | Permits; Exception. |
| Sec. 500.4. | Transfer of Permits. |
| Sec. 501. | Definitions. |
| Sec. 502. | Horse-Drawn Vehicle Business Permit. |
| Sec. 502.5. | Driver Permits. |
| Sec. 503. | Permit Investigation, Hearing and Issuance. |
| Sec. 503.5. | Expiration, Suspension and Revocation of Permits. |
| Sec. 504. | Insurance Requirements. |
| Sec. 505. | Rules of Operation. |
| Sec. 506. | Vehicle Regulations. |
| Sec. 507. | Horse or Horse-Drawn Vehicle Animal Regulations. |
| Sec. 507.a. | Department of Animal Care and Control-Duties. |
| Sec. 508. | Punishment. |
| Sec. 509. | Severability. |

SEC. 500. AUTHORITY TO ADOPT THIS ARTICLE.

These horse-drawn vehicle rules and regulations are adopted pursuant to the authority granted in the Board of Supervisors of the City and County of San Francisco.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 500.1. AUTHORITY TO ISSUE REGULATIONS.

The Chief of Police has authority, after a noticed public hearing, to adopt such rules and regulations that do not conflict with this Article to effect the purposes of this Article.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 500.2. PERMITS REQUIRED.

(1) It shall be unlawful to operate, or cause to be operated, a horse-drawn vehicle business within the City and County of San Francisco without first obtaining a permit from the San Francisco Police Chief.

(2) It shall be unlawful to drive a horse-drawn vehicle for hire within the City and County of San Francisco without first obtaining a horse-drawn vehicle driver's permit from the Chief of Police.

(3) It shall be unlawful to operate, or cause to be operated, any horse-drawn vehicle for hire within the City and County of San Francisco without first obtaining a permit, license, or contract for a "stand" that is acceptable to the San Francisco Police Chief. If the stand is on Port property a permit must also be obtained from the Port of San Francisco.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 500.3. PERMITS; EXCEPTION.

The permit requirements of this Article shall not apply to the use of horse-drawn vehicles for an activity that requires an event permit from the San Francisco Police Department, such as a parade or itinerant show. The horse-drawn vehicle used for such an event must meet insurance requirements as described in this Article. If the event occurs on Port property a permit to use said property will also be required.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 500.4. TRANSFER OF PERMITS.

Any and all permits issued pursuant to this Article are not transferable.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 501. DEFINITIONS.

(1) **Horse-Drawn Vehicle.** Includes any wagon, coach, omnibus or any vehicle powered in whole or in part by a horse, mule, or other animal.

(2) **For Hire or Business.** Horse-drawn vehicle service for consideration.

(3) **Employee.** Person who works for or renders services to a horse-drawn vehicle for hire.

(4) **Driver or Operator.** Person who drives or operates a horse-drawn vehicle.

(5) **Horse.** A horse with a weight that exceeds 1,100 pounds.

(6) **Qualified Veterinarian.** A licensed veterinarian who is an expert in the care of horses and is agreed upon by both the operator and the Department of Animal Care and Control.

(7) **Stand.** The portion of a curb lane, or any private or public property location, used for loading, unloading or waiting for passengers of horse-drawn vehicles. A "stand" must be approved by the Chief of Police and other affected City and County of San Francisco department or agency.

(8) **Applicant.** If a sole proprietorship, any person. If a partnership, each partner. If a corporation, each director, corporate officer, and stockholder owning ten percent (10%) or more of the corporation's stock.

(9) **Mechanical Evaluator.** A mechanical evaluator is a person who has expertise, through training and/or on-the-job experience in the evaluation of the structural safety of horse-drawn vehicles.

(10) **Qualified Trainer.** A qualified trainer is a person who has expertise through training and/or on-the-job experience in horse-drawn vehicle driving and the care of horse-drawn vehicle animals.

(11) **Special Event.** A special event is an occasion when a person requests the services of a horse-drawn vehicle for a prearranged period of time for a prearranged route that is not on the regular route of the horse-drawn vehicle.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 502. HORSE-DRAWN VEHICLE BUSINESS PERMIT.

(a) Prior to applying for a horse-drawn vehicle business permit, the applicant shall obtain:

(1) A San Francisco horse-drawn vehicle business address;

(2) Evidence of a valid permit, license or contract for use of a stand by the horse-drawn vehicle business at a location acceptable to the Chief of Police. The Chief of Police shall consider, among other things, public safety, public health, animal welfare and traffic issues in determining whether a requested location is acceptable;

(3) A mechanical inspection report for each vehicle. (Payment of the cost of inspection is the responsibility of the applicant.) The inspection report shall include the following:

(i) The mechanical evaluator's name, employer, business address and phone number,

(ii) The mechanical evaluator's relevant training, experience, and professional license numbers (if any), and

(iii) Date of inspection and inspection results, including the evaluator's conclusions regarding vehicle condition, safety concerns, and maximum safe speed, weight and seating capacity.

(4) A medical inspection report for each animal, made by a qualified veterinarian. (Payment of the cost of inspection is the responsibility of the applicant.) The medical inspection report shall include the following:

(i) The medical evaluator's name, employer, business address and phone number,

(ii) The medical evaluator's relevant training, experience, and professional license numbers, and

(iii) Date of inspection and inspection results, including vaccination information, the animal's general medical condition, identification of any specific health issues, and the evaluator's opinion as to whether the animal is fit to power a fully loaded vehicle in City traffic.

(5) A training report, authored by the animal trainer or owner, containing the name of the animal's trainer, the place and date of training, the content of the training, and certification that the animal is trained to safely power a fully loaded vehicle of the type to be used in City traffic. (Training costs are the responsibility of the applicant.)

(b) The application for the horse-drawn vehicle business permit shall be made in writing and filed with the Chief of Police. The applicant shall provide:

(1) Applicant's name(s), address(es), and telephone number(s);

(2) The physical location of the stand;

(3) A description of each vehicle to be operated, including photographs and other identifying information to distinguish each horse-drawn vehicle from any other;

(4) The mechanical inspection report for each vehicle;

(5) Identification of each animal used to power the vehicle(s), including photographs, and other identifying information sufficient to distinguish each animal from any other that the applicant intends to use;

(6) The medical evaluation report for each animal;

(7) The training report for each animal;

(8) A detailed description of the route to be followed by the horse-drawn vehicles.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 502.5. DRIVER PERMITS.

It shall be unlawful for any person to act as a driver of any horse-drawn vehicle for hire licensed pursuant to this Article unless that person holds a driver's permit from the Chief of Police issued pursuant to this Section.

(1) Application for a permit to drive a horse-drawn vehicle shall be made to the Chief of Police on a form provided by the Police Department. The applicant shall pay to the City and County of San Francisco a public passenger vehicle (non-motorized) driver application and license fee as prescribed in Sections 2.26 and 2.27 of the San Francisco Administrative Code. The application shall include, but is not limited to, the following information:

(a) Applicant's name, address, phone number, height, weight, eye color, date of birth, and Social Security Number;

(b) Applicant's California driver's license number, license class and driving restrictions. The applicant shall provide a current copy of his or her driving record from the Department of Motor Vehicles;

(c) All criminal offenses for which the applicant has been convicted, including the date and disposition of the criminal matter;

(d) Three photographs of applicant's face, frontal view, approximately two inches by two inches in size, taken within one month of the application;

(e) A complete set of applicant's fingerprints taken by the San Francisco Police Department;

(f) A document certifying that the applicant has been trained in equine care and horse-driving from a qualified trainer. The document shall contain, but not be limited to, the training received, dates and locations of training, trainer identification, trainer's employer and trainer's address, phone number, professional licenses (if any), training and experience;

(g) Such other information as the Chief of Police may deem necessary.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 503. PERMIT INVESTIGATION, HEARING AND ISSUANCE.

The Chief of Police, upon receipt of an application for a horse-drawn vehicle business or driver's permit, shall make an investigation without unnecessary delay, hear the application, and grant such application unless he or she finds that the applicant:

(1) Has been convicted, or pled "no contest" or guilty, within the five-year period prior to the date of application, of any serious felony, crime of moral turpitude, or any crime related to animal cruelty or endangerment;

(2) Has falsified, caused to be falsified, or encouraged falsification of, any statement or document relevant to the permit application process;

(3) Has been found responsible for animal cruelty or endangerment in any criminal, civil, or administrative proceeding;

(4) Does not have the necessary qualifications or does not meet the requirements to operate a horse-drawn vehicle business or drive a horse-drawn vehicle, as applicable;

(5) Has previously violated the Rules of Operation for the operation of a horse-drawn vehicle business.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 503.5. EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS.

(1) The Chief of Police may suspend or revoke for good cause, any Police Department-issued permit held by the horse-drawn vehicle business, or any horse-drawn vehicle driver, issued pursuant to this Article. "Good cause" includes, but is not limited to, a Chief of Police finding, after a noticed public hearing, that the permit holder has engaged in any activity that would be grounds for denial of a horse-drawn vehicle business or driver's permit.

(2) Permits may be revoked or suspended if the annual license fee is not paid to the San Francisco City and County Tax Collector.

(3) Within 30 days of the renewal date for a horse-drawn business permit, the permit holder shall submit, to the Chief of Police, recertification and reinspection reports for each animal and vehicle as described in this Article.

(4) Port permits may be revoked at the discretion of the San Francisco Port Commission.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 504. INSURANCE REQUIREMENTS.

(1) It shall be unlawful for any person to operate any horse-drawn vehicle business without sufficient insurance, pursuant to the requirements set forth by the City's Risk Manager.

(a) Applicants shall file with the Chief of Police, and thereafter keep in full force and effect, an insurance policy acceptable to the Chief of Police. The insurance policy shall cover any and all damage claims arising out of the horse-drawn vehicle operation, including but not limited to all property damage and bodily injury.

(b) Any deductibles in policies shall not exceed $1,000 for each occurrence. All policies shall be endorsed to provide 30 days' advance written notice to the City and County of San Francisco of the cancellation, nonrenewal or reduction in coverage, mailed to the following address:

City and County of San Francisco  
San Francisco Police Permit Section  
850 Bryant Street, Room 458  
San Francisco, CA 94103

In the case of a stand on property under the jurisdiction of the San Francisco Port Commission, the insurance policy shall name the City and County of San Francisco, the San Francisco Port Commission, its agents and its employers as additional insured.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 505. RULES OF OPERATION.

(1) No horse-drawn vehicle for hire shall operate in the City and County of San Francisco unless the owner(s) and operator(s), as applicable, have valid horse-drawn vehicle business and driver's permits, current tax licenses and stand contracts, licenses or permits. The horse-drawn vehicle business vehicles and animals shall meet all requirements of this Article.

(2) No horse-drawn vehicle for hire shall operate in the City and County of San Francisco unless the operator has within the vehicle the operator's valid California driver's license and a copy of the permits for the horse-drawn vehicle business and driver.

(3) The operator shall, on the demand of any peace officer, animal control officer, or their agents, present copies of all required licenses and permits.

(4) The horse-drawn vehicle business permit holder, or his or her agent or employee, shall supply information regarding the condition of the business' vehicles and/or animals within one business day when requested by a peace officer, animal control officer, or their agents.

(5) All drivers, agents and employees of a horse-drawn vehicle business shall comply with all traffic and other laws adopted by the State of California and/or the City and County of San Francisco and all horse-drawn vehicle regulations enacted by the Chief of Police.

(6) No person may sit in the driver's compartment area or position except the permitted driver, and a trainee.

(7) No horse-drawn vehicle driver, agent or employee shall have any firearm or illegal weapon in any part of the horse-drawn vehicle or in his or her possession while working.

(8) No horse-drawn vehicle driver, agent or employee shall possess or control any alcoholic beverage or illegal drug while near or responsible for the horse-drawn vehicle, stand or animal.

(9) No driver shall operate any horse-drawn vehicle, or handle any horse-drawn vehicle animal, after consumption of prescription or non-prescription drugs or medication, if the effect of that drug or medication limits or hinders, in any way, the driver's ability to operate the horse-drawn vehicle or to care for the animal.

(10) No owner, driver, agent or employee of a horse-drawn business shall fail or refuse to comply with a lawful order from any peace officer or animal control officer.

(11) No person may solicit members of the public for horse-drawn vehicle services except at an authorized stand.

(12) Horse-drawn vehicles may load passengers at stands, or at marked loading zones on their approved routes if the passengers previously arranged with the horse-drawn vehicle for pick-up at a particular time and location. Passengers may disembark at any location along the horse-drawn vehicle's approved route. The driver shall maintain personal and direct control of the horse or animal by holding the reins while passengers are loading or unloading at any location.

(13) Drivers shall not unnecessarily stop or wait at any location other than an authorized stand, except to load or unload passengers along their approved routes.

(14) Any horse-drawn vehicle business owner, driver, agent or employee, who finds the property of another, shall return the property to its rightful possessor. If the rightful possessor is unknown, the horse-drawn vehicle business shall hold the property for no more than thirty (30) days before delivering the property to a San Francisco police officer.

(a) The horse-drawn vehicle business shall keep a log of all found property. The log shall include entries for the date and time the property was found, a description of the property, and disposition of the property.

(b) After the thirty (30) day period, any unclaimed property shall be delivered to a San Francisco police officer for safekeeping.

(c) Failure to safeguard found property may subject the driver and/or horse-drawn vehicle business to permit revocation proceedings.

(15) Every horse-drawn vehicle operator shall keep an accurate and legible waybill. Waybills shall be retained for at least one year at the horse-drawn vehicle business address and be available for review by any peace officer or his or her agent during normal business hours. Waybills shall set forth, as a minimum, the following information:

(a) Driver's name;

(b) Vehicle number;

(c) Date of waybill;

(d) Starting time for period covered by waybill;

(e) Origin and destination of each trip;

(f) Time of hire and discharge for each trip;

(g) Charges for each trip;

(h) Number of passengers for each trip;

(i) The identity of the horse used for each trip.

(16) The driver must maintain control of the horse or animal at all times and never leave the horse-drawn vehicle unattended.

(17) The horse-drawn vehicle shall not block or impede traffic at or near the stand when the stand is occupied with another horse-drawn vehicle.

(18) The horse-drawn vehicle business shall operate horse-drawn vehicles at least seven (7) days during any given calendar month, unless weather precludes operation.

(19) The Chief of Police, or the Chief's designee, has the authority to restrict or suspend the operation of horse-drawn vehicles for any situation that reasonably warrants the restriction or suspension.

(20) For special events, if the horse-drawn vehicle operator has a valid horse-drawn vehicle business permit from the San Francisco Police Department, the horse-drawn vehicle business or driver must provide 24-hour notice to the District Station of the time of the event and the route to be taken. If the horse-drawn vehicle operator does not have such a permit, the horse-drawn vehicle business or driver must submit to the Chief of Police two (2) weeks prior to the event a proposed route for consideration and approval.

(21) If a horse-drawn vehicle participates in a special event that is not along the horse-drawn vehicle's authorized route, the horse or animal and vehicle must be transported by another, appropriate vehicle(s) to and from the site of the special event.

(22) The maximum number of passengers, not including the driver or trainee, allowed to ride in the carriage compartment area is six persons.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 506. VEHICLE REGULATIONS.

(1) Each horse-drawn vehicle shall be maintained in good working order and in a clean and attractive manner.

(2) Each vehicle shall have the horse-drawn vehicle business name and a number painted or otherwise permanently affixed to the rear of the vehicle in a clear and conspicuous manner. The name and number shall be free of obstruction and clearly visible and legible to the public.

(3) Each carriage shall have the relevant hiring rates, and any other charges, posted in clear and legible fashion on the exterior of both sides of the vehicle.

(4) The passenger compartment of each vehicle for hire shall have posted, without obstruction, the driver's permit and photograph.

(5) All vehicles shall be equipped with a supply of complaint cards, approved by the Chief of Police, and available to any passenger on demand.

(6) All vehicles shall be equipped with a device sufficient to catch horse excretion while on public property, and on private property that allows public access.

(7) No horse-drawn vehicle shall be used primarily for advertising. Advertising must be confined to a two feet by three feet area on the back of the horse-drawn carriage.

(8) All vehicles shall comply with the equipment standards set forth in Division 12 of the California Vehicle Code.

(9) If it is reasonably determined that there is a mechanical failure of the equipment or the vehicle the Chief of Police or the Chief's designee may remove the horse-drawn vehicle from service. The Chief of Police or the Chief's designee may seek the advice of a qualified professional. A statement of findings must be provided from a qualified professional and approved by the Chief of Police or the Chief's designee prior to the horse-drawn vehicle returning to service. All expenses incurred are the responsibility of the permit holder.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 507. HORSE OR HORSE-DRAWN VEHICLE ANIMAL REGULATIONS.

(1) All horse-drawn vehicle animals shall weigh over 1,100 pounds and be fit for the purpose of powering a fully loaded horse-drawn vehicle. To determine fitness, each horse-drawn vehicle animal shall be examined every six months by a qualified veterinarian, who shall issue a report and send the report to both the Chief of Police and the Director of Animal Care and Control. The veterinarian report shall be made on a form approved by the Chief of Police. The report shall include, but is not limited to:

(i) The information required in Section 502.(4.)(a) of this Article;

(ii) Status of immunization, deworming and dental work;

(iii) Farrier status;

(iv) Drug tests and pregnancy tests for mares;

(v) Results of any other test deemed prudent by the veterinarian.

(2) The Chief of Police or the Chief's designee may immediately suspend the use of any horse-drawn vehicle animal and order a medical evaluation or specific treatment for the animal by a certified veterinarian. The Chief of Police or the Chief's designee may seek the advice of a qualified professional. A statement of findings must be provided from a certified veterinarian, qualified in horse treatment and care, and approved by the Chief of Police or the Chief's Designee prior to the animal returning to service. If the Department of Animal Care and Control receives a complaint regarding the condition or treatment of a horse-drawn vehicle animal, the Director of Animal Care and Control may have the horse examined by an Animal Care and Control employee and/or a certified veterinarian at any time without notice. All costs associated with medical tests, evaluations and treatments are the responsibility of the permit holder.

(3) No animal shall be used to power a vehicle in the City and County of San Francisco if the animal has an open sore or wound that would affect the animal's comfort or soundness.

(4) No animal shall be used to power a vehicle in the City and County of San Francisco unless the animal has hoofs that are properly shod and trimmed. Farrier records shall be kept for each animal.

(5) No animal shall be used to power a vehicle in the City and County of San Francisco unless the animal is groomed daily and has a healthy coat.

(6) No horse-drawn vehicle animal shall work more than five (5) consecutive days in a week or more than six (6) hours in any day or twenty-four (24) hour period per the Carriage Operators of North America's Rules of Operation. A horse-drawn vehicle animal shall have water made available during the entire work period.

(7) No horse-drawn vehicle animal shall work more than eight hours per day without being given water and rest for not less than two cumulative hours during the entire work period. Each horse-drawn vehicle animal shall be given water and rest for not less than fifteen (15) minutes during each working hour.

(8) All equipment used on the horse-drawn vehicle animal must be approved by the Director of Animal Care and Control or his or her designee prior to use. The equipment must be kept in good repair at all times. Other than normal blinders, no horse-drawn vehicle animal shall work with equipment causing any vision impairment. The harness shall be oiled and cleaned as to be soft at all times. It also shall be fitted, properly maintained, and free of makeshift connections such as wire, cloth or tape, except if emergency repair is necessary. No high port, long shank, or twisted wire bits shall be used on any horse-drawn vehicle animal.

(9) Whips may be used only in certain cases, and not excessively, to control the animal. Whips may not be used to inflict pain or suffering to any horse-drawn vehicle animal.

(10) Whenever animals are housed on asphalt, concrete or other hard surfaces the floors must be covered with rubber floor pads.

(11) Each horse-drawn vehicle animal shall be required to work ninety percent of the time at a walking gait, and no more than ten percent of the time at a trotting gait.

(Added by Ord. 238-98, App. 7/17/98; amended by Ord. 284-99, File No. 991587, App. 11/5/99)

SEC. 507.a. DEPARTMENT OF ANIMAL CARE AND CONTROL-DUTIES.

The Board of Supervisors calls on the Department of Animal Care and Control to conduct semiannual random visits to all horses engaged in the operation of horse-drawn vehicles, and to field inquiries from the public regarding the treatment of such horses.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 508. PUNISHMENT.

Any person who violates any provision(s) of this Article is guilty of a misdemeanor, and upon conviction shall be punished by fine not to exceed $1,000, imprisonment not to exceed one year in the County Jail, or by both such fine and imprisonment. Any violation of this Article will also subject all relevant permits or permit application to revocation, suspension or denial.

(Added by Ord. 238-98, App. 7/17/98)

SEC. 509. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part hereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 238-98, App. 7/17/98)

ARTICLE 8:  
MINORS

|  |  |
| --- | --- |
| Sec. 510. | Minors Frequenting Barrooms, Billiard Parlors, Etc., Prohibited. |
| Sec. 510.1. | Family Recreation Center-Special Permit. |
| Sec. 515. | Regulating Issuance of Books to Minors by Circulating Libraries. |
| Sec. 516. | Exceptions. |
| Sec. 527. | Minors Under 16 Years Getting On or Off Moving Vehicles Prohibited. |
| Sec. 528. | Penalty. |
| Sec. 533. | Requiring Hotels, Motels, Auto Courts, and Furnished Apartment House Keepers to Report Presence of a Minor. |
| Sec. 534. | Penalty. |
| Sec. 539. | Curfew Law. |
| Sec. 551. | Minors Selling, Etc., Goods, Etc., in Certain Places Prohibited. |
| Sec. 552. | Proprietor, Etc., Not to Permit Such Minor to Enter, Etc. |
| Sec. 553. | Exception. |
| Sec. 554. | Prohibition of Sale of Aerosol Paint to Minors. |
| Sec. 555. | Sale of Permanent Markers To Minors and Possession of Permanent Markers By Minors Without Supervision or Authorization Prohibited. |

SEC. 510. MINORS FREQUENTING BARROOMS, BILLIARD PARLORS, ETC., PROHIBITED.

It shall be unlawful within the City and County of San Francisco for any proprietor, keeper, bartender, clerk or any other person having the charge or control of any saloon, barroom, billiard room or poolroom, or of any other public place, or place open to public view, to permit any person under the age of 18 years to play or engage in or to be present at any game of billiards, pool or of cards; and it shall likewise be unlawful for any person under the age of 18 years to play or engage in, or be present at any game of billiards, pool, or of cards in any public place or place open to public view within the City and County of San Francisco.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 510.1. FAMILY RECREATION CENTER-SPECIAL PERMIT.

Notwithstanding the provisions of Section 510 of this Article, the Chief of Police may, upon written application thereof in such form and containing such information as said Chief shall require, issue a special permit allowing persons under the age of 18 years to play or engage in a game of billiards or pool or to be, remain in, or frequent a billiard or pool room, to any person, firm, corporation, association, or other legal entity holding a valid billiard or pool or combination table license if the area to be available to persons under the age of 18 years conform to the following physical design:

(a) All billiard or pool tables made available for the use of persons under the age of 18 years at said place of business shall be located on the street level of said place of business;

(b) All of said billiard or pool tables shall be open to public view from the adjoining sidewalk at all times said place of business is in operation;

(c) A specific area of said place of business is designated and set aside as a family recreation center for the exclusive use of patrons or guests under the age of 18 years or for groups which include patrons or guests under the age of 18 years and such area is separated from the remaining area of said place of business by a partition to be approved by the Chief of Police; provided, however, that no person under the age of 15 years shall be permitted to play or engage in a game of billiards or pool, or to be, remain in or frequent a billiard or pool room unless accompanied by parent or guardian.

In granting or denying a permit the Chief of Police shall give particular consideration to the peace, order and moral welfare of the public.

Nothing in this Section shall be taken or deemed to authorize or approve any person under the age of 18 years playing or engaging in a game of billiards or pool or being, remaining in or frequenting any billiard or pool room at any time during normal school hours on school days or at any other time prohibited by applicable law or statute.

(Added by Ord. 267-66, App. 11/3/66)

SEC. 515. REGULATING ISSUANCE OF BOOKS TO MINORS BY CIRCULATING LIBRARIES.

It shall be unlawful for any person, firm, corporation or association owning, operating or having charge of any circulating or lending library to lend or rent to any person under the age of 21 years any book, magazine, pamphlet or other printed matter, unless and until such minor shall have registered with such circulating or lending library, and shall have received therefrom a membership card; provided, however, that such membership card shall not be issued to any person under the age of 21 years without the consent of the parent or legal guardian of such minor in writing, signed by such parent or legal guardian in the presence of the Librarian in charge of such Library. In case such minor has no regularly appointed legal guardian in the City and County of San Francisco, then such written consent must in like manner be obtained from the person who has the care or custody of said minor.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 516. EXCEPTIONS.

The provisions of Section 515 of this Article shall not apply to libraries maintained or operated by the United States, the State of California, the City and County of San Francisco, or any non-profit, technical and reference libraries.

(Added by Ord. 1.075, App. 10/11/38)

Sec. 521.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 260-04, File No. 031932, App. 11/4/2004)

Sec. 522.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 527. MINORS UNDER 16 YEARS GETTING ON OR OFF MOVING VEHICLES PROHIBITED.

It shall be unlawful for any minor, under the age of 16 years, to get on, or attempt to get on, or to get off, or attempt to get off, any street car, train or street cars, wagon, truck or other vehicle, which may be moving along any public street.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 528. PENALTY.

Any minor under the age of 16 years who shall violate any of the provisions of Section 527 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed $50, or by imprisonment in the County Jail for not more than one month, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 533. REQUIRING HOTELS, MOTELS, AUTO COURTS, AND FURNISHED APARTMENT HOUSE KEEPERS TO REPORT PRESENCE OF A MINOR.

Each owner, agent, manager, or keeper of a hotel, motel, auto court, furnished apartment house, boarding house, lodging house, or tenement house, shall immediately report to the office of the Chief of Police of the City and County of San Francisco, the presence therein of any minor under the age of 18 years, unless such minor is accompanied by the parent, guardian, or other person having the care and custody of such minor; or unless said minor is attending a social event or other assemblage at which his attendance has been expressly authorized by his parents or legal guardian; or unless the presence of said minor in said place or places is connected with and required by some legitimate business, trade, profession, or occupation, in which said minor is engaged.

(Amended by Ord. 10741, Series of 1939, App. 12/12/57)

SEC. 534. PENALTY.

Any person, firm or corporation who shall violate the provisions of Section 533 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $100 and not more than $500, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 539. CURFEW LAW.

(a) **Findings.** The Board of Supervisors finds that a critical need exists for a juvenile curfew ordinance. Minors under the age of 14 possess a particular vulnerability to crime and harmful influence under certain circumstances or when not supervised or accompanied by a parent or legal guardian at night; such minors often lack the ability to make critical decisions in an informed and mature manner when exposed to nighttime influences. A curfew ordinance can help to ensure that a minor's parent or legal guardian is able to play an important role in the minor's development and upbringing. Under existing State law, there are limited circumstances under which a police officer can intervene to assist a minor who is in danger or need of assistance. In the absence of a curfew ordinance, an officer does not have a clear guideline as to whether or not he or she can detain a minor to obtain assistance. Accordingly, the Board of Supervisors finds that this juvenile curfew ordinance is necessary. The ordinance is precisely tailored to ensure the welfare of minors and to promote and protect parents' ability to play a role in their children's upbringing.

(b) **Definitions.** For the purposes of this Section, the following definitions shall apply:

(1) **Emancipated Minor.** An emancipated minor is a minor who has entered into a valid marriage, is on active duty with any of the armed forces, or has received a declaration of emancipation, as more fully set forth in California Family Code Sections 7000, et seq.

(2) **Emergency Mission.** An emergency mission is a venture to obtain medical, police, fire, or other assistance that is required by some reasonable necessity to which a minor must attend.

(3) **Legitimate Employment.** Legitimate employment is any lawful source of employment or self-employment in connection with a business, trade, profession, or occupation.

(4) **Express Parental Permission.** Express parental permission is the verifiable permission of a minor's parent or legal guardian for the minor to be in or on any public street, public park, or any other public place during the hours of curfew set forth in Subdivision (c). When stopped for a possible violation of Subdivision (c), it shall be the minor's responsibility to demonstrate that he or she has express parental permission. The minor may satisfy this burden equally through any means including, but not limited to, signed and verifiable documentation from a parent or legal guardian specifying the date, time and purpose of permission or presentation of a form developed and administered by the Police Department. If a minor is unable to demonstrate that he or she has express parental permission and no other exception applies, the minor may be transferred to the nearest district police station. For minors who allege but are unable to demonstrate express parental permission, the officer in custody of the minor at the station immediately shall attempt to contact the minor's parent or legal guardian to determine if the minor has express parental permission. If the officer determines that the minor has express parental permission and the minor is not being held for any other charges, the minor immediately shall be released and returned to the place of initial detention as authorized by the minor's parent or legal guardian. If the officer does not determine that the minor has express parental permission, the minor shall be deemed to be in violation of Subdivision (c).

(5) **Minor.** A minor is any person under the age of 14 years.

(6) **Other Public Place.** Other public place includes all other public or private property, in addition to a public street or public park, that is out of doors and immediately accessible by the public in general, such as plazas, parking lots, doorways, or accessways. Other public place shall not include the residence of a minor or a minor's relative or a street, sidewalk, or yard immediately adjacent to the residence.

(7) **Parent or Legal Guardian.** A parent or legal guardian is a person or spouse of a person who has the legal custody or care of a particular minor. For purposes of Subdivision (c)(1), parent or legal guardian also includes an adult who is accompanying a minor with the express permission of the minor's parent or legal guardian.

(8) **Public Park.** Public park includes all grounds, roadways, squares, recreation facilities, and other property placed under the control, management, and direction of the San Francisco Recreation and Park Commission.

(9) **Public Street.** Public street includes all public sidewalks, crosswalks, roadways, alleys, and intersections that are not immediately adjacent to a minor's residence.

(10) **Religious or Political Activity.** A religious or political activity includes, but is not limited to, a rally, demonstration, march, vigil, service, or distribution of information which has as its primary focus political or religious purposes.

(c) **Violation.** It shall be unlawful for any minor to be in or on any public street, public park, or any other public place between the hours of 12:00 midnight and 5:00 a.m., except for the following:

(1) When the minor is accompanied by a parent or legal guardian, or when the minor is present with one or more other minors, at least one of which is accompanied by a parent or legal guardian;

(2) When the presence of the minor in or on any public street, public park, or any other public place is connected with and required by some legitimate employment in which the minor is engaged;

(3) When the minor has express parental permission;

(4) When the minor is an emancipated minor;

(5) When the minor is engaged in an emergency mission; or

(6) When the minor is participating in a religious or political activity.

(d) **Procedure.** When a minor is cited, booked, detained, or arrested for the violation of Subdivision (c) of this Section, the officer taking such action shall follow the procedures established by the San Francisco Police Department for treating juveniles who have violated California Welfare and Institutions Code Section 601. If a minor is arrested for violation of Subdivision (c), the minor shall not be held in a secure facility. When a minor is placed in custody for a violation of Subdivision (c), the arresting officer or other authorized personnel immediately shall make every effort to notify the minor's parent or legal guardian pursuant to procedures established by the Police Department. If the minor's parent or legal guardian cannot be contacted after continued efforts, the minor shall be transferred to a receiving facility pursuant to Police Department procedures. The arresting officer shall forward to the Juvenile Probation Officer at the Youth Guidance Center a copy of the arrest report, setting forth the circumstances of the arrest of the minor. If the parent or legal guardian of any minor arrested for the violation of Subdivision (c) of this Section appears at the place where the minor is being detained pursuant to Police Department procedures, the Officer in charge shall release the minor to the minor's parent or legal guardian. It shall be the duty of the Juvenile Probation Officer handling the case to cause to be issued and served upon the arrested minor's parent or legal guardian a notice, requiring the parent or legal guardian to appear at a time and place to be specified in the notice, pursuant to the procedures established by the Juvenile Probation Department. Any person failing or neglecting to respond to any notice issued and served pursuant to the provisions of this subdivision shall be guilty of a misdemeanor.

(e) **Duty to Prosecute.** It shall be the duty of the District Attorney to prosecute any person failing to respond to any notice issued pursuant to Subdivision (c).

(Amended by Ord. 6770, Series of 1939, App. 6/12/51; Ord. 147-90, Eff. 4/30/90)

SEC. 551. MINORS SELLING, ETC., GOODS, ETC., IN CERTAIN PLACES PROHIBITED.

No minor under the age of 18 years shall, for the purpose of selling, disposing of or offering for sale or disposal any goods, wares or merchandise or for the purpose of rendering any service to any person on or about said premises, enter any place or premises wherein alcoholic beverages are sold or dispensed for consumption at or upon said place or premises.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 552. PROPRIETOR, ETC., NOT TO PERMIT SUCH MINOR TO ENTER, ETC.

It shall be unlawful for the proprietor or other persons in charge of the place or premises referred to in Section 551 of this Article to permit a minor under the age of 18 years to enter said place or premises, or to remain therein, for the purpose of selling, or offering for sale any goods, wares or merchandise or for the purpose of rendering any service to any person in or about said premises.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 553. EXCEPTION.

The provisions of Sections 551 and 552 of this Article shall not apply to the sale, by minors under the age of 18 years, of goods, wares or merchandise, other than alcoholic beverages, at baseball games, football games and other like gatherings, where the sale or dispensing of alcoholic beverages for consumption upon the place or premises is only incidental to the exhibition or venture carried on or engaged in.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 554. PROHIBITION OF SALE OF AEROSOL PAINT TO MINORS.

It shall be unlawful:

(a) For any person, firm or corporation, except a parent or legal guardian, to sell, exchange, give or loan to any minor under the age of 18 years, any aerosol container six ounces or less (net weight of contents) containing any substance commonly known as paint, or containing any other opaque liquid capable of being propelled by the aerosol container.

(b) For any person under the age of 18 years to have in his or her possession any aerosol container six ounces or less (net weight of contents) containing any substance commonly known as paint, or containing any other opaque liquid capable of being propelled by the aerosol container while upon public property or upon private property without the consent of the owner of such private property.

(Added by Ord. 12-86, App. 1/17/86)

SEC. 555. SALE OF PERMANENT MARKERS TO MINORS AND POSSESSION OF PERMANENT MARKERS BY MINORS WITHOUT SUPERVISION OR AUTHORIZATION PROHIBITED.

(a) **Sale to Minors Prohibited.** It shall be unlawful for any person, firm or corporation, except a parent or legal guardian, to sell, exchange, give, loan or in any way furnish to any person under the age of 18 years any marker with a nib (marking tip) one-half inch or more at its largest dimension and that is capable of defacing property with permanent, indelible, or water proof ink, paint or other liquid.

(b) **Possession by Minors Without Supervision or Authorization Prohibited.** It shall be unlawful for any person under the age of 18 years to have in his or her possession any permanent marker with a nib (marking tip) one-half inch or more at its largest dimension and that is capable of defacing property with permanent, indelible, or waterproof ink, paint or other liquid while: (i) upon public property, unless the minor is using the marker under the supervision of a teacher, parent or guardian, or (ii) upon private property without the consent of the owner of such private property.

(Amended by Ord. 299-86, App. 7/11/86)

Sec. 556.

(Added by Ord. 136-88, App. 3/24/88; repealed by Ord. 260-04, File No. 031932, App. 11/4/2004)

Sec. 557.

(Added by Ord. 213-88, App. 5/25/88; repealed by Ord. 260-04, File No. 031932, App. 11/4/2004)

ARTICLE 9:  
MISCELLANEOUS CONDUCT REGULATIONS

|  |  |
| --- | --- |
| Sec. 585. | Hitching Animals to or Injuring Lampposts, Hydrants, Etc., Prohibited. |
| Sec. 602. | Sale or Possession of Sling Shots or Toys Projecting Missiles by Air or Gas Prohibited. |
| [1977 Water Conservation and Rationing Plan] | |
| Sec. 603. | Findings. |
| Sec. 603.1. | Regulations in the Use of Water. |
| Sec. 603.2. | Removal of Flow Restricting Device. |
| Sec. 603.3. | Tampering With Water Meter. |
| Sec. 603.4. | Enforcement by Water Department Employees. |
| Sec. 603.5. | Violation. |
| Sec. 603.6. | Effective Period. |
| [Miscellaneous Sale/Purchase/Possession Prohibitions] | |
| Sec. 605. | Prohibiting Sale or Purchase of Lock-Opening Devices. |
| Sec. 607. | Possession of Sling Shots or Metal Knuckles Prohibited. |
| Sec. 608. | Prohibiting Sale of Darts and Similar Weapons to Minors. |
| Sec. 609. | Prohibiting Possession of and Purchase by Minors of Darts and Similar Weapons. |
| [Firearms and Ammunition] | |
| Sec. 613. | Regulating Sale of Firearms. |
| Sec. 613.1. | Definitions. |
| Sec. 613.2. | Application Form and Background Check Requirements. |
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| Sec. 613.14. | License-Authority to Inspect. |
| Sec. 613.15. | Compliance by Existing Dealers. |
| Sec. 613.16. | Temporary Suspension of License. |
| Sec. 613.17. | Delivery to Tax Collector. |
| Sec. 613.18. | Rules and Regulations. |
| Sec. 613.19. | Penalties. |
| Sec. 613.20. | Severability. |
| Sec. 614. | Exceptions. |
| Sec. 615. | Records of Ammunition Sales. |
| Sec. 616. | Reporting the Loss or Theft of Firearms. |
| Sec. 617. | Prohibition Against Possession or Sale of Firearms or Ammunition on Property Controlled by the City and County of San Francisco. |
| Sec. 618. | Prohibited Ammunition. |
| [Miscellaneous Conduct] | |
| Sec. 622. | Regulations to be Observed at Fires. |
| Sec. 623. | Public to Remain Outside Lines. |
| Sec. 628. | Coercion of Laborers For Political Purposes Prohibited. |
| Sec. 630. | Unauthorized Removal of Newspapers Prohibited. |
| Sec. 633. | Requiring Damaged Traffic Standards to be Reported to Chief of Police. |
| Sec. 635. | City and County Buildings and Grounds; Violations of Rules and Regulations Relating Thereto Prohibited. |
| [Security Requirements] | |
| Sec. 636. | Security Requirements New Construction. |
| Sec. 636.1. | Security Requirements Group H Occupancy Buildings. |
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| [Fire and Police Alarms; False Alarms; Rewards] | |
| Sec. 638. | Interference With Fire, Etc., Telegraph Systems Prohibited. |
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| Sec. 643. | Publication of Offer. |
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| Sec. 644. | The Use, Sale or Possession of Balloons Inflated With Inflammable or Explosive Gases Prohibited. |
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| Sec. 646. | Penalty. |
| Sec. 647. | Unauthorized Removal of Shopping Carts; Notice, Exceptions. |
| Sec. 648. | Automatic Calling Devices-Use of Regulated. |
| Sec. 649. | Application for Permission to Install. |

**Editor's Note:** The bracketed division headers in this Article have been provided by the editor as an aid for the user and are not official parts of the Code.

SEC. 585. HITCHING ANIMALS TO OR INJURING LAMPPOSTS, HYDRANTS, ETC., PROHIBITED.

It shall be unlawful for any person to hitch or fasten any animal to, or to place any placard or notice upon, or in anywise to injure any lamp post or hydrant, or any growing tree, upon any public street, or, without authority, to extinguish any public light. This Section shall not prohibit any person from fastening any dog on a leash to any lamp post, hydrant or growing tree.

(Added by Ord. 1.075, App. 10/11/38; amended by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 602. SALE OR POSSESSION OF SLING SHOTS OR TOYS PROJECTING MISSILES BY AIR OR GAS PROHIBITED.

It shall be unlawful for any person, except for a peace officer authorized under California Penal Code Section 12600, to buy, sell, offer or expose for sale, barter or exchange, have in his possession or use any sling shot.

It shall also be unlawful for any person to buy, sell, offer or expose for sale, barter or exchange, have in his possession or use any toy by which, whether used singly or in combination of units, missiles may be projected by force or compressed air, carbon dioxide, or any other chemical, gas, or other element, or combined thereof. Nothing in this section is intended to be inconsistent with Government Code Section 53071.5 or any successor statute regulating imitation firearms, BB guns or air rifles.

(Amended by Ord. 4782, Series of 1939, App. 1/6/48; Ord. 260-04, File No. 031932, App. 11/4/2004)

**Editor's Note:**   
 See also the following Police Code provisions:  
 ****Sec. 607, Possession of Sling Shots or Metal Knuckles Prohibited.  
 ****Sec. 608, Prohibiting Sale of Darts and Similar Weapons to Minors.  
 ****Sec. 609, Prohibiting Possession of and Purchase by Minors of Darts and Similar Weapons.  
 ****Sec. 4507, Firearms and Projectile Weapons; Possession of by Minors.

[1977 Water Conservation and Rationing Plan]

SEC. 603. FINDINGS.

Whereas, the Public Utilities Commission on March 22, 1977 has adopted a mandatory water conservation and rationing plan relating to the use of water from the San Francisco Water Department, this Board of Supervisors hereby declares that a water shortage condition prevails in the City and County of San Francisco due to conditions prevailing throughout the State of California and intends herewith to prohibit the usage of water which is wasteful during such water shortage condition to the end that sufficient water will be available for human consumption, sanitation and fire protection.

The specific uses prohibited in Section 603.1 are nonessential, and if allowed would constitute a wastage of water.

(Added by Ord. 221-77, App. 6/9/77)

SEC. 603.1. REGULATIONS IN THE USE OF WATER.

It shall be unlawful for any person, firm, association, corporation, partnership or organization of any kind, with respect to water provided directly from the San Francisco Water Department through its facilities to:

(a) Use a hose to wash motor vehicles, trailers, or boats except that automobiles and buses may be washed in commercial or fleet washing facilities using a water recycling system.

(b) Use a hose to wash a building or structure or any part thereof.

(c) Fill with water any existing or new swimming pool except that water may be added to existing swimming pools in order to maintain normal levels and to replace evaporation.

(d) Clean or wash sidewalks, driveways, patios, parking lots, tennis courts, athletic fields covered with artificial surfaces and other hard-surfaced areas with water from hoses or by use of water directly from faucets or other water outlets.

(e) Use water in such a manner which results in flooding or runoff in gutters, driveways or streets.

(f) Use water to clean, fill or maintain water levels in decorative fountains.

(g) Serve water to a customer in a restaurant unless specifically requested by such customer.

(Added by Ord. 221-77, App. 6/9/77)

SEC. 603.2. REMOVAL OF FLOW RESTRICTING DEVICE.

No person, firm, association, corporation, partnership or organization of any kind shall remove any water flow restricting device installed by the San Francisco Water Department to control water use in excess of allotment on a customer service line.

(Added by Ord. 221-77, App. 6/9/77)

SEC. 603.3. TAMPERING WITH WATER METER.

No person, firm, association, corporation, partnership or organization of any kind shall tamper with, or alter in any manner a water meter or the water service line which connects a water main to a water meter of the San Francisco Water Department.

(Added by Ord. 221-77, App. 6/9/77)

SEC. 603.4. ENFORCEMENT BY WATER DEPARTMENT EMPLOYEES.

Pursuant to Section 836.5 of the Penal Code, San Francisco Water Department employees in the civil service classification of District Water Serviceman (Water Service Inspector) and Senior District Water Serviceman (Senior Water Service Inspector) shall have the duty to enforce Sections 603.1, 603.2 and 603.3 of the Article and are hereby authorized and empowered to arrest any person, firm, association, corporation, partnership or organization of any kind for violations of such sections of the Article.

(Added by Ord. 221-77, App. 6/9/77)

SEC. 603.5. VIOLATION.

(a) Any person, firm, association, corporation, partnership or organization of any kind who shall violate any of the provisions of Section 603.1 of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

|  |  |
| --- | --- |
| **Violation** | Penalty |
| First violation | $ 25.00 |
| Second violation | 50.00 |
| Third violation and subsequent violations within a six-month period | 100.00 |

(b) Any person, firm, association, corporation, partnership or organization of any kind who shall violate Sections 603.2 or 603.3 of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100.

(Added by Ord. 221-77, App. 6/9/77)

SEC. 603.6. EFFECTIVE PERIOD.

The provisions of Sections 603.1, 603.2, 603.3 and 603.5 of this Article shall cease to be in full force and effect upon the cancellation by Public Utilities Commission of the mandatory water conservation plan adopted on March 22, 1977 by Resolution No. 77-0136.

(Added by Ord. 221-77, App. 6/9/77)

[Miscellaneous Sale/Purchase/Possession Prohibitions]

SEC. 605. PROHIBITING SALE OR PURCHASE OF LOCK-OPENING DEVICES.

(a) No person, corporation or business shall sell, deliver or otherwise transfer, or offer for sale, delivery or transfer, any picklock, crow, keybit, or other such instrument or tool designed to open, break into, tamper with or damage any lock, knowing or having reason to believe that it is intended to be used to break or enter into any building, structure or vehicle or to commit any other unlawful act.

(b) No person, corporation or business shall buy or otherwise receive any picklock, crow, keybit, or other such instrument or tool designed to open, break into, tamper with or damage any lock, with the intent to use the same to break into or enter into any building, structure or vehicle or to commit any other unlawful act.

(c) Nothing in this Section shall prohibit the sale, delivery or transfer of any item proscribed in Subdivision (a) by any person, corporation or business lawfully engaged in the sale, manufacture or servicing of security products in the City and County of San Francisco.

(d) Nothing in this Section shall prohibit the purchase or receipt of any item proscribed in Subdivision (b) by any:

(i) Peace officer;

(ii) Local, state or federal government employee;

(iii) Person, corporation or business lawfully engaged in the sale, manufacture or servicing of security products in the City and County of San Francisco (including, but not limited to, locksmiths or alarm installers); or

(iv) Person, corporation or business who demonstrates a lawful reason for the use of said items in its profession.

(e) Any person, corporation or business selling, delivering or transferring, pursuant to Subdivision (c) of this Section, any item specified in Subdivision (a), shall obtain, on a form to be approved by the Chief of Police, together with the date of the purchase and the signature of the purchaser, the purchaser's:

(i) Name;

(ii) Address;

(iii) Phone number;

(iv) Driver's license or identification number, if any; and,

(v) A list of the items purchased.

A copy of each such order shall be retained by the seller for a period of one year, and shall be open to inspection by any peace officer during business hours.

(f) Any person, corporation or business who violates any provision of this Section is guilty of an infraction.

(Added by Ord. 486-83, App. 9/29/83)

SEC. 607. POSSESSION OF SLING SHOTS OR METAL KNUCKLES PROHIBITED.

It shall be unlawful for any person, firm or corporation to buy, sell, offer or expose for sale, barter, exchange, use or have the possession of any sling shot or metal knuckles.

(Added by Ord. 1.075, App. 10/11/38)

**Editor's Note:**   
 See also the following Police Code provisions:  
 ****Sec. 602, Sale or Possession of Sling Shots or Toys Projecting Missiles by Air or Gas Prohibited.  
 ****Sec. 608, Prohibiting Sale of Darts and Similar Weapons to Minors.  
 ****Sec. 609, Prohibiting Possession of and Purchase by Minors of Darts and Similar Weapons.  
 ****Sec. 4507, Firearms and Projectile Weapons; Possession of by Minors.

SEC. 608. PROHIBITING SALE OF DARTS AND SIMILAR WEAPONS TO MINORS.

It shall be unlawful for any person to sell, offer for sale, barter or exchange, or suffer, permit, authorize or allow any sale, barter or exchange, to minors under the age of 16 years of any darts or other pointed missile type weapons intended to be thrown by hand.

(Added by Ord. 218-58, App. 4/23/58)

**Editor's Note:**   
 See also the following Police Code provisions:  
 ****Sec. 602, Sale or Possession of Sling Shots or Toys Projecting Missiles by Air or Gas Prohibited.  
 ****Sec. 607, Possession of Sling Shots or Metal Knuckles Prohibited.  
 ****Sec. 609, Prohibiting Possession of and Purchase by Minors of Darts and Similar Weapons.  
 ****Sec. 4507, Firearms and Projectile Weapons; Possession of by Minors.

SEC. 609. PROHIBITING POSSESSION OF AND PURCHASE BY MINORS OF DARTS AND SIMILAR WEAPONS.

It shall be unlawful for any minor under the age of 16 years to purchase, buy, or possess any darts or other pointed missile type weapons intended to be thrown by hand.

Nothing in this Section shall prohibit the possession of dart games or similar type games in the home or by owners and operators of places of public amusement.

(Added by Ord. 218-58, App. 4/23/58)

**Editor's Note:**   
 See also the following Police Code provisions:  
 ****Sec. 602, Sale or Possession of Sling Shots or Toys Projecting Missiles by Air or Gas Prohibited.  
 ****Sec. 607, Possession of Sling Shots or Metal Knuckles Prohibited.  
 ****Sec. 608, Prohibiting Sale of Darts and Similar Weapons to Minors.  
 ****Sec. 4507, Firearms and Projectile Weapons; Possession of by Minors.

SECS. 610 through 610.8.

(Added by Ord. 175-68, App. 7/2/68; repealed by Ord. 329-00, File No. 001924, App. 12/28/2000)

[Firearms and Ammunition]

**Editor's Note:** See also the following Police Code provisions:  
 ****Art. 14, Secs. 840 et seq., Miscellaneous Regulations for Professions and Trades (relating to carrying firearms).  
 ****Art. 35, Firearm Strict Liability Act.  
 ****Art. 36, Prohibiting the Carrying of a Firearm While under the Influence of an Alcoholic Beverage or Drug, or Possession of a Firearm While upon Public Premises Selling or Serving Alcoholic Beverages.  
 ****Art. 36A, Sale, Manufacture and Distribution of Firearms and Ammunition; Possession of Handguns.  
 ****Art. 45, Firearms and Weapons Violence Prevention Ordinance.

SEC. 613. REGULATING SALE OF FIREARMS.

It shall be unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or firearms ammunition component to sell, lease or otherwise transfer any firearm, firearms ammunition or firearms ammunition component without first having obtained a license from the San Francisco Police Department. The Department shall make available application forms requiring applicants to provide the information set forth in Section 613.2, and shall collect a nonrefundable application fee from each applicant.

The Chief of Police shall recommend to the Board of Supervisors, on or before April 1, 1994, a fee which shall be sufficient to recover all costs associated with regulating the sale of firearms under this Article, including but not limited to, processing applications, monitoring licensees, and enforcing the provisions of this Article. The fee shall be set by the Board of Supervisors.

(Amended by Ord. 407-86, App. 10/3/86; Ord. 91-94, App. 2/25/94; Ord. 290-95, App. 9/1/95; Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.1. DEFINITIONS.

(a) "Firearm" shall mean any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.

(b) "Firearm ammunition" shall mean any cartridge or encasement containing a bullet or projectile, propellent or explosive charge, and a primer which is used in the operation of a firearm.

(c) "Firearm ammunition component" shall mean any cartridge or encasement, bullet or projectile, primer or propellent or explosive material used in the manufacture of ammunition.

(d) "Firearm capable of being concealed upon the person" shall mean any such firearm as defined in California Penal Code Section 12001(a).

(e) "Transfer" shall include, but shall not be limited to, the redemption of a pawned or pledged firearm by any individual including the individual who pawned or pledged the firearm.

(f) "Ultracompact firearm" shall mean any pistol, revolver, handgun or other firearm that is 6.75 inches or less in length or 4.5 inches or less in height, measured with the magazine detached, but shall not include any such firearm that is an unsafe handgun defined by Section 12126 of the California Penal Code.

(Added by Ord. 91-94, App. 2/25/94; amended by Ord. 225-96, App. 6/7/96; Ord. 283-96, App. 7/3/96, Eff. 1/1/97; Ord. 131-99, File No. 990493, App. 5/28/99; Ord. 62-00, File No. 000197, App. 4/14/2000; Ord. 242-00, File No. 000950, App. 10/27/2000; Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.2. APPLICATION FORM AND BACKGROUND CHECK REQUIREMENTS.

(a) The application for a license to engage in the business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or firearms ammunition component shall be signed under penalty of perjury and shall set forth:

(1) The name, age and address of the applicant, as well as the name, age and address of all persons who will have access to or control of workplace firearms, firearm ammunition, or firearm ammunition components, including but not limited to, the applicant's employees, agents and or supervisors, if any;

(2) The address of the location for which the license is required, together with the business name of such location, if any;

(3) All convictions of the applicant for any of the offenses listed in Section 613.3(e);

(4) All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to date of application and whether each such application resulted in issuance of a license;

(5) All information relating to revocations of licenses or permits relating to firearms, including but not limited to date and circumstances of revocation;

(6) Applicant's agreement to indemnify, defend, and hold harmless the City, its officers, agents, and employees, from and against any and all claims, losses, costs, damages and liabilities of any kind, arising in any manner out of the applicant's negligence or intentional or wilful misconduct;

(7) Applicant's understanding that the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to investigate and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, provisions of this Article, and all other applicable federal, state, and local laws.

(b) Each application must be accompanied by evidence that the applicant has satisfied the insurance requirements stated in Section 613.13 of this Article.

(c) All persons listed on the application form as having access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components shall obtain a certificate of eligibility under Penal Code Section 12071 from the state Department of Justice. A copy of the certificate of eligibility for each such person shall be submitted with the application.

(d) The Chief of Police shall conduct a criminal history background check on the applicant and on all other persons listed on the application form as having access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components, including but not limited to, the applicant's employees, agents and/or supervisors, if any, and shall determine whether such persons have been convicted of any offenses described in subsection (e) of Section 613.3, or are among the persons described in subsections (f) or (g) of Section 613.3. Where the Chief of Police determines that one or more of the applicants, employees, agents or supervisors have been convicted of an offense described in subsection (e) of Section 613.3, or are among the persons described in subsections (f) or (g) of Section 613.3, the applicant shall have 21 days from the mailing of written notification from the Chief of Police to provide evidence in a form acceptable to the Chief of Police that such persons have been removed or reassigned so that they no longer have access to or control of workplace firearms, firearm ammunition, or firearm ammunition components. In the event that an applicant fails to comply with this subsection, the Chief of Police shall deny the license.

(e) As used in this Section, the term "applicant" when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who has access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components.

(Amended by Ord. 407-86, App. 10/3/86; Ord. 91-94, App. 2/25/94; Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.3. DENIAL OF LICENSE.

The Chief of Police shall deny the issuance or renewal of a license when any of the following conditions exist:

(a) The applicant is under the age of 21 years.

(b) The applicant is not licensed as required by all applicable federal, State and local laws.

(c) The applicant has had a firearms license previously revoked or denied for good cause within the immediately preceding two years.

(d) The applicant has made a false or misleading statement of a material fact, or omission of a material fact, in the application for a license. If a license is denied on this ground, the applicant shall be prohibited from reapplying for a license for a period of two years.

(e) The applicant has been convicted of:

(1) Any offense so as to disqualify the applicant from owning or possessing a firearm under applicable federal, State, and local laws, including but not limited to the offenses listed in California Penal Code Section 12021;

(2) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon;

(3) Any offense involving the use of force or violence upon the person of another;

(4) Any offense involving theft, fraud, dishonesty, or deceit, including but not limited to any of the offenses listed in Title 7 (Crimes Against Public Justice) and title 13, Chapters 4 (Forgery and Counterfeiting), 5 (Larceny), 6 (Embezzlement), 7 (Extortion), 8 (False Personation), 13 and 14 (Fraud) of the California Penal Code;

(5) Any offense involving the manufacture, sale, possession or use of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read.

(f) The applicant is within the classes of persons defined in California Welfare and Institutions Code Sections 8100 or 8103.

(g) The applicant is (1) currently, or has been within the past two years, an unlawful user of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read; or (2) an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

(h) The operation of the business as proposed would not comply with all applicable federal, State, and local laws.

(i) The applicant, or an officer, employee, or agent thereof, proposes to operate in the following locations:

(1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of the exterior limits of any such district;

(2) Within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high or high school whether public or private;

(3) On or within 1,500 feet of the exterior limits of any other premises used as a place of business by a dealer in firearms;

(4) Within 1,000 feet of a community center, church, neighborhood center, recreational center, whether public or private, where regularly scheduled activities are conducted for people under 18 years of age.

(j) The applicant, or an officer, employee or agent thereof does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted.

(k) Any other ground for denial exists under any applicable provision of federal, State or local law.

(l) The applicant fails to comply with the requirements of subsections (c) or (d) of Section 613.2.

As used in this Section, the term "applicant" when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who has access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components.

(Added by Ord. 91-94, App. 2/25/94; amended by Ord. 322-96, App. 8/8/96; Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.4. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.

Upon receiving an application that is not rejected for one of the reasons stated in Section 613.3, the Police Department shall refer the application to the Bureau of Building Inspection, the Fire Department, and the City Planning Department, which departments shall inspect the premises to be used for the sale of concealable firearms and shall report to the Police Department concerning compliance with the codes they administer, and compliance with this Article.

(Added by Ord. 161-75, App. 4/23/75; amended by Ord. 91-94, App. 2/25/94)

SEC. 613.5. PUBLIC HEARING BEFORE ISSUANCE OF LICENSE.

When an application is filed for a license under this Article, and the application is not denied for one of the reasons stated in Section 613.3, the Police Department shall fix a time and place for a public hearing regarding the application. Not less than 10 days before the date of such hearing, the Police Department shall cause to be posted a notice of such hearing in a conspicuous place on the property in which the proposed business is to be operated and the applicant shall maintain said notice as posted until the day following the hearing.

(Added by Ord. 161-75, App. 4/23/75; amended by Ord. 91-94, App. 2/25/94)

SEC. 613.6. FORM OF LICENSE.

All licenses issued pursuant to this Article shall be in the form prescribed by the Attorney General of the State of California.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.7. DURATION AND RENEWAL OF LICENSES.

All licenses issued pursuant to this Article shall expire one year after the date of issuance; provided, however, that such licenses may be renewed by the Chief of Police for additional periods of one year upon the approval of an application for renewal by the Chief of Police and payment of the renewal fee. Such renewal application shall set forth the information listed in Section 613.2 and must be received by the Chief of Police, in completed form, no later than 45 days prior to the expiration of the current license.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.8. NONASSIGNABILITY OF LICENSE.

The assignment or attempt to assign any license issued pursuant to this Article is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.9. SECURITY.

In order to discourage the theft of firearms stored on the premises of a firearms dealer, each business licensed under this Article must adhere to security measures as required by the Chief of Police. Security measures shall include but not be limited to:

(a) Provision of secure locks, windows and doors, adequate lighting, and alarms as specified by the Chief of Police;

(b) Storage of all firearms on the premises out of the reach of customers in secure, locked facilities, so that access to firearms shall be controlled by the dealer or employees of the dealer, to the exclusion of all others.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.9.5. FINDINGS.

1. "Enhanced-lethality ammunition" means the ammunition that licensees may not sell, lease or otherwise transfer under Police Code Sec. 613.10(g).

2. Enhanced-lethality ammunition is designed to tear larger wounds in the body by flattening and increasing in diameter on impact and/or exploding and dispersing shrapnel throughout the body. These design features increase the likelihood that the bullet will hit a major artery or organ, that it will take a more circuitous path through the body to create more widespread damage, and that it will release all of its propulsive force inside the body to cause maximum injury. Accordingly, enhanced-lethality ammunition is more likely to cause severe injury and death than is conventional ammunition that does not flatten or fragment upon impact.

3. Enhanced-lethality ammunition has been used in shooting massacres both in San Francisco and abroad. On July 1, 1993, heavily armed gunman Gian Luigi Ferri shot and killed eight people, then himself, in the 101 California Street high-rise in San Francisco using hollow-point bullets. Most recently, on July 24, 2011, Anders Behring Breivik used lethality-enhanced bullets designed to fragment inside the body and cause maximum internal damage to kill and grievously wound dozens of children at a youth camp in Norway.

4. Banning the sale of enhanced-lethality ammunition in San Francisco does not substantially burden the right of self defense. The right to use firearms in self defense can be fully exercised using conventional, non-collapsing, non-fragmenting ammunition. Enhanced-lethality ammunition is not in general use, and this unusually injurious ammunition has been banned outside the United States. For example, the Hague Convention of 1899, Declaration III, has for more than a century prohibited the use in warfare of bullets that easily expand or flatten in the body.

5. Personal firearms kept in the home are more likely to be used against family and friends than intruders. Home firearms may also be used in suicide attempts, accidental shootings and criminal assaults.

6. The City and County of San Francisco has a legitimate, important and compelling governmental interest in reducing the likelihood that shooting victims in San Francisco will die of their injuries by reducing the lethality of the ammunition sold and used in the City and County of San Francisco.

(Added by Ord. 206-11, File No. 110901, App. 10/11/2011, Eff. 11/10/2011)

SEC. 613.10. LICENSE-CONDITIONS.

In addition to all other requirements and conditions stated in this Article, each license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:

(a) The business shall be carried on only in the building located at the street address shown on the license, except as otherwise authorized under Section 12071(b)(1) of the California Penal Code.

(b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.

(c) The licensee shall not deliver any pistol or revolver to a purchaser earlier than 10 days after the application for the purchase, lease or transfer, unless otherwise provided by State or federal law.

(d) The licensee shall not deliver any firearm to a purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.

(e) The licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee presents clear evidence of his or her identity and age to the seller. As used in this Section, "clear evidence of his or her identity and age" includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, an employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.

(f) The licensee shall not display in any part of the premises where it can be readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof, or placard advertising the sale or other transfer thereof, other than a sign identifying the name of the business.

(g) The licensee shall not sell, lease or otherwise transfer to any person any ammunition that:

(1) Serves no sporting purpose;

(2) Is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target (including, but not limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP, Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition; or

(3) Is designed to fragment upon impact (including, but not limited to, Black Rhino bullets and Glaser Safety Slugs).

This subsection does not apply to conventional hollow-point ammunition with a solid lead core when the purchase is made for official law enforcement purposes and the purchaser is authorized to make such a purchase by the director of a public law enforcement agency such as the Chief of the San Francisco Police Department or the Sheriff of the City and County of San Francisco.

(h) The licensee shall post within the licensee's premises a notice stating the following:

"THE CALIFORNIA PENAL CODE PROHIBITS THE SALE OF FIREARMS OR FIREARMS AMMUNITION TO PERSONS UNDER THE AGE OF 18, AND FURTHER GENERALLY PROHIBITS THE SALE OF A PISTOL, REVOLVER, OR FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON TO ANY PERSON UNDER THE AGE OF 21."

The posted notice shall be in a conspicuous location, shall be in 36 point type block letters in black ink on a white background, and shall be located so that the notice can easily and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

(i) The licensee shall not sell, lease or otherwise transfer any ultracompact firearm except as authorized by Section 613.10-2 or any 50 caliber firearm or 50 caliber cartridge except as authorized by Section 613.10-1.

(j) Any license issued pursuant to this Article shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

(k) The licensee shall comply with the requirements of Section 613.10-3 and shall, in addition, post the appropriate notice or notices, as specified below, in a conspicuous location at the entrance of the licensee's premises (or at the entrance to the separate room or, enclosure pursuant to Section 613.10-3(c)). Such notice shall be in 36 point type block letters in black ink on a white background.

(1) Licensees that sell, lease or otherwise transfer firearms, other than firearms capable of being concealed on the person, shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure pursuant to Section 613.10-3(c)) stating the following:

"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(2) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure containing such firearms pursuant to Section 613.10-3(c)) stating the following:

"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 21, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(3) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person, but who keep such firearms in a separate room or enclosure in accordance with Section 613.10-3(c) shall post the notice required by paragraph (1) at the entrance to the premises or separate room or enclosure containing firearms that are not capable of being concealed on the person, and shall post the notice required by paragraph (2) at the entrance to the separate room or enclosure containing firearms capable of being concealed on the person.

(l) The licensee shall notify the Chief of Police of the name, age and address of, and submit a certificate of eligibility under Penal Code Section 12071 from the State Department of Justice for, any person not listed on the licensee's application under Section 613.2(a)(1) who will be given access to, or control of, workplace firearms, firearm ammunition, or firearm ammunition components. The licensee shall submit the required information and certificate within 10 days of such person being employed or otherwise being given access to, or control over workplace firearms, firearm ammunition, or firearm ammunition components.

(m) Within the first five business days of April and October of each year, licensees shall cause a physical inventory to be taken that includes a listing of each firearm held by the licensee by make, model, and serial number, together with a listing of each firearm the licensee has sold since the last inventory period. In addition, the inventory shall include a listing of each firearm lost or stolen that is required to be reported pursuant to Penal Code Section 12071(b)(13). Licensees shall maintain a copy of the inventory on the premises for which the license was issued. Immediately upon completion of the inventory, licensees shall forward a copy of the inventory to the address specified by the Chief of Police, by such means as specified by the Chief of Police. With each copy of the inventory, licensees shall include an affidavit signed by the licensee (or, if the licensee is not a natural person, by an officer, general manager, or other principal of the licensee) stating under penalty of perjury that within the first five business days of that April or October, as the case may be, the signer personally confirmed the presence of the firearms reported on the inventory.

(Added by Ord. 91-94, App. 2/25/94; amended by Ord. 290-95, App. 9/1/95; Ord. 225-96, App. 6/11/96; Ord. 283-96, App. 7/3/96, Eff. 1/1/97; Ord. 62-00, File No. 000197, App. 4/14/2000; Ord. 242-00, File No. 000950, App. 10/27/2000; Ord. 260-04, File No. 031932, App. 11/4/2004; Ord. 192-07, File No. 070684, App. 8/1/2007)

SEC. 613.10-1. SALE OR TRANSFER OF 50 CALIBER FIREARMS AND CARTRIDGES RESTRICTED.

(a) **Findings.** The Board of Supervisors finds as follows:

(1) Fifty caliber rifles are military-style firearms, used by armed forces around the world, which combine long range, accuracy and massive power. Fifty caliber rifles are accurate to distances of 1,000 to 2,000 yards (10 to 20 football fields), depending on the skill of the shooter, and can penetrate armored vehicles, disable aircraft and damage industrial targets, such as refineries and hazardous chemical plants. The dangers of these weapons are detailed in "Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles," Violence Policy Center (2001).

(2) Fifty caliber rifles and ammunition are proliferating on the civilian market in the United States.

(3) In a briefing paper dated August 4, 1999, the United States General Accounting Office concluded that 50 caliber rifles have been associated with significant criminal activity, stating "Our investigation revealed that 50 caliber semiautomatic rifles have been linked to domestic and international criminal activity. We have established a nexus to terrorist groups, outlaw motorcycle gangs, international drug cartels, domestic drug dealers, religious cults, militia groups, potential assassins, and violent criminals."

(4) California Penal Code Sections 12303.6 and 12304 currently prohibit the sale of destructive devices, defined to include weapons of a caliber greater than 60 caliber and any ammunition therefor. In addition, recognizing the danger posed by 50 caliber rifles, the Legislature recently passed, and the Governor has signed, legislation restricting the sale and transfer and tracking the ownership of, 50 caliber rifles;

(5) The City and County of San Francisco has a high concentration of potential targets for terrorist attacks;

(6) The firearms industry has recently introduced a 50 caliber handgun, and reports indicate that it is difficult to control and fires with five times the muzzle power of a .357 magnum handgun;

(7) A recent analysis of data published by the manufacturer of this 50 caliber handgun and ballistics test data published in American Rifleman magazine indicate that bullets fired from the handgun may be capable of penetrating Type IIIA body armor, the highest grade of concealable body armor normally worn by law enforcement officers in the field. The dangers of these weapons are detailed in "Vest Buster: The .500 Smith & Wesson Magnum-The Gun Industry's Latest Challenge to Law Enforcement Body Armor," Violence Policy Center (2004);

(8) Fifty caliber firearms have no legitimate hunting or sporting purpose in the City and County of San Francisco. Further, such firearms are ill-suited for use as a means to defend one's home or property, since they are difficult to control, greatly increase the risk of harm to bystanders, and the firepower greatly exceeds that which is necessary to protect property or homeowners;

(9) The Board of Supervisors hereby finds and declares that the uncontrolled proliferation and use of 50 caliber firearms and ammunition poses an unacceptable threat to the health, safety and security of the public.

(b) **Purpose and Intent.** The purpose and intent of this Section is to protect the health, safety, security and general welfare of the citizens of the City and County of San Francisco and the City's law enforcement personnel by reducing the risk of personal injury, death or property damage caused by 50 caliber firearms. Specifically with respect to regulating 50 caliber handguns, it is the purpose and intent of this Section to protect of the citizens of the City and County of San Francisco and the City's law enforcement personnel by reducing the risk of personal injury, death or property damage caused by persons using 50 caliber handguns. It is not the intent of this Section to address the problem of handgun safety, as addressed, for example in Sections 12125 through 12133 of the California Penal Code, or to otherwise regulate 50 caliber handguns based on consumer product safety considerations for the person using the handgun.

(c) **Definitions.**

(1) As used in this section, the term "50 caliber firearm" shall mean any firearm, as defined in Section 613.1 of this Article, capable of firing a center-fire 50 caliber cartridge.

(2) As used in this section, the term "50 caliber cartridge" shall mean a firearm ammunition cartridge in 50 caliber, either by designation or actual measurement, or any metric equivalent, including but not limited to a .50 BMG cartridge, that is capable of being fired from a centerfire rifle or a handgun. The term "50 caliber cartridge" does not include any memorabilia or display item that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as live ammunition.

(3) As used in this section, the term "rifle" shall mean any firearm that is designed or redesigned, made or remade, and intended to be fired from the shoulder, and which is designed or redesigned, made or remade to use the energy in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term "rifle" shall not include any shotgun.

(4) As used in this section, the term "handgun" shall mean any firearm with a barrel less than 16 inches in length. The term "handgun" shall include any pistol, revolver, or concealable firearm as such terms are defined in the California Penal Code.

(d) **Sale or Transfer of 50 Caliber Firearms and Cartridges Restricted.** No person shall sell, give, transfer, offer for sale or display for sale any 50 caliber firearm or 50 caliber cartridge except as authorized by paragraph (e) of this Section.

(e) **Exceptions.**

(1) The provisions of Subsection (d) of this Section shall not apply to:

(A) the sale or other transfer of a 50 caliber firearm or 50 caliber cartridge which is prohibited under state law, including, but not limited to, the sale or transfer of any assault weapon as defined in the California Penal Code;

(B) the sale or other transfer of a 50 caliber firearm which is an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code;

(C) the delivery of a 50 caliber firearm to a licensed gunsmith, as defined in California Penal Code Section 12001(r), or to a person licensed pursuant to California Penal Code Section 12071, for purposes of service or repair, or to the return of the firearm to its owner by the gunsmith or the licensee following the completion of service or repairs;

(D) the return of a 50 caliber firearm to its owner by a person licensed pursuant to this Article where the firearm was initially delivered to the licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan; or

(E) the offer for sale or display in any periodical, solicitation by mail or use of the internet of a 50 caliber firearm or 50 caliber cartridge by any person or entity where the seller or offeror is located outside of the City and County of San Francisco.

(F) the loan of an unloaded 50 caliber firearm to a person for use solely as a prop in a motion picture, television, video, theatrical or other entertainment production or event, provided that such person is in compliance with Section 12081 of the California Penal Code.

(2) The provisions of Subsection (d) of this Section shall not apply to the sale or other transfer of a 50 caliber firearm or 50 caliber cartridge where the purchaser or transferee is any of the following:

(A) A law enforcement agency;

(B) An agency duly authorized to perform law enforcement duties;

(C) A state or local correctional facility;

(D) A federal law enforcement officer, provided such law enforcement officer is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridges and does so while acting within the course and scope of his or her employment:

(E) A person described in Sections 12302 or 12322(a) of the California Penal Code; provided such person is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridges and does so while acting within the course and scope of his or her employment;

(F) A person who is properly identified as a full-time paid peace officer as defined in Sections 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, provided such peace officer is authorized to acquire a 50 caliber firearm and/or 50 caliber cartridge and does so while acting within the course and scope of his or her employment;

(G) A firearms dealer who has been issued a Federal Firearms License, and who is in compliance with the requirements of Section 12071 of the California Penal Code,

(H) A person or entity conducting a transaction described in subdivision (k) of Section 12078 of the California Penal Code:

(I) A person acquiring a 50 caliber firearm or 50 caliber cartridge by bequest or intestate succession, or otherwise by operation of law, provided that such firearms or cartridges are transferred to a law enforcement agency or to a person licensed pursuant to California Penal Code Section 12071 within 12 months from the date that the person obtains title;

(J) A non-profit entity that is authorized to destroy firearms, and which has agreed to destroy the firearm being transferred;

(K) A federal, state, or local historical society, museum, or institutional collection that is open to the public; provided that the 50 caliber firearm is used for display purposes, is unloaded, and is secured from unauthorized uses.

(f) **Penalties.**

(1) Violation of this Section shall be punishable as a misdemeanor. In addition, in the case of a violation of this section by a firearms dealer licensed under this Article, each violation of this Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license.

(2) Each transaction in violation of this Section shall be deemed a distinct and separate violation.

(g) **Sunset Provision.** If the State of California enacts legislation prohibiting or restricting the sale or transfer of 50 caliber rifles, 50 caliber handguns, or 50 caliber cartridges covered by this section, the requirements of this Section shall be suspended as of the date such legislation goes into effect with respect to any requirements of this Section that apply to the firearms or cartridges prohibited or restricted by state law. If the State of California subsequently repeals any such legislation, the suspension shall expire by operation of law and the previously suspended provisions shall become operative.

(Added by Ord. 283-96, App. 7/13/96; amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

***Editor's note:***

*The provisions of Ord. 283-96 took effect on January 1, 1997.*

SEC. 613.10-2. SALE OF ULTRACOMPACT FIREARMS RESTRICTED.

(a) **Findings.** The Board of Supervisors finds as follows:

(1) A number of other states have enacted legislation to facilitate the issuance of licenses to carry concealed firearms with the result that firearms manufacturers have been designing and marketing ultracompact handguns to respond to the development of the market created by the relaxation of concealed weapons laws in these states.

(2) These ultracompact handguns are designed to allow the complete concealment of the weapon on the person.

(3) In contrast to those states that have relaxed requirements for issuance of licenses to carry concealed weapons, California has not done so. Moreover, in San Francisco, permits to carry concealed weapons are issued only in very limited circumstances. There are currently fewer than ten individuals authorized by the City to carry concealed weapons.

(4) Because concealed weapons permits are rarely issued in San Francisco, any legitimate market for concealable ultracompact handguns is exceedingly small.

(5) Ultracompact handguns have no legitimate hunting or sporting purpose, and are ill-suited for use as a means to defend one's home or property, since the short barrel length makes them inherently inaccurate.

(6) A national study of weapons confiscated by law enforcement agencies found that a substantial majority of the handguns confiscated have a barrel length of less than three inches.

(7) A survey of incarcerated felons found that easy concealment is very often an important consideration in the selection of handguns that are later used to commit crimes.

(8) A study of persons in California found that persons whose applications for the purchase of a handgun were denied based on prior criminal activity were more likely to attempt to purchase small, highly concealable handguns than are potential purchasers whose applications were not denied.

(9) A study of handgun owners in one state found that 67 percent of felons but just 30 percent of other handgun owners reported owning a handgun with a barrel length of three inches or less.

(10) Because there is evidence that criminals prefer smaller, more concealable handguns, and since handguns are used in at least 80 percent of all violent crimes involving firearms in the United States, the public interest is not served by allowing the unregulated sale of easily concealable ultracompact handguns. The concealability of these weapons makes them a high public security and safety risk when owned and carried by individuals unlicensed to carry concealed weapons, particularly in a high-density urban area such as San Francisco.

(11) The dangers of ultracompact firearms are further detailed in "Pocket Rockets-The Gun Industry's Sale of Increased Killing Power," Violence Policy Center (2001).

(b) **Purpose and Intent.** The purpose and intent of this Section is to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco by reducing the potential for death or injury to citizens and law enforcement personnel attributable to ultracompact firearms. It is not the intent of this Section to address the problem of handgun safety, as addressed, for example, in Sections 12125 through 12133 of the California Penal Code, or to otherwise regulate ultracompact firearms based on consumer product safety considerations for the person using the firearm.

(c) **Sale of Ultracompact Firearms Restricted.** No person licensed pursuant to this Article shall sell, lease or otherwise transfer any ultracompact firearm except as authorized by paragraph (d) of this Section. Nothing in this section shall preclude any person licensed pursuant to this Article from processing firearms transactions between unlicensed parties pursuant to subdivision (d) of Section 12072 of the Penal Code of the State of California.

(d) **Exceptions.** The requirements of this Section shall not apply to the sale, lease or other transfer of an ultracompact firearm in the following circumstances:

(1) To any law enforcement agency;

(2) To any agency duly authorized to perform law enforcement duties;

(3) To any state or local correctional facility;

(4) To a federal law enforcement officer, provided such law enforcement officer is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;

(5) To a private security company licensed to do business in the State of California;

(6) To a person described in Sections 12302 or 12322(a) of the California Penal Code, provided such person is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment;

(7) To any person who is properly identified as a full-time paid peace officer, as defined in Sections 830.1, 830.2, 830.4, or 830.5 of the California Penal Code, provided such peace officer is authorized to acquire an ultracompact firearm and does so while acting within the course and scope of his or her employment.

(8) To the sale, lease or other transfer of any antique firearm., as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.

(9) To the loan of an ultracompact firearm to a person for use solely as a prop in a motion picture, television, or video, theatrical or other entertainment production or event, provided that such person is in compliance with Section 12081 of the California Penal Code;

(10) To any person or entity conducting a transaction that is exempt from the provisions of subdivision (d) of Section 12072 of the California Penal Code;

(11) To any person or entity conducting a transaction described in subdivision (k) of Section 12078 of the California Penal Code;

(12) To a firearms dealer who has been issued a Federal Firearms License, and who is in compliance with the requirements of Section 12071 of the California Penal Code;

(13) To any person or entity acquiring an ultracompact firearm by bequest, intestate succession or otherwise by operation of law;

(14) To a non-profit entity that is authorized to destroy firearms, and which has agreed to destroy the firearm being transferred

(15) To a federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the ultracompact firearm is used for display purposes, is unloaded, and is secured from unauthorized use;

(16) To the delivery of an ultracompact firearm to a licensed gunsmith, as defined in California Penal Code Section 12001(r), or to a person licensed pursuant to California Penal Code Section 12071, for purposes of service or repair, or to the return of the firearm to its owner by the gunsmith or by licensee following the completion of service or repairs;

(17) To the return of an ultracompact firearm to its owner by a person licensed pursuant to this Article where the firearm was initially delivered to the licensee for the purpose of a consignment sale or as collateral for a pawnbroker loan.

(e) **Penalties.**

(1) Violation of this section shall be punishable as a misdemeanor. In addition, each violation of this Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license under this Article.

(2) Each transaction in violation of this Section shall be deemed a distinct and separate violation.

(Added by Ord. 62-00, File No. 000197, App. 4/14/2000; amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.10-3. PERSONS PROHIBITED FROM PURCHASING FIREARMS NOT PERMITTED ON LICENSEES' PREMISES.

(a) No person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Sections 8103 shall enter into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms and which displays the notices required by Section 613.10(k), except in accordance with paragraph (c) of this Section.

(b) (1) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person who the licensee knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1, or Subsections (a), (b), (c) or (d), of California Welfare and Institutions Code Section 8103, except in accordance with paragraph (c) of this Section.

(2) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person under 18 years of age except in accordance with paragraph (c) of this section. No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms and who keeps or displays for sale, lease or other transfer firearms capable of being concealed on the person shall permit the entry onto the premises that are the subject of the license by any person under 21 years of age, except in accordance with paragraph (c) of this section.

(3) The licensee and any of his or her agents, employees or other persons acting under the licensee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to purchase a firearm under state law by reason of age. Clear evidence of age and identity includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph, and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.

(c) **Exceptions.**

(1) It shall not be a violation of this section for any person who is otherwise prohibited pursuant to subsection (a) from entering or being present on the premises to enter or be present on the premises if the firearms and related accessories (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure.

(2) It shall not be a violation of this section for any person who the licensee is otherwise required to keep from entering or being present on the premises pursuant to subsection (b) to enter or be present on the premises if the firearms and related accessories (including, but not limited to ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure. Where a licensee keeps or displays weapons capable of being concealed on the person in a separate roam or enclosure that separates such firearms and related accessories, (including, but not limited to, ammunition, ammunition clips and holsters) from other merchandise (including other firearms), it shall not be a violation of this section for persons at least 18 years old but less than 21 years old to enter or be present on the premises if such persons are excluded from the separate room or enclosure containing firearms capable of being concealed on the person.

(d) **Penalty for violation.**

(1) Any person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Section 8103 and who knowingly enters into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms in violation of subsection (a) shall be guilty of a misdemeanor.

(2) Any licensee or other person acting under the authority of a licensee, including, but not limited to, employees or agents of a licensee, who knowingly allows a person to enter the licensee's premises in violation of this section shall be guilty of a misdemeanor.

(Added by Ord. 242-00, File No. 000950, App. 10/27/2000; amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.11. LICENSE-GROUNDS FOR REVOCATION.

In addition to any other provisions of this Article, any circumstances constituting grounds for denial of a license shall also constitute grounds for revocation of a license.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.12. HEARING ON LICENSE DENIAL OR REVOCATION.

(a) Any person whose application for a license under this Article has been denied, or whose license has been revoked pursuant to the provisions of this Article, shall have the right to a hearing before the Chief of Police or his or her designee prior to final denial or prior to revocation.

(b) The Chief of Police shall give the applicant or licensee written notice of the intent to deny the application or to revoke the license. The notice shall set forth the ground or grounds for the Chief of Police's intent to deny the application or to revoke the license, and shall inform the applicant or licensee that he or she has 10 days from the date of mailing of the notice to file a written request for a hearing. The application may be denied or the license revoked if a written hearing request is not received within the 10-day period.

(c) If the applicant or licensee files a timely hearing request, the Chief of Police shall set a time and place for the hearing. All parties involved shall have the right to (1) offer testimonial, documentary and tangible evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross examine any witnesses against them. If the hearing is before a designee of the Chief of Police, the designee shall make a written recommendation following the hearing regarding whether an application should be denied or a license revoked. The decision of the Chief of Police whether to deny the application or revoke the license shall be appealable to the Board of Appeals, at which proceeding the Chief shall have the burden of proof to justify his decision.

(Added by Ord. 91-94, App. 2/25/94; amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.13. LICENSE-LIABILITY INSURANCE.

No license shall be issued or reissued pursuant to this Article unless there is in full force and effect a policy of insurance in such form as the City Attorney and the City's Risk Manager deem proper, executed by an insurance company approved by the City's Risk Manager, whereby the applicant or licensee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, of any firearm, firearm ammunition or firearm ammunition component. The minimum liability limits shall not be less than $1,000,000 for damage to or destruction of property in any one incident, and $1,000,000 for the death or injury to any one person; provided, however, that additional amounts may be required by the City Attorney or City's Risk Manager if deemed necessary to protect the interests of the City and its residents.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, address in care of the Chief of Police, 850 Bryant Street, San Francisco, California, 94103, at 30 days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall name the City, its officers, agents, and employees as additional insureds.

In addition, applicants and licensees shall agree in writing that they shall indemnity, defend, and hold harmless the City, its officers, agents, and employees, from claims arising out of the negligence or the intentional or wilful misconduct of the applicant or licensee.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.14. LICENSE-AUTHORITY TO INSPECT.

Any and all investigating officials of the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, and provisions of this Article. A police investigator may conduct compliance inspections to insure conformance with all federal, state, and local laws, and all provisions of this Article.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.15. COMPLIANCE BY EXISTING DEALERS.

Any person engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm, firearm ammunition, or firearm ammunition component on the effective date of this Article, or any amendments thereto, shall have a period of 60 days after such effective date to comply with the provisions of this Article, or any amendments thereto.

In addition, any person who possesses as of February 1, 1994, a permit or license issued by the San Francisco Police Department to engage in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm, firearm ammunition, or firearm ammunition component, shall not be required to comply with the requirements of Section 613.3(i)(1), (2) and (3) of this Article.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 613.16. TEMPORARY SUSPENSION OF LICENSE.

(a) If the Chief of Police has reason to believe that a licensee has (1) violated any federal, state or local law relating to the sale, lease, transfer, use or possession of firearms, firearm ammunition or firearms ammunition components, or (2) has committed any of the offenses set forth in Section 613.3(e), the Chief of Police may immediately suspend for a period not to exceed three days the right of the licensee to sell, lease or otherwise transfer firearms, firearm ammunition or firearm ammunition components.

However, if the licensee is charged by a federal, state, or local prosecuting attorney with a violation of any such law the Chief of Police may suspend such license until the charges are dismissed or the licensee is found not guilty in a court of law. If the Chief of Police suspends a license pursuant to this provision, the licensee shall be provided an opportunity to present evidence to the Chief or his or her designee that the pending charges are without legal merit. The Chief's decision regarding whether to suspend a license pending the outcome of such charges shall be appealable to the Board of Appeals, at which proceeding the Chief shall have the burden of proof to justify his decision.

(b) Notice of suspension shall be mailed to the person(s) who applied for the license and shall be delivered to the address listed on the license.

(Added by Ord. 91-94, App. 2/25/94; amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.17. DELIVERY TO TAX COLLECTOR.

Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon payment of the license fee, payable in advance.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 91-94, App. 2/25/94)

SEC. 613.18. RULES AND REGULATIONS.

The Chief of Police is hereby authorized to promulgate such rules and regulations after noticed hearing as will enable the Police Department to effectuate the purposes of this ordinance. Failure to comply with such rules and regulations, or with any other requirements imposed by this ordinance, shall constitute grounds for revocation of licenses issued hereunder.

(Added by Ord. 407-86, App. 10/3/86; amended by Ord. 91-94, App. 2/25/94)

SEC. 613.19. PENALTIES.

Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction unless a penalty is otherwise specified. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than $100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $500 or more than $1,000 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $500 and not more than $1,000 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Added by Ord. 91-94, App. 2/25/94; amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 613.20. SEVERABILITY.

If any section, subsection, paragraph, sentence or word of this Article is deemed to be invalid or beyond the authority of the City and County of San Francisco, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, or words of this Article, and the application thereof; and to that end the section, subsections, paragraphs, sentences and words of this Article shall be deemed severable.

(Added by Ord. 91-94, App. 2/25/94)

SEC. 614. EXCEPTIONS.

Sections 613 to 613.20 inclusive, of this Article, shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment to points outside the City and County of San Francisco.

(Amended by Ord. 407-86, App. 10/3/86; Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 615. RECORDS OF AMMUNITION SALES.

(a) **Definitions.**

(1) "Firearm ammunition," as used in this Section, shall include any ammunition for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include ammunition for shotguns that contains shot that is No. 4 or smaller.

(2) "Semiautomatic rifle," as used in this Section, shall mean any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(3) "Assault weapon," as used in this Section, shall mean any of the weapons designated in California Penal Code Section 12276 or 12276.1.

(4) "Vendor," as used in this Section, shall mean any person located in the City and County of San Francisco who is engaged in the sale of firearm ammunition, including any retail firearms dealer.

(5) "Remote Vendor," as used in this Section, shall mean any person engaged in the sale of firearm ammunition, including any retail firearms dealer, who is located outside the City and County of San Francisco but delivers or causes to be delivered firearm ammunition to an address within the City and County of San Francisco.

(b) No Vendor shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Chief of Police:

(1) the name of the Vendor (including the name of the specific individual) transferring ownership to the transferee;

(2) the place where the transfer occurred;

(3) the date and time of the transfer;

(4) the name, address and date of birth of the transferee;

(5) the transferee's driver's license number, or other identification number, and the state in which it was issued;

(6) the brand, type and amount of ammunition transferred; and

(7) the transferee's signature.

(c) (1) The records required by this Section shall be maintained on the premises of the Vendor for a period of not less than two years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours.

(2) Any Vendor or Remote Vendor who sells or otherwise transfers ownership of five hundred (500) or more rounds of any firearm ammunition to a transferee in a single transaction, where the transaction occurs within the City and County of San Francisco or the firearm ammunition is ordered for delivery to an address within the City and County of San Francisco, shall be subject to the reporting requirement of this subsection (c)(2). Within 24 hours of the commencement of the transaction, regardless of when the firearm ammunition is delivered, the Vendor or Remote Vendor shall report the transaction to the Chief of Police by electronic mail at \_\_\_\_\_\_\_\_\_\_1 or by such other means specified by the Chief of Police. The report shall contain the same information required under subsection (b). In determining the number of rounds sold or otherwise transferred for purposes of complying with this subsection (c)(2), the Vendor or Remote Vendor shall include any combination of types, brands or calibers sold or transferred to the transferee.

(d) No Vendor shall knowingly make a false entry in, or fail to make a required entry in, or fail to maintain in the required manner records prepared in accordance with subsections (b) and (c)(1). No Vendor shall refuse to permit a police department employee to examine any record prepared in accordance with this Section during any inspection conducted pursuant to this Section. No Vendor or Remote Vendor shall fail to submit the report required under subsection (c)(2), or knowingly include false information in such report.

(e) **Penalties.**

(1) **First Conviction.** Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a fine of not less than $50 nor more than $100.

(2) **Subsequent Convictions.** In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a 90-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more than $400 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Section, a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $500 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(Added as Sec. 618 by Ord. 328-95, App. 10/20/95; renumbered and amended by Ord. 260-04, File No. 031932, App. 11/4/2004; amended by Ord. 37-13, File No. 130039, App. 3/13/2013, Eff. 4/12/2013)

(Former Sec. 615 amended by Ord. 407-86, App. 10/3/86; repealed by Ord. 260-04, File No. 031932, App. 11/4/2004)

CODIFICATION NOTE

1. So in Ord. 37-13.

SEC. 616. REPORTING THE LOSS OR THEFT OF FIREARMS.

(a) Any person that owns or is otherwise in possession of a firearm shall report the theft or loss of such firearm to the San Francisco Police Department within 48 hours of becoming aware of the theft or loss whenever

(1) the owner resides in San Francisco, or

(2) the theft or loss of the firearm occurs in San Francisco.

(b) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms within 48 hours of when the owner or person in possession becomes aware or should have become aware of the theft or loss shall be punishable in accordance with Section 613.19.

(Added by Ord. 260-04, File No. 031932, App. 11/4/2004)

(Former Sec. 616 added by Ord. 1.075, App. 10/11/38; repealed by Ord. 260-04, File No. 031932, App. 11/4/2004)

SEC. 617. PROHIBITION AGAINST POSSESSION OR SALE OF FIREARMS OR AMMUNITION ON PROPERTY CONTROLLED BY THE CITY AND COUNTY OF SAN FRANCISCO.

A. **Legislative Findings.**

(1) The national and statewide statistical information available from numerous sources overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached alarming and thus, unacceptable proportions; and

(2) Government at all levels has a substantial interest in protecting the people from those who acquire guns illegally and use them to commit crimes resulting in injury or death of their victims; and

(3) Recent events throughout the City and County have generated additional fears of random usage of guns to commit violence on unsuspecting residents, children and adults alike; and

(4) The Board of Supervisors finds that crimes and injuries committed with the use of a firearm are prevalent in San Francisco, with local statistics showing an increase in homicides by use of a gun increasing from 39 gun homicides out of 63 total homicides in 2001, which is a 63 percent increase, to 68 gun homicides out of 85 total homicides in 2006, which is an 80 percent increase. Local statistics also show that San Francisco Police Department has seized 1,158 guns in 2005, and 1,104 guns in 2006. In 2007, there have already been 25 gun homicides.

(5) In the City and County of San Francisco, the number of nonfatal injuries from guns has steadily increased. While, in 2001, 81 patients were admitted to SF General Trauma Center for serious injuries resulting from gun shots, the number of patients admitted for serious injuries rose to 228 by 2006. Similarly, the total number of shootings that resulted in nonfatal injuries documented by SFPD was 269 in 2005, 303 in 2006, and in 2007 this number has already reached 105 by May 10; and

(6) Gun crimes in and around schools and on buses carrying students to and from school have become increasingly common; and

(7) In 2003 and 2004, 52 percent of the City's gun violence victims were under the age of 25.

(8) Homicides committed with handguns are the leading cause of firearms related injuries and death in California; and

(9) The widespread availability of illegally obtained firearms has resulted in a significant rise in the number of shooting incidents across the County; and

(10) The Board of Supervisors has authority over the management and control of City and County property, and it may regulate, by ordinance, the manner in which the property of the City and County is accessed and used by members of the public; and

(11) Prohibiting the possession or sale of firearms and/or ammunition on City and County property will promote the public health and safety by contributing to the reduction in the presence of firearms and the potential for gunshot fatalities and injuries in the county. It will increase the confidence of members of the public that they are not at risk of injury from firearms when they seek to use the property and facilities of the City and County. In particular, this Board of Supervisors finds that an enormous number of the general public utilizes the parks, playgrounds and squares of San Francisco. This Board finds that prohibiting the possession or sale of firearms and ammunition on City and County property will help to ensure the safety of the general public and specifically children who are among the most vulnerable in our society; and

(12) The California Supreme Court has ruled that State Law does not preempt local laws banning the possession and sale of firearms and ammunition on their property. In *Nordyke* v. *King* (2002) 27 Cal.4th 875, the Supreme Court upheld an Alameda County ordinance banning the possession of firearms and ammunition on county owned property and in *Great Western* v. *County of Los Angeles* (2002) 27 Cal.4th 853, the Supreme Court upheld a Los Angeles County Ordinance prohibiting all sales of firearms and ammunition on county property. These rulings uphold the legal ability of the Board of Supervisors to ban the possession and sale of firearms and ammunition on City and County property.

B. **Legislative Intent.** With passage of this ordinance, the City and County seeks to ensure that its property and facilities are used in a manner consistent with promoting the health, safety and welfare of all of its residents.

C.1 **Definitions.**

(1) **City and County Property.**

(a) As used in this section, the term "City property" means real property, including any buildings thereon, owned or leased by the City and County of San Francisco (hereinafter "City"), and in the City's possession or in the possession of a public or private entity under contract with the City to perform a public purpose including but not limited to the following property: recreational and park property including but not limited to Golden Gate Park, the San Francisco zoo, Hilltop Park and San Francisco's parks and playgrounds, plazas including but not limited to United Nations Plaza and Hallidie Plaza, community centers such as Ella Hill Hutch Community Center, and property of the Department of Recreations and Parks, the Port, and the Public Utilities Commission.

(b)2 The term "City property" does not include any "local public building" as defined in Penal Code Section 171b(c), where the state regulates possession of firearms pursuant to Penal Code Section 171b.

(c) The term "City property" also does not include the public right-of-way owned by the City and County of San Francisco including any area across, along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets, and ways within the City or any property owned by the City that is outside the territorial limits of the City and County of San Francisco.

(2) **Firearms.** As used in this section the term "firearm" is any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. "Firearm" does not include imitation firearms or BB guns and air rifles as defined in Government Code Section 53071.5.

(3) **Ammunition.** "Ammunition" is any ammunition as defined in California Penal Code Section 12316(b)(2).

C.1 **Possession or Sale of Firearms or Ammunition on County Property Prohibited.** No person shall:

(1) Bring onto or possess on county property a firearm, loaded or unloaded, or ammunition for a firearm.

(2) Sell on county property a firearm, loaded or unloaded, or ammunition for a firearm.

D. **Exceptions, Ban on Possession.** Section C.(1)1 above shall not apply to the following:

(1) A peace officer, retired peace officer or person assisting a peace officer when authorized to carry a concealed weapon under Penal Code Section 12027(a) or a loaded firearm under Penal Code Section 12031(b)(1) and under 18 U.S.C. 926B or 926C.

(2) Members of the armed forces when on duty or other organizations when authorized to carry a concealed weapon under Penal Code Section 12027(c) or a loaded firearm under Penal Code Section 12031(b)(4).

(3) Military or civil organizations carrying unloaded weapons while parading or when going to and from their organizational meetings when authorized to carry a concealed weapon under Penal Code Section 12027(d).

(4) Guards or messengers of common carriers, banks and other financial institutions when authorized to carry a concealed weapon under Penal Code Section 12027(e) and armored vehicle guards when authorized to carry a loaded weapon under Penal Code Section 12031(b)(7).

(5) Persons who are at a target range.

(6) Honorably retired Federal officers or agents of Federal law enforcement agencies when authorized to carry a concealed weapon under Penal Code Section 12027(i) or a loaded weapon under Penal Code Section 12031(b)(8).

(7) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under State Law.

(8) Patrol special police officers, animal control officers or zookeepers, and harbor police officers, when authorized to carry a loaded firearm under Penal Code Section 12031(c).

(9) A guard or messenger of a common carrier, bank or other financial institution; a guard of a contract carrier operating an armored vehicle; a licensed private investigator, patrol operator or alarm company operator; a uniformed security guard or night watch person employed by a public agency; a uniformed security guard or uniformed alarm agent; a uniformed employee of private patrol operator or private investigator when any of the above are authorized to carry a loaded firearm under Penal Code Section 12031(d).

(10) Any authorized participant in a motion picture, television or video production or entertainment event when the participant lawfully uses a firearm as part of that production or event.

E. **Exception, Ban on Sale.** Section C.(2)1 above shall not apply to the following:

(1) Purchase or sale of a firearm or ammunition for a firearm by a federal, state or local law enforcement agency or by any other Federal, State or local governmental entity.

(2) The public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligation under state law.

(3) Sale of ammunition at a target range for use at the target range.

F. **Penalty for Violation.** Any person who violates any of the provisions of this Section 617(c)3 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

G. **Severability.** If any provision, clause or word of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this chapter are declared to be severable.

(Added by Ord. 194-07, File No. 070682, App. 8/1/2007)

CODIFICATION NOTES

1. As enacted by Ord. 194-07, this section includes two divisions designated "C.," both of which have subdivisions designated "(1)" and "(2)." The first division "C." includes definitions; the second includes prohibitions relating to sales and possession.

2. As enacted by Ord. 194-07, the second and third paragraphs of this division are undesignated. The codifier added the designations "(b)" and "(c)."

3. So in Ord. 194-07.

SEC. 618. PROHIBITED AMMUNITION.

(a) **Definition.** For purposes of this Section, "Prohibited Ammunition" shall mean:

(1) Ammunition sold under the brand name "Winchester Black Talon," or that has physical properties resulting in ballistics performance identical to ammunition presently or formerly sold under the brand name Winchester Black Talon; or,

(2) Ammunition designated by its manufacturer for purchase by law enforcement or military agencies only, unless other ammunition is available to the general public that has physical properties resulting in ballistics performance identical to such ammunition.

(b) **Possession Prohibited; Exceptions.** No person, firm, corporation or other entity may possess Prohibited Ammunition within the City and County of San Francisco, except that this subsection shall not apply to the otherwise-lawful possession of Prohibited Ammunition by the following:

(1) Peace officers in possession of Prohibited Ammunition issued to them by their employing agency;

(2) Federal law enforcement officers or other federal employees in possession of Prohibited Ammunition issued to them by their employing agency;

(3) Members of the armed forces oft he United States in possession of Prohibited Ammunition issued to them by the military agency to which they belong;

(4) Patrol special police officers, animal control officers or zookeepers, harbor police officers, sheriff's security officers, or police security officers in possession of Prohibited Ammunition issued to them by their employing agencies; or,

(5) Businesses licensed as firearms dealers under this Article in possession of Prohibited Ammunition for sale to law enforcement and military agencies. Agencies employing persons listed in subsection (b)(4) are considered law enforcement agencies for purposes of this Section.

(c) **Sale or Transfer.** No business licensed as a firearm dealer under this Article may sell, lease or otherwise transfer Prohibited Ammunition except to law enforcement and military agencies.

(d) **Police Database.** The San Francisco Police Department shall prepare or cause to be prepared a public database of brands and product lines of ammunition meeting the definition of "Prohibited Ammunition" in subsection (a). Failure of the Police Department to create or maintain such a database, or the omission from the database of a particular brand or product line of ammunition otherwise qualifying as "Prohibited Ammunition," under subsection (a), shall not be a defense to or otherwise excuse a violation of this Section.

(e) **Penalty.** Violation of any of the provisions of this Section is a misdemeanor and upon conviction the violator may be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

(f) **Severability.** If any provision, clause or word of this Section 618 or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this Section are declared to be severable.

(Added by Ord. 38-13, File No. 130040, App. 3/13/2013, Eff. 4/12/2013)

(Former Sec. 618 added by Ord. 328-95, App. 10/20/95; renumbered as Sec. 615 and amended by Ord. 260-04, File No. 031932, App. 11/4/2004)

[Miscellaneous Conduct]

SEC. 622. REGULATIONS TO BE OBSERVED AT FIRES.

It shall be the duty of the police officers, at the time of any fire, to place ropes and guard lines across all public streets on which any burning buildings or premises are situated and at such points as they may be deemed necessary.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 623. PUBLIC TO REMAIN OUTSIDE LINES.

It shall be unlawful for any person except owners and occupants, and their employees, of buildings endangered by fire, and officers and members of the Fire Department and Police Department, and persons having permits from the Fire Commissioners or Police Commissioners, to pass within such lines or to remain within such lines when ordered outside thereof by any Police Officer.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 628. COERCION OF LABORERS FOR POLITICAL PURPOSES PROHIBITED.

No officer, board or commission, authorized by law to appoint subordinates or to engage the services of laborers, shall solicit or demand of such subordinates or laborers that they vote for or against any candidate for any elective office; or procure, engage, or endeavor to procure from such subordinate or laborer any sum of money or contribution to be used for the election or defeat of any candidate for any elective office; and any officer, or member of any board or commission, who demands such contribution and any subordinate or laborer who pays any such contribution, shall be guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his office or position.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 630. UNAUTHORIZED REMOVAL OF NEWSPAPERS PROHIBITED.

(a) **Findings.**

(1) The Board of Supervisors of the City and County of San Francisco finds that the unauthorized removal of newspapers before they reach their intended reading public, including the unauthorized removal of newspapers circulated to the public free of charge, injures the people of the City and County by depriving them of informative printed news, entertainment, and public notices.

(2) The Board further finds that the unauthorized removal of newspapers infringes on the right of the public to a free press under the First Amendment to the United State Constitution and Article I, Section 2 of the California Constitution, and the public's right to express and exchange diverse ideas and opinions.

(3) The Board further finds that the unauthorized removal of newspapers from newsracks, storefronts, residential properties, bundle drop locations and other locations where newspapers are delivered in mass for public consumption, has become a substantial problem in the City and County of San Francisco.

(4) The Board further finds that persons taking newspapers from these locations are often selling them to recyclers, and are thus appropriating the newspapers for monetary gain.

(b) **Definitions.**

(1) **Newspapers.** For purposes of this Section, "newspapers" shall mean any publication made available to the public on a periodic basis (whether daily, weekly, monthly or quarterly), regardless of whether a fee is charged for the publication.

(2) **Newsracks.** For purposes of this Section, "newsracks" shall mean any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers.

(3) **Residential Property.** For purposes of this Section, "residential property" shall mean any property attached or adjacent to a single-family residence, apartment or other building used as a residential dwelling where a person would reasonably expect newspapers to be placed for the use of individuals residing in the building. Such property includes, but is not limited to, any front yard, driveway, or mailbox associated with such dwelling.

(4) **Storefront.** For purposes of this Section, "storefront" shall mean any property attached or adjacent to a business, including but not limited to grocery or convenience stores, where a person would reasonably expect newspapers to be placed for the use of the business.

(5) **Bundles.** For purposes of this Section, "bundles" shall mean a quantity of newspapers gathered or bound together by a publisher or distributor for the purpose of distribution to its intended audience.

(6) **Bundle Drop Locations.** For purposes of this Section, "bundle drop locations" shall mean places where bundles are placed in mass for distribution by authorized delivery persons.

(c) **Prohibitions.**

(1) It shall be unlawful for any person to remove, take, or appropriate more than one copy of a newspaper from any newsrack or bundle drop location for the purpose of (i) selling such newspaper to any recycler; (ii) selling, trading, or bartering such newspaper to anyone for any payment; or (iii) depriving others of the opportunity to read or enjoy such newspaper. This prohibition shall not apply to an authorized representative of the owner or operator of any newsrack, or any publisher, authorized printer or authorized distributor of newspapers.

(2) It shall be unlawful for any person, other than a business owner or the owner's authorized agent, to remove, take, or appropriate more than one copy of a newspaper from any storefront for the purpose of (i) selling such newspaper to any recycler; (ii) selling, trading, or bartering such newspaper to anyone for any payment; or (iii) depriving others of the opportunity to read or enjoy such newspaper.

(3) It shall be unlawful for any person to remove, take, or appropriate from any residential property more than one copy of a newspaper for the purpose of (i) selling such newspaper to any recycler; (ii) selling, trading, or bartering such newspaper to anyone for any payment; or (iii) depriving others of the opportunity to read or enjoy such newspaper. This prohibition shall not apply to the owner of such residential property, a person residing at such property, or the authorized representative of the owner of or person residing at such property.

(4) It shall be unlawful for a recycler or any other person or entity to purchase more than one copy of any newspaper, or to obtain more than one copy of any newspaper or other publication through trade or barter, from any person ("seller") under circumstances sufficient to give a reasonable person knowledge that the seller has removed, taken, or appropriated such newspapers before they reached their intended reading public. Circumstances sufficient to give a reasonable person such knowledge include, but are not limited to, being offered for purchase, trade or barter a bundle or bundles of multiple copies of the same edition of a newspaper by any person other than a publisher, printer, distributor or retail seller of such newspaper, or an authorized representative of such a publisher, printer, distributor or retail seller.

(d) **Record Keeping.** Any recycler or other person or entity purchasing newspapers in quantities of greater than 100 pounds per transaction, shall be required to record the following information for each such transaction: the seller's name, address, phone number, valid driver's license number, automobile license plate number, amount of newspapers, and amount paid per transaction. Any recycler or other person required to keep records pursuant to this Section shall maintain such records and make them available for inspection for at least one year.

(e) **Penalties.** Any person or entity violating any provision of this Section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether, in the discretion of the District Attorney, the violation is a misdemeanor or infraction. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $100 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Section, if the defendant previously has been convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person or entity violating any provision of this Section a second time within a ninety-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $200 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person or entity violating any provision of this Section a third time, and each subsequent time, within a ninety-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The Board hereby declares that it would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(Added by Ord. 99-96, App. 3/6/96)

SEC. 633. REQUIRING DAMAGED TRAFFIC STANDARDS TO BE REPORTED TO CHIEF OF POLICE.

It shall be the duty of the driver of any vehicle involved in an accident resulting in damage to any traffic standard, sign or signal, pole, fire alarm box, police telephone signal box, or hydrant belonging to the City and County of San Francisco, to notify, within 24 hours thereafter, the Chief of Police of the City and County of San Francisco of the name of the owner and driver of said vehicle, their address, registration number of said vehicle and the location of the property so damaged.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 635. CITY AND COUNTY BUILDINGS AND GROUNDS; VIOLATIONS OF RULES AND REGULATIONS RELATING THERETO PROHIBITED.

No person shall violate or attempt to violate any rule or regulation prescribed by the appropriate officer, board or commission of the City and County for the administration and protection of any public building or grounds of said City and County under the control and jurisdiction of said officer, board or commission, provided that a copy of said rule or regulation is posted in a conspicuous place in the public building or grounds to which said rule or regulation applies.

(Added by Ord. 79-72, App. 4/3/72)

[Security Requirements]

SEC. 636. SECURITY REQUIREMENTS NEW CONSTRUCTION.

Security requirements for new construction Group R-1 occupancies entry doors, locks, security glazing, testing and approval, shall be in accordance with the provisions of Sections 4101 through 4105 of the Building Code. Room keys or other opening devices shall be free of hotel name or address identification.

(Amended by Ord. 537-85, App. 12/4/85)

SEC. 636.1. SECURITY REQUIREMENTS GROUP H OCCUPANCY BUILDINGS.

The provisions of Sections 636 through 636.3 hereof shall apply to all Group H occupancy buildings containing three or more dwelling units or more than five guestrooms, and includes all apartment houses, hotels, motels and condominiums.

(Amended by Ord. 346-80, App. 7/3/80)

SEC. 636.2. SECURITY REQUIREMENTS EXTERIOR DOORS.

All exterior doors directly accessible from the ground level or by stairs or ramps and providing entry into the Group H occupancy buildings shall comply with Section 713 of the Housing Code.

(Amended by Ord. 346-80, App. 7/3/80)

SEC. 636.3. PENALTIES.

Any person violating any of the provisions of Sections 4101 through 4105 of the Building Code, Sections 713 through 714 of the Housing Code, or Sections 636 through 636.2 of the SF Police Code shall he charged with a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding $500 or by imprisonment, not exceeding 30 days, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, neglect or refusal shall continue.

(Amended by Ord. 537-85, App. 12/4/85)

SEC. 636.4. ENFORCEMENT AUTHORITY.

The Bureau of Building Inspection and San Francisco Police Department have the authority to administer and enforce the provisions of the preceding section.

(Amended by Ord. 346-80, App. 7/3/80)

SEC. 636.5. RETROACTIVE PROVISIONS.

Sections 636.1, 636.2 and portion of 636.2 as applied to existing buildings (Police Code) shall become effective one year after adoption.

(Amended by Ord. 346-80, App. 7/3/80)

[Fire and Police Alarms; False Alarms; Rewards]

SEC. 638. INTERFERENCE WITH FIRE, ETC., TELEGRAPH SYSTEMS PROHIBITED.

It shall be unlawful for any person, firm or corporation to place, or cause to be placed, any article or thing on or upon any sidewalk in such a manner as to interfere with or obstruct the free access or approach to any signal box of the Fire and Police Telegraph System; or without authority from the Chief of the Department of Electricity to run any wire or any of the telegraph poles or fixtures of said systems, or to run, erect or maintain any wire across or parallel with any wire of said system within a distance of four feet thereof; or without authority from the Chief of the Department of Electricity, to break, remove or injure or cause to be broken, removed or injured, any of the parts or appurtenances of said system; or without authority, to make, or fit, or cause to be made or fitted, any key to lock of any signal box of said system; or, without authority, to have or retain in his possession any key belonging to or fitted to the lock of any such signal box; or to pick or force the lock of any such signal box.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 639. MAKING FALSE ALARMS PROHIBITED.

It shall be unlawful for any person wilfully to make or cause to be made any false alarm of fire or any false call for police assistance, or for the police patrol wagon, or for any hospital ambulance of the Department of Public Health, by means of city or any telegraph or telephone systems, or any other way.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 640. REWARD.

(a) Every person or persons who give information leading to the arrest and conviction, as defined in this Section, of any person who violates Section 148.4 of the California Penal Code, relating to the turning in of false fire alarms, in the City and County of San Francisco, shall receive as a reward from the City and County of San Francisco a total sum of $500 for each such occurrence. For the purposes of this Section and Section 641 of this Code, "conviction" shall mean a finding of guilty following a trial, a plea of guilt or nolo contendere, or a plea of guilty or nolo contendere by plea bargaining whether or not the guilty plea or nolo contendere plea is entered for violation of Section 148.4 of the California Penal Code.

(b) Every person or persons who give information leading to the arrest or, in the case of a juvenile, the temporary detention, but not the conviction of any person who violates Section 148.4 of the California Penal Code, relating to the turning in of false fire alarms, in the City and County of San Francisco, shall nevertheless receive as a reward from the City and County of San Francisco a total sum of $500 for each such occurrence, unless the arrested person or detained juvenile is found not guilty following a trial or juvenile court proceedings or the prosecutor dismisses the charges for insufficient information. Circumstances under which the person or persons providing the information shall be eligible for the reward include but are not limited to, disposition of the charges in the following ways:

(1) The court issues a bench warrant against the arrested person for failure to appear in court;

(2) The court determines that the arrested person is mentally incompetent to stand trial;

(3) The court places the arrested person in a diversion program;

(4) The charges are dismissed because the person is deported;

(5) Juvenile court proceedings establish that the juvenile carried out the alleged actions; or

(6) A probation officer places the detained juvenile in a specific program of supervision.

(c) In the event that more than one person gives information under the circumstances specified in Section 640(a) or 640(b) regarding the same occurrence, the total sum of $500 shall be divided equally among the persons providing the information.

(Amended by Ord. 208-86, App. 6/6/86)

SEC. 641. PAYMENT.

The Controller is hereby authorized and directed to pay from any appropriation created for the purpose the total sum of $500 for each such occurrence to the person or persons who give such information leading to an arrest and conviction as set forth in Section 640, or the disposition of the charges by one of the other methods specified in Section 640, provided that a claim therefor is filed with the Controller within 60 days after the conviction or the disposition of the charges by one of the other methods enumerated in Section 640, and the said claim is approved by the Chief of the Fire Department.

(Amended by Ord. 208-86, App. 6/6/86)

SEC. 642. INELIGIBLE PERSONS.

Neither a peace officer, a member of the Fire Department, nor any person barred by Charter provisions or statute from receiving rewards shall be eligible to claim the said reward.

(Added by Ord. 277-69, App. 8/29/69)

SEC. 643. PUBLICATION OF OFFER.

Publication of this offer may be made through the posting of signs by the Fire Department from funds appropriated to the department for that purpose.

(Added by Ord. 277-69, App. 8/29/69)

[Miscellaneous Conduct]

SEC. 644. THE USE, SALE OR POSSESSION OF BALLOONS INFLATED WITH INFLAMMABLE OR EXPLOSIVE GASES PROHIBITED.

It shall be unlawful for any person, firm or corporation to use, sell or possess any balloon inflated with inflammable or explosive gases.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 645. ABANDONING REFRIGERATOR EQUIPPED WITH LOCKING DEVICES PROHIBITED.

It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock or other locking device from said ice box, refrigerator or container.

(Added by Ord. 8454, Series of 1939, App. 3/17/54)

SEC. 646. PENALTY.

Any person, firm or corporation who shall violate any of the provisions of Section 645 of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not more than $500, or by imprisonment in the County Jail for a period of not more than 90 days, or by both such fine and imprisonment.

(Added by Ord. 8454, Series of 1939, App. 3/17/54)

SEC. 647. UNAUTHORIZED REMOVAL OF SHOPPING CARTS; NOTICE, EXCEPTIONS.

No person shall remove any shopping cart, shopping basket, or other similar device from the premises of any business establishment, any parking area maintained for the customers of said business establishment, or sidewalks and passageways adjacent to said business establishment or said parking areas, for the purposes of temporarily using the same, or for any purpose whatsoever, if such shopping cart, basket, or device has securely affixed to it a sign identifying it as belonging to said business establishment and there is posted on the premises of said business establishment a notification to the effect that said cart, basket or device is not to be removed from said premises, parking areas, or sidewalks and passageways adjacent thereto.

This Section shall not be enforceable against any alleged violators unless there is posted at the place or places where said carts, baskets or devices are stored for customer use, a sign or signs positioned and of sufficient size and legibility to be seen by an ordinarily observant person, to notify customers and the general public of the prohibitions set forth herein.

The provisions of this Section shall not apply to removal of a shopping cart, shopping basket or other similar device by the owner thereof, the agent of said owner, an employee of said business establishment, or by any person possessing the written consent of said owner or the manager of said business establishment.

(Added by Ord. 263-66, App. 10/28/66)

SEC. 648. AUTOMATIC CALLING DEVICES-USE OF REGULATED.

No person, partnership, corporation or any other type or class of association of persons, except a public utility engaged in the business of providing communications services and facilities, shall use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any device or combination of devices that will upon action either mechanically, electronically or by any other automatic means, initiate a call and deliver a recorded message to any telephone number or numbers assigned to the City and County of San Francisco by a public telephone company, without the prior written consent of said City and County.

The term "telephone number" includes any additional numbers assigned by a public utility company engaged in the business of providing communications services and facilities to be used by means of a rotary or other system to connect with said City and County to such primary number when the primary telephone number is in use.

(Added by Ord. 222-70, App. 6/25/70)

SEC. 649. APPLICATION FOR PERMISSION TO INSTALL.

Any and all applications for the consent required by Section 648 shall be made to the Head of the Department of the City and County of San Francisco which has a telephone number to which it is desired to initiate a call and/or deliver a recorded message. The form and detail of the application for such consent must be furnished by the Department Head and such consent does not take the place of any license required by law. Said Department Head may withhold said consent until satisfied that the granting of said consent will not interfere with the operations of his department.

(Added by Ord. 222-70, App. 6/25/70)

ARTICLE 9.1:  
[RESERVED]

ARTICLE 9.2:  
[RESERVED]

ARTICLE 9.3:  
[RESERVED]

ARTICLE 9.4:  
[RESERVED]

ARTICLE 9.5:  
PROHIBITING OF PROFESSIONAL STRIKEBREAKERS

|  |  |
| --- | --- |
| Sec. 650. | Findings. |
| Sec. 651. | Definitions. |
| Sec. 652. | Unlawful Conduct. |
| Sec. 653. | Violation. |
| Sec. 654. | Severability. |

SEC. 650. FINDINGS.

Relations between organized labor and management in this City and County have for many years been marked by a mature adherence to the principles of good faith, collective bargaining and a mutual respect for the rights, interests and well being of working people, business and industry. The importation or use in this City and County of professional strikebreakers as replacements during a strike or lockout endangers such sound and beneficial relations between labor and management.

Experience in this City and County and in other parts of this country demonstrates that the utilization of professional strikebreakers in labor disputes is inimical to the public welfare and good order in that such practices tend to prolong industrial strife, frustrate collective bargaining and encourage violence, crimes and other disorders.

Persons who customarily offer themselves as replacements during labor disputes are generally of unsavory character and accustomed to association with undesirable elements. The introduction of such persons into the community and their employment in this City and County is harmful to our citizens and threatens the public peace.

The aforementioned evils are beyond the regulation of applicable state or federal law, and the mitigation and correction thereof requires the exercise of the police power of this City and County.

(Added by Ord. 317-64, App. 11/30/64)

SEC. 651. DEFINITIONS.

As used in this ordinance the following words and phrases shall unless provided otherwise have the following definitions:

(a) "Employer": A person, partnership, firm, corporation, association or other entity, which employs any person or persons to perform services for a wage or salary. "Employer" includes any person, partnership, firm, corporation, association or other entity acting as an agent of an employer, directly or indirectly.

(b) "Employee": Any person who performs services for wages or salary under a contract of employment, express or implied, for an employer.

(c) "Strike": Any concerted act of employees in a lawful refusal of such employees under applicable state or federal law to perform work or services for an employer.

(d) "Lockout": Any refusal by an employer to permit his employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of said employees.

(e) "Professional Strikebreaker": Any person (1) who during the period of five years immediately preceding the acts described in provision (2) of this Subdivision (e) has repeatedly offered himself to employers at whose places of business a strike or lockout was currently in progress, for employment for the duration of such strike or lockout for the purpose of replacing an employee or employees involved in said strike or lockout, and (2) who currently offers himself to an employer at whose place of business a strike or lockout is presently in progress, for employment for the purpose of replacing an employee or employees involved in said strike or lockout.

"Repeatedly," as used in the foregoing provision, is defined as meaning on two or more occasions (exclusive of any current offer for employment in connection with a current strike or lockout).

"Employment for the duration of such strike or lockout" shall include employment for all or part of the duration of such strike or lockout; and, in connection therewith, shall include services during all or part of such strike or lockout which began not more than one month prior to the initiation thereof, or, in the alternative, which concluded not later than one month after the termination of such strike or lockout.

"Employment," as used in this Subdivision (e), is defined as service for an employer, whether compensated by wages, salary, or any other consideration not limited to the foregoing and whether secured, arranged or paid for by an employer or any other person, partnership, firm, corporation, association or other entity.

(Added by Ord. 317-64, App. 11/30/64)

SEC. 652. UNLAWFUL CONDUCT.

(a) It shall be unlawful for any employer willingly and knowingly to utilize any professional strikebreaker to replace an employee or employees involved in a strike or lockout at a place of business located within the City and County of San Francisco.

(b) It shall be unlawful for any professional strikebreaker willingly and knowingly to offer himself for employment to replace, or to replace, an employee or employees involved in a strike or lockout at a place of business located within the City and County of San Francisco.

(Added by Ord. 317-64, App. 11/30/64)

SEC. 653. VIOLATION.

Any person, partnership, firm, corporation, association or other entity, or officer or agent thereof, who shall violate any of the provisions of this ordinance shall upon conviction thereof be subject to a fine not to exceed $500 or imprisonment not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court.

(Added by Ord. 317-64, App. 11/30/64)

SEC. 654. SEVERABILITY.

If any part of the provisions of this ordinance, or the application thereof, to any person or circumstance is held invalid by the final judgment of a court of competent jurisdiction, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect and shall otherwise be fully operative. To this end, the provisions of this ordinance, and each of them, are hereby declared to be severable.

(Added by Ord. 317-64, App. 11/30/64)

ARTICLE 9.6:  
REGULATIONS FOR SOLICITATION FOR CHARITABLE PURPOSES

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| Sec. 660. | Findings and Purpose. |
| Sec. 660.1. | Definitions. |
| Sec. 660.2. | Unlawful Solicitation. |
| Sec. 660.3. | Statement of Registration. |
| Sec. 660.4. | Issuance of Certificate of Registration. |
| Sec. 660.4-1. | Audits. |
| Sec. 660.4-2. | Registration of Commercial Fundraisers. |
| Sec. 660.5. | Change in Fact, Policy or Method. |
| Sec. 660.6. | Certificate of Registration and Identification Cards Nontransferable-Return Upon Expiration. |
| Sec. 660.7. | Registration Fee. |
| Sec. 660.8. | Solicitors' Identification Cards and Lists of Solicitors. |
| Sec. 660.9. | Written Receipts Required. |
| Sec. 660.11. | Financial Records. |
| Sec. 660.12. | Public Disclosure. |
| Sec. 660.13. | Exceptions. |
| Sec. 660.14. | Penalties. |
| Sec. 660.14-1. | Forfeiture. |
| Sec. 660.15. | City Undertaking Limited to Promotion of General Welfare. |
| Sec. 660.16. | Severability. |
| Sec. 660.17. | Preemption. |

SEC. 660. FINDINGS AND PURPOSE.

(a) The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic; however, state and federal courts have determined that sidewalks are also traditional public for a for the exchange of ideas and views protected by our Federal and State Constitutions.

(b) The sale of goods, products and services with its corresponding inquiry regarding the quality and price of goods, bargaining over that price, and exchange of goods, products and services for consideration, by its nature has created greater problems with regard to the use of the public sidewalk than the traditional solicitation of contributions by charitable organizations. In particular, the unregulated sale of goods, products and services on the public sidewalks by charitable organizations and persons soliciting by sales on behalf of charitable organizations has caused congestion and potential use of force that threatens the safety of pedestrians attempting to use the sidewalks and public transit for their primary purpose. It has also interfered with pedestrian access to private residences, Municipal Railway, cable car and bus zones, and places of business. One of the primary causes of these problems is the sales activities on the public sidewalks of commercial enterprises who represent that part of their profits will go to a charitable organization.

(c) Reasonable regulation of sidewalk sales activities is necessary to protect the public safety, health, welfare, as well as the substantial esthetic interest in preserving the beauty, solitude and viewing areas of certain parts of the City. The sales activities of charitable organizations pose esthetic problems different from and greater than those presented by street artists and other sidewalk peddlers. Street artists sell goods of their own making. Thus, street artists offer a variety of goods, and the volume of their merchandise is limited. On the other hand, almost without exception, those selling on behalf of charitable organizations peddle t-shirts and sweatshirts. The presence on the sidewalk of tables piled high with sweatshirts and t-shirts is much more visually offensive than the sale of jewelry and other items sold by street artists and other sidewalk vendors. Indeed, the sales activities of charitable organizations have had the effect of converting many areas of the City into permanent flea markets.

(d) The City repeatedly has sought to address the problems created by the sales activities of charitable solicitors by means less restrictive than those set out in this legislation, including restrictions on where charitable sales activities may take place and the type of information that charitable organizations must disclose. These less restrictive measures have failed to alleviate adequately the problems caused by the sales activities of charitable organizations. In particular, the current locational regulations, such as the amount of sidewalk space that must be left for pedestrian passage, the sales of merchandise adjacent to unloading and bus zones, and the space between persons engaged in charitable sales, have proved ineffective to adequately protect public health and safety. These locational restrictions were initially intended to apply to the sale of books, pamphlets and other purely communicative items. Experience has taught that the safety problems created by the sales of sweatshirts and other commercial merchandise by charitable organizations are greater than those caused by other sidewalk vending or that would be caused by the sales of purely communicative items. Sidewalk sweatshirt vending by charitable organizations consistently draws larger crowds of prospective buyers than does sidewalk sales by street artists and other peddlers. Therefore, the safety concerns associated with charitable sales are different from those posed by other vendors. Accordingly, different regulations are needed. In particular, sales activities on the building side of sidewalks, with their attendant crowds, frequently force pedestrians to walk in the street, which endangers those pedestrians.

(e) The San Francisco Street Artists Program, established by a mandate of the people of the City and County of San Francisco with the adoption of Proposition L on November 4, 1975, is an essential component of this City's effort to support the work of its resident artisans. Permitting the sale of merchandise in spaces designated as Street Artists spaces by persons other than Street Artists tends to confuse the public regarding the nature of the products sold and adversely affects the credibility of the Street Artists Program.

(f) The City and County of San Francisco has a duty to safeguard its citizens from fraudulent solicitors. Like other communities, San Francisco has traditionally been plagued with persons defrauding its citizens by falsely representing that they are soliciting contributions for charitable purposes. The most effective method for protecting citizens from fraudulent solicitors is to require full disclosure to the public of information regarding the operations and purposes of persons soliciting for charitable purposes and to ensure that the information disclosed is truthful.

(g) The City also has a duty to preserve the visual quality of its sidewalks, parks and plazas, prevent the obstruction of public viewing areas, and preserve the tranquility and special ambience of areas that have been created to provide members of the public with zones of peace, quiet and solitude. There are areas of the City, such as Twin Peaks and portions of the Fisherman's Wharf area and parks, where the Board finds that sales activities, whether conducted by charitable organizations or for-profit entities, are inconsistent with these esthetic qualities as well as public safety. The Board also finds that because of the unique nature of City parks, the regulation of sales activities in parks is better left to the Recreation and Parks Commission.

(h) In adopting these amendments, the Board of Supervisors is aware that a federal appellate court has enjoined the enforcement of Section 660.2(j) of this Article with respect to the sale of items that are inextricably intertwined with a political, ideological, religious or philosophical message. The Board is also aware that the City is pursuing a further appeal of this ruling. The amendments to this Article are in no way intended as a substitute for the City's appeal. Rather, these amendments are intended to reduce somewhat the problems caused by the sales activities of charitable organizations, pending a resolution of the City's appeal.

(Amended by Ord. 106-87, App. 4/3/87; Ord. 289-90, App. 8/1/90)

SEC. 660.1. DEFINITIONS.

Whenever used in this Article unless a different meaning clearly appears from the context:

(a) "Association" shall mean any unincorporated organization or group of individuals sharing a common purpose or common purposes.

(b) "Charitable Organization" shall mean and include any person who, or any nonprofit community organization, fraternal, benevolent, educational, philanthropic, or service organization, or governmental employee organization which, solicits or obtains contributions solicited from the public for charitable purposes of or holds any assets solely for charitable purposes.

(c) (1) "Charitable Purpose" shall mean religious, charitable, scientific, testing for public safety, literary, educational, or for the prevention of cruelty to children or animals, and all other purposes recognized as charitable under common law.

(c) (2) "Charitable Purpose" shall not be construed to include solicitations primarily for the direct benefit of the individual making the solicitation.

(d) "Contributions" shall mean and include the words alms, food, clothing, money, subscription or property. "Contributions" shall also mean donations under the guise of a loan of money or property.

(e) "Department" shall mean the San Francisco Police Department.

(f) "Person" shall mean any individual, partnership, corporation, or association.

(g) "Public Sidewalk" shall mean all improved sidewalks owned or under the control of the City and County of San Francisco.

(h) "Solicit," "solicitation," and "solicitation for a charitable purpose," shall mean any request, plea, entreaty, demand, or invitation, or attempt thereof, to give money or property, that occurs on the streets, sidewalks, or parks or other property under the control of the City and County of San Francisco in connection with which:

(1) Any appeal is made for charitable purposes; or

(2) The name of any charity, philanthropic or charitable organization is used or referred to in any such appeal as an inducement for making any such gift; or

(3) Any statement is made to the effect that such gift or any part thereof will go to or be used for any charitable purpose or organization.

(i) "Sales solicitation for a charitable purpose" shall mean the sale of, offer to sell, or attempt to sell, or the solicitation or receipt of money in exchange in whole or part for, any advertisement, advertising space, book, card, chance, coupon device, magazine subscription, membership, merchandise, ticket or admission or any other thing or service or other consideration, which occurs on the streets, sidewalks, parks or other property under the control of the City and County of San Francisco, in connection with which:

(1) Any appeal is made for charitable purposes; or

(2) The name of any charity or philanthropic organization is used or referred to in any such appeal as an inducement for making any such sale; or

(3) Any statement is made to the effect that the whole or any part of the proceeds from such sale will go to or be used for any charitable purpose or organization.

(j) "Agent" shall mean any person authorized by any other person or organization to transact some business, manage some affair, or perform any other act, on behalf of that person or organization.

(k) "Commercial fundraiser" shall mean any individual, corporation, or other legal entity who qualifies as a commercial fundraiser for charitable purposes as defined in California Government Code Section 12599(a).

(Amended by Ord. 106-87, App. 4/3/87; Ord. 289-90, App. 8/1/90)

SEC. 660.2. UNLAWFUL SOLICITATION.

(a) No charitable organization may solicit, directly or through an agent or employee, any contribution for any charitable purpose or conduct any sales solicitation for charitable purposes activity on the streets, sidewalks, parks or other property under the control of the City and County of San Francisco unless such charitable organization shall have first obtained a Certificate of Registration from the Chief of Police or his or her designate, as hereinafter provided or has received a receipt from the Department indicating that the organization has filed a Statement of Registration and is authorized to solicit pending issuance by the Department of a Certificate of Registration.

(b) No individual, as agent or employee of another, shall solicit contributions for a charitable purpose on the streets, sidewalks, parks or other property under the control of the City and County of San Francisco unless the charitable organization on whose behalf the individual is soliciting has received a Certificate of Registration or has received a receipt from the Department indicating that the organization has filed a Statement of Registration and is authorized to solicit pending issuance by the Department of a Certificate of Registration.

(c) No individual shall engage in sales solicitations for a charitable purpose on the streets, sidewalks or other property under the control of the City and County of San Francisco without visibly displaying an identification card issued to that individual by the Chief of Police or his or her designate as hereinafter provided. This provision shall not be enforced with respect to a charitable organization during the period after the organization has obtained a receipt indicating that the organization has filed a Statement of Registration and before the issuance to the organization of a Certificate of Registration.

(d) (1) No individual shall solicit for a charitable purpose or engage in sales solicitation for a charitable purpose on the streets, sidewalks or other property under the control of the City and County of San Francisco, unless, upon request from the person solicited for information about the organization, the solicitor shall provide to the person a card entitled "Solicitation for Charitable Purposes Card." The card shall be of a size to be prescribed by the Chief of Police or his or her designate, signed and dated under penalty of perjury by an individual who is a principal or officer of the charitable organization on whose behalf the solicitation is made.

The information on the card shall be printed in at least 10-point type and shall include the following:

(A) The name and address of the charitable organization on whose behalf the money will be collected.

(B) The name of the individual soliciting on behalf of the charitable organization.

(C) The number of the Certificate of Registration issued to the organization by the Chief of Police.

(D) If there is no charitable organization, the manner in which the money collected will be utilized for charitable purposes.

(E) The percentage of the purchase price that will be used for charitable purposes.

(F) If the solicitation is not a sales solicitation, the card may state, in place of the amount of fund raising expenses, that an audited financial statement of such expenses may be obtained by contacting the organization at the address disclosed.

(G) Whether the charitable organization on whose behalf the solicitation is made is tax exempt under state and federal law.

(H) The percentage of the total gift or purchase price which may be deducted as a charitable contribution under both federal and state law. If no portion is so deductible the card shall state that "This contribution is not tax deductible."

(I) If the charitable organization making the solicitation represents any nongovernmental organization by any name which includes, but is not limited to, the term, "officer," "peace officer," "police," "law enforcement," "reserve officer," "deputy," or "deputy sheriff," which would reasonably be understood to imply that the organization is composed of law enforcement personnel, the solicitor shall give the total number of members in the organization and the number of members working or living within the county where the solicitation is being made, and if the solicitation is for advertising, the statewide circulation of the publication in which the solicited ad will appear.

(d) (2) No individual shall engage in sales solicitation for a charitable purpose by means of selling goods, products or services from a stationary display on the streets or sidewalks or other places held open to the public unless, in addition to the requirements of Subsection (d)(1), the individual displays a sign which shall contain the name and address of the person on whose behalf the charitable solicitation is being made, and the fact that more information about the charitable organization is available upon request. This sign also shall state that a receipt must be provided to the person solicited for any sales transaction of $5 or more and that for sales transactions of less than $5, a receipt will be provided upon request. The sign shall be two feet by two feet square and shall be printed in black 36 point bold face print on a white background.

(d) (3) A volunteer who receives no compensation of any type from, or in connection with, a solicitation for a charitable organization which has qualified for a tax exemption under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, and who is 15 years of age or younger, is not required to make any disclosures pursuant to this Section.

(d) (4) When the solicitation is not a sales solicitation, any individual may comply with the disclosure provisions of Section 660.2(d)(1) by providing in writing the name and address of the charitable organization on behalf of which all or any part of the money collected will be utilized for charitable purposes, the charitable purposes for which the solicitation is made and that the information about revenues and expenses of such organization, including its administration and fundraising costs, may be obtained by contacting the organization's office at the address disclosed. Such organization shall provide such information to the person solicited immediately upon receipt of the request.

(e) No person, other than the Chief of Police or his or her designate, may alter an identification card or certificate of registration.

(f) No individual shall engage in a sales solicitation for charitable purposes while displaying an identification card issued by the Chief of Police or his or her designate in the name of another individual.

(g) No individual shall solicit for charitable purposes or engage in sales solicitations for charitable purposes from any vehicle.

(h) No individual shall engage in sales solicitations for charitable purposes by means of selling goods, products, services or merchandise on the public sidewalks:

(1) Within five feet of any of the following:

(a) A space designated by the Public Works Department of the City and County of San Francisco as a street artist space pursuant to Article 24 of the San Francisco Police Code. For the purposes of this Subsection, the five feet shall be measured from the outer edges of the street artist space in each direction parallel to the building side of the space and thence at a 90-degree angle to the curbside and building side of the sidewalk.

(b) A person peddling goods, products or services pursuant to a permit issued under Article 17.3 or Article 13 of the San Francisco Police Code, Article 5 of the San Francisco Public Works Code, or any other provision of the San Francisco Charter or San Francisco Municipal Code.

(c) A crosswalk.

(d) A fire hydrant.

(e) The end of the fire escape.

(2) Within eight feet of a person already engaged in sales solicitations pursuant to a Certificate of Registration issued under this article.

(3) Within 10 feet from the outer edge of any entrance to any building, including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb.

(4) Within 18 inches of the curb line of a sidewalk or more than 4-1/2 feet from the curb line of a sidewalk.

(5) In a space more than four feet long or five feet high. The height of the person or persons conducting the sales solicitation shall not be considered in determining compliance with this subsection.

(6) On any sidewalk adjacent to a curb that has been designated pursuant to ordinance or regulation as a bus zone or a white, blue, green, or yellow zone.

(7) If, due to such solicitation for sales on a public sidewalk, there remains open for the passage of pedestrians a space of less than eight feet in width, as measured on a line perpendicular to the curb line, from the edge of the solicitor's activities to the edge of the sidewalk or the edge of the building farthest from the edge of those activities. No portion of the area occupied by the solicitor for its activities shall be included in measuring the eight foot space. If there are located on a particular side of a block two or more spaces that meet all other time, place and manner restrictions set out in this Section and leave available for pedestrian passage a space more than eight feet in width, the solicitor shall conduct his or her sales solicitation in that space that leaves available for pedestrian travel the maximum amount of sidewalk width.

(8) In any of the following areas:

(a) In any "P" district, as defined in Section 234 of the City Planning Code (Part II, Chapter II, San Francisco Municipal Code), located on Twin Peaks.

(b) On the sidewalk on the north side of Jefferson Street between Jones and Taylor.

(i) No individual shall directly or indirectly solicit contributions for any purpose by misrepresentation of his or her name, occupation, financial condition, exemption status, or residence, and no person shall make or perpetrate any other misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose in the City and County of San Francisco or in any Statement of Registration or report filed under this Article.

(j) No individual shall engage in sales solicitations for charitable purposes by means of selling clothing, jewelry, or any other goods, products, services or merchandise in any area of the City and County of San Francisco unless that person obtains the appropriate peddling permit pursuant to Articles 13, 17.3 or 24 of the San Francisco Police Code. This Section shall not apply to the sale of books, pamphlets, buttons, bumperstickers, posters or any other type of item that has no intrinsic value or purpose other than to communicate a message.

(k) Every charitable organization whose employee or agent violates any provision of this Article also shall be deemed to have violated such provision.

(l) Every commercial fundraiser whose employee or agent violates any provision of this Article also shall be deemed to have violated such provision.

(m) Sales solicitations for charitable purposes occurring on property under the jurisdiction of the Recreation and Parks Department shall be regulated by the San Francisco Park Code and written rules and regulations promulgated by the San Francisco Recreation and Parks Commission.

(Amended by Ord. 106-87, App. 4/3/87; Ord. 289-90, App. 8/1/90)

SEC. 660.3. STATEMENT OF REGISTRATION.

All charitable organizations desiring to solicit funds for charitable purposes in the City and County of San Francisco shall file with the Chief of Police or his or her designate a written Statement of Registration, which Statement shall contain complete information as follows:

(a) The name of the charitable organization registering to solicit funds for charitable purposes.

(b) The purpose of the solicitation and use of the contribution to be solicited.

(c) Whether the charitable organization registering is an individual, partnership, corporation or association, and

(1) If a natural person, the person's business or residence address and telephone number.

(2) If a partnership, the name of all the partners and principal business address and telephone number of each partner.

(3) If a corporation, whether it is organized under the laws of California or is a foreign corporation, the mailing address, business location, and telephone number, name of the individual in charge of the San Francisco office of the corporation, and the names of all officers and directors or trustees of said corporation, and if a foreign corporation, the place of incorporation.

(4) If an association, the association's principal business address and telephone number, if any, and the names and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association. If the association is part of a multi-state organization or association, the mailing address and business location of its central office and the mailing address and business location of its local office.

(d) A description of the methods and means by which the solicitation of funds is to be accomplished, including whether solicitations will be accomplished by the sale of any item.

(e) A financial statement, on a form provided by the San Francisco Police Department, setting forth all of the following information:

(1) The total revenue, contributions and similar amounts solicited or generated by sales activities by such charitable organization or association or their agents or commercial fundraisers within the City and County of San Francisco within the 180-day period immediately preceding the filing of such Statement of Registration;

(2) The gross total sales by such charitable organization or association within the City and County of San Francisco within the 180-day period immediately preceding the filing of such Statement of Registration;

(3) The total amount of expenditures by such charitable organization or association within the City and County of San Francisco within the 180-day period immediately preceding the filing of such Statement of Registration;

(4) The total cost of goods sold by or on behalf of such charitable organization or association within the City and County of San Francisco within the 180-day period immediately preceding the filing of such Statement of Registration;

(5) The names and business addresses of all persons or associations, including commercial fundraising, receiving compensation or emoluments from such revenue, contributions and similar amounts solicited or generated by sales activities in the City and County of San Francisco, and the respective amounts thereof;

(6) A detailed accounting of the allocations made to achieve the purposes of the charitable organization within the 180-day period immediately preceding the filing of such Statement of Registration.

(f) If the charitable organization is a corporation, partnership, or association, a copy of the resolution or other document issued in compliance with the bylaws or internal rules of any organization authorizing such solicitation and authorizing a particular individual to apply for the Certificate of Registration certified to as a true and correct copy of the original of such resolution by the officer of such association having charge of the records thereof.

(g) A statement that the signers of such Statement of Registration have read and are familiar with the provisions of this Article and will require all persons authorized to engage in such solicitation to read and be familiar with all sections of this Article prior to making any such solicitation.

(h) A projected schedule for the next 180-day period of salaries, fees, commissions, expenses and costs to be expended and paid in connection with the solicitation of funds or in connection with their disbursement, an estimated percentage of the total projected collections which the costs of solicitation will comprise and what portion of the contributions collected as a result of the solicitation will remain available for application to the specific purposes declared in the Statement of Registration.

(i) The names, business mailing addresses and telephone numbers of all individuals who will be in direct charge or control of the solicitation and disbursement of funds, and the name of any commercial fundraiser employed or utilized by the charitable organization during the immediately preceding reporting period.

(j) A statement to the effect that if a Certificate of Registration is granted, such Certificate will not be used as or represented to be an endorsement by the City or any of its officers or employees.

(k) The names of any officer, director, trustee, partner, or any current agent or employee engaging in the solicitation of funds who has been convicted of any felony within the past seven years, the nature of the offense, the state where the conviction occurred, and the year of the conviction.

(l) Whether the applicant has received tax exempt status from either the State of California or the United States, or both, and a copy of its current tax exempt determination letter, if any.

(m) If the charitable organization is a corporation, partnership, or association, the Statement of Registration must be signed by the person authorized to apply for the Certificate of Registration by the resolution required in Section 660.3 (g) and, under penalty of perjury, declared to contain true and correct information. If the charitable organization is an individual, the Statement of Registration must be signed by that individual and, under penalty of perjury, declared to contain true and correct information.

(n) The name of an agent of the organization for service of process.

(Amended by Ord. 106-87, App. 4/3/87; Ord. 289-90, App. 8/1/90)

SEC. 660.4. ISSUANCE OF CERTIFICATE OF REGISTRATION.

(a) Upon the filing by a charitable organization of a Statement of Registration and the payment of the fee required by Section 660.7, including any fine or penalty assessed against the organization for violation of this Article that has been outstanding for more than 60 days, the Chief of Police or his or her designate shall issue to the organization a receipt that indicates that the organization has filed a Statement of Registration and authorizes the organization to solicit contributions for charitable purposes pending the issuance of the Certificate of Registration.

(b) The Chief of Police or his or her designate shall, after a review of the Statement of Registration to determine its compliance with Section 660.3 above, and within 10 working days of the receipt of the Statement of Registration, either issue a Certificate of Registration or notify the person registering that the Statement of Registration does not comply with the requirements of Section 660.3 above and specifying what information has not been furnished. Upon receipt of that additional information, the Chief of Police or his or her designate shall, within five working days of the receipt of the revised Statement, issue a Certificate of Registration. Any charitable organization that has received a receipt authorizing the organization to solicit contributions in the City and County of San Francisco and that fails to provide the additional information sought by the Chief shall be in violation of this Article. Certificates of Registration shall be valid for 180 days after issuance.

(c) Any charitable organization that has obtained a Certificate of Registration prior to the most recent amendment of this Article shall obtain a Certificate of Registration under the amended provisions of this Article within 30 days of the effective date of the such amended provisions.

(Amended by Ord. 106-87, App. 4/3/87; Ord. 289-90, App. 8/1/90)

SEC. 660.4-1. AUDITS.

(a) At the request of the Police Department, the Controller of the City and County of San Francisco shall audit for accuracy and completeness any identified financial statements submitted by a charitable organization under Section 660.3(e) of this Code, provided that charitable organizations whose financial statements indicate that the organization received less than $1,000.00 in contributions from solicitations and sales solicitations in the immediately preceding reporting period shall not be subject to such audits. When audits are performed, the Controller shall prepare reports which shall be sent to the San Francisco District Attorney and California Attorney General. The reports of the Controller shall be public documents and shall contain the Controller's findings with respect to the accuracy and completeness of each statement reviewed. The audit should be conducted with maximum efficiency in a cost-effective manner and should be as unobtrusive as possible consistent with the foregoing purposes of the audit. No employee or agent of the Controller shall divulge or make known any record or information received pursuant to this section except in furtherance of the purposes of this section.

(b) It shall be the duty of each charitable organization to keep such detailed accounts and records as shall be reasonably necessary for the Controller to conduct the audits required by this section.

(Added by Ord. 289-90, App. 8/1/90; Ord. 56-07, File No. 070090, App. 3/23/2007)

SEC. 660.4-2. REGISTRATION OF COMMERCIAL FUNDRAISERS.

Prior to soliciting contributions on behalf of a charitable organization, a commercial fundraiser shall register with the Department by filing with the Department a copy of the commercial fundraiser's most recent registration form and annual financial report filed with the California Attorney General's Registry of Charitable Trusts pursuant to California Government Code Sections 12599(b) and 12599(c).

(Added by Ord. 289-90, App. 8/1/90)

SEC. 660.5. CHANGE IN FACT, POLICY OR METHOD.

If, while any Statement of Registration is pending, or during the term of any Certificate of Registration granted thereon, there is any change in fact, policy, or method that would materially alter the information given in the Statement of Registration, the registrant shall notify the Chief of Police or his or her designate in writing thereof within 48 hours after such change. Such notice shall specifically indicate what section of the Statement of Registration is affected by the change, in what manner the information in that section has been changed, and include the fee for amendments to Statements of Registration set by the Police Commission.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.6. CERTIFICATE OF REGISTRATION AND IDENTIFICATION CARDS NONTRANSFERABLE-RETURN UPON EXPIRATION.

No person may transfer a Certificate of Registration or identification card issued under this Article. Certificate of Registration and identification cards issued under this Article shall be returned to the Chief of Police or his or her designate within five days of its date of expiration.

(Amended by Ord. 106-87, App. 4/3/87; Ord. 53-89, App. 3/1/89)

SEC. 660.7. REGISTRATION FEE.

The Police Commission shall, within 180 days of the effective date of this Article as amended, set the fees for registration and amendments to Statements and Certificates of Registration, and additional identification cards, required under this Article. These fees shall be based on the costs of issuing and amending the Certificates of Registration and identification cards and conducting the lottery provided for in this Article. The Chief of Police or his or her designate shall waive these fees if the registrant files with the Chief of Police an affidavit signed under penalty of perjury declaring the registrant's inability to pay the fees would prevent the registrant from soliciting contributions for a charitable purpose. Pending determination of these fees by the Police Commission, every Statement of Registration shall be accompanied by a registration fee of $30 for solicitation of $50 for sales solicitations to defray the costs incurred by the City and County of San Francisco in administering the provisions of this Article. Fees collected under this Section shall be used exclusively for administering the provisions of this Article.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.8. SOLICITORS' IDENTIFICATION CARDS AND LISTS OF SOLICITORS.

Consistent with the standards and purposes of this Article, the Chief of Police or his or her designate shall create identification cards for persons engaged in sales solicitations for charitable purposes. Each such identification card shall be laminated and shall bear the name and residence or business address of the charitable organization registering, a recent photograph of the solicitor; to be supplied by the charitable organization registering and to be of a size prescribed by the Chief of Police or his or her designate, the registration number, the name and signature of the solicitor or agent, the expiration date of the Certificate of Registration, and it shall have printed prominently thereon in red: "This identification card is not an endorsement of the solicitation by the City and County of San Francisco or any of its officers or employees." The name of the organization, photograph of the individual and statement of nonendorsement shall appear on the front of the card with the remaining information appearing on the back of the card. This card shall be prepared and laminated by the Chief of Police or his or her designate or, at the election of the charitable organization, by the charitable organization on pre-numbered cards supplied by the Department.

The Chief of Police or his or her designate shall issue up to five identification cards with the Certificate of Registration without any additional charge. The registrant may obtain additional identification cards by paying to the City its actual cost as established by resolution of the Police Commission.

With respect to sales solicitations, the charitable organization registering shall maintain on its premises or the premises of a designated agent of the organization or, in the alternative, shall provide to the Department, a list of the names, addresses, identification card number, and dates of birth of all agents and employees to whom identification cards are issued. With respect to nonsales solicitations, the charitable organization registering shall maintain on its premises or the premises of a designated agent of the organization or, in the alternative, shall provide to the Department, a list of the names of all agents and employees authorized to solicit on behalf of the organization. Where lists required under this Section are maintained on the premises of the charitable organization, the charitable organization shall make such lists available to members of the Department upon request.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.9. WRITTEN RECEIPTS REQUIRED.

Any person receiving money or anything having a value of $5 or more from any contributor under a solicitation or sales solicitation for a charitable purpose made pursuant to a Certificate of Registration granted under this Article, or any person receiving money or anything having a value of less than $5 from any contributor under a solicitation or sales solicitation for charitable purposes made pursuant to a Certificate of Registration granted under this Article when the contributor so requests, shall give to the contributor at the time the contribution is received a written sequentially numbered receipt signed by the solicitor showing plainly the name and Certificate of Registration number of the charitable organization for which the solicitation is conducted, the Internal Revenue Service and California Franchise Tax Board tax exempt identification numbers, if any, the date and the amount received, and whether the contribution, or what part thereof, is tax deductible; provided, however, that where a solicitation is made and a donation is received for a ticket of admission to an event held specifically to raise money or any other thing of value for charitable purposes, such ticket, when retained by the contributor, shall constitute a valid receipt if it contains the name and Certificate of Registration number, the person from whom the solicitation is conducted, the date and location of the event, and the amount received. This Section shall not apply to any contributions collected by means of a sealed or locked box or receptacle which shall have permanently imprinted on it the name of the Certificate of Registration holder used in solicitation with the written approval of the Chief of Police or his or her designate, where it is impractical to determine the amount of such contributions.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.11. FINANCIAL RECORDS.

The financial records of a charitable organization on whose behalf soliciting for charitable purposes is conducted shall be maintained on the basis of generally accepted accounting principles as defined by the American Institute of Certified Public Accountants and the Financial Accounting Standards Board. The disclosure requirements of Subsection (f) of Section 660.3 shall be based on the same accounting principles used to maintain the soliciting charitable organization's financial records.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.12. PUBLIC DISCLOSURE.

All registration and financial record statements filed with the Chief of Police or his or her designate shall be a public record and shall be available for inspection by members of the public during regular business hours and copies may be obtained at a charge to be determined by the Chief of Police or his or her designate.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.13. EXCEPTIONS.

(a) The provisions of this Article shall not apply to:

(1) Any recruiting for volunteer services;

(2) Any solicitation made in the name of a person who has died, if the solicitation is made by members of the family of the person or the legal guardian of the deceased person;

(3) Any solicitation made by or on behalf of a nonprofit organization to or amount persons who are members thereof at the time of such solicitation, or a solicitation or solicitations made in the form of collections or contributions at regular assemblies or services of any such organization;

(4) Any solicitation made by an employer to his employees, by an employee to his employer, or by an employee to other members of the same employee group where a common employer exists;

(5) Any solicitation made upon premises owned or occupied by the person on whose behalf such solicitation is made;

(6) Any solicitation in an area subject to a street closure approved by the San Francisco Board of Supervisors of the City and County of San Francisco approved pursuant to San Francisco Administration Code Section 2.70 for street fairs or other public gatherings.

(b) Persons making solicitations on behalf of any political group or political organization that is subject to financial disclosure under state or federal law are not subject to the registration or financial disclosure provisions of this Article.

(c) The provisions of this ordinance pertaining to the sales activities of charitable organizations shall not apply to transactions where both (i) the item offered for sale is not sold from tables or other fixed locations and (ii) the item sold is only of token value or the item is sold by a volunteer under fourteen years of age and the sales price of the item is less than three dollars.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.14. PENALTIES.

(a) Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $125 or more than $250 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $500 or more than $600 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Article, if the defendant has been previously convicted of a violation of this Article, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Article a second time within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $650 and not more than $750 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Article a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $750 and not more than $1,000 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(b) Any person who violates or proposes to violate any of the provisions of this Article may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any charitable organization or person of any practices which violate this Article, or which may be necessary to restore to any person any money or property, real or personal, which may have been required by means of any practice in this Article declared to be unlawful.

Actions for injunction under this Section may be prosecuted by the Attorney General, the District Attorney, or City Attorney upon their own complaint or upon the complaint of any board, officer, person or by any person or charitable organization acting for the interests of itself, its members or the general public. In its discretion, the court may allow the party bringing the action reasonable costs, including attorney's fees.

(c) Any person who intentionally violates any injunction issued pursuant to this Section shall be liable for a civil penalty not to exceed $6,000 for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant.

(d) If any action for violation of Subsection (c) is brought by the Attorney General, one-half of the penalty collected pursuant to this Section shall be paid to the Treasurer of the City and County of San Francisco, and one-half to the State Treasurer for deposit in the General Fund. If brought by the District Attorney, one-half of the penalty collected pursuant to this Section shall be paid to the Treasurer of the City and County of San Francisco for deposit in a special fund of the District Attorney to be created for the deposit and expenditure of such funds, and one-half shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund. If brought by the City Attorney, one-half of the penalty collected pursuant to this Section shall be paid to the Treasurer of the City and County of San Francisco for deposit in a special fund of the City Attorney to be created for the deposit and expenditure of such funds, and one-half shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund. If brought by a private party, one-half of the penalty collected pursuant to this Section shall be paid to such the party and one-half shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund.

(e) Any person who violates any provision of this Article shall be liable for a civil penalty not to exceed $2,500 for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the Attorney General, the District Attorney, or the City Attorney in any court of competent jurisdiction, upon their own complaint or upon the complaint of any board, officer, person or by any person or charitable organization acting for the interests of itself, its members or the general public. In its discretion, the court may allow the party bringing the action reasonable costs, including attorney's fees.

(f) If any action for violation of Subsection (e) is brought by the Attorney General, one-half of the penalty collected shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund and one-half to the State Treasurer. If brought by the District Attorney, one-half of the penalty collected pursuant to this Section shall be paid to the Treasurer of the City and County of San Francisco for deposit in a special fund of the District Attorney to be created for the deposit and expenditure of such funds, and one-half shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund. If brought by the City Attorney, one-half of the penalty collected pursuant to this section shall be paid to the Treasurer of the City and County of San Francisco for deposit in a special fund of the City Attorney to be created for the deposit and expenditure of such funds, and one-half shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund. If brought by a private party, one-half of the penalty collected pursuant to this Section shall be paid to such the party and one-half shall be paid to the Treasurer of the City and County of San Francisco for deposit in the General Fund.

(g) Any person who intentionally or negligently violates any of the reporting requirements of this Article shall be liable in a civil action brought by any person otherwise authorized to file an action under this Article for an amount of three times the amount not properly reported if the violation was intentional or the amount not properly reported if the violation was negligent.

(h) The remedies provided for in this Section are cumulative to each other and to the remedies or penalties available under all other laws of the City and County of San Francisco and the State of California.

(i) If two or more persons are responsible for any violation of this Article, they shall be jointly and severably liable.

(Amended by Ord. 106-87, App. 4/3/87; Ord. 53-89, App. 3/1/89; Ord. 289-90, App. 8/1/90)

SEC. 660.14-1. FORFEITURE.

(a) Any item of merchandise sold or offered for sale in violation of Section 660.2(j) of this Article which is in the possession of the City and County of San Francisco is subject to forfeiture pursuant to this section, provided that so long as the injunction imposed by the United States Court of Appeals for the Ninth Circuit in Case Number 88-1904 remains in effect, this section shall not apply to goods the sale of which is inextricably intertwined with a statement carrying a religious, political, philosophical or ideological message.

(b) An action to forfeit matter described in Subdivision (a) may be brought by the District Attorney or the City Attorney. Proceedings shall be initiated by a petition of forfeiture filed in the Superior Court.

(c) The prosecuting agency shall make service of process of a notice regarding that petition upon every individual who may have a property interest in the property, which notice shall state that any interested party may file a verified claim with the Superior Court stating the amount of their claimed interest and an affirmation or denial of the prosecuting agency's allegation. If the notices cannot be given by registered mail or personal delivery, the notice shall be published for at least three successive weeks in a newspaper of general circulation in the county where the property is located. All notices shall set forth the time within which a claim of interest in the goods seized is required to be filed.

(d) (1) Any person claiming an interest in the property or proceeds may, at any time within 30 days from the date of the first publication of the notice of seizure, or within 30 days after receipt of actual notice, file with the Superior Court a verified claim stating his or her interest in the property. A verified copy of the claim shall be given by the claimant to the District Attorney or City Attorney, as appropriate.

(2) If, at the end of the time set forth in paragraph (1), an interested person has not filed a claim, the court, upon motion, shall declare that the person has defaulted upon his or her alleged interest, and it shall be subject to forfeiture upon proof of compliance with Subdivision (c). All goods forfeited under this section shall be donated to charitable organizations having tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code for the purpose of having those goods distributed to those in need free of charge.

(e) The burden shall be on the petitioner to prove beyond a reasonable doubt that matter is subject to forfeiture pursuant to this section.

(f) It shall not be necessary to seek or obtain a criminal conviction prior to the entry of an order for the forfeiture of property pursuant to this section. Any property described in Subdivision (a) which is in the possession of the City and County obtained as the result of a case in which no trial was had or which has been disposed of by way of dismissal or otherwise than by way of conviction may be ordered forfeited.

(Added by Ord. 289-90, App. 8/1/90)

SEC. 660.15. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this ordinance, the City and County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.16. SEVERABILITY.

If any part of the ordinance, or the application thereof, to any person, charitable organization or circumstance is held invalid by the final judgment of a court of competent jurisdiction, the remainder of this ordinance, including the application of such part or provision to other persons, charitable organizations or circumstances, shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect and shall otherwise be fully operative. To this end, the provisions of this ordinance, and each of them, are hereby declared to be severable.

(Amended by Ord. 106-87, App. 4/3/87)

SEC. 660.17. PREEMPTION.

In adopting this Article, the Board of Supervisors recognizes that it may not preempt or supersede, nor does it intend to preempt or supersede, any state law or regulation related to the use of public sidewalks, including those related to obstruction of public sidewalks. Further, in adopting this legislation, the Board of Supervisors does not intent to repeal or amend any ordinance or regulation related to the use of the public sidewalks, including, but not limited to, Police Code Sections 22 through 24, exclusive, related to the obstruction of public sidewalks.

(Amended by Ord. 106-87, App. 4/3/87)

ARTICLE 10:  
REGULATIONS FOR ADVERTISING

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| --- | --- |
| Sec. 665. | Regulating Advertisement of Sale of Second-Hand or Defective Merchandise. |
| Sec. 666. | Signs-Gasoline Sales-Prices. |
| Sec. 667. | Signs-Dry Cleaning and Laundry Services-Prices. |
| Sec. 674. | Tobacco Advertising and Promotion Prohibited. |
| Sec. 680. | Advertising Vehicles Prohibited on City Streets. |
| Sec. 681. | [Reserved.] |
| Sec. 702. | Advertising on Street Car Windows Prohibited-Exceptions. |
| Sec. 703. | Penalty. |
| Sec. 708. | Display of Bulletin Board of Intelligence Office Near Street Prohibited. |
| Sec. 709. | Posting Signs on Private Property Prohibited; Penalty for Violation. |
| Sec. 710. | Findings. |
| Sec. 710.1. | Definitions. |
| Sec. 710.2. | Reserved. |
| Sec. 710.3. | Penalty. |
| Sec. 710.4. | Severability. |

SEC. 665. REGULATING ADVERTISEMENT OF SALE OF SECOND-HAND OR DEFECTIVE MERCHANDISE.

It shall be unlawful for any person, firm or corporation, in any newspaper, magazine, circular, form letter or any open publication, published, distributed, or circulated in the City and County of San Francisco, or on any billboard, card, label or other advertising medium, or by means of any other advertising device, to advertise, call attention to, or give publicity to the sale of any merchandise, which merchandise is second-hand or used merchandise, or which merchandise is defective in any manner, or which merchandise consists of articles or units or parts known as "seconds," or blemished merchandise, or which merchandise has been rejected by the manufacturer thereof as not first class, unless there be conspicuously displayed directly in connection with the name and description of such merchandise and each specified article, unit or part thereof, a direct and unequivocable statement, phrase, or word which will clearly indicate that such merchandise or each article, unit or part thereof so advertised is second-hand, used, defective, or consists of "seconds" or is blemished merchandise, or has been rejected by the manufacturer thereof, as the fact shall be.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 666. SIGNS-GASOLINE SALES-PRICES.

(a) Every person, firm, partnership, association, trustee, or corporation which owns, operates, manages, leases or rents a gasoline service station offering for sale, selling or otherwise dispensing gasoline or other motor vehicle fuel to the public from such a gasoline service station abutting or adjacent to a street or highway shall post or cause to be posted or displayed and maintain at said premises at least one sign, banner or other advertising medium which is clearly visible from all traffic lanes in each direction on such street or highway.

Each said sign, banner or other advertising medium shall be readable from said traffic lanes and shall indicate thereon the actual price per gallon, including all taxes, at which each grade of gasoline or other motor vehicle fuel is currently being offered for sale, sold or otherwise dispensed, if at all, at said gasoline service station on said date.

(b) Every person, firm, partnership, association, trustee or corporation which owns, operates, manages, leases or rents a facility other than a gasoline service station which, as an incidental part of its operation, offers for sale, sells or otherwise dispenses gasoline or other motor vehicle fuel to the public from such a facility shall post or cause to be posted or displayed and maintain at said premises at least one sign, banner or other advertising medium which is clearly visible to any motorist upon entry to said facility.

Each said sign, banner or other advertising medium shall be readable upon said entry and shall indicate thereon the actual price per gallon, including all taxes, at which each grade of gasoline or other motor vehicle fuel is currently being offered for sale, sold or otherwise dispensed, if at all, at said facility on said date.

(c) No person, firm, partnership, association, trustee or corporation which owns, operates, manages, leases or rents a gasoline service station or other facility offered for sale, selling or otherwise dispensing gasoline or other motor vehicle fuel to the public shall advertise, either in connection with any signs, banners or other advertising medium utilized to satisfy the requirements of this Section or otherwise, the price of any grade of gasoline or other motor vehicle fuel which is not immediately available to be sold or dispensed to the public at said premises.

(d) Each sign, banner or other advertising medium posted, displayed or maintained pursuant to requirements of this Section shall not be inconsistent with the provisions of Article 8 of Chapter 7 of Division 8 (Section 20880 et seq.) of the State of California Business and Professions Code.

(e) **Penalty.** Violation of this ordinance or any of its provisions constitutes a misdemeanor. Any person, whether an individual, corporation or other business entity and whether as principal, agent, employee or otherwise, convicted of a violation of this ordinance or of any of its provisions shall be punished by a fine of not to exceed $500 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. This Chapter shall be enforced by the Department of Agriculture and Weights and Measures as defined in Section 20707 of the Business and Professions Code of the State of California, which shall have authority to make arrests and to issue written notices to appear as provided in Section 836.5 of the Penal Code of the State of California.

(Amended by Ord. 541-74, App. 12/19/74)

SEC. 667. SIGNS-DRY CLEANING AND LAUNDRY SERVICES-PRICES.

(a) Every person, firm, partnership, association, franchise, or corporation which owns, operates, manages, leases, or rents a business offering to perform the service of dry cleaning or laundering articles made of fabric shall post or cause to be posted or displayed and maintain at said premises at least one sign, banner or other advertising medium which is clearly visible at the point of sale.

Each such sign, banner or other advertising medium shall indicate thereon the actual price per article of clothing at which each dry cleaning or laundering service is being offered at said dry cleaning or laundry establishment. Whenever the listed charge is increased for special or nonstandardized handling that may be necessary, a price range shall be stated for each garment and the actual price charged shall not exceed the maximum price of the range. Notice of such pricing policy shall also be stated in the posting.

(b) **Penalty.** Pursuant to Section 36900 (a) and (b) of the Government Code of the State of California, violation of the provisions of this Section by any person, whether an individual, corporation or other business entity and whether as principal, agent, employee or otherwise, shall be an infraction. Every violation is punishable by (1) a fine not exceeding $100 for a first violation; (2) a fine not exceeding $200 for a second violation; (3) a fine not exceeding $500 for a third or more violations of the same ordinance within one year.

(Added by Ord. 191-89, App. 6/5/89)

SEC. 674. TOBACCO ADVERTISING AND PROMOTION PROHIBITED.

(a) **Title.** This Section shall be known as the Prohibition of Tobacco Advertising and Promotion Ordinance.

(b) **Definitions.**

(1) "Tobacco product" shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco.

(2) "Advertising display sign" shall mean a sign, signboard, billboard, poster, freestanding sign or banner that is temporarily or permanently placed on or affixed to the ground, the sidewalk, a pole or post, or a building, or is displayed in the windows or doors of a commercial establishment, and that is used to advertise or promote products.

(3) "Promote" or "promotion" shall include a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product.

(4) "Publicly visible location" shall mean any outdoor location that is visible from any street, sidewalk, or other public thoroughfare, or any location inside a commercial establishment immediately adjacent to a window or door where such location is visible from any street, sidewalk, or other public thoroughfare.

(5) "Person" shall include any individual, firm, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or other legal entity.

(6) "Designated department" means any City department that the County Agricultural Commissioner-Sealer of Weights and Measures has designated to assist with the implementation and enforcement of this Section.

(c) **Tobacco Advertising Prohibited.** No person shall place or maintain, or cause or allow to be placed or maintained, in any manner any advertising or promotion of cigarettes or tobacco products on a billboard or advertising display sign in a publicly visible location in the City.

(d) **Exceptions.** This Section shall not apply to advertising or promotions for tobacco products:

(1) Located inside a commercial establishment, unless such advertising display sign or promotion is attached to, affixed to, leaning against, or otherwise in contact with any window or door in such a manner that it is visible from a street, sidewalk or other public thoroughfare;

(2) On billboards located within 660 feet of any highway, excluding Van Ness Avenue and Lombard Street, if the billboard is oriented so as to be visible from the highway, except as prohibited by federal, State or other local law;

(3) On vehicles;

(4) On any sign located inside or immediately outside a commercial establishment if the sign provides notice that the establishment sells tobacco products, so long as the sign does not promote any brand of tobacco product;

(5) On tobacco product packaging.

(e) **Effective Date.** This Section shall become operative six months after the date it is finally adopted.

(f) **Administration and Enforcement.**

(1) Except as otherwise provided, this Section shall be administered and enforced by the Department of Agriculture/Weights and Measures.

(2) The County Agricultural Commissioner-Sealer of Weights and Measures shall develop guidelines, as appropriate, to ensure proper implementation and enforcement of this Section. At the request of the County Agricultural Commissioner-Sealer of Weights and Measures, other City departments such as the Department of Public Works and the Planning Department shall assist with the implementation and enforcement of this Section.

(3) The County Agricultural Commissioner-Sealer of Weights and Measures or a designated department shall review and act upon any written complaint submitted by any private citizen or City officer or employee concerning any advertising or promotion prohibited by this Section, within 30 days of receipt of the complaint. The County Agricultural Commissioner-Sealer of Weights and Measures or a designated department shall serve notice requiring correction of any violation of this Section upon the person responsible for the advertising display sign or promotion prohibited by this Section. The notice shall specify a date by which the violation shall be corrected. For billboards that display material prohibited by this Section, the date specified shall provide at least five days for correction. For all other violations, the date specified shall provide at least two days for correction.

(4) The City Attorney is authorized to enforce this Section by appropriate civil action. No such action shall be commenced, however, unless and until the County Agricultural Commissioner-Sealer of Weights and Measures or a designated department has issued a notice requiring correction to any person responsible for any advertising display or promotion prohibited by this Section, the time specified in the notice has passed, and the responsible person has failed to comply with this Section. However, if three notices requiring the correction of any violation of this Section (whether the violation involves the same or different displays) are served on any person within a 30-day period, the City Attorney may pursue the remedies set forth in this Section against that person without the serving of another notice, if the additional violation occurs within 90 days of the serving of the third notice.

(5) Violation of this Section shall constitute grounds for injunctive relief. In addition, any person who violates or refuses to comply with the provisions of this Section shall be liable for a civil penalty of $100 a day for each violation, which penalty shall be assessed and recovered in a civil action brought in the name of the People of the City and County of San Francisco in any court of competent jurisdiction. Each separate display of tobacco advertising or promotion prohibited by this Section shall be considered a separate violation. Each day such violation is committed or permitted to continue shall constitute a separate violation. In those instances in which a notice of correction is required by this Section, there shall be no penalty assessed for displays that occur during the period of time allowed for correction. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the Treasurer of the City and County of San Francisco. The person against whom a penalty is assessed, or against whom an injunction is obtained, also shall be liable for the costs of attorney's fees incurred by the City and County of San Francisco in bringing any civil action to enforce the provisions of this Section.

(6) For purposes of determining liability of persons, firms or corporations controlling franchises or business operations in multiple locations, each individual franchise or business location shall be deemed a separate entity.

(g) **Intent as to Additional Legal Restrictions and Remedies.**

(1) Nothing in this Section is intended to alter the obligations or restrictions that apply to any person under any other law governing signs, billboards, tobacco advertising or any other matter covered by this Section.

(2) The remedies set forth in this Section are not exclusive. If any action prohibited by this Section is also unlawful under any other law, the penalties and remedies under such other laws may be pursued in addition to those provided in this Section.

(h) **Disclaimers.** By prohibiting the advertising or promotion of tobacco products in outdoor or publicly visible locations, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(i) **Severability.** If any provision of this Section or its application to any person or circumstance is held invalid, this Section, to the extent it can be given effect, or the application of this Section to persons other than the person to whom it is held invalid, shall not be affected thereby, and to this end, the provisions of this Section are severable.

(Added by Ord. 1-98, App. 1/16/98; amended by Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 680. ADVERTISING VEHICLES PROHIBITED ON CITY STREETS.

(a) **Findings and Purpose.** The inherent primary purpose of commercial advertising vehicles is to display commercial advertising on public streets. By their nature, commercial advertising vehicles are intended to distract, and aim to capture and hold the attention of, members of the public on or adjoining public streets, including drivers, pedestrians, bicyclists, and others. Moreover, such vehicles display commercial advertising from a mobile platform, including while the vehicle is moving within the flow of traffic, potentially stopping, starting, or turning abruptly, accentuating the inherent tendency of such advertising to seize attention and to distract. Additionally, the use of motor vehicles to display commercial advertising creates exhaust emissions. For these reasons, the Board of Supervisors finds that commercial advertising vehicles create aesthetic blight and visual clutter and create potential and actual traffic and health and safety hazards. The purposes of this section are (1) to promote the public health, safety and welfare of motorists, pedestrians, bicyclists, and others using the City's public streets and roadways and adjoining areas, by eliminating the aesthetic blight and visual clutter and traffic and safety hazards caused by the operation of commercial advertising vehicles on the City's streets; (2) to reduce congestion on the City's streets; (3) to reduce exhaust emissions, by eliminating as an emissions source a type of commercial advertising display whose use may require continuous or extensive operation of motor vehicle engines; (4) to protect public investment in and the character and dignity of the City's streets; and (5) to aid in the attraction of tourists and other visitors who are so important to the economy of the City. This section is not intended to regulate any non-commercial speech, including non-commercial advertising or signage.

(b) **Prohibition.** No person may operate any commercial advertising vehicle in or on any public street in the City and County of San Francisco.

(c) **Definitions.** As used in this Section, the following terms shall have the following meanings:

(1) "City" means the City and County of San Francisco.

(2) "Commercial advertising vehicle" means a motor vehicle that is carrying, towing, or otherwise displaying any commercial advertising sign, unless the vehicle is used primarily to transport passengers or goods.

(3) "Commercial advertising sign" means a banner, placard, poster, card, picture, sign or display that does no more than propose a commercial transaction.

(d) **Enforcement.**

(1) The Police Department shall issue a written notice of violation concerning, and requiring the immediate correction of, any violation of this Section to the driver of any commercial advertising vehicle that is being driven or used in violation of this Section, as well as to the owner or other person responsible for the vehicle, if the identity of that owner or other person is known or readily ascertainable. If issued to the driver of a commercial advertising vehicle, the notice shall require the driver to inform the owner or other person responsible for the operation of the commercial advertising vehicle of the notice and of the violation to which it relates. Notice to the driver of a commercial advertising vehicle under this subsection shall be deemed notice to the owner or other person responsible for the operation of the vehicle.

(2) The City Attorney is authorized to enforce this Section by appropriate civil action. No such action shall be commenced against any person unless and until the Police Department has issued a notice of violation requiring correction to that person, as specified above, and that person has failed to comply with this Section and with that notice. In any civil action brought to enforce this Section, the City Attorney may pursue the remedies set forth in this Section for the violation of this Section that is subject of the notice, as well as for any subsequent violations of this Section that have occurred within one year after the issuance of the notice without regard to whether the Police Department issued subsequent notices concerning those subsequent violations.

(3) Violation of this Section shall constitute grounds for injunctive relief. In addition, any person who violates or refuses to comply with the provisions of this Section shall be liable for a civil penalty which shall be assessed and recovered in a civil action brought in the name of the People of the City and County of San Francisco in any court of competent jurisdiction. Each separate display of commercial advertising prohibited by this Section, and each day that a violation of this Section is committed or permitted to continue, shall constitute a separate violation. The amount of such civil penalty shall be $250 for the first violation, $350 for the second violation, and $500 for each subsequent violation of this Section. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the Treasurer of the City and County of San Francisco. The person against whom a penalty is assessed, or against whom an injunction is obtained, also shall be liable for the costs and attorney's fees incurred by the City and County of San Francisco in bringing any civil action to enforce the provisions of this Section.

(4) Violation of this Section shall not constitute a criminal offense.

(5) In any action brought to enforce this Section, the City Attorney may also seek any remedies available under state or federal law.

(Added by Ord. 70-92, App. 3/4/92; amended by Ord. 234-00, File No. 001261, App. 10/13/00)

SEC. 681. [RESERVED.]

**Editor's note:**

Former Sec. 681 ("Parking of Vehicles for Commercial Advertising Purposes Prohibited") was repealed by Ord. 214-06, File No. 060826, approved August 7, 2006. See Transportation Code Sec. 7.2.81 for similar provisions.

SEC. 702. ADVERTISING ON STREET CAR WINDOWS PROHIBITED-EXCEPTIONS.

It shall be unlawful for any person, firm or corporation operating street railways within the City and County of San Francisco, to post or allow to be posted on the windows of street cars operated on the streets of the City and County of San Francisco, any form of advertisement; provided, however, that the terms of this Section shall not prohibit the making use of street car windows for the purpose of advertising matters necessary to the operation of said street railways, or announcements regularly made by the Red Cross, United States or Municipal government authority.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 703. PENALTY.

Any person, firm or corporation violating any of the terms or provisions of Section 702 of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not more than $500.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 708. DISPLAY OF BULLETIN BOARD OF INTELLIGENCE OFFICE NEAR STREET PROHIBITED.

It shall be unlawful for any person keeping an intelligence office in the City and County of San Francisco to display the bulletin of said office, or the notices of employment or of labor, or of services desired or offered, so near to the street as to cause a crowd to assemble, or remain on the street or sidewalk in front of said office, or to display the same within 10 feet of the inner line of the sidewalk in front of said office.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 709. POSTING SIGNS ON PRIVATE PROPERTY PROHIBITED; PENALTY FOR VIOLATION.

(a) (1) When used in this Section, the term "sign" shall mean any card, banner, handbill, or poster or any object containing or bearing writing, drawing, painting, figures, designs or symbols.

(2) When used in this Section, the term "person" shall mean any individual, association, corporation, political party, religious body, or organization of any kind, but it does not include public officers or employees in the performance of their duties or persons acting under authority of law.

(b) It shall be unlawful for any person to post or affix any sign to the exterior surfaces of any structure, including any building, on private property without consent of the owner of such property or the person in lawful possession of such property. If any sign has been posted in a manner described in this Section and remains so posted on the effective date of this ordinance, it shall be unlawful for any person who so posted it or caused it to be so posted to fail to remove that sign within a reasonable period of time after so being informed.

(c) Any person violating Section 709 of this Code shall be deemed guilty of an infraction, and upon such conviction shall be fined not less than $50 nor more than $500.

(Added by Ord. 364-82, App. 7/30/82)

SEC. 710. FINDINGS.

The Board of Supervisors of the City and County of San Francisco hereby finds and declares that: (a) there is a critical shortage of on-street parking places in the residential areas of the City and County; (b) the critical shortage is exacerbated by the fact that many single-family residences and apartment buildings have either no garages or have fewer garages than dwelling units; (c) that many residents of the City and County already find they must park many blocks from their residence; (d) that the critical parking shortage is further exacerbated by the practice of people parking vehicles on the street in residential areas for days at a time for the sole purpose of displaying same for private sale; (e) that because of the critical need for parking in the residential neighborhoods, the City must now regulate the use of residential area on-street parking spaces for purposes of selling vehicles; (f) to promote the safety and welfare of the residents of the City and County of San Francisco and to assure an equitable method of regulation, it is necessary to regulate the display of vehicles for the purpose of sale in on-street parking spaces.

(Added by Ord. 10-86, App. 1/17/86)

SEC. 710.1. DEFINITIONS.

(a) "City" shall mean the City and County of San Francisco.

(b) "Display for sale" shall mean to place a vehicle upon the public streets for the purpose of offering the vehicle for sale or for soliciting offers to purchase the vehicle.

(c) "Owner" shall mean any person, firm, partnership, corporation, or association whose name appears on the registration document as the registered owner for the automobile on file with the State Department of Motor Vehicles.

(d) "Park" or "parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(e) "Police Department" shall mean the Chief of Police or the designee thereof.

(f) "Residence of Owner" shall mean the residence of the registered owner of the vehicle as shown on the vehicle registration papers issued by the Department of Motor Vehicles or on file with Department of Motor Vehicles.

(g) "Vehicle" shall mean any device by which any person or property may be propelled, moved, or drawn upon a street or highway excepting a device moved by human power or used exclusively upon stationary rails or tracks or any object placed thereon.

(Added by Ord. 10-86, App. 1/17/86)

SEC. 710.2. RESERVED.

(Added by Ord. 10-86, App. 1/17/86; amended by Ord. 332-93, App. 10/22/93; Ord. 347-93, App. 11/31/93; Ord. 213-95, App. 6/30/95; Repealed by Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 710.3. PENALTY.

Violations of this Article shall be punishable as an infraction, punishable by a fine of not more than $100 for each violation.

(Added by Ord. 10-86, App. 1/17/86)

SEC. 710.4. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Board of Supervisors of the City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

(Added by Ord. 10-86, App. 1/17/86)

ARTICLE 10.1:  
REGULATING EXPOSURE OF PHOTOGRAPHS, CARTOONS OR DRAWINGS ON NEWSRACKS

|  |  |
| --- | --- |
| Sec. 715. | Definitions. |
| Sec. 716. | Newsracks on Sidewalks. |
| Sec. 717. | Provisions for Removal-Notice Requirements. |
| Sec. 718. | Public Nuisance Declared. |
| Sec. 719. | Penalty Provision Not Applicable. |
| Sec. 720. | Severability. |

SEC. 715. DEFINITIONS.

(a) "Person" is an individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, or any political subdivision thereof.

(b) "Street" is a way or place of whatever nature, publicly maintained and open to the use of the public.

(c) "Sidewalk" is that portion of a street other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian traffic.

(d) "Newsrack" is any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

(Added by Ord. 66-75, App. 3/7/75)

SEC. 716. NEWSRACKS ON SIDEWALKS.

No person shall sell, offer for sale, or keep or maintain any newspaper or news periodical in any newsrack located on any public sidewalk or street in such a manner as to expose to the public view any photograph, cartoon or drawing, contained within such publication, displaying any of the following:

(1) The genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region of any person other than a child under the age of puberty;

(2) Any portion of the breast, at or below the areola thereof, of any female person, other than a child under the age of puberty.

(Added by Ord. 66-75, App. 3/7/75)

SEC. 717. PROVISIONS FOR REMOVAL-NOTICE REQUIREMENTS.

Any newsrack installed, used or maintained in violation of the provisions of this Article shall be removed to a place of storage by the Chief of Police or any officer or employee designated by him. Within 24 hours after the seizure of the newsrack, Saturdays, Sundays and holidays excluded, the Chief of Police shall notify the owner by certified mail of the removal of the newsrack at the address affixed thereto; if no address or telephone number is affixed to the newsrack, the Chief of Police shall make such notification as is reasonably indicated by the contents of the newsrack. Upon failure of the owner to claim such newsrack and pay the expenses of removal and storage within 30 days after such removal, said newsrack shall be disposed of pursuant to the provisions of Section 1400 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code).

(Added by Ord. 66-75, App. 3/7/75)

SEC. 718. PUBLIC NUISANCE DECLARED.

The Board of Supervisors of the City and County of San Francisco finds and declares that the maintenance of newsracks on public sidewalks and parkways containing newspapers and news periodicals that contain photographs and drawings, visible to the public view while in said newsracks, of those portions of nude human bodies as specified in Section 716 of the San Francisco Police Code, constitutes a public nuisance upon the sidewalks and parkways of said City and County, and the ready availability of such creates a condition wherein enforcement of the Penal Code of the State of California regarding the sale of harmful matter to minors becomes extremely difficult, and the City and County, through its law enforcement agencies, is unable to enforce the provisions of the Penal Code relating to harmful matter as it should be enforced.

(Added by Ord. 66-75, App. 3/7/75)

SEC. 719. PENALTY PROVISION NOT APPLICABLE.

Section 16 of Ordinance No. 1.075 (Bill No. 1734) shall not apply to the provisions of this Article.

(Added by Ord. 66-75, App. 3/7/75)

SEC. 720. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 66-75, App. 3/7/75)

ARTICLE 10.2:  
REGULATION OF COMPUTER RENTAL BUSINESSES

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| --- | --- |
| Sec. 750. | Operating Conditions for Computer Rental Businesses. |
| Sec. 751. | Signage. |
| Sec. 752. | Penalty. |
| Sec. 753. | Severability; Savings Clause. |

SEC. 750. OPERATING CONDITIONS FOR COMPUTER RENTAL BUSINESSES.

Any person who owns or operates ("Operator") a business the primary operations of which are for the on-premises rental of computer time ("Computer Rental Business") shall comply with the mandatory conditions and standards set forth in this Section. For purposes of this section, the on-premises rental of computer time shall be deemed to be the primary operations of the business if 90% or more of its annual gross revenue is derived from the on-premises rental of computers.

(a) An operator of a Computer Rental Business may not knowingly rent or allow the operator's employees to knowingly rent joysticks, game pads, or other game controllers, or rent time on a computer for purposes of playing computer games, to any person under the age of 17 ("minor") during the school year from the day after Labor Day to Memorial Day, Monday through Friday, except legal holidays, between the hours of 8:00 a.m. and 3:00 p.m., and between the hours of 11:00 p.m. and 8:00 a.m. on all days preceding school days. For purposes of this section, "computer games" shall mean hardware and computer programs and associated data capable of generating a display on a computer monitor, television screen, liquid crystal display or similar medium for playing an interactive game designed for recreational or entertainment purposes. This section shall not apply if the minor is accompanied by a parent, legal guardian or authorized agent of the School District or school in which the minor is enrolled, or the minor provides verifiable documentation from the School District or school that he or she is not scheduled to be attending classes at that time.

(b) All Computer Rental Businesses shall employ or provide adult attendants or supervisors, age 18 or over, at a ratio of not less than one attendant/supervisor for each 25 computers. The attendants/supervisors shall supervise the patrons on and about the premises to prevent conduct by patrons that is injurious to the health, safety and general welfare of other patrons and the public.

(c) An operator of a Computer Rental Business may not maintain a waiting list in excess of the seating capacity of its waiting area.

(d) An operator of a Computer Rental Business shall post the hours of operation and computer rental rates in a conspicuous place.

(e) Members of the Police Department shall have access to any Computer Rental Business regulated by this Section at any and all times the business is in operation, and may inspect the premises to ensure compliance with this Section.

(f) Nothing in this Article may be construed to prohibit any person operating a Computer Rental Business from obtaining an extended hours premises permit pursuant to Article 15.2 of the Police Code.

(Added by Ord. 40-05, File No. 041488, App. 2/26/2005)

SEC. 751. SIGNAGE.

An operator of a Computer Rental Business may post a sign or signs on or in the immediate vicinity of the cash register stating "MINORS NOT ALLOWED DURING SCHOOL HOURS FOR PURPOSES OF PLAYING COMPUTER GAMES" or words of similar meaning, which sign may refer to this ordinance.

(Added by Ord. 40-05, File No. 041488, App. 2/26/2005)

SEC. 752. PENALTY.

Any person who violates any provision of Section 750 shall be guilty of an infraction, the penalty for which shall be as follows:

(a) A fine of $100 for the first violation;

(b) A fine of $250 for a second violation occurring within six months of a prior violation; and

(c) A fine of $750 for a third and each subsequent violation occurring within six months of a prior violation.

(Added by Ord. 40-05, File No. 041488, App. 2/26/2005)

SEC. 753. SEVERABILITY; SAVINGS CLAUSE.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, clause and phrase thereof irrespective of whether any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional or invalid or ineffective.

(Added by Ord. 40-05, File No. 041488, App. 2/26/2005)

ARTICLE 11:  
REGULATIONS FOR AMUSEMENTS

|  |  |
| --- | --- |
| Sec. 766. | Penalty. |
| Sec. 770. | Providing for Permits For Operators of Miniature Golf Courses. |
| Sec. 770.1. | Filing Fee. |
| Sec. 771. | "Miniature Golf Course" Defined. |
| Sec. 772. | Regulations by Department of Electricity. |
| Sec. 773. | Regulations For Operation of Miniature Golf Course. |
| Sec. 774. | Revocation of Permit. |
| Sec. 775. | Closing Time. |
| Sec. 777. | Radio Regulations. |
| Sec. 778. | License Fee. |
| Sec. 779. | Construction Permit. |
| Sec. 780. | Posting. |
| Sec. 781. | Penalty. |

SEC. 748. [RESERVED.]

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 764. [RESERVED.]

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 765. [RESERVED.]

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 766. PENALTY.

Any person who shall violate the provisions of Sections 764 and 765 of this Article shall be guilty of a misdemeanor, and, upon conviction, shall be punishable by a fine of not less than $10 nor more than $25, or imprisonment in the County Jail not less than two days nor more than 10 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 770. PROVIDING FOR PERMITS FOR OPERATORS OF MINIATURE GOLF COURSES.

Any person, firm or corporation hereafter desiring to establish, conduct or operate a miniature golf course shall file a written application with the Police Department, which application shall state the name and address of the applicant and the proposed location of said miniature golf course and whether same is to be conducted indoors or outdoors.

The Police Department, in its discretion, after posting notice of said application upon the premises for not less than 10 days, may issue, or deny, permits to establish, conduct and operate miniature golf courses, and such permits shall be revocable by said Department as hereinafter provided. Permits shall not be transferred without application to and approval by the Police Department.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 770.1. FILING FEE.

Every person, firm or corporation desiring a permit pursuant to Section 770 of this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 771. "MINIATURE GOLF COURSE" DEFINED.

The term "Miniature Golf Course" as used in Sections 770 to 780, inclusive, of this Article, shall include putting courses, golf practice courses, golf nets and golf schools.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 772. REGULATIONS BY DEPARTMENT OF ELECTRICITY.

In addition to the inspection of the electrical installation the Department of Electricity is hereby authorized to regulate the placing and erecting of all flood lights, reflector lights and all lighting units on miniature golf courses now existing or hereafter established to prevent objectionable glare being thrown directly upon any street or thoroughfare, window or door of any hotel, apartment, fiat, residence, hospital, or any other structure which would constitute a nuisance or endanger life.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 773. REGULATIONS FOR OPERATION OF MINIATURE GOLF COURSE.

No person attending or playing upon any miniature golf course shall thereon cause, and no person, firm or corporation owning, conducting or operating any miniature golf course, shall permit or suffer thereon to be caused, any loud, boisterous, unusual or disorderly noise, sound, tumult, or outcry. Any noise, sound or outcry occurring between 10:00 p.m. and 9:00 a.m. and capable of being heard more than 26 feet from the exterior boundaries of any miniature golf course is hereby declared to be, and shall be conclusively determined to be, loud, boisterous, unusual and disorderly. In any prosecution for a violation of Sections 770 to 780, inclusive, of this Article, or in any proceeding for a revocation of permit, as hereinafter provided, the establishment of the fact of any such noise, sound or outcry as herein defined, shall conclusively impute responsibility therefor to the person, firm or corporation owning, operating or conducting said miniature golf course and it shall be conclusively determined therefrom that said noise, sound or outcry was permitted or suffered to be caused by said person, firm or corporation.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 774. REVOCATION OF PERMIT.

In the event of any violation of Sections 770 to 780, inclusive, of this Article, or in the event of any conduct, maintenance or operation of any miniature golf course in such manner as to disturb the peace, constitute a nuisance, depreciate the value of any hotel, apartment, rooming-house, flat, residence or hospital or as to annoy or disturb any roomer, lessee, tenant or occupant therein, the Police Department shall have power, upon hearing to show cause, to revoke any permit issued by it for the operation of any miniature golf course.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 775. CLOSING TIME.

All outdoor miniature golf courses within 100 feet of any occupied hotel, apartment house, rooming house, flat, residence, hospital or other dwelling, shall be closed between the hours of 12:00 p.m. and 7:00 a.m. The foregoing closing limitations shall not apply to any outdoor miniature golf course as to which the owners or operators thereof shall have procured from all owners and lessees of any occupied hotel, apartment house, rooming house, flat, residence, hospital, and other dwelling situated within 100 feet of the exterior boundaries of said golf course, the written consents of said owners and lessees to the continued operation of such golf course after the closing hours herein provided, and said consents shall have been filed with the Police Department. During the hours which said outdoor courses must remain closed as herein designated all illuminating devices shall remain turned off.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 776. [RESERVED.]

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 14-02, File No. 011845, App. 2/8/2002)

SEC. 777. RADIO REGULATIONS.

All radios, sound amplifiers, phonographs or other music producing apparatus shall be turned off or stopped on outdoor miniature golf courses between 10:00 p.m. and 10:00 a.m.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 778. LICENSE FEE.

On presentation of a permit to operate a miniature golf course the Tax Collector is hereby authorized to issue a license for said miniature golf course upon payment of the license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 779. CONSTRUCTION PERMIT.

No permit shall be granted by the Police Department until and after applicant has obtained a construction permit from the Director of Public Works.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 780. POSTING.

A copy of Sections 770 to 781, inclusive, of this Article shall be posted and maintained in a conspicuous place on such golf course.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 781. PENALTY.

Any person, firm or corporation violating any of the provisions of Sections 770 to 780, inclusive, of this Article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine not to exceed $250, or by imprisonment in the County Jail not exceeding 90 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

ARTICLE 11.1:  
COMMERCIAL DISPLAY OF DEAD HUMAN BODIES

|  |  |
| --- | --- |
| Sec. 788. | Commercial Display of Dead Human Bodies. |

SEC. 788. COMMERCIAL DISPLAY OF DEAD HUMAN BODIES.

(a) It shall be unlawful to display to the public all or part of a dead human body or bodies for consideration or commercial purposes without valid written authorization from the deceased, which consent may be given in the last will of the deceased, or by a person who has the right to control the disposition of the remains pursuant to California Health and Safety Code Sections 7100 et seq., as amended, or any successor legislation. The Director of Public Health or the Director's designee shall determine the adequacy of the documentation offered to establish consent.

(b) The provisions of this Section shall not apply to the display of human remains:

(1) More than 100 years old;

(2) Consisting solely of human teeth or hair;

(3) As part of the ordinary display or viewing of the deceased at a licensed funeral establishment under Article 2, Chapter 12, Division 3 of the California Business and Professions Code (beginning with Section 7615), as amended, or any successor legislation, or as part of a similar funeral or memorial service; or,

(4) As objects of religious veneration.

(c) Any human remains in the possession of an institution accredited by the American Association of Museums, or in the possession of a museum facility of an accredited college or university, shall be presumed to be held in compliance with this Section.

(d) Violation of this Section shall be a misdemeanor, punishable by imprisonment in the county jail for a period not to exceed one year, a fine not to exceed $1,000, or both. The City Attorney may also bring a civil action to enjoin a violation of this Section.

(Added by Ord. 222-05, File No. 051034, App. 9/9/2005)

ARTICLE 11.2:  
REGULATIONS FOR ADULT THEATERS AND ADULT BOOKSTORES PERMIT AND LICENSE PROVISIONS

|  |  |
| --- | --- |
| Sec. 791. | Definitions. |
| Sec. 791.1. | Regulations of Signs. |
| Sec. 791.2. | Visibility From the Street. |
| Sec. 791.3. | Penalty-Misdemeanor or Infraction. |
| Sec. 791.4. | Effective Date. |

SEC. 791. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Adult Bookstore.** An establishment having 25 percent or more of its total inventory or product lines books, magazines or periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein, or an establishment which devotes 25 percent or more of its floor or display space to the sale or display of such material. The term "product line" refers to items which are all identical, such as numerous copies of the same book or periodical.

(b) **Adult Theater.** A theater as defined herein which is used more than 10 percent of its presentation time, measured on an annual basis, for the exhibition or display of entertainment which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein.

(c) **Specified Sexual Activities.**

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(d) **Specified Anatomical Areas.**

1. Less than completely and opaquely covered

(a) Human genitals, pubic hair, buttock, natal cleft, perineum, anal region, and

(b) Female breast at or below the areola thereof; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(e) **Person.** An individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, estate trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either thereof.

(f) **Entertainment.** Any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such person or persons are compensated for such performance.

(g) **Operator.** Any person operating an adult theater or an adult bookstore in the City and County of San Francisco, including, but not limited to, the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, or any other person operating such adult theater or adult bookstore.

(h) **Theater.** A building or part of a building intended to be used for the specific purposes of presenting entertainment, as defined herein, or displaying motion pictures, slides or closed circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling and for which no fee, by way of an admission charge, is made.

(Amended by Ord. 99-85, App. 2/25/85)

SEC. 791.1. REGULATIONS OF SIGNS.

It shall be unlawful for the operator of an adult theater or adult bookstore in the City and County of San Francisco to place or cause to be placed or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial or other graphic representations, that depict in whole or in part the following:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation or flagellation.

(2) Scenes wherein a person displays the vulva or the anus or the genitals.

(3) Scenes wherein artificial devices are employed to depict, or drawings are employed to portray, any of the prohibited signs, photographs or graphic representations described above.

(Amended by Ord. 99-85, App. 2/25/85)

SEC. 791.2. VISIBILITY FROM THE STREET.

No operator of an adult theater or adult bookstore in the City and County of San Francisco shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to "Specified Sexual Activities" or "Specified Anatomical Areas," as defined herein, to be viewed from the street, sidewalk or highway.

(Amended by Ord. 99-85, App. 2/25/85)

SEC. 791.3. PENALTY-MISDEMEANOR OR INFRACTION.

Any operator of an adult theater or an adult bookstore who knowingly violates or permits to be violated any provision of this Article shall be guilty of an infraction or a misdemeanor.

(a) If charged as an infraction the penalty shall be as follows:

(1) Upon a first conviction thereof, such person shall be punished by a fine not to be less than $50 nor to exceed $500;

(2) Upon a second conviction thereof, such person shall be punished by a fine not to be less than $250 nor to exceed $500;

(3) Upon a third conviction thereof, such person shall be punished by a fine not to be less than $400 nor to exceed $500;

(b) If charged as a misdemeanor the penalty, upon conviction of such person, shall be by imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding $1,000, or by both such fine and imprisonment;

(c) The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction.

(Amended by Ord. 99-85, App. 2/25/85)

SEC. 791.4. EFFECTIVE DATE.

The provisions of this ordinance shall not become effective until May 1, 1985.

(Amended by Ord. 99-85, App. 2/25/85)

ARTICLE 12:  
REGULATIONS FOR AUTOMOBILES

|  |  |
| --- | --- |
| Division I. Storage, Repair and Dismantling of Motor Vehicles and Motor Vehicle Parts | |
| Sec. 800. | Requiring Repairers and Storers of Damaged Automobiles and Public Garages to Keep Records Thereof. |
| Sec. 801. | Duties of Person in Charge of Garage or Parking Lot. |
| Sec. 802. | Notice of Charges to be Posted, Receipt for Vehicle. |
| Sec. 803. | Conditions for Acceptance for Storage or Parking. |
| Sec. 804. | Requiring Private Garages on Sidewalk Lines to Have Suitable Doors and Locks and Private Parking Lots to Provide Adequate Lighting or a Security Guard. |
| Sec. 805. | Requiring Keepers of Garages, Lots and Trailer Parks to Report Motor Vehicles Stored Therein When Ownership of Vehicle is Unknown. |
| Sec. 806. | Exception as to Disabled Motor Vehicle. |
| Division II. Parking and Traffic Violations | |
| Sec. 835.1. | Traffic Code Section Numbering. |
| Sec. 835.2. | Violations. |

Division I.  
STORAGE, REPAIR AND DISMANTLING OF MOTOR VEHICLES AND MOTOR VEHICLE PARTS

SEC. 800. REQUIRING REPAIRERS AND STORERS OF DAMAGED AUTOMOBILES AND PUBLIC GARAGES TO KEEP RECORDS THEREOF.

Every person, firm or corporation engaged within the City and County of San Francisco in the business of repairing motor vehicles, or of wrecking motor vehicles, and every person, firm or corporation conducting a public garage and every person, firm, corporation engaged in the storage of motor vehicles shall keep a full and complete record of the receipt for repair or storage of every damaged, partly demolished or injured motor vehicle, or of the wrecking of a motor vehicle, which shall at all times be open to the inspection of the Chief of Police, Such record shall contain the name and address of the person, firm or corporation from whom such automobile was received, purchased or taken in exchange or for storage or to whom sold, and the make, model, state of registration, license plate number, VIN number,, a full and complete description of the damages, demolition or injury and the cause and date thereof and the name and address of the owner thereof as ascertained from the person, firm or corporation from whom such motor vehicle was received. A business that engages in the wrecking or dismantling of motor vehicles, in addition to the records required above, shall also keep a record of the mileage shown on the odometer, and any discernible serial or manufacturers' numbers that identify individual parts of vehicles, including but not limited to, numbers on the vehicle transmission, windows and stereos. for such vehicle and shall deliver such record to the Chief of Police within 24 hours after the receipt of a motor vehicle. All records required by this section shall be written in the English language in a clear and legible manner.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 801. DUTIES OF PERSON IN CHARGE OF GARAGE OR PARKING LOT.

Whenever any owner or operator of any motor vehicle offers the same for storage, temporary or permanent, in any public garage or parking lot in the City and County of San Francisco it shall be the duty of the owner or proprietor of said garage or parking lot to care for said motor vehicle in said garage or parking lot. If the garage or parking lot is incapable of receiving or storing any additional motor vehicles and if that fact is known to the owner or proprietor of said garage or parking lot, it shall be the duty of said owner or proprietor to advise the owner or operator of said motor vehicle that the garage or parking lot cannot receive, care for, or store said motor vehicle. If, with the consent of the owner or operator of said motor vehicle, the owner or proprietor of said garage or parking lot accepts the storage or parking of the motor vehicle, it shall be the duty of said owner or proprietor to store or park the motor vehicle in the nearest garage or parking lot in which storage space is available unless otherwise directed by the owner or operator of said motor vehicle. It shall be the duty of the owner of proprietor of said garage or parking lot at which said motor vehicle is offered for storage or parking, when called upon to so do, to return said motor vehicle to the owner or operator thereof who offered the same for storage or parking at the garage or parking lot where the same was offered for storage or parking. It shall be unlawful for the owner or proprietor of any garage or parking lot at which any motor vehicle is offered for storage or parking to park, or permit the same to be parked, on any public street, square, alley or other public place; provided, however, that nothing in this Article shall prevent the owner or proprietor of any garage or parking lot from storing said motor vehicle in any other garage or parking lot owned by him or her or under his or her control.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 802. NOTICE OF CHARGES TO BE POSTED, RECEIPT FOR VEHICLE.

A list of charges for the storage or parking of a motor vehicle in a parking garage or lot must be posted at all times in a conspicuous place in the garage or lot It shall be unlawful to a higher price, rate or fee for the storing or parking of any motor vehicle than the posted charges. Every operator of a parking garage or lot shall, on request of the owner or operator of a vehicle, provide a receipt for, provide a receipt for the storage or parking of the vehicle, which receipt shall show the name and location of the garage or parking lot in which the motor vehicle is to be stored or parked.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 803. CONDITIONS FOR ACCEPTANCE FOR STORAGE OR PARKING.

No owner or proprietor of any garage or parking lot shall accept the storage or parking of any motor vehicle in any garage or parking lot unless the motor vehicle is offered for storage or parking by the owner or operator thereof, except when the motor vehicle is offered for storage or care through any hotel at which the owner or operator of said motor vehicle is, or is about to become, a bona fide guest or the motor vehicle is offered for storage or parking by any authorized employee of the holder of a fixed location valet parking permit or special event valet parking permit as provided for in this Code. No permit holder shall act as a solicitor for the storage or parking of motor vehicles except with the written authorization of the owner or proprietor of the garage or parking lot in which said motor vehicle is to be stored or parked. Said written authorization shall be maintained throughout the life of the permit.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 804. REQUIRING PRIVATE GARAGES ON SIDEWALK LINES TO HAVE SUITABLE DOORS AND LOCKS AND PRIVATE PARKING LOTS TO PROVIDE ADEQUATE LIGHTING OR A SECURITY GUARD.

(a) All private parking garages having entrances at the sidewalk line shall have well constructed doors and suitable locks. Private parking garage doors must be kept closed and securely latched, except when occupied by some person authorized to be in said garage or when said doors are opened to permit the entrance or exit of a vehicle.

(b) All private parking lots in the City and County of San Francisco providing parking facilities to the general public for a fee shall provide either lighting to one candle foot power adequate to illuminate the entire lot, or a security guard between the hours of dusk and 2:30 a.m.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 805. REQUIRING KEEPERS OF GARAGES, LOTS AND TRAILER PARKS TO REPORT MOTOR VEHICLES STORED THEREIN WHEN OWNERSHIP OF VEHICLE IS UNKNOWN.

Whenever any vehicle of a type required to be registered under the California Vehicle Code has been stored or parked in a garage, or lot or trailer park, for 10 days, and the ownership of said vehicle is unknown to the keeper thereof, said keeper shall thereupon report the presence of said vehicle in writing to the Chief of Police within 48 hours.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 806. EXCEPTION AS TO DISABLED MOTOR VEHICLE.

Nothing in Sections 800-805, inclusive, of this Article shall apply to the parking or storage, or to the soliciting of the parking or storage, of disabled motor vehicles.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

Division II.  
PARKING AND TRAFFIC VIOLATIONS

SEC. 835.1. TRAFFIC CODE SECTION NUMBERING.

Citations for violations listed in this Article 12, may be issued by citing either the former Traffic Code section number applicable to the violation that appears in parenthesis at the end of each section or subsection below, or the current Police Code section number, or the applicable Vehicle Code section number, without affecting the validity of the citation.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 835.2. VIOLATIONS.

The following actions are prohibited, and each and every violation of the prohibitions listed in this Section 835.2 shall be a misdemeanor; provided however, that upon sentencing, the charge may be reduced to an infraction in discretion of the Court, or the citation issued may be issued for the violation as an infraction in the discretion of the issuing officer. For the purposes of this Section, capitalized terms shall have the meaning assigned to them in the Transportation Code.

(a) **Unauthorized Curb Painting.** To paint any curb without the prior written authorization of the Municipal Transportation Agency. (38.I)

(b) **Attempt to Cancel a Citation.** To cancel, attempt to cancel or solicit the cancellation of any citation issued pursuant to the San Francisco Transportation Code or the Vehicle Code, in any manner other than as authorized by law. (157)

(c) **Authorizing Use or Display of Parking Permit.** For a person holding a valid Parking Permit to allow the use or display of such Parking Permit on a vehicle other than the vehicle for which the permit is issued. (315(c), 412(c), 712(c))

(d) **Counterfeit Parking Permits.** To copy, produce or otherwise create a facsimile or counterfeit Parking Permit without written authorization from the Municipal Transportation Agency, (315(d), 412(d), 712(d))

(e) **Removal of Vehicles Involved in a Collision.** For the owner or operator of any vehicle involved in any collision resulting in property damage or a collision which does not involve serious bodily injury, to refuse to permit the removal of a vehicle to the side of the roadway when necessary to allow for the passage of public transit vehicles when so directed by a Police Officer or an employee of the Municipal Transportation Agency. (25)

(f) **Willful Damage to Parking Meters Prohibited.** For any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any Parking Meter without authorization. (208)

(g) **False Application for Parking Permit.** For a person to falsely represent themselves as eligible for a Parking Permit or to furnish false information in an application submitted to any agency that certifies eligibility to participate in a program or as a member of a class to which the SFMTA issues Parking Permits. (315(b), 412(b), 712(b))

(h) **Soliciting Passengers.**

(1) For a Private Bus to solicit passengers from any place within the City and County of San Francisco except in compliance with California Public Utilities Code § 5360.5.

(2) For the operator of a Private Bus to refuse produce identification, waybills or a valid CPUC permit upon the request of a Police or Parking Control Officer for the purpose of verifying valid prearranged travel.

(i) **Driver of Tow Cars Not To Interfere with Police Investigation of Collisions.** For a tow car operator to remove or attempt to remove any vehicle that has been involved in a collision, where the police have been summoned for the purpose of conducting an investigation; or to interfere with a police investigation by changing the position of any vehicle involved in a collision, except upon the authorization or direction of and in the presence of a Police Officer, or when necessary to release a person trapped within or under a vehicle, except that removal to the side of the roadway is authorized in collisions that do not involve personal injury when necessary to allow for the passage of public transit vehicles. (24)

[(j) Reserved.]

(k) **Directing Traffic Without Authorization.** It shall be unlawful for any person other than an officer of the Police Department, a member of the Fire Department, a Parking Control Officer or other person authorized by law to direct or attempt to direct traffic by voice, hand or other signal.

(l) **Purchase, Sale, Possession of Motor Vehicle Tires Without Identification Marks.** Any person, firm or corporation who buys, sells, receives, disposes of, conceals, or is knowingly in possession of any automobile tire or casing, motor vehicle tire or casing, motorcycle tire or casing from which identification marks have been obliterated or removed, defaced or changed, covered or destroyed, either in whole or in part shall be guilty of a misdemeanor.

(Ord. 287-08, File No. 081340, App. 12/5/2008)

ARTICLE 13:  
MISCELLANEOUS REGULATIONS FOR PROFESSIONS AND TRADES

|  |  |
| --- | --- |
| [Carrying Firearms] | |
| Sec. 840. | Carrying Firearms, Etc. – Regulations Governing. |
| Sec. 841. | Carrying Firearms, Etc. – Requirements. |
| Sec. 842. | Carrying Firearms, Etc. – Penalty for Violation. |
| Sec. 843. | Saving Clause. |
| [Physicians; Reporting Requirements] | |
| Sec. 857. | Physicians, Etc., to Report Injuries by Criminal Means. |
| Sec. 858. | Physician Practicing to Report. |
| Sec. 859. | Exceptions. |
| [Peddlers] | |
| Sec. 864. | Regulating Peddlers in Front of Certain Entrances. |
| Sec. 864.1. | Penalty. |
| Sec. 869. | Permit Required. |
| Sec. 869.1. | Penalty. |
| Sec. 869.2. | Limitation on Issuance of Permits. |
| Sec. 869.3. | Location Restrictions. |
| Sec. 869.4. | Peddler Permit to Natural Person Only. |
| Sec. 869.5. | Peddler to Personally Peddle. |
| Sec. 869.6. | Log to be Maintained. |
| Sec. 869.7. | Application for Peddler Permit. |
| Sec. 869.8. | Inspection by Health Department. |
| Sec. 869.9. | Peddler Employee. |
| Sec. 869.10. | Operation of Peddler Employee. |
| Sec. 869.11. | Fees-Peddler and Peddler Employee. |
| Sec. 869.12. | Peddlers, Peddler Employees, License Fee. |
| Sec. 869.13. | License Fees – Proration Schedule – Date Payable. |
| Sec. 869.14. | Peddlers, Free. |
| Sec. 869.15. | Identification Card. |
| Sec. 869.16. | Rules and Regulations by Chief of Police or Director of Public Health. |
| Sec. 869.17. | Suspension and Revocation of Permit. |
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| Sec. 870. | Peddling Where Sign "No Peddlers" Displayed Prohibited. |
| [Lights; Fire Escapes] | |
| Sec. 889. | Requiring Red Lights Placed at Fire Escapes. |
| Sec. 890. | Owner to Place White Light in Hallway. |
| Sec. 891. | Chief of Police to Enforce. |
| Sec. 892. | Penalty. |
| [Junk Dealers] | |
| Sec. 895. | Permit Required. |
| [Automatic Checkout Systems] | |
| Sec. 900. | Definitions. |
| Sec. 901. | Item Prices. |
| Sec. 902. | Penalty. |
| Sec. 903. | Injunctive Relief. |
| Sec. 904. | Severability. |
| [Public Rooms] | |
| Sec. 911. | Defining Public Rooms. |
| Sec. 912. | Loitering in Public Rooms Prohibited. |
| Sec. 913. | Unauthorized Use of Public Rooms Prohibited. |
| Sec. 914. | Penalty. |
| [Hotels, Etc.] | |
| Sec. 919. | Requiring Operators of Hotels, Motels, Auto Courts and Furnished Apartment House Keepers to Keep a Register of Guests. |
| Sec. 919.1. | Prohibiting Residential Hotel Operators from Charging Visitor Fees; Limiting Residential Hotel Restrictions on Visitors; Violation is an Infraction. |
| Sec. 920. | Registering for Lodging Accommodations Under Fictitious Names Prohibited. |
| Sec. 921. | Penalty. |
| [Police Badges] | |
| Sec. 934. | Regulating Sale of Police Badges. |
| [Press Cards] | |
| Sec. 939. | Issuance of Press Cards. |
| Sec. 939.1. | Definitions. |
| Sec. 939.2. | Display of Press Card. |
| Sec. 939.3. | Fee for Press Card. |
| Sec. 939.4. | Penalty. |
| [Sidewalk Elevators] | |
| Sec. 944. | Sidewalk Elevator, Etc., Iron Door, Etc., and Lock Required. |
| Sec. 945. | Mechanical Device for Stopping Required. |
| Sec. 946. | Unlawful Openings Prohibited-Kind of Metal Guards Required. |
| Sec. 947. | Night Opening, Lamps and Guards Required For. |
| Sec. 948. | Trap-door, Kind of Metal Guards Required For. |
| Sec. 949. | Trap-door, While Open, Guards Required. |
| [Sales; Miscellaneous Prohibitions] | |
| Sec. 954. | Sale of Merchandise on Ocean Beach Prohibited. |
| Sec. 955. | Prohibited Soliciting Upon Streets of Magazine Subscriptions, Etc. |
| [Gas Supply, Residential] | |
| Sec. 959. | Regulating Turning Off of Gas Supply in Hotels and Dwellings. |
| Sec. 960. | Use of Defective Stop Cocks in Hotels and Dwellings Prohibited. |
| Sec. 961. | Penalty. |
| — | |
| Sec. 964. | Crushing Rock, Etc., Within Certain Hours, Etc., Prohibited. |
| [Transportation Tickets] | |
| Sec. 969. | Transportation Tickets-Regulating Sale Of. |
| Sec. 970. | Regulations to be Posted. |
| Sec. 971. | Penalty. |
| Sec. 972. | Exceptions. |
| — | |
| Sec. 974. | [See Editor's Note below.] |
| [Bicycle Messenger Businesses] | |
| Sec. 975.1. | Responsibility of Bicycle Messenger Business; Identification Required for Employees and Bicycles. |
| Sec. 975.2. | Responsibility of Bicycle-Riding Employees. |
| Sec. 975.3. | Register and Daily Log. |
| Sec. 975.4. | Penalty. |

**Editor's Notes:** The bracketed division headers in this Article have been provided by the editor as an aid for the user and are not official parts of the Code.  
 Sections 974.1 et seq. are codified at Article 13.1 below.

[Carrying Firearms]

**Editor's Note:** See also the following Police Code provisions:  
 ****Art. 9, Secs. 613 et seq., Miscellaneous Conduct Regulations (relating to firearms and ammunition).  
 ****Art. 35, Firearm Strict Liability Act.  
 ****Art. 36, Prohibiting the Carrying of a Firearm While under the Influence of an Alcoholic Beverage or Drug, or Possession of a Firearm While upon Public Premises Selling or Serving Alcoholic Beverages.  
 ****Art. 36A, Sale, Manufacture and Distribution of Firearms and Ammunition; Possession of Handguns.  
 ****Art. 45, Firearms and Weapons Violence Prevention Ordinance.

SEC. 840. CARRYING FIREARMS, ETC. – REGULATIONS GOVERNING.

Any person who in the course of employment or his livelihood carries a firearm or any other deadly or dangerous weapons as defined by Section 1291-A, Article 17, Chapter VIII, Part II of the San Francisco Municipal Code, concealed or unconcealed, shall register with the Chief of Police in writing by signed statement, stating the name, occupation, residence and business address of the registrant, his age, height, weight, color of eyes and hair, and reason desired to carry such weapon, and shall submit therewith two sets of fingerprints and one photograph.

(Added by Ord. 6350, Series of 1939, App. 11/22/50)

SEC. 841. CARRYING FIREARMS, ETC. – REQUIREMENTS.

Any person carrying a firearm or any other deadly or dangerous weapon as defined by said Section 1291-A, Article 17, Chapter VIII, of the San Francisco Municipal Code, in the City and County of San Francisco, must:

(1) Be at least 21 years of age;

(2) Be a citizen of the United States;

(3) Be of good moral character;

(4) Be able to manifest a knowledge of Sections 197, 834, 835, 837 and 847 of the Penal Code of the State of California.

(Added by Ord. 6350, Series of 1939, App. 11/12/50)

SEC. 842. CARRYING FIREARMS, ETC. – PENALTY FOR VIOLATION.

Any person who shall violate any of the provisions of Section 840 to 842 of this Article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding $500, or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

(Added by Ord. 6350, Series of 1939, App. 11/22/50)

SEC. 843. SAVING CLAUSE.

If any section, sentence, clause, or part of Section 840 to 842 is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of these sections. The Board of Supervisors hereby declares that it would have passed these sections and each section, sentence, clause and part thereof, despite the fact that one or more sections, sentences, clauses or parts thereof are declared unconstitutional.

(Added by Ord. 6350, Series of 1939, App. 11/22/50)

SEC. 850.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 851.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 852.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

[Physicians; Reporting Requirements]

SEC. 857. PHYSICIANS, ETC., TO REPORT INJURIES BY CRIMINAL MEANS.

It shall be the duty of every physician or surgeon, superintendent, proprietor or other person in charge of any public or private hospital or sanitarium within the City and County of San Francisco whenever any person has become an inmate or patient of or has been brought into such hospital or sanitorium suffering from any wound or other injury by his own act or by the act of another to report immediately to the Chief of Police of said City and County of San Francisco the name of such inmate or patient, and all facts appertaining to such case within the knowledge of such physician or surgeon, superintendent, proprietor or other person in charge of said hospital or sanitarium.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 858. PHYSICIAN PRACTICING TO REPORT.

It shall be the duty of every physician or surgeon practicing within the City and County of San Francisco who is not the owner, proprietor, superintendent, or other person in charge of any hospital or sanitarium who has under his charge or care any patient or other person suffering from any wound or injury by his own act or by the act of another to report immediately to the Chief of Police of said City and County of San Francisco, the name of such patient or other person and all facts appertaining to such case within the knowledge of such physician or surgeon.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 859. EXCEPTIONS.

The provisions of Section 857 and 858 of this Article shall not apply to any case wherein the person wounded or injured has been brought to the hospital or sanitarium or to the physician or surgeon by any member of the Police Department of the City and County of San Francisco.

(Added by Ord. 1.075, App. 10/11/38)

[Peddlers]

SEC. 864. REGULATING PEDDLERS IN FRONT OF CERTAIN ENTRANCES.

It shall be unlawful for any peddler, huckster, or vendor of fish, vegetables, fruit, game, poultry, groceries, produce, dairy products, wood, candy, confectionery, racing tips and handicaps, tickets to entertainments, excursions to picnics, goods, wares and merchandise, to solicit patronage or to sell his wares in front of any entrance, exit or gangway of any ferry landing, wharf, depot, theater, circus, hall or any place where people are assembled, within 12 feet thereof.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 864.1. PENALTY.

Any person who shall violate the provisions of Section 864 of this Article shall be guilty of an infraction or a misdemeanor. If charged as an infraction, the penalty shall be as follows:

A. Upon a first conviction thereof, such person shall be punished by a fine not to be less than $50 nor to exceed $500.

B. Upon a second conviction thereof, such person shall be punished by a fine not to be less than $250 nor to exceed $500.

C. Upon a third conviction thereof, such person shall be punished by a fine not to be less than $400 nor to exceed $500.

If charged as a misdemeanor, the penalty therefor shall be by imprisonment in the County Jail not exceeding six months or a fine not exceeding $500. The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction.

(Added by Ord. 383-78, App. 8/18/78)

SEC. 869. PERMIT REQUIRED.

Except as provided in Articles 24, 24.1 and 24.2 of this Code, it shall be unlawful for any person to peddle goods, wares or merchandise, or any article, material or substance, of whatsoever kind, including persons selling fruits, vegetables, fish, fowl, nuts and eggs on the public streets or sidewalks of the City and County of San Francisco without first having obtained a permit from the Chief of Police and having paid the fees and been granted a license as required by law.

Excluded from the provisions of this Section are property under the jurisdiction of the Recreation and Park Commission of the City and County of San Francisco, and the Board of Education of the City and County of San Francisco and areas designated by the Board of Supervisors as places where a street artist certified pursuant to initiative Ordinance 483-75, Proposition L on the November 4, 1975 ballot, may sell, offer for sale, expose for sale, or solicit offers to purchase any craft or work of his or her own creation.

Every person currently holding a peddler permit pursuant to Section 869 of this Article prior to the effective date of this ordinance is hereby deemed to be holding a permit as required under this Section.

(Amended by Ord. 270-82, App. 6/10/82)

SEC. 869.1. PENALTY.

(a) Any person who shall violate the provisions of Sections 869 through 869.15 of this Article shall be guilty of an infraction or a misdemeanor. If charged as an infraction, the penalty shall be as follows:

(1) Upon a first conviction thereof, such person shall be punished by a fine not to be less than $50 nor to exceed $500.

(2) Upon a second conviction thereof, such person shall be punished by a fine not to be less than $250 nor to exceed $500.

(3) Upon a third conviction thereof, such person shall be punished by a fine not to be less than $400 nor to exceed $500.

If charged as a misdemeanor, the penalty therefor shall be by imprisonment in the County Jail not exceeding six months or a fine not exceeding $500. The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction.

(b) In addition to the penalty set forth above in Section 869.1(a), any person who shall violate any provision of Sections 869 through 869.15 shall be subject to revocation or suspension of any permit issued by the City and County, following adequate notice and a hearing before the Chief of Police or a designate.

(Amended by Ord. 270-82, App. 6/10/82)

SEC. 869.2. LIMITATION ON ISSUANCE OF PERMITS.

(a) The Chief of Police may issue a permit for a location, which location shall not be within two blocks or 600 feet, whichever is greater, of an established business which sells the same type of food or other merchandise as intended by said applicant, or of any location previously established and currently being operated by a licensed peddler selling the same type of food or other merchandise as intended by said applicant.

(b) This ordinance does not apply to those peddlers and street artists regulated by Articles 24, 24.1 and 24.2 of this Code.

(Amended by Ord. 270-82, App. 6/10/82)

SEC. 869.3. LOCATION RESTRICTIONS.

The Chief of Police may issue a peddler permit only when he finds that the following location and time requirements are met:

(a) The location shall:

(1) Leave unobstructed for pedestrian passage on any sidewalk a space not less than 10 feet wide.

(2) Not occupy a space extending more than 4½ feet from the curb line of any sidewalk, nor wider than four feet nor extending more than five feet above the sidewalk.

(3) Not be within 18 inches of the curb line of any sidewalk.

(4) Not be closer than 7½ feet from sprinkler inlets, and wet and dry standpipe inlets, measured from the outer edge of the standpipe bank from the building line to the sidewalk edge.

(5) Not be within 12 feet of the outer edge of any entrance way to any building or facility used by the public including but not limited to doors, driveways and emergency exits measured in each direction parallel to the building line and thence at a 90 degree angle to the curb.

(6) Not be on any sidewalk adjacent to a curb which has been duly designated pursuant to local ordinance or regulation as a white, yellow, blue, or red zone, or a bus zone.

(7) Not be within five feet of any crosswalk or fire hydrant.

(8) Leave unobstructed fire escapes, underneath and perpendicular from the building to the street, five feet from both ends of the fire escape.

(9) Not be within five feet of inflammable liquid vents and fill pipes when tanks are not being filled nor within 25 feet while tanks are being filled.

(b) No peddler shall peddle goods, wares or merchandise between the hours of 12:00 a.m. (midnight) and 6:00 a.m. the following day.

(c) Notwithstanding any other provision of this Code, no peddler or pushcart peddler, as defined in Section 1330 of the San Francisco Police Code, shall peddle goods, wares or merchandise:

(1) In any "P" district, as defined in Section 234 of the City Planning Code (Part II, Chapter II, San Francisco Municipal Code), located on Twin Peaks or in any areas in or adjacent to Open Space Districts located on Twin Peaks.

(2) On the north side of Jefferson Street between Jones and Taylor.

(Added by Ord. 270-82, App. 6/10/82; amended by Ord. 204-87, App. 6/3/87; Ord. 317-87, App. 7/24/87; Ord. 294-90, App. 8/1/90)

SEC. 869.4. PEDDLER PERMIT TO NATURAL PERSON ONLY.

No peddler permit granted pursuant to Section 869 of this Article shall be issued except to an individual natural person and in no event to any business, firm, partnership or corporation. No more than one permit shall be issued to any one person.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.5. PEDDLER TO PERSONALLY PEDDLE.

No person shall be granted a peddler permit pursuant to Section 869 of this Article unless the applicant has declared under penalty of perjury his or her intention to personally operate under the permit for at least 50 percent of the actual hours of operation.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.6. LOG TO BE MAINTAINED.

Every person who shall be granted a peddler permit pursuant to Section 869 of this Article shall maintain a log on a form approved by the Chief of Police indicating the day, date and hours of operation at the authorized location, including the name of the person or persons operating during those times. The log for the 30 previous calendar days shall be kept in the possession of the peddler or peddler employee at all times while operating and shall be open to inspection by any police officer or any Health Department inspector of the City and County of San Francisco. Said log shall be retained by the peddler for a period of one year.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.7. APPLICATION FOR PEDDLER PERMIT.

Every person desiring a peddler permit pursuant to Section 869 of this Article shall file an application with the Chief of Police upon a form provided by the Chief of Police requiring the applicant to submit:

(a) Two photographs of the applicant 1"×1" in size.

(b) A statement of the specific location where the applicant proposes to operate, the days of the week, and time(s) of the day of intended operation, and the specific item or items to be sold, which shall be the only item(s) sold under the permit.

(c) A set of fingerprints as required by the Chief.

(d) Such other relevant information deemed pertinent by the Chief of Police.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.8. INSPECTION BY HEALTH DEPARTMENT.

No permit to peddle food products for human consumption in the City and County of San Francisco shall be granted unless the applicant has been issued a Certificate of Sanitation by the Director of Public Health.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.9. PEDDLER EMPLOYEE.

No peddler may employ at any one time more than one peddler employee. The only exception to this prohibition is employment by a peddler of persons who have peddler employee permits authorizing employment by that peddler, which permits were issued prior to the effective date of this ordinance. Every person desiring a peddler employee permit shall file an application with the Chief of Police upon a form provided by said Chief of Police. Application shall be accompanied by:

(a) Signed statement from the permittee peddler verifying his intention to employ the applicant, and indicating specific location where the peddler employee will peddle.

(b) Two photographs of the applicant 1"×1" in size.

(c) A set of fingerprints as required by the Chief of Police.

(d) Such other relevant information deemed pertinent by the Chief of Police.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.10. OPERATION OF PEDDLER EMPLOYEE.

In no case shall the peddler employee operate, at the same time as the permit holder is operating, at any location other than the location at which the permit holder is operating.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.11. FEES – PEDDLER AND PEDDLER EMPLOYEE.

Every applicant for a peddler or peddler employee permit shall pay a filing fee as specified in Section 2.26 of Part II, Chapter VIII of the San Francisco Municipal Code (Police).

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.12. PEDDLERS, PEDDLER EMPLOYEES, LICENSE FEE.

Every person granted a peddler permit or peddler employee permit to peddle goods, wares or merchandise, or fish, vegetables or fruit, or food products for human consumption, or any other article in any manner, shall pay to the Tax Collector an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* In calculating the fees earned herein by the Health Department pursuant to the provisions of Section 6.402 of the Charter of the City and County of San Francisco, a percentage of the license fee shall be credited to the Health Department pursuant to the annual determination by the Controller as provided by Section 2.21 of this Code.

(Added by Ord. 270-82, App. 6/10/82; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 869.13. LICENSE FEES – PRORATION SCHEDULE – DATE PAYABLE.

All licenses issued under the provisions of Section 869.12 shall be due and payable, on a calendar year basis, prorated with regard to the calendar year on a monthly basis.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.14. PEDDLERS, FREE.

The Tax Collector may issue a free or gratuitous license to a person liable to pay the license tax required by Section 869.12 and set by Section 2.27 of this Code when the Chief of Police shall have certified that it has been shown by good and sufficient evidence that the person applying for said license was a soldier, sailor or marine of the United States who received an honorable discharge or a release from active duty under honorable conditions from such service or that he or she is physically and absolutely unfitted to earn a livelihood by any other means.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.15. IDENTIFICATION CARD.

The Chief of Police shall issue to each peddler and peddler employee an identification card which shall contain a photograph of the permittee with the number of the permit in figures plainly discernible. The Chief of Police shall determine the manner and form of any other information that may be placed upon this identification card. Such identification card shall be in the possession of the peddler or peddler employee at all times while operating, and shall be immediately produced upon request to any police officer or Health Department inspector. Peddlers and peddler employees shall return to the Police Department the identification card upon discontinuance of operation, revocation or suspension of permit, or upon termination of the peddler employee.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.16. RULES AND REGULATIONS BY CHIEF OF POLICE OR DIRECTOR OF PUBLIC HEALTH.

The Chief of Police or the Director of Public Health may adopt, after a noticed public hearing, rules and regulations supplemental to this ordinance and not in conflict therewith. The rules and regulations shall become effective 10 days following the adoption by either the Chief of Police or the Director of Public Health.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.17. SUSPENSION AND REVOCATION OF PERMIT.

The Chief of Police may suspend or revoke any peddler or peddler employee permit if he finds, after a noticed public hearing, that any of the following conditions exist:

(a) Fraud, misrepresentation or false statement contained in the application for permit.

(b) Violation of provisions of this Article or the San Francisco Municipal Code regarding peddling.

(c) Peddling by a peddler employee at a location not approved by the Chief of Police.

(d) Conviction of a felony if the crime was committed during the time the permittee was working under the permit or relates to the business conducted under the permit and endangers the health and safety of the public.

(e) Violations of provisions of the Municipal Traffic Code or the California Vehicle Code, relating to the operation of the permit.

(f) Conduct violating any City ordinance or state statute which conduct occurred during the time the permittee was working under the permit or which conduct relates to the business conducted under the permit and endangers the health and safety of the public.

(g) Failure to pay the required license fee.

(h) Operation under the peddler's permit of a business other than that for which the permit was issued.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 869.18. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 870. PEDDLING WHERE SIGN "NO PEDDLERS" DISPLAYED PROHIBITED.

It shall be unlawful for any peddler, or any person pretending to be a peddler, for the purpose of selling or pretending to sell, goods, wares or merchandise, or any article, material or substance of whatsoever kind, to ring the bell or knock at the door of any residence or dwelling whereon a sign bearing the words "No Peddlers" or words of similar import, is painted or affixed so as to be exposed to public view, or to peddle or pretend to peddle goods, wares or merchandise, or any article, material or substance, of whatsoever kind, in any building, whereon, or wherein a sign bearing the words "No Peddlers," or words of similar import, is painted or affixed so as to be exposed to public view.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 875.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 876.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

[Lights; Fire Escapes]

SEC. 889. REQUIRING RED LIGHTS PLACED AT FIRE ESCAPES.

Every person, firm or corporation, owner, proprietor, manager, superintendent, lessee or agent of any building used as a hotel, public lodging house, public rooming house or apartment house within the City and County of San Francisco, shall place or cause to be placed in a conspicuous position in every hallway thereof, signs which shall indicate by letters, not less than three inches in height, the location of every fire escape and near every such sign there shall be placed a red light, which must be kept burning from sunset to sunrise.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 890. OWNER TO PLACE WHITE LIGHT IN HALLWAY.

Every person, firm or corporation, owner, proprietor, manager, superintendent, lessee or agent of any building used as a hotel, public lodging house, public rooming house or apartment house within the City and County of San Francisco, shall place or cause to be placed in every hallway, and passageway, a bright white light, capable of furnishing light enough to enable any person to see the stairway and exit from said hallway and passageway, to guide them in case of fire or panic to safety. Said white light shall burn from sunset to sunrise.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 891. CHIEF OF POLICE TO ENFORCE.

It shall be the duty of the Chief of Police to instruct all police officers to inspect all hotels, public lodging houses, public rooming houses and apartment houses on their respective beats at least once a month during the hours of sunset and sunrise, for the purpose of seeing that the provisions of Section 889 and 890 of this Article are strictly complied with.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 892. PENALTY.

Every person, firm or corporation, owner, proprietor, manager, superintendent, lessee or agent who shall violate or refuse to comply with the provisions of Sections 889 and 890 of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment in the County Jail for not more than three months, or by both such fine and imprisonment; and each such person, firm or corporation, owner, proprietor, manager, superintendent, lessee or agent shall be deemed guilty of a separate offense for every day such violation, or refusal shall continue, and shall be subject to the penalty imposed by this Section for each and every such separate offense.

(Added by Ord. 1.075, App. 10/11/38)

[Junk Dealers]

SEC. 895. PERMIT REQUIRED.

As of June 30, 2013, all existing permits issued by the San Francisco Police Department to junk gatherers pursuant to Police Code Section 895 *et seq.* shall expire. All persons wishing to conduct business in the City and County of San Francisco as a junk dealer after June 30, 2013, must apply for and obtain a junk dealer permit pursuant to Police Code Section 974.1 *et seq.*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 896. REPEALED.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 897. REPEALED.

(Amended by Ord. 555-81, App. 11/12/81; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 898. REPEALED.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

[Automatic Checkout Systems]

SEC. 900. DEFINITIONS.

For purposes of this ordinance, the following definitions shall apply:

(a) **Automatic Checkout System.** An electronic system employing a scanning device combined with a computer and register to read a universal product code or similar code on packaging and display and total the cost of the items purchased.

(b) **Consumer Commodity.**

(1) Food, including all material whether solid, liquid, or mixed, and whether simple or compound, which is used or intended for consumption by human beings or domestic animals normally kept as household pets, and all substances or ingredients added to any such material for any purpose. This definition shall not apply to individual packages of cigarettes or individual cigars.

(2) Paper and plastic products, such as, but not limited to, napkins, facial tissue, toilet tissue, foil wrapping, plastic wrapping, paper toweling, and disposable plates and cups.

(3) Detergents, soaps and other cleaning agents.

(4) Pharmaceuticals, including nonprescription drugs, bandages, hygiene products, and toiletries.

(c) **Grocery Department.** An area within a general retail merchandise store which is engaged primarily in the retail sale of packaged food, rather than food prepared for immediate consumption on or off the premises.

(d) **Grocery Store.** A store engaged primarily in the retail sale of packaged food, rather than food prepared for consumption on the premises.

(e) **Person.** An individual, firm, corporation, partnership, association or other organizational group or combination acting as a unit.

(Added by Ord. 598-79, App. 12/3/79)

SEC. 901. ITEM PRICES.

Every retail grocery store or grocery department within a general retail merchandise store which uses an automatic checkout system shall cause to have a clearly readable price indicated on each packaged consumer commodity offered for sale on or after January 1, 1980, provided, however, that said requirement shall not apply to:

(1) Any unpackaged fresh food produce, or fresh dairy product;

(2) Any consumer commodity under three cubic inches in size or weighing less than three ounces or priced for less than 30 cents;

(3) Any grocery business which has as its only regular employees the owner thereof, or the parent, spouse, or child of such owner, or in addition thereto, not more than two other persons employed on a regular schedule for a continuing period of time;

(4) Identical items within a multi-item package;

(5) Items sold through a vending machine;

(6) "Special" or "sale" items offered for sale at less than normal price, for a period of seven days or less.

(Added by Ord. 598-79, App. 12/3/79)

SEC. 902. PENALTY.

(a) Any person intentionally violating any of the provisions of Section 901 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than $100, and not more than $500, or by imprisonment in the jail of the City and County for a term of not more than six months or by both such fine and imprisonment.

(b) Failure to have a clearly readable price indicated on 12 units of the same item of the same commodity shall constitute a presumption of intent to violate Section 901.

(c) Every additional 12 units of the same item that fail to have a price indicated on them shall constitute a presumption of intent to violate Section 901.

(d) Each day that a violation continues after notification thereof by any person to the grocery store or department manager or assistant manager shall constitute a separate violation and shall constitute a presumption to violate Section 901.

(Added by Ord. 598-79, App. 12/3/79)

SEC. 903. INJUNCTIVE RELIEF.

(a) Any person may bring an action in any court of competent jurisdiction to enjoin a violation of Section 901.

(b) Persons violating Section 901 shall be liable to any person injured for losses and expenses and attorney's fees incurred as a result of the violation and for the sum of $50 in addition thereto. This remedy shall apply only to actions brought by or on behalf of a single plaintiff and shall not apply to multiple plaintiffs or class actions.

(Added by Ord. 598-79, App. 12/3/79)

SEC. 904. SEVERABILITY.

If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end provisions of this Article are severable.

(Added by Ord. 598-79, App. 12/3/79)

[Public Rooms]

SEC. 911. DEFINING PUBLIC ROOMS.

The words "public rooms," for the purpose of Section 912 and 913 of this Article, shall be deemed to include any lobby, hallway, mezzanine, foyer, public rest or sitting rooms, or any other place in a hotel used in common by the public and guests of a hotel.

(Added by Ord. 270-82, App. 6/10/82)

SEC. 912. LOITERING IN PUBLIC ROOMS PROHIBITED.

It shall be unlawful for any person to linger, loiter, sit or stand in any public room in any hotel in violation of the expressed wish of the owner or manager of such hotel.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 913. UNAUTHORIZED USE OF PUBLIC ROOMS PROHIBITED.

It shall be unlawful for any person to use any public room in any hotel for business purposes or social purposes in violation of the expressed direction of the owner or manager of such hotel.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 914. PENALTY.

Any person violating any of the provisions of Sections 911 to 913, inclusive, of this Article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine not to exceed $50, or by imprisonment in the County Jail for a period of not to exceed 30 days or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

[Hotels, Etc.]

SEC. 919. REQUIRING OPERATORS OF HOTELS, MOTELS, AUTO COURTS AND FURNISHED APARTMENT HOUSE KEEPERS TO KEEP A REGISTER OF GUESTS.

The owner, manager or person in charge of any hotel, motel, auto court, or furnished apartment house shall keep a suitable book or register cards, open to inspection by regularly employed members of a law enforcement agency, in which all occupants of hotels, motels, auto courts, and furnished apartments shall sign their names, and the number of the hotel room, motel, auto court, or furnished apartment assigned to these guests shall be indicated on the registry book or registry cards.

(Amended by Ord. 1071, Series of 1939, App. 12/3/57)

SEC. 919.1. PROHIBITING RESIDENTIAL HOTEL OPERATORS FROM CHARGING VISITOR FEES; LIMITING RESIDENTIAL HOTEL RESTRICTIONS ON VISITORS; VIOLATION IS AN INFRACTION.

(a) No operator, employee or agent of a Residential Hotel, as defined in San Francisco Administrative Code Section 41.4(p), may impose or collect a charge for any person to visit a guest or occupant of the hotel. No operator, employee or agent of Residential Hotel may implement or impose any policy restricting persons from visiting guests or occupants of Residential Hotel except in accordance with the provisions of the Uniform Residential Hotel Visitor Policy or any Supplemental Visitor Policy approved pursuant to Administrative Code Chapter 41D. The provisions of this Section shall be posted on an 8-1/2 inch by 11-inch sign in the lobby of each such Residential Hotel in an area visible to guests and occupants.

(b) **Penalty.** In addition to any available civil penalties, any operator, employee or agent of a Residential Hotel who violates any of the provisions of this Section shall be guilty of an infraction, the penalty for which shall be a fine of not less than $50 nor more than $500, consistent with the California Government Code.

(Added by Ord. 135-01, File No. 010526, App. 7/6/2001; amended by Ord. 62-02, File No. 020343, App. 5/3/2002)

SEC. 920. REGISTERING FOR LODGING ACCOMMODATIONS UNDER FICTITIOUS NAMES PROHIBITED.

No person shall write or cause to be written, or knowingly permit to be written, in any register in any hotel, motel, auto court, lodging house, rooming house, or other place whatsoever where transients are accommodated in the City and County of San Francisco, any other or different name or designation than the true or legal name of the person so registered therein.

(Added by Ord. 256-67, App. 9/27/67)

SEC. 921. PENALTY.

Any person violating any of the provisions of Section 920 of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $500 or by imprisonment in the County Jail not exceeding 180 days, or by both such fine and imprisonment.

(Added by Ord. 256-67, App. 9/27/67)

SEC. 924.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 925.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 926.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 927.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 928.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 929.

(Added by Ord. 1.075, App. 10/11/38; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

[Police Badges]

SEC. 934. REGULATING SALE OF POLICE BADGES.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, or cause to be sold or offered for sale, or to deliver, or cause to be delivered, to any person, any badge or star of the kind or design used by the members of the Police Department, without the written authorization of the Chief of Police.

(Added by Ord. 1.075, App. 10/11/38)

[Press Cards]

SEC. 939. ISSUANCE OF PRESS CARDS.

The Chief of Police is hereby authorized to issue press cards to newsgatherers, reporters and photographers in the actual and bona fide employment of a newspaper or periodical, for the purpose of securing their admittance within all police lines in the City and County of San Francisco.

The Chief of Police shall establish procedures for the application, issuance, expiration, reissuance, and revocation of press cards. Such procedures shall include, at a minimum, the requirement that applications be in writing, that press cards must include a clear photo of the person to whom it is issued, and that press cards be carried by the person to whom it is issued in order to exercise the newsgathering privileges described in Sections 939-939.5.

All press cards issued under this Section shall have a term of one year. Expiration and re-issuance of press cards shall be governed by procedures to be established by the Chief of Police.

A record of the issuance of such press cards shall be kept in the office of the Chief of Police, with the date of issuance, the photograph, name and contact information of the person to whom issued, and the unique number of the card. The Chief of Police may at any time revoke the privilege attached to any or all such cards. Unless revoked, the privilege attached to such cards shall automatically terminate on the date of expiration, such expiration date to be determined as hereinabove indicated.

Such cards shall not be transferable and it shall be unlawful for any person to use or have in his or her possession any such card unless the same was issued to that person by the Chief of Police; or to use any such card after the privilege attached thereto has terminated or been revoked. It shall likewise be unlawful for any person to use any such card while such person is not in the actual and bona fide employment of a newspaper or periodical as a newsgatherer, reporter, or photographer while gathering information or images for use in the news.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008; amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

SEC. 939.1. DEFINITIONS.

As used in this Article, the following definitions shall apply:

(a) **News-Gathering Vehicle.** A News-Gathering Vehicle is a motor vehicle for which a Vehicle Press Permit has been issued by the Metropolitan Transportation Agency while the vehicle is in the control of a newspaper, radio or television station, or is being operated by an employee of a newspaper, radio or television station whose primary duty is to gather or photograph news events while gathering information or images for use in the news.

(b) **Vehicle Press Permit.** A Vehicle Press Permit is a parking permit issued by the Municipal Transportation Agency for the use of an authorized News-Gathering Vehicle.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008; amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

**Editor's Note:** For provisions relating to Vehicle Press Permits issued by the San Francisco Municipal Transportation Agency, see Transportation Code Sec. 912.

SEC. 939.2. DISPLAY OF PRESS CARD.

A person who displays a valid press card issued by the Chief of Police to that person pursuant to the provisions of Section 939 of this Article shall be entitled to pass behind police lines in a vehicle that does not have a Vehicle Press Permit; provided, however, that such access may be denied at the discretion of the Chief of Police to protect the public health, safety or welfare.

(Added as Sec. 939.3 by Ord. 287-08, File No. 081340, App. 12/5/2008; renumbered and amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

(Former Sec. 939.2 added by Ord. 287-08, File No. 081340, App. 12/5/2008; repealed by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

SEC. 939.3. FEE FOR PRESS CARD.

The Chief of Police may collect a permit fee for issuing press cards in order to recover costs of administering the program.

(Added as Sec. 939.5 by Ord. 287-08, File No. 081340, App. 12/5/2008; renumbered and amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

(Former Sec. 939.3 added by Ord. 287-08, File No. 081340, App. 12/5/2008; renumbered as Sec. 939.2 and amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

SEC. 939.4. PENALTY.

Any person violating any provision of Sections 939 through 939.3 of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $25 or by imprisonment in the County Jail not exceeding 10 days, or by both such fine and imprisonment.

(Added as Sec. 939.7 by Ord. 287-08, File No. 081340, App. 12/5/2008; renumbered and amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

(Former Sec. 939.4 added by Ord. 287-08, File No. 081340, App. 12/5/2008; repealed by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

SEC. 939.5.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008; renumbered as Sec. 939.3 and amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

SEC. 939.6.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008; repealed by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

SEC. 939.7.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008; renumbered as Sec. 939.4 and amended by Ord. 217-12, File No. 111239, App. 10/23/2012, Eff. 11/22/2012)

[Sidewalk Elevators]

SEC. 944. SIDEWALK ELEVATOR, ETC., IRON DOOR, ETC., AND LOCK REQUIRED.

It shall be unlawful for any person, firm or corporation to construct, operate or use, or cause to be constructed, operated or used, any sidewalk elevator unless the shafts or sidewalk openings of such sidewalk elevators be covered with substantial iron doors, or iron gratings as nearly flush with the upper surface of the sidewalks as will permit proper drainage, and unless such doors or gratings be provided with some mechanical device for locking and unlocking them which will not require any person to ride on such elevator for the purpose of locking or unlocking said doors or gratings.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 945. MECHANICAL DEVICE FOR STOPPING REQUIRED.

It shall be unlawful for any person, firm or corporation to construct, operate or use, or cause to be constructed, operated or used, any sidewalk elevator unless the same shall be equipped with some mechanical device which will prevent the platform of said elevator from approaching within less than five feet of the sidewalk doors or gratings thereof when the said doors or gratings are closed.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 946. UNLAWFUL OPENINGS PROHIBITED – KIND OF METAL GUARDS REQUIRED.

It shall be unlawful for any person to open any sidewalk elevator doors or gratings unless he is directed or permitted by the person, firm or corporation using said elevator to open such doors or gratings. And it shall be unlawful for any person, firm or corporation operating or using such sidewalk elevator to open or cause to be opened the elevator doors or gratings thereof unless a responsible person connected with the person, firm or corporation operating or using said elevator shall be stationed on the sidewalk immediately adjacent to said doors or gratings, who shall lift said doors or grating by hand, except that, if they are automatically lifted from below upon the rising of such elevator, before said doors or gratings are raised, removable metal guards, consisting of four metal posts, not less than three feet in height, shall be inserted in sockets placed in the sidewalk at the four corners of such doors or gratings, with the tops of such posts connected by chains or bars, so that all sides of such openings shall be guarded, except that side next to curb, and the public protected from injury by the sudden raising of such doors. Such metal guards shall be removed as soon as said doors or gratings are closed.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 947. NIGHT OPENING, LAMPS AND GUARDS REQUIRED FOR.

It shall be unlawful for any person, firm or corporation operating or using sidewalk elevators to keep the doors or gratings thereof open or permit the same to remain open except during the time necessary for the receiving or shipping of merchandise or supplies and unless during said time the said doors or gratings remain open suitable guards or railings are provided around the opening of the sidewalk to prevent accidents to the public, and unless a lighted lamp shall be maintained at openings when the doors or gratings thereof are open after dark.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 948. TRAP-DOOR, KIND OF METAL GUARDS REQUIRED FOR.

It shall be unlawful for any person, firm or corporation to construct, operate, or use, or cause to be constructed, operated, or used, any trap-door, or opening whatsoever in any sidewalk, unless the same be equipped with removable metal guards, consisting of four metal posts, not less than three feet in height, and which metal posts shall be inserted in sockets placed in the sidewalk at the four corners of such trap-door or opening, with the tops of such posts connected by chains or bars, so that all sides of such openings shall be guarded. Such metal guards shall be removed as soon as said trap-doors or openings are closed.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 949. TRAP-DOOR, WHILE OPEN, GUARDS REQUIRED.

It shall be unlawful for any person, firm or corporation, operating or using trap-doors or other openings in sidewalks to keep the doors, openings or gratings thereof open or permit the same to remain open except during the time necessary for the receiving or shipping of merchandise or supplies and unless during said time the said trap-doors, openings or gratings remain open suitable guards or railings are provided around the opening of the sidewalk to prevent accidents to the public.

(Added by Ord. 1.075, App. 10/11/38)

[Sales; Miscellaneous Prohibitions]

SEC. 954. SALE OF MERCHANDISE ON OCEAN BEACH PROHIBITED.

It shall be unlawful for any person, firm or corporation to sell or offer for sale any goods, wares, merchandise or other commodity on that portion of said City and County of San Francisco known as the Ocean Beach, contiguous to and lying immediately west of the "Great Highway," between high and low water mark thereof, and between the northerly line of Wawona Street extending westerly to the Pacific Ocean and low water mark, and the northerly line of Anza Street extending westerly to the Pacific Ocean and low water mark.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 955. PROHIBITED SOLICITING UPON STREETS OF MAGAZINE SUBSCRIPTIONS, ETC.

No person shall on any public street or sidewalk in the City and County of San Francisco, or in any area or doorway or entrance-way immediately abutting thereon, solicit the sale to street or sidewalk traffic of any subscription to any magazine or periodical for future delivery, or the sale of any tangible personal property to be delivered to the purchaser thereof, or to any other person, at a subsequent time.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

[Gas Supply, Residential]

SEC. 959. REGULATING TURNING OFF OF GAS SUPPLY IN HOTELS AND DWELLINGS.

It shall be unlawful for any proprietor, owner, lessee or person to turn off the gas supply, at the meter, or any other point on the supply pipe, except at the stop cock on the gas fixture, in any hotel, lodging house, apartment house, or in any house or building wherein rooms are rented or used for sleeping purposes, or in any private residence, except said gas supply is turned off for repairs or by reason of accident, or in cases where the building is vacated.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 960. USE OF DEFECTIVE STOP COCKS IN HOTELS AND DWELLINGS PROHIBITED.

It shall be unlawful for any proprietor, owner, lessee or person to maintain or use in any hotel, lodging house, apartment house or in any house or building wherein rooms are rented or used for sleeping purposes, or in any private residence, any gas fixture having a defective key or stop cock, or any key or stop cock which has not a pin or other device to prevent a reopening of the gas way by further continuous movement of the key or stop cock in the same direction after the gas way has been closed.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 961. PENALTY.

Every person who shall violate any of the provisions of Sections 959 and 960 of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $500 nor less than $50, or by imprisonment in the County Jail for a period of not more than six months nor less than 50 days, or by both such fine and imprisonment.

(Added by Ord. 1.075, App. 10/11/38)

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SEC. 964. CRUSHING ROCK, ETC., WITHIN CERTAIN HOURS, ETC., PROHIBITED.

No person, firm or corporation shall carry on the business of crushing rock, brick or concrete by machinery or otherwise in the City and County of San Francisco unless the place where such business is conducted and carried on is so enclosed as to prevent the deposit or scattering of rock, dust or debris outside of said enclosure upon the public streets, highways or squares, or property of adjacent owners; and no such machinery shall be operated within the fire limit of said City and County between the hours of 6:00 p.m. and the hour of 6:00 a.m. of the following day.

(Added by Ord. 1.075, App. 10/11/38)

[Transportation Tickets]

SEC. 969. TRANSPORTATION TICKETS – REGULATING SALE OF.

(a) It is hereby determined and declared that the price or charge for the sale, resale, purchase, or procurement by purchase or otherwise, within the City and County of San Francisco, of tickets, reservations or passenger accommodations, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, is a matter affected with a public interest and subject to the supervision of the authorities of said City and County, for the purpose of safeguarding the public against fraud, extortion, exorbitant rates and similar abuses.

(b) It shall be unlawful for any person, firm or corporation to offer for sale, sell, resell, or cause to be sold, or resold; or to purchase, acquire or procure, either on his own behalf or on behalf of another, in the City and County of San Francisco, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, or steamship company, air line or bus line, at a price in excess of $1 over the established tariff charge therefor.

The term "established tariff charge" shall be the charge set forth in the tariff as published and filed by the railroad, parlor or sleeping car owner or operators, steamship company, air line or bus line, involved.

(c) Nothing in Sections 969 to 972, inclusive, of this Article contained shall be taken or deemed to authorize or approve the sale of such ticket, reservation or passenger accommodation by any railroad, parlor or sleeping car owner or operator, or steamship company, air line or bus line, or by any officer, agent or employee thereof, at other than the lawful tariff rates applicable thereto.

(Added by Ord. 3042, Series of 1939, App. 12/14/44)

SEC. 970. REGULATIONS TO BE POSTED.

The person responsible for the management of each travel agency and hotel, operating within the City and County of San Francisco, and where such reservations may be made, shall cause a copy of Sections 969 to 972, inclusive, of this Article to be posted in a conspicuous place on said premises.

(Added by Ord. 3042, Series of 1939, App. 12/14/44)

SEC. 971. PENALTY.

Any person violating the provisions of Sections 969 to 972, inclusive, of this Article shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not to exceed $100 or by imprisonment in the County Jail for a term not to exceed 30 days, or by both such fine and imprisonment.

(Added by Ord. 3042, Series of 1939, App. 12/14/44)

SEC. 972. EXCEPTIONS.

(a) Sections 969 to 972, inclusive, of this Article shall not apply to tickets, reservations or passenger accommodations to or from places outside of the continental United States and Canada, nor shall it apply to the sale, resale, purchase or acquisition of any of such tickets or reservations sold, disposed of, purchased or acquired, pursuant to any written contract between a travel agency and the owner or operator of any of the above enumerated transportation companies.

(b) Nothing contained in Sections 969 to 972, inclusive, of this Article shall prevent a regularly established travel bureau or travel agency from selling tours over common carriers, with stopover accommodations and services, for a price that includes an entire tour, nor shall such a bureau or agency be limited by Sections 969 to 972, inclusive, of this Article in its charges for travel assistance or service rendered to its patrons in the regular course of its business.

(Added by Ord. 3042, Series of 1939, App. 12/14/44)

SEC. 973.

(Added by Ord. 249-60, App. 5/12/60; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

[SEC. 974. EDITOR'S NOTE:]—

**Editor's Note:** Sections 974.1 through 974.25 are codified below as Article 13.1 ("Junk Dealers – Permit and Regulation").

[SEC. 975. BICYCLE MESSENGER/DELIVERY BUSINESS.][Bicycle Messenger Businesses]

SEC. 975.1. RESPONSIBILITY OF BICYCLE MESSENGER BUSINESS; IDENTIFICATION REQUIRED FOR EMPLOYEES AND BICYCLES.

Every person, firm, partnership, joint venture, association or corporation which engages, either on behalf of itself or others, in delivering articles of any kind by bicycle, except newspaper businesses making deliveries by bicycle, shall require each of its bicycle-riding employees while making deliveries, or otherwise riding a bicycle on behalf of the business, to have on his or her person a current California Driver's License or a California Identification Card issued by the Department of Motor Vehicles or a photo identification including name, residence address and date of birth, issued by said business for which the employee is making bicycle deliveries. Said business shall also provide identification of the business on its bicycles by affixing to the rear of each bicycle seat, and maintaining, in such a way as to be visible when the bicycle is in use, a sign with the business name and the bicycle's individual identification number, in a print of 72-point height and Helvetica medium-face type.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 975.2. RESPONSIBILITY OF BICYCLE-RIDING EMPLOYEES.

Any person while making deliveries, or otherwise riding a bicycle on behalf of a business making deliveries by bicycle, shall comply with all requirements of Section 975.1.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 975.3. REGISTER AND DAILY LOG.

Each business making deliveries by bicycle shall maintain a register of all bicycle-riding employees including each employee's name, residence address, date of birth, photograph and individual bicycle identification number required in Section 975.1. Each such business shall also keep a daily log which lists the name of each messenger working that day and the bicycle number assigned to each messenger for that day. Such register and daily log shall be made available for inspection by a representative of any law enforcement agency at all times during regular business hours.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 975.4. PENALTY.

Any person, firm or corporation that violates any requirement of Sections 975.1-975.3 of this Code is guilty of an infraction, and shall be punished for the first offense by a fine not to exceed $50; for the second offense within one year from the date of the first offense, by a fine not to exceed $100; and for the third and each additional offense committed within one year of the date of first offense, by a fine not to exceed $250.

(Added by Ord. 287-08, File No. 081340, App. 12/5/2008)

ARTICLE 13.1:  
JUNK DEALERS – PERMIT AND REGULATION

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| Sec. 974.1. | Definitions. |
| Sec. 974.2. | Collecting, Buying, Selling, or Disposing of Junk; Permit Required. |
| Sec. 974.3. | Application for Junk Dealer Permit. |
| Sec. 974.4. | Contents of Application. |
| Sec. 974.7. | Verification of Application. |
| Sec. 974.8. | Notice of Hearing. |
| Sec. 974.9. | Referral of Applications to Other Departments. |
| Sec. 974.10-1. | Issuance of Junk Dealers Permit. |
| Sec. 974.11. | Suspension or Revocation of Permit. |
| Sec. 974.12. | Name and Place of Business – Change of Location. |
| Sec. 974.13. | Transfer of Permit. |
| Sec. 974.14-1. | Operation of a Junk Dealer. |
| Sec. 974.14-2. | Prohibitions on Particular Purchases. |
| Sec. 974.15. | Holding Period Exemption. |
| Sec. 974.16. | Holding Period Exemption (Continued). |
| Sec. 974.17. | Holding Period Exemption (Continued). |
| Sec. 974.20. | Computation of Time. |
| Sec. 974.21. | Penalty and Enforcement. |
| Sec. 974.22. | Suspension for Immediate Threat to Safety. |
| Sec. 974.25. | Severability. |

**Editor's Note:** Sections 975.1 through 975.4 are codified in the preceding article; see Article 13 above.

SEC. 974.1. DEFINITIONS.

(a) Except as otherwise specified in this section, the terms used in this Article, including "junk," "junk dealer," and "junk yard," shall have the same meaning as those terms are defined in California Business and Professions Code, Chapter 9, Article 3, Section 21600 *et seq.*, including as those sections are hereafter amended.

(b) **Chief of Police.** The Chief of the San Francisco Police Department, or designee.

(c) **Covered Crime(s).** The crimes of assault, battery, burglary, robbery, theft including identity theft, receipt of stolen property, fraud, and any offense related to environmental crimes including the improper maintenance, disposal or release of hazardous materials, committed anywhere in the United States of America.

(d) Hazardous Materials shall be those materials defined in San Francisco Health Code Article 21, Division 1, Section 1102.

(e) **Prevailing Party.** Prevailing Party has the same meaning as set forth in California Code of Civil Procedure Section 1032, or any successor provision. "Prevailing Party" includes the City and County of San Francisco in actions where the City and County obtains an injunction and/or civil penalties or other monies under Section 974.21 *et seq.* or under State law.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 389-91, App. 10/31/91; Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.2. COLLECTING, BUYING, SELLING, OR DISPOSING OF JUNK; PERMIT REQUIRED.

(a) A person may collect, buy, sell or otherwise dispose of junk within the City and County of San Francisco only if that person holds a current and valid junk dealer permit, is an authorized agent of a junk dealer permittee, or falls within one of the enumerated exclusions in subsection (c) below.

(b) It shall be unlawful for any person to engage in, conduct, or carry on the business of junk dealer in the City and County of San Francisco without first securing a permit therefor from the Chief of Police.

(c) **Exclusions.**

(1) A recycler, processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commending with Section 14502) of Division 12.1 of the California Public Resources Code shall not be subject to the requirements of this Article, but shall be regulated by provisions of Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code; and

(2) Persons excluded from the state law junk dealer requirements as described in California Business and Professions Code Section 21604.

(d) As of June 30, 2013, all existing permits issued by the San Francisco Police Department to junk dealers under Police Code Sections 974.1 *et seq.* and to junk gatherers under Police Code Sections 895 *et seq.* shall expire. All persons wishing to conduct business in the City and County of San Francisco as a junk dealer after June 30, 2013, must apply for and obtain a new permit pursuant to this Article.

(e) As of July 1, 2013, a junk dealer permit issued to a junk dealer operating in conjunction with a junk yard shall authorize the permittee to operate for one year from the date the Chief of Police issues the permit, unless the Chief of Police suspends or revokes the permit. As of July 1, 2013, all other junk dealer permits shall authorize the permittee to operate for two years from the date the Chief of Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each junk dealer permit shall expire at the end of the applicable permitting period. Notwithstanding Section 2.10 of the Police Code, a permittee wishing to operate beyond the applicable permit term must renew the junk dealer permit before the existing permit expires.

(f) After a noticed public hearing, the Chief of Police may adopt such rules and regulations to effect the purposes of this Article as are not in conflict therewith.

(g) All junk dealers must post the junk dealer permit in a conspicuous place visible to the public within any junk yard or building used to conduct the business of a junk dealer. In addition all junk dealers must maintain a copy of the junk dealer permit in any vehicle used by the junk dealer and with any authorized agent. All junk dealer permits must be provided to law enforcement personnel for inspection upon request.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 389-91, App. 10/31/91; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.3. APPLICATION FOR JUNK DEALER PERMIT.

The applicant for a permit to engage in, conduct, or carry on the business of junk dealer shall file an application on a form provided therefor by the Chief of Police and shall pay a filing fee, which shall not be refundable.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 974.4. CONTENTS OF APPLICATION.

The application for a junk dealer permit shall set forth the following information:

(a) The proposed place of business and facilities therefor, including whether or not the applicant will engage in welding, use of a propane tank, or cutting torches operated by compressed gasses;

(b) The business name and address of the applicant;

(c) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the application and any junk dealer permit the Chief of Police issues;

(d) If the applicant is a corporation, partnership or other entity, the names and residence addresses of every officer and partner of the applicant, and every person with 10 percent or larger ownership interest in the applicant;

(e) The name, residence address, and business contact information of each proposed authorized agent of the applicant, if any;

(f) For all individuals listed in subsections (b), (c), (d), and (e) above, a list of each conviction of or plea of guilty or no contest to a Covered Crime in the ten years preceding the application, including the nature of the offense and the place and date of the conviction or plea;

(g) A copy of a current and valid business registration certificate that the Office of the Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations Code Section 853. The name on the business registration certificate must match the name of the applicant on the application for the junk dealer permit;

(h) If the applicant does not own the proposed place of business or facilities to be used in the junk dealer operations, the name, business address, and contact information of the owner, and documentation demonstrating the nature of the applicant's interest in the proposed place of business or facilities; and

(i) Such other information as the Chief of Police deems necessary to investigate the applicant and the applicant's proposed place of business and business operation.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.5. REPEALED.

(Added by Ord. 136-75, App. 4/14/75; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.6. REPEALED.

(Added by Ord. 136-75, App. 4/14/75; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.7. VERIFICATION OF APPLICATION.

Every application for a permit shall be verified as provided for in the California Code of Civil Procedures for the verification of pleadings.

(Added by Ord. 136-75, App. 4/14/75)

SEC. 974.8. NOTICE OF HEARING.

When an application is filed for a permit pursuant to the provisions of this Article, the Chief of Police shall set a date for said hearing within a reasonable time from the date of the application. The Chief of Police shall cause to have posted on the premises in a conspicuous place a notice of such hearing and the type of business to be conducted therein at least 10 days prior to the hearing. The applicant shall maintain such notice on his premises.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.9. REFERRAL OF APPLICATIONS TO OTHER DEPARTMENTS.

The Chief of Police, upon receiving an application to engage in, conduct or carry on the business of junk dealer, may refer the application for review and input from any applicable government agency as determined by the Chief of Police, including but not limited to the Department of Building Inspection, Fire Department, the Department of Public Health and to the City Planning Department. Upon referral from the Chief of Police, City departments shall inspect the premises proposed to be operated as a junk yard by the applicant or conduct any other requested review and shall make written recommendations to the Chief of Police.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.10-1. ISSUANCE OF JUNK DEALERS PERMIT.

The Chief of Police shall hear and decide the application within a reasonable time after conducting the hearing. In deciding the application, the Chief of Police may exercise his or her discretion as to whether the permit should be granted or denied. The Chief of Police may take into account the following considerations in determining whether to issue a junk dealer permit:

(a) Whether any proposed premises to be used by the applicant as a junk yard conforms to all applicable laws, including, but not limited to, the Building, Health, Fire, City Planning and Housing Codes of the City and County of San Francisco;

(b) Whether the applicant has appropriate or required permits for welding, use of propane tanks, or cutting torches operated by compressed gasses if the permit holder will use such items in the business;

(c) Whether the applicant, including any officers, partners or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant, has been convicted of or pled guilty or no contest to a Covered Crime, or has committed a Covered Crime within the last ten years. A conviction, plea, or commission of a Covered Crime in the ten-year period shall not be an automatic bar to granting the permit. The Chief of Police shall consider criminal history on a case-by-case basis with due consideration given to the following factors:

(1) the nature and gravity of the offense;

(2) the time elapsed since the offense;

(3) age at the time of the offense;

(4) frequency of Covered Crimes;

(5) evidence of rehabilitation; and

(6) any other mitigating circumstances;

(d) Whether the proposed location of the business is a suitable place to carry on the business of junk dealer. In making such finding, the Chief of Police may take into consideration the effect of the issuance of the permit upon the surrounding property and the inhabitants thereof;

(e) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant, has had a permit or license revoked or suspended that was issued by the State of California or the City and County of San Francisco or other government agency to engage in a business or profession within the State of California because of a violation of law or because of violation of regulations promulgated by the regulating agency having control or jurisdiction over the license or permit. The Chief of Police shall consider prior suspensions or revocations on a case-by-case basis with due consideration given to the following factors:

(1) the facts underlying the suspension and/or revocation;

(2) the nature and gravity of the underlying violations of law or regulation;

(3) the time elapsed since the suspension or revocation; and

(4) any other mitigating circumstance;

provided that the Chief of Police shall not consider any such revocation if it occurred more than ten years prior to the date of the application;

(f) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant, has had civil penalties imposed by a court or other government agency related to the operation of a junk dealer or hazardous materials or the environment within the past ten years prior to the date of application. The Chief of Police shall consider the imposition of civil penalties on a case-by-case basis with due consideration given to the following factors:

(1) the facts underlying the imposition of civil penalties;

(2) the nature and gravity of the underlying violations of law or regulation;

(3) the time elapsed since the imposition of civil penalties; and

(4) any other mitigating circumstance;

(g) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant has violated any of the provisions of this Article or conditions placed upon a prior junk dealer permit within the last ten years. The Chief of Police shall consider the violations of this Article or imposed permit conditions on a case-by-case basis with due consideration given to the following factors:

(1) the facts underlying the violations of this Article or imposed permit conditions;

(2) the nature and gravity of the underlying violations of this Article or imposed permit conditions;

(3) the time elapsed since the underlying violations of this Article or imposed permit conditions occurred; and

(4) any other mitigating circumstance;

(h) Whether the applicant, any officer, partner or shareholders owning 10 percent or larger ownership interest in the applicant, or any proposed authorized agent of the applicant, has created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the junk dealer business;

(i) Whether the application contains intentionally false or misrepresented information, or omits required or material information; and

(j) Whether granting the permit is consistent with the public interest, health, safety and welfare.

The Chief of Police may grant a junk dealer permit while not approving one or more of an applicant's proposed authorized agents. The Chief of Police's denial of a junk dealer permit application or denial of a proposed authorized agent shall be subject to the provisions outlined in San Francisco Business and Tax Regulations Code Section 31.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.10-2. REPEALED.

(Added by Ord. 69-05, File No. 050178, App. 4/15/2005; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.11. SUSPENSION OR REVOCATION OF PERMIT.

The Chief of Police may suspend or revoke any permit issued to a junk dealer and may withdraw approval to one or more authorized agents of a permittee after a hearing for cause.

(a) Cause may include:

(1) Violations of any of the provisions of this Article or conditions placed upon the permit, or any rules and regulations issued by the Chief of Police under Section 974.2(f), including violations by any authorized agent, where the permit holder knew or should have known of the violation;

(2) Refusal to permit periodic and other inspections as provided for by Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code;

(3) Violations of Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code relating to the operations of a junk dealer;

(4) The premises are in violation of the San Francisco Municipal Code, including but not limited to the Building, Health, Fire, City Planning, and/or Police Codes;

(5) Failure to maintain records and documentation as required by Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code;

(6) Use of welding equipment, propane tanks, or cutting torches operated by compressed gasses without valid permits;

(7) The permittee, or any authorized agent of the permittee, has created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the junk dealer business; and

(8) The permittee, or any authorized agent of the permittee, has operated the junk dealer business or junk yard in a manner contrary to the public interest, health, safety or welfare.

(b) The standard of proof at the hearing shall be preponderance of the evidence.

(c) The Chief of Police's decision to suspend or revoke a junk dealer permit or to withdraw approval for an authorized agent of a permittee shall be subject to the provisions outlined in San Francisco Business and Tax Regulations Code Section 31.

(d) Notwithstanding Section 8(i)(5) of the Business and Tax Regulations Code, the filing of an appeal with the Board of Appeals from a decision of the Chief of Police to suspend or revoke a junk dealer permit or to withdraw approval for an authorized agent of a permittee shall not effect a suspension of the Chief of Police's action.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.12. NAME AND PLACE OF BUSINESS – CHANGE OF LOCATION.

No person granted a permit pursuant to the provisions of this Article shall operate under another name or in any location not specified on the permit.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005)

SEC. 974.13. TRANSFER OF PERMIT.

No permit issued pursuant to the provisions of this Article shall be transferred to any other person or to any other location without the written consent of the Chief of Police, provided, however, that upon the death or incapacity of the permittee the junk yard may continue for a reasonable period of time to allow for an orderly transfer of the permit.

(Added by Ord. 136-75, App. 4/14/75)

SEC. 974.14-1. OPERATION OF A JUNK DEALER.

Every junk dealer shall:

(a) Comply with all state and municipal laws regarding junk dealers including this Article and Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code;

(b) Post the permit in a conspicuous place at the junk yard or at the junk dealer's place of business;

(c) Maintain the sidewalks, driveways and other areas adjacent to the premises clear of obstacles, trash and debris; and

(d) Take reasonable steps to ensure that its customers do not loiter in the areas adjacent to or near the premises.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.14-2. PROHIBITIONS ON PARTICULAR PURCHASES.

A person holding a junk dealer permit may not purchase or permit an authorized agent to purchase, and an authorized agent shall not purchase:

(a) Any junk that is collected, bought, sold or disposed of in a manner that is inconsistent with the provisions of this Article or Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code.

(b) Junk, including automotive or mechanical parts, that contain Hazardous Materials.

(c) Junk where the permit holder or authorized agent has or should have reason to believe that the junk may be stolen.

(Added by Ord. 69-05, File No. 050178, App. 4/15/2005; amended by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.15. HOLDING PERIOD EXEMPTION.

The Chief of Police or a peace officer, or officers designated by the Chief of Police, may authorize a retention period of less than five working days for nonferrous metals or for those ferrous metals mentioned in Section 974.14-1(b)\* purchased by the junk dealer after the officer's investigation and by endorsing in writing on the junk dealer's copy of the "Buy Book" form an authorization to release the metals hereinabove mentioned.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005)

\* **Editor's Note:** Ordinance 2-13 amended the referenced Sec. 974.14-1(b), which formerly concerned ferrous metals, as shown above.

SEC. 974.16. HOLDING PERIOD EXEMPTION (CONTINUED).

A junk dealer shall not be required to retain nonferrous metals or those ferrous metals mentioned in Section 974.14(b)\* in the same condition as purchased or retain the said metals in his junk yard if said metals were purchased from a public utility or a government agency and payment is made for the metals by check drawn on an account of the junk dealer and made payable to the public utility company or government agency from which the metals hereinabove mentioned were purchased.

(Added by Ord. 136-75, App. 4/14/75)

\* **Editor's Note:** Ordinance 69-05 redesignated the referenced Sec. 974.14 as Sec. 974.14-1. Division (b) of that section formerly concerned ferrous metals but was amended to its current state by Ord. 2-13.

SEC. 974.17. HOLDING PERIOD EXEMPTION (CONTINUED).

A junk dealer shall not be required to retain nonferrous metals or those ferrous metals mentioned in Section 974.14(b)\* in the same condition as purchased or retain such material at his junk yard for a period of five working days if said metals were purchased from a firm having a fixed place of business and said firm has been at the same location for more than two years and payment is made to said firm by a check drawn on an account in the name of the junk dealer and made payable to the company from which the metals hereinabove mentioned were purchased.

(Added by Ord. 136-75, App. 4/14/75)

\* **Editor's Note:** See the Editor's Note following Sec. 974.16.

SEC. 974.18. REPEALED.

(Added by Ord. 136-75, App. 5/14/75; repealed by Ord. 69-05, File No. 050178, App. 4/15/2005)

SEC. 974.19. REPEALED.

(Added by Ord. 136-75, App. 4/14/75; repealed by Ord. 69-05, File No. 050178, App. 4/15/2005)

SEC. 974.20. COMPUTATION OF TIME.

In computing the number of days for the retention of metal pursuant to the provisions of this Article, the day of purchase shall not be counted, nor shall Saturdays, Sundays or days declared to be holidays by Section 6700 or 6701 of the Government Code of the State of California be counted.

(Added by Ord. 136-75, App. 4/14/75)

SEC. 974.21. PENALTY AND ENFORCEMENT.

(a) In addition to the remedies and enforcement mechanisms provided for by provisions of state and local law including Chapter 9, Article 3 (commencing with Section 21600) of the California Business and Professions Code, the City Attorney may enforce the provisions of this Article through a civil action in any court of competent jurisdiction.

(1) The City Attorney may apply to any court of competent jurisdiction for an order seeking injunctive relief to abate any nuisance caused by a failure to comply with this Article.

(2) In any civil court action brought by the City Attorney to enforce this Article in which the City succeeds in obtaining any order from the Court, the City shall be entitled to recover from any and all applicable Persons all of its costs of investigation, enforcement, abatement, and litigation.

(3) The Prevailing Party in any court action to abate a violation pursuant to this Article shall be entitled to reasonable attorneys' fees.

(b) Nothing in this Article shall be interpreted as restricting or otherwise limiting the enforcement authority conferred upon other City employees, City agencies, or state agencies by other provisions of the Municipal Code or state law.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.22. SUSPENSION FOR IMMEDIATE THREAT TO SAFETY.

If the Chief of Police determines based on reasonable cause that any business operated under a junk dealer permit poses an immediate threat to the safety of the employees or the public, the Chief shall have the authority to immediately suspend the permit and to immediately withdraw approval for an authorized agent. The Chief shall provide notice to the permit holder within one week of the suspension as to a date for a revocation hearing. The revocation hearing must be held within 45 days of the suspension or withdrawal of approval absent an agreement of the permit holder to voluntarily continue the hearing date and extend the period of suspension or withdrawal of approval.

(Added by Ord. 136-75, App. 4/14/75; amended by Ord. 69-05, File No. 050178, App. 4/15/2005; Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.23. REPEALED.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012; repealed by Ord. 2-13, File No. 120434, App. 1/24/2013, Eff. 2/23/2013)

SEC. 974.24. REPEALED.

(Added by Ord. 136-75, App. 4/14/75; repealed by Ord. 69-05, File No. 050178, App. 4/15/2005)

SEC. 974.25. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.

(Added by Ord. 136-75, App. 4/14/75)

ARTICLE 14:  
LICENSES FOR ADVERTISING

|  |  |
| --- | --- |
| Sec. 989. | Regulating Balloon and Kite Advertising. |
| Sec. 990. | Notice to Director of Public Works. |
| Sec. 991. | Inspection. |
| Sec. 991.1. | Filing Fee. |
| Sec. 992. | License Fees. |

SEC. 989. REGULATING BALLOON AND KITE ADVERTISING.

It shall be unlawful for any person, firm or corporation to release inside the limits of the City and County of San Francisco, or to release in such a manner that the same will float over the City and County of San Francisco, or any portion thereof, any balloon or kite carrying any advertising matter thereon or used for the purpose of advertising any person, firm, corporation or product, or to suspend in the air over the City and County of San Francisco, or any portions thereof, either by ropes, strings, wires or cables, any balloon or kite carrying any advertising matter thereon or used for the purpose of advertising any person, firm, corporation or product, without having first obtained a permit therefor from the Police Department, which said permit shall specify the name of the permittee and the location of the place of business of said permittee.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 990. NOTICE TO DIRECTOR OF PUBLIC WORKS.

No permittee authorized to do the things set out in Section 989 of this Article, shall release or fly any balloon or kite for the aforesaid purposes, within this city and county, without first notifying in writing the Director of Public Works of the location from which said balloon or kite is to be flown, released, attached or suspended.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 991. INSPECTION.

It shall be the duty of the Director of Public Works, upon receipt of the aforesaid written notice from the permittee, to inspect the said kite or balloon and ropes, strings, wires or cables, and the mechanism used in suspending, tying, raising or lowering the kite or balloon for the purpose of ascertaining whether they are of sufficient strength and texture and mechanically proper to permit their operation in safety; but in no instance shall the Director of Public Works allow any kite or balloon for the aforesaid purposes to be used to which is attached any wire, wire cable or metallic substance, or which is painted with a metallic paint.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 991.1. FILING FEE.

Every person desiring a permit pursuant to Section 989 of this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 992. LICENSE FEES.

Any person, firm, or corporation permitted by the Police Department to release, fly, float, suspend, raise or lower any kite or balloon as set out in Section 989 of this Article, shall pay to the Tax Collector of this City and County a license fee per balloon or kite per person for the privilege of using said permit.

(Added by Ord. 143-82, App. 3/26/82)

ARTICLE 15:  
LICENSES FOR AMUSEMENTS

|  |  |
| --- | --- |
| Sec. 1015. | Imposing a License Tax on Itinerant Shows. |
| Sec. 1016. | Itinerant Show Defined. |
| Sec. 1017. | Permit by Entertainment Commission; Regulations for. |
| Sec. 1017.1. | Filing Fee. |
| Sec. 1017.2. | Exemption, Nonprofit Organization. |
| Sec. 1018. | Permit and License Regulations. |
| Sec. 1019. | Circuses. |
| Sec. 1019.1. | Permit Required. |
| Sec. 1019.2. | License Fee. |
| Sec. 1019.3. | Issuance of License. |
| Sec. 1019.4. | License Fee, Exception. |
| Sec. 1019.5. | Exemptions. |
| Sec. 1020. | Rodeo Exhibitions and Shows. |
| Sec. 1021. | Ball or Ring Throwing Games. |
| Sec. 1022. | Definitions. |
| Sec. 1023. | Permit Required. |
| Sec. 1024. | Application for Permit. |
| Sec. 1024.1. | Filing Fee. |
| Sec. 1025. | License Fees. |
| Sec. 1026. | Regulations. |
| Sec. 1027. | Penalty. |
| Sec. 1029. | Masked Balls. |
| Sec. 1031. | Amusement Park Defined. |
| Sec. 1031.1. | Permit. |
| Sec. 1032. | License Fees for Amusement Parks. |
| Sec. 1033. | License by Tax Collector. |
| Sec. 1034. | Sections Not Applicable. |
| Sec. 1036. | Definitions. |
| Sec. 1036.1. | Requirements for Machines. |
| Sec. 1036.2. | Unlawful Acts – Exceptions. |
| Sec. 1036.3. | Application for Permit. |
| Sec. 1036.4. | Notice of Hearing. |
| Sec. 1036.5. | Investigations. |
| Sec. 1036.6. | Disapproval of Application – Conditions Corrected – Approval. |
| Sec. 1036.7. | Issuance or Denial of Permit. |
| Sec. 1036.8. | Certain Mechanical Amusement Devices Prohibited. |
| Sec. 1036.9. | Permit Forwarded to Tax Collector, License Fees. |
| Sec. 1036.10. | License Fees. |
| Sec. 1036.11. | Electrical Inspection Costs. |
| Sec. 1036.12. | Contents of Licenses. |
| Sec. 1036.13. | Posting License in Premises. |
| Sec. 1036.14. | Removal or Transfer of License to Other Premises Prohibited. |
| Sec. 1036.15. | No Prorating or Refunding of License Fee. |
| Sec. 1036.16. | License Fee Paid by Owner or Operator. |
| Sec. 1036.17. | Renewal of License. |
| Sec. 1036.18. | Procedure Where No Current License. |
| Sec. 1036.19. | Suspension, Revocation or Reinstatement of a Permit, Procedure For. |
| Sec. 1036.20. | Rules and Regulations to be Adopted. |
| Sec. 1036.21. | Ascertainment of Compliance With All Laws, Etc.-Inspection Therefor. |
| Sec. 1036.22. | When Deemed a Public Nuisance-Procedure Thereon. |
| Sec. 1036.23. | Machines Excepted from Provision Hereof. |
| Sec. 1036.24. | Penalties. |
| Sec. 1036.25. | Permit and License Required Notwithstanding Any Other Provision of Code. |
| Sec. 1036.26. | Partial Repeal. |
| Sec. 1036.28. | Saving Clause-Nonwaiver of Debts Due and Unpaid. |
| Sec. 1036.29. | Billiard and Pool Tables Excepted. |
| Sec. 1036.30. | Purpose and Findings. |
| Sec. 1036.31. | Mechanical Amusement Devices; Location. |
| Sec. 1036.31-1. | Arcade Location; Limitation. |
| Sec. 1036.32. | Arcades-Operating Standards. |
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| Sec. 1037. | Billiard and Pool Tables. |
| Sec. 1037.1. | Filing Fee Application. |
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| Sec. 1039. | Regulating Shooting Galleries-Permit Required. |
| Sec. 1039.1. | Filing Fee. |
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| Sec. 1040. | Firearms Regulated. |
| Sec. 1041. | Closing During Certain Hours. |
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| Sec. 1045. | Mechanical Contrivances and Other Amusements. |
| Sec. 1045.1. | Filing Fee. |
| Sec. 1045.2. | License. |
| Sec. 1045.3. | Application and Posting. |
| Sec. 1045.4. | Exceptions. |
| Sec. 1049. | Providing for Inspection and Regulation of Mechanical Amusement Contrivances Used to Convey Human Beings. |
| Sec. 1050. | Recreational Equipment Vendor Defined. |
| Sec. 1051. | Permit Required. |
| Sec. 1052. | Application for Permit. |
| Sec. 1053. | License Fees. |
| Sec. 1054. | Regulations. |
| Sec. 1055. | Penalty. |

SEC. 1015. IMPOSING A LICENSE TAX ON ITINERANT SHOWS.

Every person, firm or corporation maintaining or conducting in connection with an itinerant show or exhibition, any museum, skating rink, merry-go-round, swing, revolving wheel, chute, toboggan slide, ferris wheel, mechanical contrivance for carrying passengers, or any side show, exhibition or concession, shall, after conforming to the regulatory provisions of Sections 1017 and 1018 of this Article, pay a license fee for each day for each and every concession, show or device herein enumerated and conducted or maintained in connection with any itinerant show or exhibition.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1016. ITINERANT SHOW DEFINED.

The term itinerant show or exhibition shall be construed to mean any outdoor carnival, show or concession, exhibiting or operating temporarily under a tent, or in the open, except such as come within the provisions of Sections 1031 to 1034, inclusive, of this Article and the license provisions of the Municipal Code.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1017. PERMIT BY ENTERTAINMENT COMMISSION; REGULATIONS FOR.

The applicant for any show, exhibition or concession mentioned in Section 1015 of this Article shall, before beginning operations, obtain a permit from the Entertainment Commission to so operate, which permit may be revoked at any time by the Entertainment Commission. Without such a permit from the Entertainment Commission, the Tax Collector shall not issue a license to conduct any itinerant show, exhibition or concession enumerated in Sections 1015 and 1018 of this Article. If the permit is revoked, the license issued thereon shall immediately terminate and expire.

The application for an itinerant show shall be filed in sufficient time to allow the Entertainment Commission to notice and fix the time and place for a public hearing on the application. Not less than 10 days before such hearing, the Entertainment Commission shall cause a notice of such hearing to be posted in one or more conspicuous place(s) on or about the property where the itinerant show is to be operated, in a fashion designed to inform the public of the application. Failure to apply in sufficient time for a noticed hearing to be held may be cause for the Entertainment Commission to deny issuance of a permit.

(Amended by Ord. 581-81, App. 12/10/81; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1017.1. FILING FEE.

Every person desiring a permit pursuant to Section 1017 of this Article shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1017.2. EXEMPTION, NONPROFIT ORGANIZATION.

Whenever a nonprofit organization contracts for or rents an itinerant show or exhibition, the filing fee for a permit shall be $100 and the nonprofit organization shall be exempt from paying the license fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1018. PERMIT AND LICENSE REGULATIONS.

The provisions of Section 1049 of this Article regulating the manner of testing passenger carrying devices shall be strictly observed before any such itinerant show, exhibition or carnival may open for business. A permit signed by the Entertainment Commission certifying that all legal requirements have been met must also be first presented to the Tax Collector before said official may issue a license to the owner or lessee of any itinerant carnival, show or exhibition or to any person holding a concession therein.

(Added by Ord. 1.075, App. 10/11/38; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1019. CIRCUSES.

For the purpose of Sections 1019 to 1019.5, inclusive, a circus is hereby defined to be an exhibition or entertainment at which feats of horsemanship, acrobatic feats, and trained or wild animals are exhibited or displayed, or any combination of same, for which exhibition or entertainment an admission fee is charged and which exhibition or entertainment is conducted by a person having no regular established place of business in the City and County of San Francisco for the exhibition or display thereof; provided, however, that the definition of a circus shall not include a rodeo exhibition or show which is licensed under the provisions of Section 1020 of this Article, nor shall it be to include pictorial representations or theatrical performances.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1019.1. PERMIT REQUIRED.

(a) It shall be unlawful for any person, firm or corporation to conduct a circus without first having obtained a permit therefor from the Entertainment Commission.

(b) Said permit shall set forth the seating capacity of the circus, the date or dates of the year on which the exhibition or entertainment are to be held, and the number of side shows in connection with or belonging to such circus.

(c) Applications for circus permits shall be filed with the Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1019.2. LICENSE FEE.

Every owner, lessee or operator of a circus shall pay a license fee for each and every day any exhibition or performance is given therein.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1019.3. ISSUANCE OF LICENSE.

The Tax Collector shall not issue a license under the provisions of Section 1019.2 unless the owner, lessee or operator of said circus shall obtain a permit to conduct the same from the Entertainment Commission and present to the Tax Collector such permit duly certified by the Entertainment Commission.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1019.4. LICENSE FEE, EXCEPTION.

Where the circus is given in or about the Municipal Auditorium located at the Civic Center, and said auditorium is rented or leased at the regular rates usually charged therefor, the sum of $50 each day shall be charged for the license, with no additional license fee for any side show.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1019.5. EXEMPTIONS.

No additional license shall be required of such owner, lessee or operator of a circus for any team, wagon, truck, automobile, freight or passenger car or equipment that is a part of such circus and in actual use.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1020. RODEO EXHIBITIONS AND SHOWS.

(a) It shall be unlawful for any owner, lessee or operator of a rodeo exhibition or show to conduct the same without first having obtained a permit therefor from the Entertainment Commission. Each permit shall be effective only for those days indicated on the permit.

(b) Applications for rodeo permits shall be filed with the Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

(c) Every owner, lessee or operator of a rodeo exhibition or show shall pay a license fee for the first day and an additional fee for each subsequent day any rodeo exhibition or performance is given. The Tax Collector shall not issue a license under the provisions of this Section unless the owner, lessee or operator of said rodeo exhibition or show shall obtain a permit to conduct the same from the Entertainment Commission and present such permit duly.

(d) A qualified, licensed veterinarian who is an expert in the care of horses, bovines, sheep, and other large animals, and approved by the Commission on Animal Control and Welfare, shall be on-site at all times during a rodeo exhibition or show to examine the animals' condition and to ensure that the animals are humanely treated during the event at the permit holder's expense. The veterinarian may have any animal examined at any time without notice. Any animal which suffers from a fatal injury as determined by the veterinarian shall be immediately euthanized. The Chief of Police or the Chief's designee may suspend the use of any animal after receiving a complaint from the veterinarian regarding the condition or treatment of any animal. A statement of findings must be provided from the veterinarian and approved by the Chief of Police or the Chief's designee prior to the animal returning to service. All costs associated with medical tests, evaluations and treatments are the responsibility of the permit holder.

(e) All animals are to be used in humane rodeo events only. Events such as greased pig contests, or which utilize cattle prods, unfleeced flank straps for cattle or flank straps without sheepskin lining for horses are prohibited. The Rules of the Professional Rodeo Cowboys Association shall apply to all rodeo events.

(f) Notification shall be provided to the Commission on Animal Control and Welfare and the Department of Animal Care and Control by the permit applicant when any rodeo permit application is filed with the Entertainment Commission, and when any permit is approved by the Entertainment Commission.

(g) Any person who violates any provisions of this section shall be deemed guilty a misdemeanor and upon conviction such person shall be punished by a fine not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 37-00, File No. 991878, App. 3/10/2000; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1021. BALL OR RING THROWING GAMES.

(a) It shall be unlawful for a keeper of a ball or ring throwing game to operate said ball or ring throwing game without first having obtained a permit therefor from the Entertainment Commission.

(b) Applications for ball or ring throwing permits shall be filed with the Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

(c) Every keeper of a ball or ring throwing game shall pay an annual license fee to the Tax Collector on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1022. DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms, as used in this Chapter, shall mean or include:

(a) **"Dance."** Any gathering of persons in or upon any premises, other than a private home or residence or a class in which instruction in dancing is given for hire, where dancing is participated in. Dances, as defined herein, shall be classified in types as follows: "General" shall include any dance to which persons 18 years of age or older are admitted. "Special" shall include any dance to which no persons 15 years of age or younger or 21 years of age or older are admitted as participants.

(b) **"Dance Hall."** Any building or place in which a dance is held.

(c) **"Person."** Includes any person, co-partnership, firm, corporation, association, club, or any legal entity.

(d) **"Security Plan."** A plan that (i) provides at least 1 security guard for 100 persons in attendance at the dance, (ii) secures a 50 foot perimeter in all directions around the location of the dance hall to prevent injury to persons and/or damage to property, and (iii) provides for the orderly disbursement of persons and traffic from the dance hall. The Entertainment Commission, in consultation with the San Francisco Police Department, shall develop rules and regulations implementing this section.

(Added by Ord. 139-67, App. 6/5/67; amended by Ord. 262-04, File No. 041148, App. 11/4/2004)

SEC. 1023. PERMIT REQUIRED.

(a) It shall be unlawful for any person to own, conduct, operate, or maintain, or to cause or to permit to be conducted, operated, or maintained any dance hall, or

(b) to conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or sponsored any dance within the City and County of San Francisco without first having obtained a dance permit from the Entertainment Commission.

(c) Any place or premises where a dance is to be held must conform to all existing health, safety, and fire ordinances of the City and County of San Francisco. Proof of such shall be provided by permit applicant at the time of application for a dance permit.

(d) Any place or premises where a dance is to be held must have a Security Plan, except dances of a bona fide social character, to which admission is limited strictly on invitation of the person acting as host, and for which no fee, either by way of admission or in any other manner, is charged. Proof of such plan shall be provided by permit applicant at the time of application for a dance permit.

(e) It shall be the responsibility of any owner or manager of any building or place that rents such a facility for use by others to inform any person planning to use the facility for a dance of the requirement to obtain a dance permit pursuant to this section.

(f) This permit requirement does not apply if the location at which the dance is being held has a place of entertainment permit, the permit is valid, and the place of entertainment provides free drinking water as required by Section 1070.27.

(Amended by Ord. 139-67, App. 6/5/67; Ord. 200-01, File No. 010845, App. 9/28/2001; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 262-04, File No. 041148, App. 11/4/2004)

SEC. 1024. APPLICATION FOR PERMIT.

Applications for said permit shall be made in writing to the Entertainment Commission and shall be made in such form and shall contain such information as the Entertainment Commission shall require. Every applicant for a permit may be required to furnish such evidence of criminal history and permit history as the Entertainment Commission shall require. In granting or denying a permit, the Entertainment Commission shall give particular consideration to the peace, order, and moral welfare of the public; provided, however, that only one type of dance, as enumerated in Section 1022(a) of this Chapter, shall be permitted in any dance hall on the same day, up to and including 2:00 a.m. of the following day. Upon application for a dance hall permit the Entertainment Commission shall set a time, date, and place for a public hearing thereon and shall cause a notice thereof to be conspicuously posted upon the premises concerned not less than 10 days before the date set for public hearing. The notice shall set forth the name of the applicant, the purpose for which the application is made, and the time, date, and place of the public hearing on the application.

The Entertainment Commission may consider, but is not limited to the following factors in the issuing or granting of a permit:

(1) The criminal history and permit history of the applicant;

(2) Suitability of the premises in relation to the surrounding neighborhood;

(3) Number of permits in the immediate vicinity;

(4) Physical suitability of the premises with reference to floor space and lighting;

(5) Proximity to bar facilities, if any;

(6) Type of dance to be conducted.

(Amended by Ord. 139-67, App. 6/5/67; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 217-02, File No. 021461, App. 11/1/2002)

SEC. 1024.1. FILING FEE.

Every person desiring a permit pursuant to Sections 1023 and 1024 of this Article shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1025. LICENSE FEES.

Every person granted a dance hall permit by the Entertainment Commission shall pay to the Tax Collector an annual license fee on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

The provisions of this Section shall not apply to any dance hall used exclusively for any of the following dances:

(a) Dances of a bona fide social character, to which admission is limited strictly on invitation of the person acting as host, and for which no fee, either by way of admission or in any other manner, is charged.

(b) Dances given by any public agency or by any educational, recreational, or social agency, or by any bona fide fraternal, charitable, or religious or benevolent or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political, and civic welfare, to which admission is limited to members and guests, and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization.

(c) Dances conducted by any dancing academy or dancing class in which instruction in dancing is given for hire.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1026. REGULATIONS.

(a) **Hours.** "Special" dances shall be conducted only between the hours of 6:00 a.m. and 12:00 midnight; "General" dances shall be conducted only between the hours of 6:00 a.m. and 2:00 a.m. of the following day; provided, however, the Entertainment Commission may, in the Entertainment Commission's discretion allow, by order permitting the same, the conduct of "General" and "Special" dances at hours other than the hours stated in this subsection.

(b) **Supervision.** The Entertainment Commission may require that one or more private security officers or, with the permission of the Chief of Police, police officers, be employed by any person to whom a dance permit is granted, to supervise said dances.

(c) **Minors prohibited; Exceptions.** No person under 18 years of age shall enter or be, or shall be permitted to enter or be, in any dance hall at any time a "General" dance is being conducted therein, unless such person is accompanied by parent, guardian, or other person having the care and custody thereof.

No person 16 or 17 years of age shall enter or be, or shall be permitted to enter or be, in any dance hall after 12:00 midnight where a "Special" dance is conducted unless said person is accompanied by parent, guardian, or other person having the care and custody thereof; provided however, that the dance hours are permitted by the Entertainment Commission as enumerated in Subsection (a) of this Section.

No person under 16 years of age shall enter or be, or be permitted to enter or be, in any dance hall wherein a "Special" dance is being held unless said person is accompanied by parent, guardian, or other person having the care and custody thereof; provided however, the Entertainment Commission may, in the Entertainment Commission's discretion allow, by order permitting the same, said persons to attend a dance conducted, promoted or sponsored by a public agency or by an educational, recreational or social organization or agency which is incorporated in the State of California and which is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization having a regular membership associated primarily for mutual social, mental, political or civic welfare, and where admission to such dance is limited to members and guests and the revenue accruing from such dance is to be used exclusively for the benevolent purposes of said organization or agency.

(d) **Adults Prohibited.** No person 21 years of age or older shall attend or be permitted to attend a "Special" dance as a participant therein.

(e) **Pass-Out Checks Prohibited; Exceptions.** No person admitted to a dance shall be permitted to leave and thereafter reenter the dance premises during the course of said dance, and no pass-out checks shall be issued unless required by the physical arrangements of the premises.

(f) **Free Drinking Water.** If the location for which the dance hall permit is issued holds over 500 persons the permit holder shall provide free cool drinking water to patrons by means of an automatic drinking fountain or by providing without charge cups of water at all beverage service locations, or both.

(Amended by Ord. 260-81, App. 5/21/81; Ord. 176-00, File No. 000477, App. 7/28/2000; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1027. PENALTY.

Any person who violates any of the provisions of Sections 1023 to and including 1026 of this Chapter shall be guilty of an infraction. Any person who violates Sections 1023 through 1026 more than once in a 12 month period shall be guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A violation which is an infraction is punishable by a fine of not more than $100. A violation which is a misdemeanor is punishable by a fine of not less than $500 and not more than $1000 or by imprisonment in the jail of the City and County for a term of not more than six months, or by both such fine and imprisonment.

Additionally, any violation of the provisions of Sections 1023 to and including 1026 of this Chapter or Section 3305 of Article 33 by a permittee hereunder, or by a person in charge of the event, shall be deemed cause to revoke the dance permit, or to revoke or suspend a permit granted pursuant to Police Code Article 15.1 subject to a hearing by the Entertainment Commission.

(Amended Ord. 139-67, App. 6/5/67; Ord. 17-92, App. 1/21/92; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 262-04, File No. 041148, App. 11/4/2004)

SEC. 1029. MASKED BALLS.

(a) It shall be unlawful for any person, firm or corporation to give, hold or conduct any exhibition or entertainment known as a bal masque or masked ball, or by any other name where the persons attending thereat appear in fancy dress, or represent any character or personage with masks or dominoes, whether or not an admission fee is charged, without first having obtained a permit therefor from the Entertainment Commission; provided, however, that no permit is hereby required for private theatricals or private dancing parties, given or conducted by any person in his own dwelling house, nor for theatrical performances.

(b) Applications for masked ball permits shall be filed with the Entertainment Commission on a form provided for said permit together with a nonrefundable fee. All such applications must contain the name or names of the person or persons, company, association or corporation which proposes to give such exhibition or entertainment, the place at which the same shall be held or given, and the date upon which the same is proposed to be held.

(c) Every person, firm or corporation giving, holding or conducting any masked ball, for which a permit is required by this section, shall pay a license fee for each such entertainment or exhibition. The Tax Collector shall issue the license provided for in this section only upon the filing in his office of a written permit therefor from the Entertainment Commission.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1031. AMUSEMENT PARK DEFINED.

An amusement park, within the meaning of Sections 1031 to 1034, inclusive, of this Article, is hereby defined to be a place maintained and conducted for the purpose of amusing the public by operating and conducting therein and thereon "Merry-go-rounds," "Figure 8," "Coasters," "Old Mills," and other and similar forms of amusement and entertainment, and maintaining and conducting certain devices and contrivances which provide and afford games which are distinctly games of skill and of the general nature of the games of skill in vogue at the beaches and amusement parks throughout the country; and eating places and restaurants.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1031.1. PERMIT.

It shall be unlawful to engage in the business of conducting an amusement park without first having obtained a permit therefor from the Entertainment Commission. Applications for amusement park permits shall be filed with the Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1032. LICENSE FEES FOR AMUSEMENT PARKS.

Every person, firm or corporation engaged in the business of conducting an amusement park shall pay to the Tax Collector an annual license fee on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1033. LICENSE BY TAX COLLECTOR.

The Tax Collector shall not issue a license for an amusement park unless the applicant shall present to him a permit for such park from the Entertainment Commission. The permit shall contain the name of the applicant, and the location of the amusement park.

(Added by Ord. 1.075, App. 10/11/38; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1034. SECTIONS NOT APPLICABLE.

The issuance of a permit and license under the provisions of Sections 1031 to 1034, inclusive, shall exempt the permit holder from permit and license requirements of Sections 1015, 1017, 1021, 1039, 1039.2, 1045, and 1045.2 of this Article, in so far as they apply to amusement parks, as herein defined, or the games or devices therein operated and conducted, but shall not exempt the permittee or licensee from any other provisions of this Article of the San Francisco Municipal Code or any ordinances of the City and County of San Francisco requiring a permit or license or otherwise regulating the use or maintenance of such amusement parks or the games and devices therein operated and conducted.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1036. DEFINITIONS.

As used in this Article, the following words shall have the following respective meanings:

"Accessory use" shall mean the operation of one to 10 mechanical amusement devices on premises wherein another business operates.

"Arcade" shall mean any premises where 11 or more mechanical amusement devices are operated.

"Mechanical amusement device" shall mean any machine or device which, upon the insertion of a coin, slug or token in any slot or receptacle attached to said machine or connected therewith, operates or which may be operated for use as a game, contest or amusement or which may be used for any such game, contest or amusement and which does not contain a pay-off device for the return of slugs, money, coins, checks, tokens or merchandise.

"Owner or operator of a mechanical amusement device" shall mean:

(a) Any owner of such mechanical amusement device who operates or permits the same to be played or operated in his place of business or in any place under his control or who installs or maintains the same in any place where the same can be played or operated by persons in or about said place;

(b) The persons in whose place of business any such mechanical amusement device is placed for the use, amusement, patronage or recreation of the public or of persons in or about said place.

"Person" shall mean any corporation, association, syndicate, joint stock company, partnership, club, Massachusetts business or common law trust, society or individual.

"Public retail floor space" shall mean that portion of the premises to which the public is allowed access.

"Street" shall mean any street, alley, way, boulevard, or road, either public or private, that is used or to be used for ingress or egress.

"Video game machine" shall mean any mechanical amusement device, as defined in this Section, which is characterized by the use of cathode ray tube display.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.1. REQUIREMENTS FOR MACHINES.

Every mechanical amusement device shall have a seal or tag permanently attached thereto showing the serial number of the mechanical amusement device, a label or decal stating the name, address and telephone number of the owner of the mechanical amusement device, and, in addition thereto, if wired for electricity, a label indicating the name and address of the manufacturer and the voltage and current necessary for the proper operation of said mechanical amusement device.

Each portable mechanical amusement device wired for electricity shall be equipped with not more than six feet of electric cord of a type approved by the Department of Electricity, and shall be connected to a convenience plug receptacle adjacent to said mechanical amusement device.

Where it is necessary to install electric wiring to said mechanical amusement device location, said wiring shall be installed by a registered electrical contractor in accordance with the provisions of Article 1, Chapter III, Part II, of the San Francisco Municipal Code.

(Amended by Ord. 123-86, App. 4/11/86)

SEC. 1036.2. UNLAWFUL ACTS – EXCEPTIONS.

(a) Nothing in Sections 1036 to 1036.34, inclusive, shall be construed to authorize or permit either the use or operation of any gambling device whatsoever or of any mechanism that has been judicially determined to be a gambling device in any way contrary to law, or to authorize or permit any other conduct otherwise unlawful. Nothing in this Section shall preclude an award of a free game or games upon a mechanical amusement device.

(b) It shall be unlawful for any person to install, operate or maintain to be operated any mechanical amusement device in the City and County of San Francisco without first having obtained a permit in writing to do so from the Entertainment Commission.

(c) The provisions of Sections 1036 to 1036.34, inclusive, shall not be construed to apply to mechanical amusement devices installed, operated or maintained in private residences or businesses intended for free use solely by the residents or employees at those locations.

(Amended by Ord. 401-82, App. 8/13/82; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.3. APPLICATION FOR PERMIT.

Application for said permit shall be made to the Entertainment Commission on forms provided by the Entertainment Commission, shall be signed by the applicant and be accompanied by payment of the filing fee and shall contain the following information in addition to whatever additional information is deemed necessary by the Entertainment Commission:

(a) Name of the applicant.

(b) The name and address of any person, other than the applicant, who holds any right, title or interest in or to each mechanical amusement device for which a permit is sought, and in those instances where such person is other than an individual, there shall be filed with the Entertainment Commission and kept available for public inspection, a statement showing, in the case of a partnership, the names and addresses of the partners; in the case of a corporation, the names and addresses of the stockholders and directors and in the case of a business trust, the names of the trustor, trustee, and beneficiary or beneficiaries.

(c) Place where said mechanical amusement device is to be placed, maintained to be operated or operated; and, if said mechanical amusement device or devices are to be placed, maintained to be operated or operated in connection with any other business or calling, the character of said business or calling.

(d) A complete description of the type of the mechanical amusement device and the manner in which it is to be placed, maintained to be operated or operated.

(e) The total number of mechanical amusement devices to be placed, maintained to be operated or operated at the location for which the permit is requested.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.4. NOTICE OF HEARING.

When an application is filed for a new permit or for an increase in the number of mechanical amusement devices pursuant to Section 1036.3 of this Article, the Entertainment Commission shall fix a time and place for a public hearing thereon. Not less than 10 days before the date of such hearing, the Entertainment Commission shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the mechanical amusement devices are to be operated. Such notice shall set forth the specific type of mechanical amusement devices and the number thereof which the applicant intends to operate. The posting shall be the exclusive responsibility of the Entertainment Commission, and the applicant shall maintain said notice as posted until after the date of the hearing.

(Amended by Ord. 401-82, App. 8/13/82; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.5. INVESTIGATIONS.

Upon receipt of said application, the Entertainment Commission shall cause to be investigated the statements as set forth in the application.

Any permit to maintain for operation mechanical amusement devices which are wired for electricity must have been approved by the Department of Public Works prior to its final issuance by the Entertainment Commission. The Director of Public Works shall determine whether the ordinances of the City and County of San Francisco and the rules and regulations of said department pertaining to such mechanical amusement devices are complied with.

The Entertainment Commission may grant a permit for the operation of a mechanical amusement device conditional upon approval of the Director of the Department of Public Works.

Any permit for operation of a mechanical amusement device granted by the Entertainment Commission conditionally upon the approval of the Director of the Department of Public Works may be appealed to the Board of Permit Appeals. Such appeal must be filed within 10 days of the final decision of the Entertainment Commission issuing the conditional permit.

Any permit granted by the Entertainment Commission conditionally upon approval of the Director of the Department of Public Works shall expire within six months from the date of the final decision of the Entertainment Commission if the Director's approval is not granted. The Entertainment Commission shall cause to be forwarded to the Director of Public Works for investigation those applications for permits to maintain for operation mechanical amusement devices which are wired for electricity.

(Amended by Ord. 401-82, App. 8/13/82; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.6. DISAPPROVAL OF APPLICATION – CONDITIONS CORRECTED – APPROVAL.

In the event that the application for a mechanical amusement device permit is disapproved by the Director of Public Works, the Entertainment Commission shall notify the applicant for said permit of such fact. Upon receiving said notice from the Entertainment Commission, the applicant shall have the opportunity of correcting such conditions as have been disapproved. This correction shall be made within 10 days after receipt of said notice; and, if such conditions have been corrected to the satisfaction of the Director of Public Works, the permit may be issued.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.7. ISSUANCE OR DENIAL OF PERMIT.

If the Entertainment Commission approves the granting of said permit he may issue a permit to said applicant, which permit shall be serially numbered and the renewal or continuance thereof shall be governed by the provisions of Section 23, Article 1, Part III, of the San Francisco Municipal Code; provided, if said mechanical amusement device is wired for electricity, said application for such permit shall first be approved by the Director of Public Works. The Entertainment Commission may, in the exercise of sound discretion, deny said permit.

The Entertainment Commission shall cause to be forwarded to the Director of Public Works written notice of his granting or denial of said permit if said mechanical amusement device is wired for electricity.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.8. CERTAIN MECHANICAL AMUSEMENT DEVICES PROHIBITED.

No permit shall be issued to any applicant relating to any mechanical amusement device, which for each coin, slug or token inserted makes available to the player, for actual play, only one ball or marble, nor shall any permit be issued to any applicant relating to any mechanical amusement device which permits or is adapted to the insertion of more than one coin, slug or token, for the playing of a single complete game; or which permits or is adapted to the insertion of additional coins, slugs or tokens during the playing of or before the completion of the game for which the original coin, slug or token was inserted in said mechanical amusement device. Nothing in this Section is intended to prohibit the insertion of more than one coin for the sole purpose of reaching the amount or price required to play the game, and the insertion of which does not change the odds, grant bonuses, or otherwise affect the method of play or the outcome of the game.

(Amended by Ord. 125-85, App. 3/14/85)

SEC. 1036.9. PERMIT FORWARDED TO TAX COLLECTOR, LICENSE FEES.

When any permit is issued under the provisions of this Article, the Entertainment Commission shall cause such permit to be forwarded to the office of the Tax Collector for delivery to the permittee upon the payment of the license fees.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.10. LICENSE FEES.

Every holder of a mechanical amusement device permit shall pay the Tax Collector for each separate mechanical amusement device which the permit authorizes, an annual license fee, on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1036.11. ELECTRICAL INSPECTION COSTS.

In calculating the fees earned by the Electrical Inspection division of the Department of Public Works pursuant to the provisions of Section 24 of the Charter of the City and County of San Francisco a percentage of the license fees derived pursuant to Section 1036.10 of this Article shall be credited to said division pursuant to the annual determination by the Controller as provided by Section 2.21 of this Code.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1036.12. CONTENTS OF LICENSES.

The Tax Collector shall issue a license for such mechanical amusement device for which the fee was paid, showing thereon the:

(a) Name of the permittee;

(b) Address at which the mechanical amusement device is to be operated or maintained to be operated;

(c) The number of such mechanical amusement devices and the type or kind of game, contest or amusement played thereon;

(d) Serial number of the permit and the expiration date of the license.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1036.13. POSTING LICENSE IN PREMISES.

The license shall be permanently and conspicuously posted at the location of the machines in the premises wherein said mechanical amusement devices are to be operated or maintained to be operated, and shall not be removed from said location during the period for which said license was issued.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1036.14. REMOVAL OR TRANSFER OF LICENSE TO OTHER PREMISES PROHIBITED.

Nothing in Sections 1036 to 1036.34, inclusive, shall permit the removing or transferring of the license to any other premises other than those for which the license was originally issued.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.15. NO PRORATING OR REFUNDING OF LICENSE FEE.

License fees paid under the provisions of Sections 1036.9 shall not be prorated or refunded.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1036.16. LICENSE FEE PAID BY OWNER OR OPERATOR.

When any one of the persons mentioned in subdivisions (a) and (b) of Section 1036 of this Article, which subdivisions define the term "Owner and Operator of a Mechanical Amusement Device," obtains a permit and pays a license fee for the maintenance or operation of said mechanical amusement device, the said permit and license fee shall cover each of the persons mentioned in said subdivisions (a) and (b) of said Section 1036 of this Article.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1036.17. RENEWAL OF LICENSE.

Licenses for mechanical amusement devices shall be renewed as set forth in Sections 2.8 and 2.10 of this Code.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.18. PROCEDURE WHERE NO CURRENT LICENSE.

If any mechanical amusement device is placed, operated or maintained to be operated without a current license, the Chief of Police shall immediately cause same to be impounded and shall not release said mechanical amusement device until a penalty equal to the filing fee for mechanical amusement devices currently in effect plus $25 for each mechanical amusement device impounded has been paid to the Police Department.

Mechanical amusement devices impounded under the provisions of this Section shall be held for a period of 90 days and if not redeemed within such period shall be destroyed or otherwise disposed by the Chief of Police. Mechanical amusement devices impounded under the provisions of this Section and subsequently released as set forth in this Section shall not be placed, operated or maintained to be operated without obtaining a mechanical amusement device permit and paying the current license fee.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.19. SUSPENSION, REVOCATION OR REINSTATEMENT OF A PERMIT, PROCEDURE FOR.

When the Entertainment Commission shall determine that the permittee or any of the permittee's servants, agents or employees, in the use, operation or maintenance of any such mechanical amusement device or in the use, operation or maintenance of the premises is violating or attempting to violate any law of the State of California or any ordinance of the City and County of San Francisco or the rules and regulations of any department thereof concerned or that the permittee has failed to take adequate security measures to prevent patrons, on or about the premises, from violating any of the above laws; or, if in the opinion of the Entertainment Commission, it is deemed necessary for the protection of the health, safety and welfare of the public, the Entertainment Commission, after written notice to the permittee, shall have the power to suspend and, after due and proper hearing, shall have the power to revoke, any permit issued under the provisions of Sections 1036 to 1036.34, inclusive.

The Entertainment Commission shall cause to be forwarded to the Tax Collector, and, if said mechanical amusement device is wired for electricity, to the Director of Public Works, written notice of any revocation, suspension or reinstatement of any permit herein provided for.

(Amended by Ord. 401-82, App. 8/13/82; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.20. RULES AND REGULATIONS TO BE ADOPTED.

The Chief of Police, Entertainment Commission and the Director of Public Works, after public hearing thereon, are authorized to adopt, promulgate and enforce such rules and regulations regarding mechanical amusement devices as will enable the Police Department, Entertainment Commission and the Department of Public Works to enforce and carry out the meaning and intent of Sections 1036 to 1036.34, inclusive, of this Article.

(Amended by Ord. 401-82, App. 8/13/82; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.21. ASCERTAINMENT OF COMPLIANCE WITH ALL LAWS, ETC.-INSPECTION THEREFOR.

It shall be the duty of the Chief of Police to ascertain that all laws of the State of California, the provisions of Sections 1036 to 1036.34, inclusive, all ordinances of the City and County of San Francisco, and the rules and regulations of any departments thereof concerned, pertaining to mechanical amusement devices are strictly complied with, and for that purpose the representatives of the Police Department, and, if said mechanical amusement device is wired for electricity, the representatives of the Department of Public Works, shall have access to any mechanical amusement device at any and all times, and the same shall be inspected by each of said departments as often as may be deemed necessary.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.22. WHEN DEEMED A PUBLIC NUISANCE-PROCEDURE THEREON.

Any mechanical amusement device operated or maintained to be operated in violation of any law of the State of California or of Sections 1036 to 1036.34, inclusive, of this Article or any ordinances of the City and County of San Francisco or the rules and regulations of any state or municipal departments thereof concerned shall be deemed to be a public nuisance, and any such mechanical amusement device so operated or maintained to be operated shall be impounded by the Chief of Police; and, if any court of competent jurisdiction shall determine that said mechanical amusement device, or the use or operation thereof, violates or has violated any of said laws, ordinances, rules or regulations, said mechanical amusement device shall be confiscated by said Chief of Police; but, if said mechanical amusement device is one which may be legally operated under the provisions of Sections 1036 to 1036.34, inclusive, of this Article and is seized for the failure of the owner or operator thereof to obtain the necessary permit or to pay the necessary license fee for the maintenance or operation of said mechanical amusement device, said mechanical amusement device shall be dealt with as provided in Section 1036.18 of this Article.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.23. MACHINES EXCEPTED FROM PROVISION HEREOF.

The provisions of Sections 1036 to 1036.34, inclusive, shall not apply to any machine or mechanical amusement device which, in return for the coin deposited in said mechanical amusement device, will deliver the equivalent value of said coin in merchandise; provided, that no prize, reward, bonus or other thing of value is delivered with said merchandise.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.24. PENALTIES.

Any person violating any of the provisions of Sections 1036 to 1036.34, inclusive, shall be guilty of a misdemeanor and, in addition to such other penalties as are provided by law, shall have his permit or permits revoked by the Entertainment Commission and shall be precluded from procuring any further permits for a mechanical amusement device. When, in the opinion of the Entertainment Commission, any mechanical amusement device is being used or operated in violation of any section of any article relating to the operation of mechanical amusement devices, the Entertainment Commission shall in its discretion have the power to revoke the permit for such mechanical amusement device. Any person who knowingly and willingly furnishes a mechanical amusement device to any permittee, which device violates any of the provisions of Sections 1036 to 1036.34, inclusive, of this Article shall henceforth in the discretion of the Entertainment Commission be precluded from furnishing any mechanical amusement device or devices to any permittee in the City and County of San Francisco.

(Amended by Ord. 401-82, App. 8/13/82; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.25. PERMIT AND LICENSE REQUIRED NOTWITHSTANDING ANY OTHER PROVISION OF CODE.

The issuance of a permit or license under the provisions of Sections 1036 to 1036.34, inclusive, shall not exempt the permittee or licensee, notwithstanding any section of the San Francisco Municipal Code or any section of any ordinance of the City and County of San Francisco making any section or sections thereof inapplicable, from the provisions of the San Francisco Municipal Code or any ordinance or ordinances of the City and County of San Francisco requiring a permit or license.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.26. PARTIAL REPEAL.

Any and all ordinances, or parts thereof, in conflict with the provisions of Sections 1036 to 1036.34, inclusive, are hereby repealed but only to such extent as conflict may exist.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.28. SAVING CLAUSE-NONWAIVER OF DEBTS DUE AND UNPAID.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of Sections 1036 to 1036.34, inclusive, is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of Sections 1036 to 1036.34, inclusive. The Board of Supervisors hereby declares that it would have passed Sections 1036 to 1036.34, inclusive, and each section, subsection, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

The enactment of Sections 1036 to 1036.34, inclusive, shall not in any manner be construed as a waiver of any license or permit fees or any other fees or money due and unpaid under the provisions of any section of the San Francisco Municipal Code or any ordinance of the City and County of San Francisco.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.29. BILLIARD AND POOL TABLES EXCEPTED.

Sections 1036 through 1036.34, inclusive, of this Code shall not apply to coin-operated billiard, pool or combination tables. All such tables are subject to the licensing provisions of this Code in accordance with Sections 1037 to 1037.3, inclusive, and Sections 510 and 510.1.

(Amended by Ord. 401-82, App. 8/13/82)

SEC. 1036.30. PURPOSE AND FINDINGS.

The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

(a) The number of video game machines is rapidly increasing in the City and County of San Francisco. Between January 1, 1982 and March 31, 1982, the Police Department issued 81 permits for mechanical amusement devices covering a total of 493 machines, approximately 90 percent of which were video game machines. Currently, there are approximately 48 applications pending for mechanical amusement device permits for an additional 178 video game machines.

(b) As the number of video game machines has increased, public concern has grown with respect to the location of these machines, the number of machines permitted at any given location, creation of street and sidewalk congestion where these machines are concentrated, accessibility to the machines by minors during school hours, and the occurrence of public disturbances and petty crimes in the vicinity of these machines.

(c) It is hereby declared to be the policy of the Board of Supervisors to regulate reasonable and orderly public access for patrons wishing to play video game machines, while at the same time protecting the health, safety and welfare of the general public, both on the premises and in the vicinity of the premises where video games are located.

(Added by Ord. 401-81, App. 8/13/82)

SEC. 1036.31. MECHANICAL AMUSEMENT DEVICES; LOCATION.

(a) **Prohibited.** It shall be unlawful for any owner or operator of a mechanical amusement device to cause, permit or allow same to be located, operated or maintained to be operated, and the Entertainment Commission may not issue a permit for said devices, in the following areas:

(1) Within a building which has a public entrance which is located within 300 feet of the nearest street entrance to or exit from any public playground or public or private school of elementary or high school grades; said 300 feet to be measured from said entrance or exit in the most direct line or route which may be walked, legally or not, on, along or across said street or streets adjacent said public playground or public or private school of elementary or high school grades; provided, however, that this Section is not intended to prevent the placement of mechanical amusement devices on the premises of public or private schools of elementary or high school grades.

(2) Within any area of the City and County of San Francisco zoned exclusively for residential use, as defined in Part II, Chapter II (City Planning Code) of the Municipal Code.

(3) In any service station or automobile repair garage in areas zoned for neighborhood-commercial or community business use as defined in Part II, Chapter II (City Planning Code) of the Municipal Code.

(b) **One Through Ten Mechanical Amusement Devices Allowed.** Subject to the permit requirements set forth above in Section 1036.3 and except where prohibited by Subsection (a), an owner or operator of a mechanical amusement device or devices may cause, permit or allow same to be located, operated or maintained to be operated within any area of the City and County of San Francisco as an Accessory Use subject to the restrictions of this subsection:

The maximum number of mechanical amusement devices allowed in each premises shall be determined by the number of square feet of enclosed public retail floor space on a single floor under a single management as follows:

|  |  |
| --- | --- |
| **Square Feet** | Maximum Number of MADs |
| 0-300 | 0 |
| 301-1000 | 2 |
| 1001-1500 | 3 |
| 1501-2000 | 4 |
| 2001-2500 | 5 |
| 2501-3000 | 6 |
| 3001-3500 | 7 |
| 3501-4000 | 8 |
| 4001-4500 | 9 |
| 4501 or more | 10 |

(c) **Eleven or More Mechanical Amusement Devices Allowed.** Subject to the permit requirements set forth above in Section 1036.3, the owner or operator of mechanical amusement devices may operate an arcade except in those areas prohibited in Subsection (a) and in those areas zoned exclusively for neighborhood-commercial or community business use.

(d) **Exceptions.** The limitations and restrictions set forth in Subsections (a) and (b) above, shall not apply in the following instances:

(1) Where the application is for mechanical amusement devices in an industrial zone or in the area bounded on the west by Van Ness Avenue, on the south by North Point Street and on the east and north by San Francisco Bay, or in such similar areas as may be designated by resolution of the Board of Supervisors from time to time.

(2) Where a public or private school requests authorization from the Entertainment Commission for a permit to place mechanical amusement devices on premises under the jurisdiction of said public or private school and intended for the use of students and staff of said school.

(3) Premises upon which the California Department of Alcoholic Beverage Control has authorized on-sale consumption of alcoholic beverages, provided that the premises or operations may not lawfully allow minors thereon.

(4) Bowling alleys, except that there shall be no more than two mechanical amusement devices for each bowling lane. The mechanical amusement devices in bowling alleys shall not be separately accessible from the street.

(5) Billiard parlors.

(6) Tourist hotels of more than 25 guest rooms; provided, however, that the mechanical amusement devices be intended for use of guests only and provided further that the mechanical amusement devices be neither accessible to the public except by passing the front desk nor visible from the street.

(7) Theaters, both for performing arts and movies; provided, however, that the mechanical amusement devices be located in an area in which only patrons who have paid admission are allowed, and that all provisions in the Fire Code respecting the placement of machines be met.

(8) Churches, schools, hospitals, convalescent and nursing homes and nonprofit community centers (e.g. YMCA); provided, however, that the use of such machines be incidental and subordinate to the primary purpose of the institution.

(Added by Ord. 401-82, App. 8/13/82; amended by Ord. 240-93, App. 8/4/93; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.31-1. ARCADE LOCATION; LIMITATION.

Notwithstanding the provisions of Section 1036.31, it shall be unlawful for any owner or operator of an arcade to cause, permit or allow same to be located, operated or maintained to be operated, and the Entertainment Commission may not issue a permit for said arcade, within a building which has a public entrance which is located within 1500 feet of the nearest public entrance to or exit from any arcade which has a valid permit. Said 1500 feet shall be measured from said entrance or exit in the most direct route which may be walked, legally or not, on, along or across the street, streets or public rights-of-way adjacent to said arcade.

(Added by Ord. 401-82, App. 8/13/82; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.32. ARCADES-OPERATING STANDARDS.

The following standards and regulations shall apply to the operation and maintenance of arcades in the City and County of San Francisco.

(a) All mechanical amusement devices within the premises shall be visible to and supervised by an adult attendant or attendants, age 18 years or older. Said attendant(s) shall be present at all times when the arcade is open to the public.

(b) The supervision of the patrons on and about the premises shall be adequate to protect public against conduct of patrons that is detrimental to the public health, safety, and general welfare.

(c) The permit holder shall be responsible for ensuring that persons under the age of 18 years not be allowed to operate mechanical amusement devices during the school year from the day after Labor Day to Memorial Day, Monday through Friday, except legal holidays, between the hours of 7:00 a.m. and 3:00 p.m., or between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days and between 11:00 p.m. and 7:00 a.m. on all other days unless accompanied by an authorized agent of the School District, parent or legal guardian; provided, however, that premises which have mechanical amusement devices as provided under Section 1036.31(d), Subparagraphs 3, 4, 5, 6, 7 and 8 are exempted from the provisions of this subsection.

(d) Establishments dispensing food services shall provide adequate waste receptacles, which shall be conveniently located in the vicinity of the mechanical amusement devices; arcade premises shall be adequately ventilated and illuminated.

(e) The permit holder shall comply with security lighting requirements, token-use requirements and such other reasonable requirements determined by the Entertainment Commission to be necessary to minimize danger to the community resulting from the operation of the arcade. These requirements shall be set forth in the permit or, in the event circumstances alter, by appropriate amendment to the permit.

(f) An arcade may have no more than one mechanical amusement device per 30 square feet of public retail floor space.

(g) As a condition for obtaining a permit for mechanical amusement devices, the applicant shall be required to provide a master switch or switches, readily accessible to the permit holder, employees or agent of the permit holder and the Police Department, that can immediately turn off all mechanical amusement devices in the arcade. The permit shall also specify that the applicant consents to and authorizes the Police Department to turn off all mechanical amusement devices for a period of up to six hours at any time there is a clear and present danger to the public safety.

(Added by Ord. 401-82, App. 8/13/82; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.33. ACCESSORY USES-OPERATING STANDARDS.

The following standards and regulations shall apply to the operation and maintenance of all premises containing mechanical amusement devices except those premises regulated under Section 1036.32 of this Code:

(a) Mechanical amusement devices shall be located in the main body of the premises, not separated therefrom by any wall or partition.

(b) The supervision of the patrons on the premises shall be adequate to ensure that there be no conduct that is detrimental to the public health, safety, and general welfare. Where there are five or more mechanical amusement devices within the premises, all mechanical amusement devices within said premises shall be visible to and supervised by an adult attendant or attendants, age 18 years or older. Said attendant(s) shall be present at all times when any mechanical amusement device is being operated.

(c) The permit holder shall comply with such reasonable requirements as determined by the Entertainment Commission to be necessary to minimize danger to the community resulting from the operation of the mechanical amusement devices. These requirements shall be set forth in the permit or, in the event circumstances alter, by appropriate amendment to the permit.

(d) The permit holder shall be responsible for ensuring that mechanical amusement devices be kept turned off during the school year from the day after Labor Day to Memorial Day, Monday through Friday, except legal holidays, between the hours of 7:00 a.m. and 3:00 p.m., and between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days and between 11:00 p.m. and 7:00 a.m. on all other days; provided, however, that premises which have mechanical amusement devices as provided under Section 1036.31(d), subparagraphs 3, 4, 5, 6, 7 and 8 be exempted from the provisions of this subsection.

(e) Establishments dispensing food services shall provide adequate waste receptacles which shall be conveniently located in the vicinity of the mechanical amusement devices.

(Added by Ord. 401-82, App. 8/13/82; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1036.34. EXCEPTION TO REQUIREMENTS.

Notwithstanding the provisions of Section 1036.31 and 1036.31-1, any person who possesses a valid permit heretofore issued by the Chief of Police for the ownership, operation and maintenance of mechanical amusement devices in accordance with the provisions of Sections 1036 to 1036.29, inclusive, may operate those mechanical amusement devices included in said permit upon the premises for which said permit to operate was issued until the expiration, revocation or suspension of said permit without obtaining a new permit; provided, however, that the permit holder comply with the requirements of Sections 1036 to 1036.33, excluding Sections 1036.31 and 1036.31-1, from the effective date of this Section; provided further that said permit may not be transferred. The operating standards set forth in Section 1036.33 of this Article shall apply to the operation and maintenance of all premises containing mechanical amusement devices in those areas zoned exclusively for neighborhood-commercial or community business use, regardless of the number of mechanical amusement devices on the premises.

(Added by Ord. 401-82, App. 8/13/82)

SEC. 1036.35. EXEMPTION.

Notwithstanding any provisions of Sections 1036 to 1036.34, inclusive, to the contrary, the Recreation and Park Commission of the City and County of San Francisco shall have exclusive jurisdiction to determine whether and under what conditions mechanical amusement devices may be placed on property under its jurisdiction.

(Added by Ord. 401-82, App. 8/13/82)

SEC. 1037. BILLIARD AND POOL TABLES.

No person, firm or corporation shall engage in business under the provisions of this Section without first obtaining from the Entertainment Commission a permit to maintain and charge for the use of such billiard or pool or combination tables; such permits shall be issued annually, and may be revoked for cause at any time by the Entertainment Commission, and upon the revocation of such permit such license issued thereon shall immediately terminate and expire, and the Tax Collector shall not issue any license under the provisions of this Section unless the applicant therefor shall have first obtained a permit from the Entertainment Commission.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1037.1. FILING FEE APPLICATION.

Applications for billiard or pool table permits shall be filed with the Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1037.2. LICENSE FEE.

Every person, firm or corporation owning, leasing or maintaining any billiard table, pool table, or combination table, for the use of patrons of any place of business, shall pay an annual license fee to the Tax Collector for the first such table and additional license fee for each additional such table in any such place of business on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* The permit shall be nontransferable.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 193-05, File No. 051027, App. 7/29/2005; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1037.3. PERMIT AND LICENSE NOT EXEMPT FROM ANY OTHER PROVISION OF CODE.

The issuance of a permit or license under the provisions of Sections 1037 to 1037.2, inclusive, shall not exempt the permittee or licensee from any other provisions of the of San Francisco Municipal Code or any ordinances of the City and County of San Francisco requiring a permit or license or otherwise regulating the use or maintenance of billiard or pool tables.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1039. REGULATING SHOOTING GALLERIES-PERMIT REQUIRED.

It shall be unlawful for any person, firm, corporation, club or association to establish, maintain or conduct any shooting gallery or range without a permit from the Police Department; provided, however, that said Police Department shall not grant a permit for the establishment or maintenance of any shooting gallery or range within that portion of the City and County bounded as follows: On the north by the southerly line of Broadway; on the east by a line parallel with and 30 feet west of the westerly line of Kearny Street; on the south by the northerly line of California Street, and on the west by the easterly line of Larkin Street.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1039.1. FILING FEE.

Every person, firm, corporation, club or association desiring a permit pursuant to Section 1039 of this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1039.2. SHOOTING GALLERIES.

Every person, firm or corporation, club or association engaged in the business of maintaining or conducting a shooting gallery or range, for profit, shall pay a license fee for each gallery so maintained or conducted.

The license herein provided is exclusive of any powder license which now is or hereafter may be required by law.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1040. FIREARMS REGULATED.

It shall be unlawful for any person, firm, corporation, club or association, maintaining or conducting any shooting gallery or range to use or permit to be used or discharged therein any firearms of greater than 22 caliber, unless the cartridges used in such firearms be loaded with reduced charges.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1041. CLOSING DURING CERTAIN HOURS.

It shall be unlawful for any person, firm, corporation, club or association, maintaining or conducting any shooting gallery or range to keep the same open, or to discharge or permit to be discharged therein any firearms, cartridge or other explosive between the hours of midnight and 7:00 a.m. of the following morning.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1042. BETTING PROHIBITED.

It shall be unlawful for any person, firm, corporation, club or association maintaining or conducting any shooting gallery or range to permit any betting or wagering upon the result of any shooting contest conducted or engaged in within such gallery or range; and it shall be unlawful for any person to bet or wager upon the result of any shooting contest conducted or engaged in within any shooting gallery or range.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1043. BULLET-PROOFING.

Every shooting gallery or range must be bullet-proof and entirely enclosed.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1044. INSPECTION BY POLICE.

The Chief of Police is hereby authorized and empowered to inspect shooting galleries and ranges, and to direct any member of the Police Department to make such inspection.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1045. MECHANICAL CONTRIVANCES AND OTHER AMUSEMENTS.

It shall be unlawful for any person, firm or corporation to maintain or conduct any of the following amusements without first having obtained a permit for said amusement from the Entertainment Commission:

(a) Any public roller or ice skating rink;

(b) Any revolving wheel, chute, toboggan slide, merry-go-round, swing or other mechanical contrivance where a fee or sum of money is charged to carry any person thereon;

(c) Any museum or any collection of machines operated for the entertainment or amusement of the public, where an admission fee is charged; provided, however, that permits for museums shall not be required under this Section from any museum maintained or conducted by a federal, state or local entity or any corporation or foundation which is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1045.1. FILING FEE.

Every person desiring a permit pursuant to Section 1045 of this Article shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1045.2. LICENSE.

Every person, firm or corporation maintaining or conducting any amusement for which a permit is required by Section 1045 of this Article shall pay a license fee on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

The Tax Collector shall not issue a license under the provisions of this Section, unless the applicant therefor shall have first obtained from the Entertainment Commission a permit to conduct such amusement.

Such permits shall be issued annually, and may be revoked at any time by the Entertainment Commission, and upon the revocation of such permit such license issued thereon shall immediately terminate and expire.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1045.3. APPLICATION AND POSTING.

The application for mechanical contrivances and other amusements shall be filed in sufficient time to allow the Entertainment Commission to notice and fix the time and place for a public hearing on the application. Not less than 10 days before such hearing, the Entertainment Commission shall cause a notice of such hearing to be posted in one or more conspicuous place(s) on or about the property where the mechanical contrivances and other amusements are to be operated, in a fashion designed to inform the public of the application. Failure to apply in sufficient time for a noticed hearing to be held may be cause for the Entertainment Commission to deny issuance of a permit.

(Amended by Ord. 584-81, App. 12/10/81; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1045.4. EXCEPTIONS.

The provisions of Sections 1045 to 1045.4, inclusive, shall not apply to any person, firm or corporation who is required to obtain a permit for the same amusement pursuant to Sections 1015 to 1018, inclusive, or Sections 1031 to 1034, inclusive, of this Article.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1049. PROVIDING FOR INSPECTION AND REGULATION OF MECHANICAL AMUSEMENT CONTRIVANCES USED TO CONVEY HUMAN BEINGS.

Every person, firm or corporation operating or maintaining any revolving wheel, chute, scenic railway, swing, slide or mechanical amusement contrivance for the purpose of conveying human beings, shall cause an inspection of the same to be made before a license therefor is granted. Such inspection of said machine must be made quarterly prior to the issuance of the quarterly license therefor and may be made either by the Department of Public Works of the City and County of San Francisco or by a qualified safety inspector employed by an insurance company; provided, that said safety inspector shall have first secured from the Industrial Accident Commission of the State of California a certificate of competency to make such inspection. A safety certificate must be furnished to the person conducting said contrivance, and presented to the Tax Collector before a license therefor shall be granted.

(Amended by Ord. 971, Series of 1939, App. 12/26/40)

SEC. 1050. RECREATIONAL EQUIPMENT VENDOR DEFINED.

Unless the context specifically indicates otherwise, the term "recreational equipment vendor" as used in this chapter shall mean or include all persons, firms, corporations, clubs or associations which rent, sell, lease, loan or otherwise make available recreational equipment to the public.

(Added by Ord. 307-79, App. 6/29/79)

SEC. 1051. PERMIT REQUIRED.

It shall be unlawful for any recreational equipment vendor to rent, sell, lease, loan or otherwise make available recreational equipment to the public from a truck, cart or otherwise movable vehicle located on a public street or other public property without first having obtained a permit from the Entertainment Commission.

(Added by Ord. 307-79, App. 6/29/79; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1052. APPLICATION FOR PERMIT.

Applications for said permit shall be made in writing to the Entertainment Commission and shall be made in such form and shall contain such information as the Entertainment Commission shall require, including proof of liability insurance in an amount of $1 million, naming the City and County of San Francisco and its officers and employees as an additional insured, and an agreement to hold the City and County of San Francisco harmless from any liability arising out of the vending and use of recreational equipment. In granting or denying a permit, the Entertainment Commission shall give particular consideration to the peace, order, health, safety and welfare of the public and on the business reputation of the vendor; provided, that each application be made for a single city street and block and that at no time will a permit be issued to more than one recreational equipment vendor for the same street and block. No more than one permit shall be issued to any person, firm, corporation, partnership, club, association, or group of any kind.

Upon application for a recreational equipment vendor permit, the Entertainment Commission shall set a time, date and place for a public hearing thereon and shall cause a notice thereof to be conspicuously posted on all available utility and light poles on the street and block for which the permit is requested not less than 20 days before the date set for public hearing. The notice shall set forth the name of the applicant, the purpose for which the application is made, and the time, date, and place of public hearing on the application.

Each applicant for a permit shall pay to the Entertainment Commission a nonrefundable application fee payable in advance.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1053. LICENSE FEES.

Every person granted a recreational equipment vendor permit by the Entertainment Commission shall pay to the Tax Collector an annual license fee, payable in advance. The permit shall be nontransferable.

The license fee prescribed in this Section is due and payable on a calendar year basis, starting January 1st of each year. Fees for new permits issued after the first day of January of a particular year shall be prorated with regard to the calendar year on a monthly basis.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1054. REGULATIONS.

(a) **Hours.** Recreational equipment can only be rented, sold, leased, loaned or otherwise made available to the public between sunrise and sunset of any given day. The trucks, carts or otherwise movable vehicles used by recreational equipment vendors may be parked or positioned for one-half hour before sunrise until one-half hour after sunset.

(b) **Location.** A recreational equipment vendor conducting business from a vehicle may not move the vehicle once the vendor has made the first business transaction of the day except in the case of an emergency or when ordered to do so by an on-duty police officer or firefighter. However, if the vendor's vehicle is parked in a restricted parking area, it is subject to all applicable parking restrictions, except that it is exempt from the provisions of Transportation Code section 7.2.84 (Commercial Vehicle Parking in Certain Districts).

(c) **Equipment.** No recreational equipment vendor shall have available for vending more than 400 items of recreational equipment or, if the item is commonly rented in pairs, (such as roller skates) 400 pairs; provided, however, that safety equipment related to the use of the recreational equipment is not included in this limit. Every recreational equipment vendor shall certify that the all recreational equipment that is rented, sold, leased loaned or otherwise made available by that vendor is in good condition and is safe for the use for which it was intended.

(d) **Attended Vehicles.** The vehicle used in the conduct of a recreational equipment vendor's business may not be left unattended on the Street at any time between sunset of one day and sunrise of the next day.

(e) **Limitation on Location.** Recreational equipment cannot be rented, sold, leased, loaned or otherwise made available to the public on a public street or sidewalk in an RH-1 (D), RH-1, RH-1 (S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RC-1, RC-2, RC-3 or RC-4 Use District or adjacent to a park within the City and County of San Francisco.

(f) **Further Regulations and Rules.** The Entertainment Commission shall have the authority to adopt further rules and regulations as needed to implement this Section.

(Amended by Ord. 352-80, App. 7/3/80; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1055. PENALTY.

Any person who shall violate any of the provisions of Sections 1050 to and including 1054 of this Chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than $100 and not more than $500, or by imprisonment in the jail of the City and County for a term of not more than six months or by both such fine and imprisonment.

In the alternative any violations of Sections 1050 to and including 1054 of this Chapter by a permittee hereunder shall be deemed to be disorderly and improper conduct as that term is used in Section 3.537 of the Charter of the City and County of San Francisco, and the Entertainment Commission may, after hearing, revoke said permittee's permit pursuant to Section 3.537 of said Charter; or, in lieu thereof, may, after hearing, suspend said permit for such length of time as he deems proper.

(Added by Ord. 307-79, App. 6/29/79; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

ARTICLE 15.1:  
ENTERTAINMENT REGULATIONS PERMIT AND LICENSE PROVISIONS

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SEC. 1060. DEFINITIONS.

For the purposes of this Article, unless otherwise provided in this Article, the following words and phrases shall mean and include:

(a) "Any Sidewalk Abutting the Premises." The sidewalk not more than 50 feet from the premises of the Business that is located between the premises and a public street. For purposes of this definition, "premises" includes any immediately adjacent area that is owned, leased, or rented by the permit applicant or Permittee.

(b) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious, benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to which admission is limited to members and guests if the revenue accruing therefrom is used exclusively for the benevolent purposes of said organization or agency, and if the organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(c) "Business." The enterprise for which a permit is sought or has been issued under this Article, whether operated on a for-profit or not-for-profit basis.

(d) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

(e) "Corrective Action." Action which includes, but is not limited to, the following:

(1) Requesting assistance from the local law enforcement agency in a timely manner regarding the conduct.

(2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease the conduct, or ejecting those Persons from the premises.

(3) Revising the Security Plan, subject to approval by the Entertainment Commission or the Director as provided under this Article.

(f) "Director." The Executive Director of the Entertainment Commission or individual designated by the Director to act on his or her behalf.

(g) "Entertainment." Any of the following, except when conducted in a private residence:

(1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted.

(2) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises.

(3) A fashion or style show.

(4) The act of any female entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.

(h) "Manager." The individual authorized by the Permittee to exercise discretionary power to organize, direct, carry out or control the operations of the Business.

(i) "Permittee." The Person to whom a permit has been issued under this Article.

(j) "Person." Any person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either.

(k) "Place of Entertainment." Every premises to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises and wherein Entertainment as defined in Subsection (g) is furnished or occurs upon the premises.

(l) "Sale of the Business" or "Sell the Business." The sale or other transfer of the ownership interest in a Business that result in a Person (who did not already have such a percentage interest) owning 50% or more of the Business, regardless of the form of ownership.

(m) "Security Guard." A person who has a valid Proprietary Private Security Officer registration document issued by the California Department of Consumer Affairs; or a person who is a Patrol Special Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer and is operating in accordance with rules of the Police Commission governing Patrol Special Police Officers and assistants to Patrol Special Police Officers; or, a person who is a Private Patrol Operator, as defined by California Business and Professions Code Sections 7582.1-7582.2, as may be amended from time to time.

(n) "Security Plan." A plan that adequately addresses the safety of persons and property by (i) providing a ratio of one Security Guard to a specific number of individuals as described in the paragraph immediately below (ii) securing the sidewalk for a 100-foot radius in all directions around the premises of the Business to prevent injury to persons and/or damage to property, and (iii) providing for the orderly dispersal of individuals and traffic from the premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises. The phrase "100 feet" in (iii) of this Subsection (n) means 100 feet from the door in both directions on the same side of the street as the premises of the Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

The Security Plan must provide at least one Security Guard for every 100 individuals anticipated to be present at any one time during Entertainment events on the premises of the Business, with the following two qualifications. There must always be at least one Security Guard for every 100 individuals actually present at any one time during Entertainment events on the premises of the Business. Further, in those areas of the City where a conditional use authorization is required for a late night use, on Thursdays, Fridays, Saturdays, and Sundays from 9:00 p.m. until closing (including early morning hours Friday, Saturday, Sunday, and Monday) the Security Plan must provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business.

The definition of Security Plan in this Subsection 1060(n) does not limit the discretion of the Entertainment Commission and Director as specified in this Article to impose more stringent requirements for a Security Plan as circumstances warrant.

If no Entertainment event is occurring on the premises, the Security Plan does not have to include Security Guards, but the Entertainment Commission retains discretion to impose Security Guard requirements as part of a Security Plan.

(o) "Tax Collector." Tax Collector of the City and County of San Francisco.

(p) "Professional Entertainer." A person who is compensated for his or her performance. This definition does not restrict the definition of "Entertainment" in Subsection (g) and is relevant only to the extent the term "professional entertainer" is used in this Article.

(q) "Limited Live Performance Permit." A permit allowing a Limited Live Performance Locale to present Live Performances.

(r) "Limited Live Performance Locale." A locale with all the following features:

(1) The presentation of Live Performances is a secondary purpose of the locale rather than its primary purpose.

(2) The locale is indoors, or consists of an outdoor plaza, courtyard, or similar space, enclosed by surrounding buildings, with or without open means of public ingress and egress, with an area in which Live Performances are presented that is no greater than 200 square feet.

(3) Live Performances presented at the locale conclude by 10 p.m., except as otherwise provided in Section 1060.38.1.

(4) The locale is not a private residence.

(5) Patrons or members are admitted to the locale, which serves food, beverages, or food and beverages, including but not limited to alcoholic beverages, for consumption on the premises.

(s) "Live Performance." Any act, play, review, pantomime, scene, song, dance act, song and dance act, poetry recitation, fashion or style show, recorded music presented by a live disc jockey on the premises, or the playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments.

(Amended by Ord. 42-83, App. 2/4/83; Ord. 325-91, App. 9/4/91; Ord. 165-93, App. 5/28/93; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.1. PERMIT REQUIRED.

(a) It shall be unlawful for any Person to own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained, any Place of Entertainment, Limited Live Performance Locale, or One-Time Event in the City and County of San Francisco without first having obtained the required permit from the Director or Entertainment Commission. No Person shall operate a Place of Entertainment between 2:00 a.m. and 6:00 a.m. without having both a Place of Entertainment Permit and an Extended-Hours Premises Permit.

(b) It shall be unlawful for any Person to conduct, operate or maintain, or cause or permit to be conducted, operated, or maintained, a Place of Entertainment, Limited Live Performance Locale, or One-Time Event for which a permit has been granted (1) after the permit has been revoked or is otherwise invalid or (2) for any period of time during which the permit has been suspended.

(c) It shall be unlawful for any Person who is required to surrender a permit upon the sale of a Business as required under Section 1060.24(b) to fail to do so.

(d) Any place or premises where a Place of Entertainment Permit, Limited Live Performance Permit, or One-Time Event Permit is sought must conform to all existing health, safety, zoning, and fire ordinances of the City and County of San Francisco, and must have a valid permit to operate (formerly referenced in this Article as a public eating place permit) from the Department of Public Health. The Entertainment Commission, including the Director in the case of a One-Time Event Permit, may issue a permit under this Article conditional upon the applicant receiving the other required permits.

(Added by Ord. 193-05, File No. 051027, App. 7/29/2005; amended by Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.1-1. LICENSE FEES.

Every person granted a Place of Entertainment Permit or Limited Live Performance Permit by the Entertainment Commission under this Article shall pay to the Tax Collector an annual license fee on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of this Code, and such amount shall be adjusted for inflation commencing with the 2006-2007 fiscal year, and annually thereafter, in accordance with Section 2.31 of this Code.

(Added by Ord. 193-05, File No. 051027, App. 7/29/2005; amended by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1060.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS, AND DEPARTMENTAL REPORTS.

(a) Every Person seeking a Place of Entertainment permit or an amendment to a permit shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee as provided in Section 2.26 of this Code.

(b) The Director shall send the application to the San Francisco Police Department, Fire Department, Department of Building Inspection, Department of Public Health, and Planning Department. Those departments shall complete all necessary inspections and report their determinations to the Entertainment Commission within 20 City business days of receiving the application.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.2.1 FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) Every Person seeking a Limited Live Performance Permit, or an amendment to such a permit, shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee as provided in Section 2.26 of this Code.

(b) The Director shall send the application to the San Francisco Police Department and the Planning Department. Those departments shall complete all necessary inspections and report their determinations to the Entertainment Commission within 20 City business days of receiving the application.

(Added by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.3. APPLICATION FORM.

Except as otherwise provided herein, an application for a permit pursuant to the provisions of this Article shall specify the following and be signed under penalty of perjury:

(a) The name and street address of the Business for which the permit is sought.

(b) The name and address of the applicant as follows:

(1) If the applicant is a corporation, the name of the corporation exactly as shown in its articles of incorporation; the date and place of incorporation; and the name and address of each officer and director.

(2) If the applicant is a Person other than a publicly traded company, the name and address of every Person that directly or indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in that Person.

(c) The name of and contact information for the Manager who shall directly, or through designees, be on the premises during all hours of operation.

(d) The name and address of each Person who appears on the business registration certificate for the Business for which a permit is sought.

(e) The name and address of each Person to whom the Department of Alcoholic Beverage Control has issued a license for the Business for which a permit is sought.

(f) The names and addresses of the Persons who have or will have authority or control over the Business and a brief statement of the nature and extent of such authority and control, if the applicant has not otherwise provided this information in the application.

(g) The name and address of the Person authorized to accept service of process.

(h) A plan for the Business to operate as a Place of Entertainment, specifying the days and hours of operation, the number of employees and their duties, the number of patrons, a statement certifying that the Business shall comply with the maximum occupancy load for the space as established under the San Francisco Building and Fire Codes, the types or classes of entertainment (in terms of the types of instruments, numbers of performers, and sound levels) to be provided, and the amount of parking, both on and off-site, to be provided. If sound amplification is to be used, the plan shall also include a specific description of the amplification system.

(i) A proposed Security Plan as defined in Section 1060(n).

(j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f), all criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); loitering for lewd or lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); or for conduct in another jurisdiction which if carried out in California would constitute an offense under one of the laws set forth in this Subsection (j).

(k) All criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction for the Person(s) whose disclosure is required under Subsections (b), (c), (e) and (f), for any other offense which is a felony or misdemeanor under the laws of this state, or for conduct in another jurisdiction which if carried out in California would constitute a felony or misdemeanor under the laws of this state, provided that this Subsection (k) applies only to offenses arising out of the operation of a nightclub, dance hall, cabaret, Place of Entertainment or an establishment that serves food or beverages.

(l) For the information required by Subsections (j) and (k), a statement setting forth for each Person all charges under which convictions or pleas of guilty or no contest were obtained, any sentence imposed, and for each matter the date, name and location of the court; and if the Person was granted parole or probation, whether the Person successfully completed parole or probation.

(m) Such further information as the Entertainment Commission requires regarding financial and lease arrangements and management, authority, and operational control of the Business or its premises when the information will assist the Commission in its determination whether to grant or deny the permit.

(Added by Ord. 140-70, App. 4/28/70; amended Ord. 325-91, App. 9/4/91; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE PERMIT.

An application for a Limited Live Performance Permit shall specify the following and be signed under penalty of perjury:

(a) The name and street address of the Business for which the permit is sought.

(b) The name and address of the applicant as follows:

(1) If the applicant is a corporation, the name of the corporation exactly as shown in its articles of incorporation; the date and place of incorporation; and the name and address of each officer and director.

(2) If the applicant is a Person other than a publicly traded company, the name and address of every Person that directly or indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in that Person.

(c) The name of and contact information for the Manager who shall directly, or through designees, be on the premises during all hours of operation.

(d) The name and address of each Person who appears on the business registration certificate for the Business for which a permit is sought.

(e) The name and address of each Person to whom the Department of Alcoholic Beverage Control has issued a license for the Business for which a permit is sought.

(f) The names and addresses of the Persons who have or will have authority or control over the Business and a brief statement of the nature and extent of such authority and control, if the applicant has not otherwise provided this information in the application.

(g) The name and address of the Person authorized to accept service of process.

(h) A plan for the Business to operate as a Limited Live Performance Locale, specifying the days and hours of operation, the number of employees and their duties, the number of patrons, a statement certifying that the Business shall comply with the maximum occupancy load for the space as established under the San Francisco Building and Fire Codes, the types or classes of live performances (in terms of the types of instruments, numbers of performers, and sound levels) to be provided, and the amount of parking, both on and off-site, to be provided. If sound amplification is to be used, the plan shall also include a specific description of the amplification system.

(i) Such further information as the Entertainment Commission requires regarding financial and lease arrangements and management, authority, and operational control of the Business or its premises when the information will assist the Commission in its determination whether to grant or deny the permit.

(Added by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.4. NOTICE REQUIREMENTS AND CONTACT INFORMATION.

(a) Unless otherwise provided in this Article, the following definitions apply.

(i) To provide notice "electronically" means to send written notice by email, facsimile or in any other manner that the Director designates as appropriate to transmit written information other than by mail or personal delivery.

(ii) To "mail" notice or give notice "by mail" means depositing the notice in a sealed envelope or package, clearly labeled to identify the individual to whom it is sent, in a post office, mailbox, or other facility regularly maintained by the United States Postal Service, by First Class Mail, with postage prepaid. The requirement that notice be mailed within a specified period of time means that the notice is deposited in the mail within that period of time.

(iii) "Personally deliver" or "personal delivery" means delivering notice or causing notice to be delivered in person.

(iv) "Notice" means notice of a hearing, decision, action required of an applicant for a permit or a Permittee, or any other information that this Article requires to be given or which the Entertainment Commission or the Director find appropriate in implementing the provisions of this Article.

(b) Applicants for a permit and Permittees shall provide information necessary to enable the Entertainment Commission and the Director to give notice under this Article. Applicants and Permittees shall provide the Director in writing with a street address where the applicant and Permittee receive mail from the United States Postal Service, and with any email address, facsimile number or other information necessary to enable notice to be sent to the applicant and Permittee electronically. The applicant and Permittee shall keep the information required by this Section current by informing the Director in writing of any change. When the Commission or Director mails or personally delivers notice or sends notice electronically to the applicant or Permittee in accordance with the information most recently provided in writing by that Person, such action shall satisfy the requirements of this Article with respect to how notice is given.

(c) In some circumstances, this Article requires notice to the Manager. The Permittee shall provide a telephone and/or cell phone number and a facsimile number or email address for the transmission of notice to the Manager. The Permittee shall keep current the contact information for the Manager and shall notify the Director in writing of any change in this information. The Manager may designate other individuals to whom notice is to be given for any periods of the Manager's absence or unavailability by providing this information in writing to the Director. When the Commission or Director mails or personally delivers notice or sends notice electronically to the Manager, or to any individual designated by the Manager to receive notice in place of the Manager, in accordance with the information most recently provided in writing by the Permittee for the Manager, or by the Manager for his or her designee, such action shall satisfy the requirements of this Article that notice be given to the Manager.

(d) The Director may require applicants, Permittees and Managers to provide different or additional contact information for receipt of notice as communication technologies change.

(e) A Permittee may change the name and/or address of the individual provided by the Permittee in the permit application to accept service of process by providing written notice to the Director.

(Added by Ord. 140-70, App. 4/28/70; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF ENTERTAINMENT PERMIT.

(a) The applicant shall file the application for a Place of Entertainment Permit with the Director. The Director may require that the applicant or the applicant's agent file the application in person. Upon determining that an application is complete, the Director shall accept and file it and shall schedule a public hearing before the Entertainment Commission to determine whether the permit should be granted. The Director shall provide written notice of the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30 days before the date of the hearing. The Director shall promptly notify the Chief of Police or the Chief's designee in writing of the application and the hearing date and shall promptly transmit a copy of the application, including a copy of the security plan, to the Chief or the Chief's designee. For purposes of this Subsection (a), the Captain for the district where the Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise. Any Person may submit a written request to the Director to receive notice of the hearing on a permit application.

(b) (1) The applicant shall cause a notice of the hearing to be conspicuously and continuously posted for at least 30 days before the scheduled hearing date on the premises of the Business. Where the Business is located in a neighborhood-commercial or mixed residential district, as defined in Article 7 and 8 of the San Francisco Planning Code, the applicant shall also make a good faith effort to distribute leaflets at each residence located within 150 feet of the Business, unless the Entertainment Commission finds that a Business located in a district is not likely to significantly generate nighttime noise and traffic to the detriment of residences located in that immediate area. Applicants subject to the requirement of distributing leaflets shall do so at least 30 days before the scheduled hearing date and the distribution shall be done in compliance with the provisions of Article 57 (beginning with Section 184.69) of the San Francisco Public Works Code. The Director shall provide notice of the hearing at least 30 days before the hearing to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.

(2) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall provide notice of the hearing electronically or by mail at least 10 days before the hearing to any Person who has filed a written request for such notice.

(3) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) of this Section shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.

(c) At the hearing on the application, the applicant and any other interested party, including the Police Department or any other public agency, may introduce evidence and present argument relating to the standards for review under Subsection (f) of this Section.

(d) (1) The Entertainment Commission shall hold a hearing and determine whether to grant or deny the permit within 45 City business days of the date that the applicant has submitted a complete application under Section 1060.5(a), except that this 45 day period shall be extended for such period or periods of time that apply under the following circumstances:

(i) If the Entertainment Commission finds that an extension of time is necessary to obtain additional information for its review of the application under the standards set forth in Subsection (f) of this Section, the time period shall be extended for an additional amount of time as the Commission determines appropriate, up to 15 additional days; and

(ii) Upon the applicant's request, the Entertainment Commission shall continue the hearing for an additional period of time to allow the applicant an opportunity to comply with the requirements of this Article, in which case the time period is extended for that additional period; and

(iii) If the applicant fails to post or maintain notice of the hearing, or make a good faith effort to distribute leaflets to residences, as required by Subsection (b) of this Section, the Director shall have the hearing before the Entertainment Commission continued for such period or periods of time that the Director determines necessary for the applicant to comply with the posting requirement, in which case the time period is extended for that additional period or periods of time; and

(iv) If the Director finds that the Commission is unable to meet during the 45 day time period or any permitted time extension due to exigent circumstances, the time period shall be extended until the Commission is able to meet; the Commission shall consider the matter at the first meeting that it conducts following such circumstances.

(e) (1) If the permit applicant has not obtained all permits required for the Business from other City departments by the date of the hearing on the application, the Entertainment Commission may grant a conditional permit pending the issuance of the other required City permits; provided, however, the Commission shall take this action only if sufficient information has been provided to allow for adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not present. Any permit conditionally granted by the Entertainment Commission under this Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10 days of the decision of the Entertainment Commission's conditionally granting the permit. No Person may operate a Business for which a permit has been conditionally granted unless and until the Person has obtained all permits and authorizations required from other City departments.

(2) If the Entertainment Commission does not grant, conditionally grant or deny the permit for a Place of Entertainment within the time required by Subsection (d)(1) of this Section, including any extensions of time provided for in Subsection (d)(1), the permit sought by the applicant shall be deemed granted, conditioned on the requirements that the Permittee obtain all required permits from other City departments within nine months and comply with all the requirements of this Article. The time by which the Entertainment Commission must act commences on the date that the applicant has filed a completed application under Section 1060.5(a).

(f) The Entertainment Commission shall grant or conditionally grant a permit for a Place of Entertainment pursuant to this Article unless it finds that:

(1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; or

(2) Notwithstanding the mitigation provided under the Security Plan submitted by the applicant, the building, structure, equipment or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or

(3) The premises or the proposed operation of the Business lacks adequate safeguards to prevent emissions of noise, glare, dust and odor that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property; or

(4) The permit applicant has not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.

(5) If there is an unresolved citation applicable to the premises that has been issued by a City department, the Entertainment Commission shall not grant the permit without documented authorization from the department that issued the citation.

(6) If the Chief of Police or the Chief's designee, in person at the Entertainment Commission hearing on the permit application or in writing prior to the hearing, objects to the granting of the permit on the basis that the Commission should make one or more of the findings stated in Subsections (f)(1)-(4) above, the Commission may not issue the permit without specifically addressing the objection in writing or on the record, at a Commission meeting, and explaining specifically why the objection does not warrant the finding. This explanation requirement applies but is not limited to objections raised by the Chief or Chief's designee to the adequacy of a proposed security plan. For purposes of this Subsection (f)(6), the Captain for the district where the Place of Entertainment would be located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

(7) The explanation requirement stated in Subsection (f)(6) above also applies to objections raised by other City departments; provided, however, that this Subsection (f)(7) does not diminish the power of other City departments to issue permits or other authorization required for a Business to operate, and does not empower the Entertainment Commission to override a decision by another City department regarding the issuance of a permit or other authorization required for a Business to operate.

(8) When granting a permit, the Commission shall explain in writing or on the record, at a Commission meeting, why it has not made any of the findings stated in Subsections (f)(1)-(4) above.

(9) In considering whether to make any of the findings stated in Subsections (f)(1)-(4) above, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee.

(g) When the Commission grants or conditionally grants a permit, it shall require the applicant as a condition of the permit to comply with the Security Plan that has been approved as provided under this Article. The Commission may impose additional reasonable time, place and manner conditions on the permit. In considering whether to impose said conditions, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee.

(h) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 325-91, App. 9/4/91; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 216-02, File No. 021460, App. 11/1/2002; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) The applicant shall file the application for a Limited Live Performance Permit with the Director. The Director may require that the applicant or the applicant's agent file the application in person. Upon determining that an application is complete, the Director shall accept and file it and shall schedule a public hearing before the Entertainment Commission to determine whether the permit should be granted. The Director shall provide written notice of the hearing to the applicant by mail or to the applicant's agent by personal delivery at least 30 days before the date of the hearing.

(b) (1) The applicant shall cause a notice of the hearing to be conspicuously and continuously posted on the premises of the Business for at least 30 days before the scheduled hearing date. The Director shall promptly provide notice of the hearing to any Person who has filed a written request for such notice, which notice may be given electronically if the Person has provided electronic contact information, or by mail.

(2) The Director shall provide a copy of all Limited Live Performance Permit applications and the corresponding public hearing notices within a specified geographic area to any Person who, in writing or by email, requests such and identifies the area. Such applications and notices shall be given at least 30 days prior to the date of the public hearings, or within 5 days after receipt of the request if the request is less than 30 days prior to the hearing.

(3) In the event of a continued hearing, the applicant shall cause notice of the continued hearing to be conspicuously and continuously posted on the premises of the Business for at least 10 days before the date of the continued hearing. The Director shall promptly provide notice of the continued hearing electronically or by mail to any Person who has filed a written request for such notice.

(4) The failure of the Director to provide the notice of the hearing to any Person who filed a written request as provided in Subsections (b)(1) and (2) shall not constitute grounds for invalidation of the actions of the Commission taken at the hearing.

(c) At the hearing on the application, the applicant and any other interested party, including the Police Department or any other public agency, may introduce evidence and present argument relating to the standards for review under Subsection (f).

(d) The Entertainment Commission shall hold a hearing and determine whether to grant or deny the permit within 45 City business days of the date that the applicant has submitted a complete application under Section 1060.5-1(a),1 except that this 45 day period shall be extended for such period or periods of time that apply under any of the following circumstances:

(1) If the Entertainment Commission finds that an extension of time is necessary to obtain additional information for its review of the application under the standards set forth in Subsection (f) of this Section, the time period shall be extended for an additional amount of time as the Commission determines appropriate, up to 15 additional days.

(2) Upon the applicant's request, the Entertainment Commission shall continue the hearing for an additional period of time to allow the applicant an opportunity to comply with the requirements of this Article, in which case the time period is extended for that additional period.

(3) If the applicant fails to post or maintain notice of the hearing as required by Subsection (b) of this Section, the Director shall have the hearing before the Entertainment Commission continued for such period or periods of time that the Director determines necessary for the applicant to comply with the posting requirement, in which case the time period is extended for that additional period or periods of time.

(4) If the Director finds that the Commission is unable to meet during the 45-day time period or any permitted time extension due to exigent circumstances, the time period shall be extended until the Commission is able to meet; the Commission shall consider the matter at the first meeting that it conducts following such circumstances.

(e) (1) If the permit applicant has not obtained all permits required for the Business from other City departments by the date of the hearing on the application, the Entertainment Commission may grant a conditional permit pending the issuance of the other required City permits; provided, however, the Commission shall take this action only if sufficient information has been provided to allow for adequate evaluation of the application and if grounds for denial, as set forth in Subsection (f), are not present. Any permit conditionally granted by the Entertainment Commission under this Subsection (e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10 days of the decision of the Entertainment Commission's conditionally granting the permit. No Person may operate a Business for which a permit has been conditionally granted unless and until the Person has obtained all permits and authorizations required from other City departments.

(2) If the Entertainment Commission does not grant, conditionally grant or deny the permit for a Limited Live Performance Locale within the time required by Subsection (d), including any extensions of time provided for therein, the permit sought by the applicant shall be deemed granted, conditioned on the requirements that the Permittee obtain all required permits from other City departments within nine months and comply with all the requirements of this Article. The time by which the Entertainment Commission must act commences on the date that the applicant has filed a completed application under Section 1060.5-1(a).1

(f) The Entertainment Commission shall grant or conditionally grant a Limited Live Performance Permit pursuant to this Article unless it finds that:

(1) The premises or the proposed operation of the Business does not comply with the health, zoning, fire, and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business; or

(2) The establishment does not qualify as a Limited Live Performance Locale as defined in Section 1060(r); or

(3) The presentation of Live Performances at the Limited Live Performance Locale will (i) generate the type and volume of vehicle and pedestrian traffic that will cause substantial congestion, (ii) adversely affect the safety and security of persons, (iii) impede the orderly dispersal of individuals and traffic, or (iv) otherwise substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property due to excessive noise or any other factor. The Commission may impose conditions on the permit, including a security plan or time, place, and manner restrictions, if necessary and appropriate to guard against these adverse effects. The Limited Live Performance Permit is subject to Article 29 of the Police Code, regulating noise.

(g) If there is an unresolved citation applicable to the premises that has been issued by a City department, the Entertainment Commission shall not grant the permit without documented authorization from the department that issued the citation.

(h) In considering whether to make any of the findings stated in Subsections (f)(1)-(3), or to impose conditions on a Limited Live Performance Permit, the Commission shall consider where relevant the circumstances surrounding any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee.

(i) If a Permittee has been conditionally granted a permit but has not obtained all of the permits required from other City departments within nine months from the date that the Entertainment Commission conditionally granted the permit, the conditionally granted permit shall expire by operation of law and be void.

(Added by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

CODIFICATION NOTE

1. So in Ord. 172-11; probably should be "Sec. 1060.5.1(a)" (or "division (a) of this section").

SEC. 1060.6. PRIVATE CLUB.

No establishment issued a permit pursuant to this Article may allow the premises to be used solely for the purpose of conducting a private club between the hours of 2:00 a.m. and 6:00 a.m.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.7.1. SOLICITATION OF DRINKS OR MERCHANDISE.

No operator of a Place of Entertainment or Limited Live Performance Locale shall employ or permit any hostess, entertainer or person to solicit any patron or customer of or visitor in said Place of Entertainment or Limited Live Performance Locale to purchase any beverage or merchandise for the one soliciting or for any other person.

(Added by Ord. 306-73, App. 8/6/73; amended by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.8. LIGHTING.

Every establishment which has received a permit pursuant to this Article shall be lighted throughout to an intensity of not less than 12 foot candles during all hours of operation except while the floor show is in progress.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.9. MISCELLANEOUS RULES.

No professional entertainer or employee may dance with any customer on the premises in any Place of Entertainment or Limited Live Performance Locale.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.9.1. REQUIREMENT FOR STAGE.

Entertainers whose breasts are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest patron.

(Added by Ord. 273-73, App. 7/6/73)

SEC. 1060.10. BOOTHS.

It shall be unlawful for any person operating a place of entertainment under the provisions of this Article in the City and County of San Francisco, or any agent, employee or representative thereof, to erect, construct, maintain, or cause or permit to be erected, constructed or maintained, within such place of entertainment any private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of any nature, so arranged that the inner portion of the same shall not at all times be visible from any point in the place of entertainment where such rooms, booths, enclosures, compartments, stalls or alcoves should be reasonably within view.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.11. POLICE-INSPECTION.

The Police Department, in addition to their several other duties, shall inspect any and all establishments which have been issued a permit pursuant to this Article.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.12. NOISE ABATEMENT.

Whenever, upon due notice and hearing, it shall be determined that noise from any establishment which has been issued a permit pursuant to this Article interfered with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, the Entertainment Commission may require that the premises be soundproofed in a manner that in the judgment of the Entertainment Commission will be effective to eliminate the noise or reduce it to a reasonable level. In taking any action under this Section, the Entertainment Commission must balance all of the interests of the respective parties, as well as the hardship which will result from any order. If the Entertainment Commission finds that the noise complained of is of a minimum or inconsequential degree, no action shall be taken under this Article. If a permittee fails, within a reasonable time and in no event more than 60 days after having been ordered to do so pursuant to this Article, to abate any noise, his permit shall be suspended after a second hearing, due notice of which is given, until such time as he complies with the order.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1060.13. MINORS.

No person under 21 years of age shall enter, be, or remain in or on any premises on or in which any exhibition of the human body, as defined in Section 1060(g)(4), is presented and permittee shall not permit such a person to enter, be, or remain in or on any such premises.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.14. REGULATION OF SIGNS.

No sign or signs, paintings, photographs, pictorial representations, or any other visual means shall be maintained, erected, used or placed upon or adjacent to the outside of any building, or in connection with any premises therein, which has received a permit pursuant to this Article, if it shows, reveals or depicts, in whole or in part, the following:

(1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or vaginal), flagellation or any sexual acts which are prohibited by law;

(2) The actual or simulated caressing or fondling by one adult human being of the breast, buttocks, anus or genitals of another adult human being;

(3) The actual or simulated displaying of the pubic hair, anus, vagina, penis, vulva, buttocks, or any other external genitalia of the human body;

(4) Any portion of the nude female breast below the top of the areola.

(Amended by Ord. 71-73, App. 2/23/73)

SEC. 1060.15. SOUND TEST.

As a condition of any permit issued under this Article, the Commission or the Director shall have the authority to require a sound test to ensure compliance with the allowable noise limits under Section 49 and Article 29 of the San Francisco Police Code.

(Amended by Ord. 71-73, App. 2/23/73; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.17. REMOVAL OF SIGNS AND PICTORIAL REPRESENTATION.

Any sign, or signs, or portions thereof, in violation of Sections 1060.14 shall be removed within 60 days after the effective date of this Article.

(Amended by Ord. 71-73, App. 2/23/73; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.18. VISIBILITY FROM THE STREET.

No operator of a Place of Entertainment shall permit, or cause to be permitted, any Entertainment as defined in Section 1060(g)(4) that would be visible at any time from the street, sidewalk or highway.

(Added by Ord. 140-70, App. 5/28/70; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.19. PERMIT FEE; EXEMPTIONS.

The provisions of Section 1060.2 relating to a permit fee shall not apply to any Place of Entertainment or Limited Live Performance Locale used exclusively for any of the following purposes:

(a) Places of Entertainment or Limited Live Performance Locales that are operated by any public agency or by any educational, recreational or social agency, or by any bona fide fraternal, charitable, or religious or benevolent or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political and civic welfare, to which admission is limited to members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.20. SUSPENSION.

(a) Permits issued under this Article may be suspended by the Entertainment Commission and the Director as follows

(1) The Entertainment Commission may suspend a permit issued under this Article as provided in Section 1060.20.1.

(2) The Director may issue an order of limited suspension as provided in Section 1060.20.2, which order the Permittee may appeal to the Entertainment Commission.

(3) The Director may issue an order of suspension for public safety as provided in Section 1060.20.3, which order is not appealable to the Entertainment Commission.

(4) The Entertainment Commission and the Director have independent authority to suspend permits; the action of one does not limit action by the other.

(b) Every Permittee shall request emergency medical services when any person who has been injured on the premises of the Business needs emergency medical services. The failure to request such services, when such a request would have been reasonable under the circumstances, shall be grounds for suspension of the permit. The Entertainment Commission and Director may allow any circumstances involving the operation of the Business that relate to the injury as evidence supporting suspension of a permit, but may not allow the request itself as evidence to support suspension.

(c) When considering whether to suspend a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 325-91, App. 9/4/91; Ord. 81-00, File No. 000390, App. 5/5/2000; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.20.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.

(a) **GROUNDS FOR SUSPENSION.** The Entertainment Commission may suspend any permit issued under this Article under any of the following circumstances:

(1) The premises or operation of the Business does not comply with the health, zoning, fire, and safety requirements of the laws of the State of California and ordinances of the City and County of San Francisco applicable to the Business; or

(2) The Permittee or an employee or agent of the Permittee has operated the Business:

(A) In a manner that has harmed the public health, safety, or welfare by significantly increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area in which the premises are located, and

(B) The Permittee has refused or failed, upon request by the Police Department, Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse containers; or

(3) (A) The Permittee or any employee or agent of the Permittee has engaged in conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§ 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code §§ 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29); or

(B) The Permittee has failed to take reasonable steps within the Permittee's control upon the request of the Police Department, the Entertainment Commission or the Director to halt conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of the laws set forth in Section (a)(3)(A) of this Section; or

(C) The Permittee in the operation of the Business has implemented, maintained, or permitted an admission or related policy or practice prohibited by San Francisco Police Code Section 3305 (prohibiting discrimination); or

(4) The Permittee or any employee or agent of the Permittee has violated any requirement of this Article or any other applicable ordinance, any regulation adopted pursuant to this Article, or any condition placed on the permit; or

(5) The Permittee has failed to submit a proposed Security Plan as required by Section 1060.31; or

(6) The Permittee or any agent or employee of the Permittee has failed to comply with an approved Security Plan as required by Section 1060.31 or a revised Security Plan as required by Section 1060.32; or

(7) The Permittee or any agent or employee of the Permittee has failed to request emergency medical services as required by Section 1060.20(b).

(b) **HEARING PROCEDURE AND DETERMINATION.**

(1) The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a permit. The notice shall set forth the grounds for the proposed suspension and the date, time and location of the hearing.

(2) The Chief of Police or the Chief's designee may request in writing that the Director bring a suspension proceeding before the Entertainment Commission. If, within 10 business days of receiving the request, the Director has not brought the suspension proceeding, the Chief may bring the suspension proceeding before the Entertainment Commission. In such a case, the Chief or the Chief's representative shall present the case for suspension. The Director may join in presenting the case for suspension if the Director agrees to do so.

(c) **PERIOD OF SUSPENSION.** The Entertainment Commission may suspend a permit for the periods of time set forth in this Subsection (c).

(1) For the first violation under Subsection (a)(1) through (7) of this Section, for up to 30 days.

(2) For the second violation of the same or any other provision of Subsection (a)(1) through (6) within six months of the order of suspension for the first violation, for up to 60 days.

(3) For the third and subsequent violation of the same or any other provision of Subsection (a)(1) through (7) within six months of the order of suspension for the second or any subsequent violation, for up to 90 days.

(4) For the purpose of Subsections (c)(2) and (3) of this Section, calculation of the six months shall not include any period of time during which the permit was suspended.

(5) In determining the length of the suspension, the Entertainment Commission shall consider the seriousness and the frequency of the violation(s) in light of the effort taken to correct them and the impact of the violation(s) on the surrounding neighborhood.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.20.2. LIMITED SUSPENSION BY THE DIRECTOR; APPEAL TO ENTERTAINMENT COMMISSION.

(a) **GROUNDS FOR SUSPENSION.** The Director may suspend any permit issued under this Article for a period of up to fifteen days if the Director determines, after providing the Permittee, or his or her agent, including but not limited to the Manager, at least five days written notice and an opportunity to respond, that any of the circumstances set forth in Subsections (a)(1), (2), or (3) of this Section has occurred. Each order of limited suspension may include multiple violations under Subsections (a)(1), (2), or (3) of this Section. The Director shall provide the written notice required under this Subsection either by mail and electronically or by personal delivery.

(1) The Business has exceeded the allowable noise emissions under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, on three separate days within a three month time period. The Director may suspend a permit under this Subsection (a)(1) only if:

(A) The San Francisco Police Department, the Director, or an authorized agent of either has issued a noise emission report for each violation showing noise levels that exceed those allowed under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, and

(B) The Director has provided notice of the issuance of each noise emission report to the Permittee or his or her agent, including but not limited to the Manager electronically or by mail within three City business days of its issuance.

(2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that Constitutes a Nuisance or the Permittee has failed to take reasonable steps within the Permittee's control to halt another Person from engaging in Conduct that Constitutes a Nuisance. "Conduct that Constitutes a Nuisance" as defined in Section 1060(d), means any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

This Subsection (a)(2) applies only when both of the following apply:

(A) The conduct occurred on the premises of, or on Any Sidewalk Abutting the Premises of, the Business, and

(B) The conduct continued after the Director had notified the Permittee of the problem and informed the Permittee of Corrective Action, as defined in Section 1060, to address the problem, but the Permittee failed to take the Corrective Action.

(3) The Permittee or any agent or employee of the Permittee has failed to comply with an approved Security Plan as required by Section 1060.31 or a revised Security Plan as required by Section 1060.32.

(b) (1) **ISSUANCE OF ORDER; RIGHT TO APPEAL TO COMMISSION.** On the day that the Director issues an order of limited suspension, the Director shall send the order to the Permittee and Manager by mail or electronically. The order shall state the date that the order issued and the date that it takes effect. To provide the Permittee with an opportunity to file an appeal to the Entertainment Commission, an order of limited suspension shall not take effect for at least five City business days from the date that the Director issues the order.

(2) A Permittee may appeal an order of limited suspension to the Entertainment Commission by filing with the Commission Secretary a written request for review within five City business days of the date that the Director has issued the order. The filing of an appeal stays the order pending the Commission's decision. If a Permittee withdraws the appeal, the Director's order shall no longer be stayed and shall take effect on the date of the withdrawal or the date that the order was to take effect, whichever is later.

(3) The Commission may affirm, overturn, or modify the Director's order. When the Commission affirms or modifies the Director's order, the order takes effect the day following the day of the hearing at which the Commission made its determination.

(4) If the Permittee does not file a timely appeal of the Director's order, the order shall take effect the day after the time to appeal has expired or the effective date set forth in the order, whichever is later; provided, however, that the Director and the Permittee may agree in writing to an earlier effective date.

(5) The Entertainment Commission may adopt a regulation establishing a procedure which would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension if the Permittee submits and complies with a plan to address the problems that gave rise to the suspension.

(c) The Director shall initiate suspension proceedings before the Commission under Section 1060.20.1 against any Business that is suspended by the Director under this Section three times in any twelve-month period. For purposes of this Subsection (c), "suspended by the Director" includes a suspension affirmed in whole or part or modified by the Commission if appealed pursuant to Subsection (b)(2) but does not include a suspension overturned by the Commission on appeal. This Subsection (c) shall not in any way preclude the Commission from otherwise exercising its authority to suspend a Business under Section 1060.20.1, or preclude the Director or Chief of Police or Chief's designee from initiating a suspension proceeding under Section 1060.20.1.

(d) **POLICE DEPARTMENT RECOMMENDATION OF LIMITED SUSPENSION BY THE DIRECTOR.** The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, it shall later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (d), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (d) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.20.3. SUSPENSION FOR PUBLIC SAFETY BY THE DIRECTOR.

(a) **GROUNDS FOR SUSPENSION.** The Director may suspend any permit issued under this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours written notice and an opportunity to respond, that any of the circumstances set forth in Subsection (a)(1)(A) or (B) of this Section has occurred either on the Premises of the Business, on Any Sidewalk Abutting the Premises of the Business, or within 100 feet of the Premises of the Business, provided in this last instance that the person engaging in the conduct that would constitute a violation of a law specified in Subsection (a)(1)(A) had been on the Premises of the Business no more than 30 minutes before engaging in that conduct; that the conduct has resulted or could have resulted in serious bodily injury or death; and that continued operation of the Business poses a serious threat to public safety.

(1) (A) The Permittee or any employee or agent of the Permittee has engaged in conduct that would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§ 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); pimping (Cal. Penal Code § 266); discharging firearm (Cal. Penal Code §§ 246, 246.3); unlawful weapon (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code § 422); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); or

(B) The Permittee has failed to take reasonable steps within the Permittee's control and within the limits of the law to halt the conduct of another Person that would constitute a violation of any law described in Subsection (a)(1)(A) of this Section.

(b) **NOTICE OF PROPOSED ORDER.** The Director shall provide the written notice required under Subsection (a) of this Section to the Permittee by personal delivery and electronically.

(c) **EFFECTIVE DATE AND TIME OF ORDER.** The order of suspension for public safety issued under this Section shall take effect at the date and time stated in the order.

(d) **DIRECTOR MAY VACATE ORDER.** The Director may vacate an order of suspension for public safety if the Director determines that operation of the Business before expiration of the suspension order will not pose a danger to the public because additional information demonstrates that the conduct was not related to the operation of the Business, the Permittee has taken adequate steps to correct the problem giving rise to the suspension, or other circumstances warrant such action.

(e) **POLICE DEPARTMENT RECOMMENDATION OF SUSPENSION FOR PUBLIC SAFETY.** The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, it shall later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (e), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (e) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.20.4. REVOCATION OF A PERMIT.

(a) **Grounds for Revocation.** The Entertainment Commission may revoke any permit issued under this Article if it determines after a public hearing that any of the following conditions exist:

(1) The Permittee has knowingly made any false, misleading, or fraudulent statement of material fact or has knowingly omitted a material fact in the application for a permit .

(2) The Permittee has failed to pay any fee or charge required under this Article.

(3) The Permittee has failed to surrender the permit as required by Section 1060.24(b).

(4) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and considerations of public safety warrant revocation of the permit. For purposes of this provision, "considerations of public safety" means a substantial risk of physical harm or injury to individuals. In determining whether considerations of public safety warrant revocation, the Commission shall evaluate the likelihood and seriousness of the threat to public safety that continued operation of the Business under the permit presents. In making its determination, the Commission shall consider the following factors: (i) the history of violence and other public safety problems associated with the operation of the Business; (ii) a pattern of the Permittee's noncompliance with Security Plan requirements imposed by law or as a condition of the permit; (iii) the frequency of the Permittee's violations of other provisions of law or permit conditions, which violations have contributed to violence or other public safety problems associated with the operation of the Business; (iv) the degree to which the Permittee's action or inaction has been responsible for violence and other public safety problems associated with the operation of the Business; and (v) the degree to which the City, through the Entertainment Commission, Director, Police Department, or otherwise, has notified the Permittee of violence or other public safety problems associated with the operation of the Business and/or of the need to take action to reduce such problems, and the promptness and efficacy of the Permittee's responses.

(5) One or more of the grounds for suspension enumerated in Section 1060.20.1(a) applies, and revocation is warranted because the problems that those grounds have created have been serious and continuing, and the action or inaction of the Permittee contributing to those problems has been persistent; provided, that the circumstances warranting revocation under this provision would constitute a public nuisance within the meaning of Section 3480 of the California Civil Code.

(b) **Hearing by Commission.** The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall set forth the grounds for the proposed revocation and the date, time and location of the hearing.

(c) **Application for Permit After Revocation.** The revocation of a permit under this Article shall not preclude the Permittee from applying for a new permit under this Article, except that, notwithstanding any other provision of law, including but not limited to Sections 1060.5(f) and 1060.5.1(f), revocation under Section 1060.20.4(a)(4) or Section 1060.20.4(a)(5) shall render the Permittee ineligible to apply for a new permit under this Article for one year from the date of revocation.

(d) When considering whether to revoke a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.2, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 217-10, File No. 100674, App. 8/9/2010; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.21. FORFEITURE OF FEE.

On revocation of the permit, no part of the permit fee shall be returned, but the said permit fee shall be forfeited to the City and County of San Francisco.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.22 RESERVED.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 165-93, App. 5/28/93; repealed by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.23.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; repealed by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.24. PERMITS NOT TRANSFERABLE; PERMIT MUST BE SURRENDERED UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO CHANGE PARTNERS OR OTHER OWNERS.

(a) No Person may transfer a Place of Entertainment Permit or Limited Live Performance Permit to any other Person.

(b) If a Place of Entertainment Permittee or Limited Live Performance Permittee Sells the Business, the Permittee shall promptly surrender the permit to the Director. If the Permittee fails to surrender the permit to the Director, the Director may, after giving the Permittee notice by mail and electronically of the proposed action and an opportunity to respond, revoke the permit.

(c) Notwithstanding Subsections (a) and (b) of this Section, a Permittee may change partners, shareholders, or other owners of a Business provided that (1) the sale or other transfer of ownership results in a Person owning no more than 50% of the Business, regardless of the form of ownership, and (2) the Permittee obtains an amendment to the Permit as provided in this Section. If the transfer of ownership does not result in any Person (who did not already have such a percentage interest) having an ownership interest of ten percent or more, the Permittee is not required to obtain a permit amendment.

(d) A Permittee seeking to amend a permit as required under this Section shall pay the filing fee for Permit Amendment/Additional Partner set forth in Section 2.26 of this Code. The applicant shall provide that portion of the information sought under Section 1060.3 or 1060.3.1 for an application that the Director requires.

(e) The Director shall determine within 30 days of the filing of a complete application to amend a permit whether to approve it. The Director shall approve the application unless he or she determines that denial is warranted under any of the grounds set forth in Section 1060.5(f) or 1060.5.1(f) and shall notify the Permittee and Manager of the approval electronically and either by mail or personal delivery.

(f) If the Director determines that disapproval of the application may be warranted under Section 1060.5(f) or 1060.5.1(f), the Director shall schedule a hearing on the matter for the next regularly scheduled meeting of the Entertainment Commission. The Director shall promptly provide written notice of the hearing to the Permittee and the Manager by mail and electronically.

(g) The Entertainment Commission shall determine whether to approve the application according to the standards governing the initial application set forth in Section 1060.5(f) or 1060.5.1(f).

(h) **Temporary Permits.** Once the Entertainment Commission receives a surrendered Place of Entertainment Permit or Limited Live Performance Permit under Subsection 1060.24(b), the new owner of the business may apply to the Director for a temporary Place of Entertainment Permit or Limited Live Performance Permit, subject to any required Planning Department approvals, for a period not to exceed 90 days from the date of surrender (a "Temporary Permit"). The Director may grant a Temporary Permit provided that (1) the new owner has submitted a completed application for a Place of Entertainment Permit or Limited Live Performance Permit, (2) the new owner's Entertainment or Live Performance events and activities are consistent with those allowed under the prior Permit, (3) the premises at issue complies with all existing health, safety, and fire ordinances, and (4) a Temporary Permit is necessary to ensure uninterrupted operations of a business at the premises. This Temporary Permit may not be renewed as a Temporary Permit. The Entertainment Commission may establish additional procedures and Temporary Permit criteria to help carry out the goals of this Section 1060.24(h).

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.24.1. COMPLIANCE WITH CONDITIONS; AMENDMENT OF PERMIT TO CHANGE CONDITIONS.

No Permittee shall operate a Business in any manner inconsistent with any condition imposed on the permit. A Permittee may request an amendment to a permit to remove or change a condition by filing a request with the Secretary of the Commission and paying the fee for an Amendment to a Permit required under Police Code Section 2.26. The Entertainment Commission shall conduct a hearing and determine whether to approve the application to amend the permit according to the procedures governing the initial application as set forth in Section 1060.5 and the standards set forth in Section 1060.5(f).

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.24.2. APPEALS TO THE BOARD OF APPEALS.

(a) The following actions taken under this Article may be appealed to the Board of Appeals: The granting or denial of a permit, including a conditionally granted permit, or an amendment to a permit, and the suspension or revocation of a permit. Any such appeal shall be filed within ten days from the date of the decision, as provided in Section 8 of the San Francisco Business and Tax Regulations Code.

(b) Notwithstanding the provisions of Subsection (a) of this Section, the Permittee or permit applicant may seek immediate judicial review of the actions described in Subsection (a) of this Section pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or any other procedure provided by law; the Permittee or permit applicant is not required to exhaust his or her administrative remedies before the Entertainment Commission or before the Board of Appeals.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.25. CRIMINAL, ADMINISTRATIVE, AND CIVIL PENALTIES.

(a) **CRIMINAL PENALTIES.** Any person who violates any provision of this Article shall be deemed guilty of an infraction. Any person who violates this Article 15.1, or Police Code Section 49, more than once in a 12-month period shall be guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A first violation of this Article 15.1, or Police Code Section 49, is an infraction is punishable by a fine of not more than $100. A second violation within one year of the date of the first violation is an infraction punishable by a fine of not more than $200 or a misdemeanor punishable by a fine of not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment, at the discretion of the prosecutor. A third or subsequent violation within one year of the date of the second or subsequent violation is an infraction punishable by a fine of not more than $500 or a misdemeanor punishable by a fine of not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment, at the discretion of the prosecutor. Each day a Person conducts, operates, or maintains a Business without a valid permit shall constitute a separate violation.

(b) **ADMINISTRATIVE PENALTIES.**

(1) The Director may issue administrative citations for the violation of any condition imposed on a permit granted under this Article and the violation of any provision of this Article including but not limited to Section 1060.1 (operating without a lawful Place of Entertainment permit) and Section 1060.31 or 1060.32 (governing Security Plans). In addition, the Director may issue administrative citations for the violation of any provision of law regarding such permits, including but not limited to permtis authorized under Police Code Article 29 (Regulation of Noise). San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations issued under this Subsection (b). The Director shall impose fines for violations of any permit condition and any violation of Section 1060.31 or 1060.32 as set forth in Section 100.5(a) of the San Francisco Administrative Code. For purposes of calculating and imposing the administrative penalties under this Subsection 1060.25(b), each day a violation occurs or continues shall constitute a separate violation. The Director may recover any costs and fees, including but not limited to attorneys' fees, for enforcement initiated through this Section and authorized under this Article.

(2) Notwithstanding Subsection (b)(1) of this Section, the procedure governing the appeal of a citation set forth in San Francisco Administrative Code Chapter 100 is revised as provided in this Subsection (b)(2). The Controller may designate the Director of the Department of Public Works as a hearing officer under San Francisco Administrative Code Section 100.7, but shall designate such officer for no more than one appeal a month and for no more than 12 times in a 12-month period.

(c) **CIVIL PENALTIES.**

(1) **Presumption of Noncompliance with Order.** In addition to any other penalties provided in this Article, any person or entity served with a notice or order by the Director setting forth the nature of the violation of this Article, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in subsequent civil proceedings, to have failed to comply with that notice or order at and after the time given in that notice or order for correction of such violation, after the time period specified in the notice or order has expired without correction of that violation.

(2) **Penalty Amounts.** Any person or entity violating this Article shall be liable for a civil penalty of up to $500 per violation for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction.

(3) **Setting Civil Penalty.** In assessing the amount of the civil penalty, the Court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including but not limited to the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. In addition, such violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs and fees awarded to the City under this Article or any applicable State law.

(4) **Cost Recovery.** In any civil proceeding filed by the City Attorney to collect civil penalties, the Court may award the Department costs and fees, including but not limited to attorneys' fees, and costs of investigation, enforcement, abatement, and litigation, authorized under this Article.

(d) The remedies specified in this Article shall not preclude any other remedies available under state or local law.

(Amended by Ord. 273-73, App. 7/6/73; Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.26. SEVERABILITY.

If any section, Subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, Subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, Subsections, subdivision paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 140-70, App. 4/28/70)

SEC. 1060.27.

(Added by Ord. 140-70, App. 4/28/70; amended by Ord. 325-91, App. 9/4/91; Ord. 164-02, File No. 020783, App. 7/26/2002; repealed by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.28. EARPLUGS AND FREE DRINKING WATER.

If the location for which the place of entertainment permit is issued contains a dance floor or other place primarily designated for dancing, the permit holder shall provide:

(a) Free cool drinking water to patrons by means of an automatic drinking fountain or by providing cups of water at all beverage service locations, or both; and

(b) Earplugs for free, or for sale on the premises at a reasonable price.

(Added by Ord. 176-00, File No. 000477, App. 7/28/2000; amended by Ord. 215-02, File No. 021459, App. 11/1/2002; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1060.29. ONE TIME EVENT PERMIT.

(a) This Section provides a procedure for permitting a Person to conduct, maintain, promote or sponsor Entertainment on the premises specified in the One Time Event Permit for a limited number of one-day occurrences in a 12-month period, including operation between 2:00 a.m. and 6:00 a.m. No Person shall conduct, maintain, promote or sponsor Entertainment between 2:00 a.m. and 6:00 a.m. without a One Time Event Permit or an Extended-Hours Premises Permit. One Time Event Permits may be issued for a premises for which a Place of Entertainment Permit has been issued, but for which no Extended-Hours Premises Permit has been issued, when the applicant proposes operating between 2:00 a.m. and 6:00 a.m. Nevertheless, the One Time Event Permit is not intended to function as a routine substitute for a Person's securing either the Place of Entertainment Permit or the Extended-Hours Permit when the Person's course of conduct indicates that either or both of those permits would be more appropriate to seek. For purposes of One Time Event Permits, the word "premises" means the area or structure where the event for which a permit is sought occurs.

(b) Except as otherwise provided in this Section, the Director may issue One Time Event Permits and applicants may appeal the Director's denial of an application to the Entertainment Commission.

(c) Each One Time Event Permit shall issue for no longer than one 24-hour period. One Time Event Permits may not be issued for the same premises for consecutive 24-hour periods without a six-hour break between the end time for the first permit and the start time for the second permit. If a One Time Event Permit includes permission to operate between 2:00 and 6:00 a.m., another One Time Event Permit for the same premises later that calendar day may not authorize commencement of operations before 12:00 noon.

(d) There shall be no limit on the number of One Time Event Permits a Person may obtain, provided that no more than one permit per month is issued for the same premises. Notwithstanding this restriction. One Time Event Permits may be issued for events that will occur on consecutive days on the same premises or on non-consecutive days within a ten-day period on the same premises, but shall not issue permits allowing events to occur for more than 12 days on the same premises within any twelve-month period.

(e) A Person may obtain more than one One Time Event Permit for the same day. In such an instance, in considering whether to grant the permit(s) and/or place conditions on the permit(s), the Director or Entertainment Commission as appropriate under the procedures of this Section, shall give heightened scrutiny to each permit application to ensure that the legal standards for granting the permit(s) are met and to determine what conditions, if any, may be appropriate to place on the permit(s). In addition, if the applicant submits an application for more than one One Time Event Permits for the same day less than 40 days prior to the day of the event, the Director or Entertainment Commission may disapprove the application(s) on the ground that the applicant filed too late to provide adequate time to evaluate the application(s) so as to determine whether the permit(s) should be granted and/or whether conditions should be placed on the permit(s).

(f) The One Time Event Permit shall be subject to reasonable time, place, and manner conditions, including but not limited to conditions on amplified sound, in-and-out privileges, admission of minors, and lighting of the premises.

(g) Every Person seeking a permit pursuant to this Section shall file an application with the Director no less than seven days before the proposed event and shall pay the filing fee provided in Section 2.26 of this Code. The applicant shall submit a proposed Security Plan and any other information required for applications under Section 1060.5 as the Director may require. For events taking place in an outdoor area or in both a structure and an outdoor area, the Security Plan shall include additional security personnel to provide adequate security, as determined by the Director, in consultation with the San Francisco Police Department, given the size and nature of the outdoor space. The Director shall send the application no later than seven days before the date of the proposed event to those City departments with jurisdiction over the matter, including, as appropriate, the San Francisco Police Department, Fire Department, Department of Building Inspection, and Department of Public Health. These departments shall complete all necessary inspections and report their determinations to the Director within three City business days of receiving the application. In addition, the Director shall send all applications to the San Francisco Police Department for such input from the Police Department as it deems appropriate.

(h) An applicant for a One Time Event Permit who files an application at least 40 days before the date of the proposed event shall have the right to appeal the Director's denial of the application to the Entertainment Commission. The Director shall act on applications filed at least 40 days before the event within a time period that allows for an appeal to the Commission. Applicants who do not file at least 40 days before the proposed event shall have no right to appeal a denial of the application to the Entertainment Commission unless the Commission has sufficient time to schedule and provide notice of the hearing on the matter for a regularly scheduled meeting. When an applicant files an application less than 40 days before the proposed event, the Director shall inform the applicant that there may be insufficient time for the applicant to appeal the Director's denial to the Commission.

(i) The Director shall review applications for a One Time Event Permit according to the standards set forth in Section 1060.5(f) and shall grant a permit unless the Director finds that the application was filed less than seven days before the proposed event, denial is warranted under any of the grounds set forth in Section 1060.5(f), or another application has been submitted and a permit issued for the same premises during the same time period. The Director shall decide whether to grant or deny a complete application promptly after the date by which other City departments are required to report on the proposed application under Subsection (e). If another application has been submitted for the same time and place and is still pending, the Director shall deny the application unless the applicant requests that it remain open until the Director has determined whether to grant or deny any earlier-filed application. When multiple applicants submit complete applications for the same time and place, the Director shall make determinations on them in the order in which they were received.

(j) If the permit is denied, the Director shall state in writing the reason for the denial and shall notify the applicant of the determination electronically and either by mail or personal delivery. The Director shall have the discretion to submit any application to the Entertainment Commission for its determination whether to grant or deny a One Time Event Permit under the provisions of this Section.

(k) The applicant may appeal the Director's decision to the Entertainment Commission by filing a written request for review within five City business days of the Director's decision. The Commission shall hear and decide the appeal as expeditiously as possible, but in no event later than 21 days after the date that the applicant filed the appeal. If the applicant has filed the application less than 40 days before the proposed event and the Commission does not have sufficient time to provide the required public notice of the appeal for a regularly scheduled meeting, the Commission is not required to consider the matter.

(l) When granting a permit, the Director or Entertainment Commission as appropriate under the procedures of this Section, shall require the applicant as a condition of the permit to comply with the approved Security Plan. Notwithstanding the definition of Security Plan in Section 1060(n), the Security Plan for a One Time Event Permit shall provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit. If after approving a Security Plan, the Director receives additional information that reasonably demonstrates that the Security Plan is inadequate, the Director may require the Permittee to make revisions to the Security Plan for the purpose of addressing the safety of persons and property.

(m) One Time Event Permits are not transferable. The Permit is valid only for the Person to whom it is issued for the premises specified in the permit.

(n) An applicant may seek immediate judicial review of an adverse decision by the Director under this Section pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or any other procedure provided by law. The applicant may, but is not required to, exhaust his or her administrative remedies before the Entertainment Commission and Board of Appeals.

(Added by Ord. 262-04, File No. 041148, App. 11/4/2004; Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.29.1. SPECIAL PERMIT PROCEDURE FOR ONE TIME EVENTS FOR DESIGNATED DAYS.

(a) The City has experienced difficulties meeting its basic duty to provide police, fire and emergency medical services (all "essential services") throughout the City on those occasions such as New Year's Eve, Halloween and the 4th of July where multiple simultaneous or overlapping events attract large crowds. The Board of Supervisors finds that the adoption of a special permit procedure for the review and processing of applications for One Time Events permits for these occasions will help ensure sufficient essential services to protect the safety of all residents of and visitors to the City, while accommodating special events to the extent consistent with the City's basic public safety obligations. By authorizing the adoption of a special permit procedure, the Board intends to encourage applicants to apply for One Time Events Permits sufficiently in advance of the event to enable the City to plan for the provision of essential services. Applicants who apply later may have to bear the additional cost of increased security that the City could have avoided with more advance notice. In addition, the Board is authorizing the Commission to place reasonable limits on the number of One Time Event Permits issued on these designated days to the extent that the Commission determines necessary to ensure public safety.

(b) The Entertainment Commission may adopt a special permit procedure for One Time Events occurring on those designated days for which the Commission finds a substantial risk that the approval of multiple, simultaneous or overlapping One Time Events would (i) require the diversion of so great a number of Police Officers to police the events as to prevent adequate police protection to the rest of the City or (ii) result in a concentration of persons and vehicles that would unduly interfere with the proper delivery of essential services in the City. In making this determination, the Commission shall consider the need for the delivery of essential services both on the day of the event and until 6:00 a.m. the next day.

(c) If the Entertainment Commission elects to adopt a special permit procedure under this Section, it shall first consult with the San Francisco Police Department.

(d) This Section empowers the Entertainment Commission to designate no more than 12 days in a calendar year when the special permit procedure shall apply to applications for One Time Event Permits.

(e) The Commission must adopt the procedure for each calendar year no later than November 1 of the preceding year. The Commission may adopt a procedure for multiple calendar years, in which case it may amend the procedure so long as it acts no later than November 1 preceding January 1 of the year to which the amended procedure applies.

(f) The provisions of this Section supplement those set forth in Section 1060.29. Under the special permit procedure authorized under this Section, the following additional provisions apply:

(1) For applications filed 40 days or more before the proposed event, the Commission may not disapprove the application on the ground that the City does not have adequate time to plan for the provision of essential services, although the Commission may disapprove an application under Subsection (f)(3) of this Section.

(2) For applications filed less than 40 days before the proposed event, the Commission may

(A) Impose conditions on the permit that would not have been necessary had the applicant given the City more time to prepare for the delivery of essential services for the event and for the City as a whole on the day of the event. The conditions may require the applicant to bear additional costs for increased security, including requiring the applicant to hire and deploy Security Guards or implement other security measures for increased crowd control purposes and for monitoring to detect and stop illegal or dangerous behavior in connection with the event; or

(B) Disapprove the application on the ground that the applicant filed too late to give the City adequate time to plan for the provision of essential services for the day of the event without compromising the safety and security of the rest of the City where alternative conditions cannot sufficiently mitigate the public safety and security problems that the event poses.

(3) The Commission may disapprove an application for a One Time Event Permit for events proposed for one of the days designated under this Section, irrespective of the date of the filing, where (i) the conduct of the event, when considered in light of all other events occurring on the day of the event, will require the diversion of so great a number of Police Officers to properly police the event as to impair the capacity of the City to provide adequate police protection to the rest of the City and (ii) the Commission is unable to fashion conditions with which the applicant must comply that will address the public safety and security problems that the event poses. In considering whether to disapprove an application, the Commission may consider the number, size, and geographic concentration of proposed One-Time Events for the designated day. For purposes of this Subsection (f)(3), the "day of the event" includes until 6:00 a.m. after the designated day.

(g) The special permit procedure may limit the number of permits issued for the designated days when the Commission finds a substantial risk that approval of all applications for One Time Events for that day would (i) require the diversion of so great a number of Police Officers to properly police all the events as to prevent adequate police protection to the rest of the City and (ii) the Commission is unable to fashion conditions with which the applicant must comply that will address the public safety and security problems that the event poses. In considering whether to limit the number of permits issued for a designated day, the Commission may consider the number, size, and geographic concentration of proposed One-Time Events for the designated day. If the Commission limits the number of permits, the Commission may authorize approval of applications on a first-come first-served basis, selection by lottery, or other method that is objective and fair and unrelated to the content of the Entertainment provided. In addition, the Commission may include a schedule of limits that vary depending on the size and location as they affect congestion that could impede prompt delivery of essential services.

(h) The authority to impose conditions on days designated by the Commission under this Section includes the authority to require Permittees to comply with the conditions both on the designated day and until 6:00 a.m. the next day.

(i) The Commission shall provide at least 10 days notice of the hearing to adopt or amend the special permit procedure. The Commission may provide notice electronically to Businesses then operating under a permit issued by the Commission and may, in addition, provide such additional notice as it deems best calculated to reach the entertainment community.

(j) The Director shall post on the Commission's website the special permit procedure adopted by the Commission. The Director may also provide notice electronically to Businesses then operating under a permit issued by the Commission and such other notice that the Director determines is best calculated to reach the entertainment community.

(k) The Entertainment Commission may delegate to the Director the authority to exercise all powers that this section creates except the power to adopt and amend a special procedure for One Time Event permits for designated days.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT CERTAIN INFORMATION.

(a) Every Place of Entertainment Permittee shall provide written notice to the Entertainment Commission within 30 days after any of the following occurs:

(1) Criminal charges, complaints or indictments for those persons described in Section 1060.3 (b), (c), (e) and (f) occurring after the filing of the permit application to the extent that they fall within the categories specified in Subsections (j), (k) and (l) of Section 1060.3.

(2) Criminal charges, complaints or indictments for any individual that the Permittee designates as Manager occurring after the filing of the permit application to the extent that they fall within the categories specified in Subsections (j), (k) and (l) of Section 1060.3.

(b) Every Person holding a Place of Entertainment Permit, other than a publicly traded corporation, shall maintain a record of the name and address of every Person who directly or indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in the Person holding the Permit, which shall be known as a "record of principal owners," and shall make the information available to the Entertainment Commission upon request. Every Person subject to this Subsection (b) shall report any change to the record of principal owners within 30 days of the transaction that effects the change. A "publicly traded" corporation is a company that has issued securities through an initial public offering which are traded on at least one stock exchange or over-the-counter market.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.31. APPROVAL REQUIRED FOR SECURITY PLANS.

(a) Every Place of Entertainment shall have a Security Plan, as defined in Section 1060(n), that has been approved by the Entertainment Commission or the Director, as required by this Article. Compliance with the Security Plan approved under this Article is a condition of the permit.

(b) As of the effective date of this Section, the Entertainment Commission shall not approve any permit or other application relating to a Place of Entertainment unless the applicant has a Security Plan that has been approved by the Commission or the Director as provided in this Article. The Security Plan shall meet the minimum requirements of Section 1060(n) and any implementing rules and regulations. The Commission shall disapprove any Security Plan that it determines does not adequately address the safety of persons and property and provide for the orderly dispersal of persons and traffic, notwithstanding the compliance of the proposed Security Plan with the minimum requirements of Section 1060(n).

(c) Every Place of Entertainment Permittee that does not have a Security Plan approved by the Entertainment Commission on the effective date of this Section shall submit a proposed Security Plan to the Director.

(1) The Director shall mail notice of the requirements of this Section to each Permittee that does not have a Security Plan approved by the Entertainment Commission on the effective date of this Section.

(2) Each Permittee shall submit a proposed plan no later than 30 days from the date of the Director's notice. Upon receiving a proposed plan, the Director shall send a copy to the San Francisco Police Department, which shall have 10 City business days to review and make recommendations to the Director.

(3) The Director shall review each proposed plan and, after reviewing any recommendations submitted by the San Francisco Police Department, shall approve or disapprove it. When disapproving a proposed plan, the Director shall notify the Permittee what changes are required to obtain approval.

(4) If the Director disapproves the plan submitted by the Permittee, the Permittee may appeal the Director's determination to the Entertainment Commission by submitting a written appeal to the Secretary of the Commission within ten days of the Director's disapproval. Upon receiving an appeal, the Commission shall promptly notify the San Francisco Police Department. When acting on an appeal, the Commission may approve, overturn or modify the Director's determination. If the Commission overturns the Director's order, the Permittee shall comply with the Security Plan as submitted to the Director under Subsection (c). If the Commission modifies the order, it shall set forth any changes to the plan that the Permittee shall be required to make and the Permittee shall comply with the Security Plan required by the Commission.

(5) If the Commission approves the Director's order of if the Permittee does not appeal the Director's disapproval of the proposed plan, the Permittee shall comply with the Security Plan that includes the revisions required by the Director under Subsection (c)(3) of this Section.

(6) The Permittee has 90 days from the date of the Director's notice under Subsection (c)(1) of this Section to gain approval of the Security Plan from the Director or the Commission in accordance with the procedures stated in Subsections (c)(1)-(5) of this Section.

(d) The Entertainment Commission may suspend a Place of Entertainment permit as set forth in Section 1060.20.1(a)(5) if the Permittee has failed to submit a proposed Security Plan.

(e) The Commission may suspend a Place of Entertainment permit as set forth in Sections 1060.20.1(a)(5) and 1060.20.1(a)(6) for failure to comply with the plan as required under this Article.

(f) The suspension of a permit for violation of this Section may be appealed to the Board of Appeals as provided in Section 1060.24.2.

(g) For the purpose of calculating compliance with the component of a Security Plan that requires a ratio of one Security Guard to a specific number of individuals, a Security Guard may be counted toward the ratio for only one Place of Entertainment at any one time. This calculation rule applies whether the required ratio of Security Guard to individuals is based solely on the definition of Security Plan in Section 1060(n), is otherwise required by this Article, or is a condition of the Place of Entertainment permit.

(h) Where the Chief of Police or the Chief's designee, with the concurrence of the Director, determines that the public safety will not be advanced by enforcing on a particular Business with a Place of Entertainment Permit the requirement stated in Section 1060(n) that on Thursday and Sunday evenings there be a Security Guard for every 100 individuals authorized by the Occupancy Permit, the Chief or Chief's designee or the Director may notify the Permittee in writing that that Security Guard ratio based on Occupancy Permit shall not be required for that Business on Thursday and/or Sunday evenings. Such a determination may be based on all relevant factors, including but not limited to the past operation of the Business or related Businesses, but may not be based on the content of constitutionally protected expression or entertainment. Such a determination creates no vested right on the part of the affected Business to an exemption from the Thursday/Sunday requirement of one Security Guard per 100 individuals authorized by the Occupancy Permit, and said determination may be changed at any time by the Chief of Police or the Chief's designee, or by the Director, upon written notice to the Permittee. For purposes of this Subsection (h), the Captain for the district where the Business is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.32. DIRECTOR MAY REQUIRE A PERMITTEE TO COMPLY WITH A REVISED SECURITY PLAN.

(a) Notwithstanding a Security Plan's compliance with the minimum requirements of Section 1060(n) and prior approvals under this Article, after consulting with the San Francisco Police Department, the Director may issue an order directing a Permittee to comply with a revised Security Plan by directing such revisions as the Director reasonably determines will address the safety and traffic concerns that arise in either of the following circumstances:

(1) Conduct Constituting a Nuisance, as defined in Section 1060, has occurred on the premises of, or on Any Sidewalk Abutting the Premises of, the Business; or

(2) The Security Plan for the Place of Entertainment is inadequate to address safety or traffic concerns.

(b) The Director shall send the order to the Permittee setting forth the date of issuance of the order and its effective date. The Director shall send this order to Permittee and the Manager electronically and by mail or personal delivery.

(c) To provide the Permittee an opportunity to file an appeal, the Director's order shall not take effect for ten City business days from the date that the order issues. Any Permittee directed to comply with a revised Security Plan under this Section may appeal the Director's decision within ten City business days of the date that the order issues by filing a written request for review with the Secretary of the Entertainment Commission. The Permittee shall not be required to comply with the Director's order pending the Commission's action on the matter. If the Permittee withdraws the appeal, the order of the Director shall take effect immediately upon the withdrawal of the appeal or upon the effective date of the Director's order, whichever is later.

(d) When acting on the appeal, the Entertainment Commission may affirm, overturn or modify the Director's order.

(1) If the Commission modifies the Director's order, it shall set forth any revisions to the plan that the Commission deems appropriate to address traffic and safety problems related to operation of the Business.

(2) If the Commission approves the Director's order, the Permittee shall comply with the revised Security Plan as directed by the Director under Subsection (a) of this Section.

(e) The Commission may suspend a permit as provided in Section 1060.20.1(a)(6) if the Permittee fails to comply with the revised Security Plan as required under this Section.

(f) The suspension of a permit for non-compliance with this Section may be appealed to the Board of Appeals, as provided in Section 1060.24.2.

(g) Permittees are required to have Security Plans that meet the minimum requirements of Section 1060(n). Nothing in this Section or any other provision of this Article authorizes either the Director or the Entertainment Commission to require or permit any Permittee to operate under a Security Plan that does not meet the minimum requirements.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.33. ADOPTION OF REGULATIONS.

The Entertainment Commission may adopt regulations implementing the provisions of this Article and Article 15.2 (Extended-Hours Premises Permits), including regulations governing the procedure for hearings before the Commission.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.34. REGULATIONS AS TO SECURITY PLANS.

(a) The Entertainment Commission, in consultation with the San Francisco Police Department, shall develop rules and regulations governing Security Plans under this Article and Article 15.2, which shall address the number of Security Guards required to protect the public safety in light of the number and placement of exits on the premises of a Business.

(b) Notwithstanding the definition of "Security Plan" in Section 1060(n) of this Article and Section 1070(o) of Article 15.2, the Entertainment Commission, in consultation with the Police Department, may adopt a rule, applicable in those areas of the City where a conditional use authorization is required for a late night use, requiring that on Mondays, Tuesdays, and/or Wednesdays from 9:00 p.m. until closing (including early morning hours the following day), the Security Plan provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business. In addition, notwithstanding the aforementioned definitions of "Security Plan," the Entertainment Commission, in consultation with the Police Department, may adopt a rule, applicable in any or all areas of the City, that on one or more designated days of the year or on particular days of the week, the Security Plan provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business. In deciding whether to adopt a rule pursuant to this Subsection (b), the Commission shall consider all relevant factors, including but not limited to the expected attendance at Entertainment events on the premises of Businesses that would be affected by the rule on the days covered by the rule, past or anticipated problems with providing security at such events on those days, enforcement problems that may arise in the absence of the rule, and the anticipated economic impact of the rule on Permittees. This Subsection (b) does not limit or diminish the Commission's powers under Section 1060.29.1 of this Article.

If the Entertainment Commission pursuant to this Subsection (b) adopts a rule covering Mondays, Tuesdays, and/or Wednesdays, the Chief of Police or the Chief's designee, with the concurrence of the Director, may determine that the public safety will not be advanced by enforcing on a particular Business with a Place of Entertainment Permit or Extended Hours Premises Permit the requirement that on some or all of those evenings there be a Security Guard for every 100 individuals authorized by the Occupancy Permit. Where such a determination is made, the Chief or Chief's designee or the Director may notify the Permittee in writing that that Security Guard ratio based on Occupancy Permit shall not be required for that Business on Monday, Tuesday, and/or Wednesday evenings. Such a determination may be based on all relevant factors, including but not limited to the past operation of the Business or related Businesses, but may not be based on the content of constitutionally protected expression or entertainment. Such a determination creates no vested right on the part of the affected Business to an exemption from the requirement imposed by the rule of one Security Guard per 100 individuals authorized by the Occupancy Permit on Monday, Tuesday, and/or Wednesday, and said determination may be changed at any time by the Chief of Police or the Chief's designee, or by the Director, upon written notice to the Permittee. For purposes of this Subsection (b), the Captain for the district where the Business is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

If the Entertainment Commission pursuant to this Subsection (b) adopts a rule covering one or more designated days of the year or particular days of the week, the rule may authorize the Chief of Police or the Chief's designee, with the concurrence of the Director, to exercise the same authority as described in the previous paragraph to determine that the public safety will not be advanced by enforcing the rule with respect to a particular Business on a day or days covered by the rule.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.35. RESPONSIBLE PERSON ON PREMISES.

At any time a Business is open for operation as a Place of Entertainment or Limited Live Performance Locale, there shall be at least one person on the premises who is responsible for the operation of the Business and who is readily available to respond to and interact with Police Officers, the Director, or any other City employee or official. The Entertainment Commission, in consultation with the San Francisco Police Department, shall develop rules and regulations to further implement this requirement.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009; amended by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.36. AUTHORITY OF SAN FRANCISCO POLICE DEPARTMENT.

Nothing in this Article is intended to restrict or alter in any way the authority vested in the San Francisco Police Department under Federal, State or local law to take action in response to conduct that arises in connection with the operation of a Business.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.37. PROMOTION OF GENERAL WELFARE.

In undertaking the enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 239-09, File No. 080323, App. 11/20/2009)

SEC. 1060.38. RELATIONSHIP OF LIMITED LIVE PERFORMANCE PERMIT TO OTHER PERMITS.

(a) A Person may not simultaneously hold a Place of Entertainment Permit and a Limited Live Performance Permit for the same location.

(1) If a Person holds a Place of Entertainment Permit and applies for a Limited Live Performance Permit for the same location, and the Commission grants the application, the Limited Live Performance Permit shall become operative only upon the Person's relinquishment of the Place of Entertainment Permit.

(2) If a Person holds a Limited Live Performance Permit and applies for a Place of Entertainment Permit for the same location, and if the Commission grants the application, the Place of Entertainment Permit shall become operative only upon the Person's relinquishment of the Limited Live Performance Permit.

(b) Subject to the requirements of the Planning Code, the Commission may issue a One Time Event Permit to the holder of a Limited Live Performance Permit, provided that the standards for issuance of the One Time Event Permit are met, including but not limited to the maximum number of such permits that may be issued for a venue under Subsection 1060.29(d).

(c) Subject to the requirements of the Planning Code, the Commission may issue an Extended-Hours Premises Permit to the holder of a Limited Live Performance Permit, provided that the standards for issuance of the Extended-Hours Premises Permit are met.

(Added by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE PERFORMANCE PERMIT.

(a) Notwithstanding Section 1060(r)(3), and except as provided in Subsection (b), below, at any time after a year has elapsed since the granting of a Limited Live Performance Permit, the Director may, upon application of the Permittee, extend the hours during which Live Performances may be presented at the Limited Live Performance Locale to any time between 10:00 p.m., and 11:00 p.m., inclusive, on the basis that there have been no significant public safety or public nuisance concerns at or near the establishment attributed to the operation of the Limited Live Performance Permit. If the Director denies the application for an extension of hours, the Permittee may appeal the Director's decision to the Entertainment Commission, and the process for notifying the Permittee of the Director's decision and providing an appeal right to the Entertainment Commission shall parallel to the extent applicable the notice and appeal process prescribed in Section 1060.20.2(b).

(b) No extension may be granted as provided in Subsection (a), above, for Limited Live Performance Permits granted in the following areas: the North Beach Neighborhood Commercial District as defined in Planning Code Section 722.1; and the Polk Street Neighborhood Commercial District as defined in Planning Code Section 723.1; the Union Street Neighborhood Commercial District as defined in Planning Code Section 725.1; the north and south sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street, and the north side of Lombard Street, between Fillmore Street and Divisadero Street.

(c) Notwithstanding Subsection (a), above, a Live Performance involving recorded music presented by a live disc jockey on the premises may not occur under a Limited Live Performance Permit after 10:00 p.m. Nothing in this Subsection (c) shall interfere with Place of Entertainment Permits or Extended-Hours Permits granted for Entertainment involving a live disc jockey.

(d) If, following the Director's granting, pursuant to Subsection (a), an extension of hours during which Live Performances may be presented at a Limited Live Performance Locale, there are significant public safety or public nuisance concerns at or near the establishment attributed to the operation of the Limited Live Performance Permit, the Director may reduce the hours during which Live Performances may be presented at the establishment to an earlier time, but no earlier than 10:00 p.m. The process for notifying the Permittee of the Director's order and providing an appeal right to the Entertainment Commission shall parallel to the extent applicable the notice and appeal process prescribed in Section 1060.20.2(b).

(e) This Section shall not limit the permitting, suspension, revocation, or other powers of the Director or Entertainment Commission.

(Added by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

ARTICLE 15.2:  
ENTERTAINMENT REGULATIONS FOR EXTENDED-HOURS PREMISES

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| Sec. 1070.1-1. | License Fees. |
| Sec. 1070.2. | Filing Application, Notice to Other City Departments, and Departmental Reports. |
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| Sec. 1070.17.1. | Suspension by the Entertainment Commission. |
| Sec. 1070.17.2. | Limited Suspension by the Director; Appeal to Entertainment Commission. |
| Sec. 1070.17.3. | Suspension for Public Safety by the Director. |
| Sec. 1070.18. | Forfeiture of Fee. |
| Sec. 1070.19. | Exceptions. |
| Sec. 1070.20. | Revocation of a Permit. |
| Sec. 1070.20.1 | Reserved. |
| Sec. 1070.21 | Reserved. |
| Sec. 1070.22. | Permits Not Transferable; Permit Must be Surrendered Upon Sale of Business; Permit Amendment Required to Change Partners or Other Owners. |
| Sec. 1070.23. | Permit Required. |
| Sec. 1070.24. | Criminal and Administrative Penalties. |
| Sec. 1070.25. | Severability. |
| Sec. 1070.26 | Reserved. |
| Sec. 1070.27. | Earplugs and Free Drinking Water. |
| Sec. 1070.28. | Approval Required for Security Plans. |
| Sec. 1070.29. | Director May Require a Permittee to Comply With a Revised Security Plan. |
| Sec. 1070.30. | Compliance With Conditions; Amendment of Permit to Change Conditions. |
| Sec. 1070.31. | Permittees Required to Report Certain Information. |
| Sec. 1070.32. | Appeals to Board of Appeals. |
| Sec. 1070.33 | Authority of San Francisco Police Department. |
| Sec. 1070.34. | Promotion of General Welfare. |
| Sec. 1070.35. | Reports by Entertainment Commission. |
| Sec. 1070.36. | Prospective Moratorium on Grant of Extended-Hours Premises Permits. |

SEC. 1070. DEFINITIONS.

For the purpose of this Article, unless otherwise provided in this Article, the following words and phrases shall mean and include:

(a) "Any Sidewalk Abutting the Premises." The sidewalk not more than 50 feet from the premises of the Business that is located between the premises and a public street. For purposes of this definition, "premises" includes any immediately adjacent area that is owned, leased, or rented by the permit applicant or Permittee.

(b) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious, benevolent, or other nonprofit organization for mutual social, mental, political, or civic welfare, to which admission is limited to members and guests if the revenue accruing therefrom is used exclusively for the benevolent purposes of said organization or agency, and if the organization or agency is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(c) "Bona Fide Public Eating Place." A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the Department of Public Health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this Section, however, shall be construed to require that any food be sold or purchased with any beverage.

(d) "Business." The enterprise for which a permit is sought or has been issued under this Article, whether operated on a for-profit or not-for-profit basis.

(e) "Conduct that Constitutes a Nuisance." Any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

(f) "Corrective Action." Action which includes, but is not limited to, the following:

(1) Requesting assistance from the local law enforcement agency in a timely manner regarding the conduct.

(2) Requesting those individuals engaging in Conduct that Constitutes a Nuisance to cease the conduct, or ejecting those Persons from the premises.

(3) Revising the Security Plan, subject to approval by the Entertainment Commission or the Director as provided under this Article.

(g) "Dance Academy." The term "Extended-Hours Premises" also includes a dance academy wherein students are admitted between 2:00 a.m. and 6:00 a.m., and instruction is given in ballroom or other types of dancing, whether to the students in groups or individually.

(h) "Director." The Executive Director of the Entertainment Commission or an individual designated by the Director to act on his or her behalf.

(i) "Entertainment." Any of the following, except when conducted in a private residence:

(1) Any act, play, review, pantomime, scene, song, dance act, song and dance act, or poetry recitation, conducted in or upon any premises to which patrons or members are admitted.

(2) The playing or use of any instrument capable of producing or used to produce musical or percussion sounds, including but not limited to, reed, brass, percussion, or string-like instruments, or karaoke, or recorded music presented by a live disc jockey on the premises.

(3) A fashion or style show.

(4) The act of any female professional entertainer, while visible to any customer, who exposes the breast or employs any device or covering which is intended to simulate the breast, or wears any type of clothing so that the breast may be observed.

(j) "Extended-Hours Premises." Every premises to which patrons or members are admitted or which allows patrons or members to remain between 2:00 a.m. and 6:00 a.m. which serves food, beverages, or food and beverages, including but not limited to, alcoholic beverages, for consumption on the premises or wherein Entertainment as defined in Subsection (i) is furnished or occurs upon the premises. The term includes a "Dance Academy."

(k) "Manager. The individual authorized by the Permittee to exercise discretionary power to organize, direct, carry out or control the operations of the Business.

(l) "Permittee." The person to whom a permit has been issued under this Article.

(m) "Person." Any person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either.

(n) "Security Guard." A person who has a valid Proprietary Private Security Officer registration document issued by the California Department of Consumer Affairs; a person who is a Patrol Special Police Officer appointed by the Police Commission or an assistant to a Patrol Special Police Officer and is operating in accordance with rules of the Police Commission governing Patrol Special Police Officers and assistants to Patrol Special Police Officers; or, a person who is a Private Patrol Operator, as defined by California Business and Professions Code Sections 7582.1-7582.2.

(o) "Security Plan." A plan that adequately addresses the safety of persons and property by (i) providing a ratio of one Security Guard to a specific number of individuals as described in the paragraph immediately below (ii) securing the sidewalk for a 100-foot radius in all directions around the premises of the Business to prevent injury to persons and/or damage to property, and (iii) providing for the orderly dispersal of individuals and traffic from the premises of the Business and within 100 feet of any door that patrons use to enter or exit the premises. The phrase "100 feet" in (iii) of this Subsection (o) means 100 feet from the door in both directions on the same side of the street as the premises of the Business. The plan shall include sufficient staff with the requisite experience to implement the plan.

The Security Plan must provide at least one Security Guard for every 100 individuals anticipated to be present at any one time during Entertainment events on the premises of the Business, with the following two qualifications. There must always be at least one Security Guard for every 100 individuals actually present at any one time during Entertainment events on the premises of the Business. Further, in those areas of the City where a conditional use authorization is required for a late night use, on Thursdays, Fridays, Saturdays, and Sundays from 9:00 p.m. until closing (including early morning hours Friday, Saturday, Sunday, and Monday) the Security Plan must provide at least one Security Guard for every 100 individuals authorized by the Occupancy Permit during Entertainment events on the premises of the Business.

The definition of Security Plan in this Subsection 1070(o) does not limit the discretion of the Entertainment Commission and Director as specified in this Article to impose more stringent requirements for a Security Plan as circumstances warrant.

If no Entertainment event is occurring on the premises, the Security Plan does not have to include Security Guards, but the Entertainment Commission retains discretion to impose security guard requirements as part of a Security Plan.

(p) "Tax Collector." Tax Collector of the City and County of San Francisco.

(q) "Professional Entertainer." A person who is compensated for his or her performance. This definition does not restrict the definition of "Entertainment" in Subsection (i) and is relevant only to the extent the term "professional entertainer" is used in this Article.

(Amended by Ord. 229-74, App. 5/16/74; Ord. 192-89, App. 6/5/89; Ord. 76-98, App. 3/6/98; Ord. 238-09, File No. 080324, App. 11/20/2009; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1070.1. PERMIT REQUIRED.

(a) It shall be unlawful for any Person to own, conduct, operate, maintain, or to cause or permit to be conducted, operated, or maintained, an Extended-Hours Premises in the City and County of San Francisco without first having obtained a permit from the Entertainment Commission.

(b) It shall be unlawful for any Person to own, conduct, operate or maintain, or cause or permit to be conducted, operated, or maintained, an Extended-Hours Premises for which a permit has been granted (1) after the permit has been revoked or is otherwise invalid or (2) for any period of time during which the permit has been suspended.

(c) It shall be unlawful for any Person who is required to surrender a permit upon the sale of a Business as required under Section 1070.22 to fail to do so.

(d) Any place or premises where an Extended-Hours Premises Permit is sought must conform to all existing health, safety, zoning, and fire ordinances of the City and County of San Francisco, and must have a valid permit to operate (formerly referenced in this Article as a public eating place permit) from the Department of Public Health. The Entertainment Commission may issue a permit under this Article conditional upon the applicant receiving the other required permits.

(Amended by Ord. 284-80, App. 6/17/80; Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.1-1. LICENSE FEES.

Every person granted an Extended Hours Premises Permit by the Entertainment Commission under this Article shall pay to the Tax Collector an annual license fee on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of this Code, and such amount shall be adjusted for inflation commencing with the 2006-2007 fiscal year, and annually thereafter, in accordance with Section 2.31 of this Code.

(Added by Ord. 193-05, File No. 051027, App. 7/29/2005; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1070.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS, AND DEPARTMENTAL REPORTS.

(a) Every person seeking a permit or an amendment to a permit under this Article shall file an application with the Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a filing fee as provided by Section 2.26 of this Code.

(b) The Director shall send the application to the San Francisco Police Department, Fire Department, Department of Building Inspection, Department of Public Health, and Planning Department. Those departments shall complete all necessary inspections and report their determinations to the Entertainment Commission within 20 City business days of receiving the application.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.3. APPLICATION FORM.

Except as otherwise provided herein, an application for a permit for a Business pursuant to the provisions of this Article shall specify for that Business the same information required under Section 1060.3 of this Code for applications for Place of Entertainment Permits and the applicant shall sign the application under penalty of perjury.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 325-91, App. 9/4/91; Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.4. NOTICE REQUIREMENTS AND CONTACT INFORMATION.

(a) Unless otherwise provided in this Article, the following definitions apply.

(i) To provide notice "electronically" means to send written notice by email, facsimile or in any other manner that the Director designates as appropriate to transmit written information other than by mail or personal delivery.

(ii) To "mail" notice or give notice "by mail" means depositing the notice in a sealed envelope or package, clearly labeled to identify the individual to whom it is sent, in a post office, mailbox, or other facility regularly maintained by the United States Postal Service, by First Class Mail, with postage prepaid. The requirement that notice be mailed within a specified period of time means that the notice is deposited in the mail within that period of time.

(iii) "Personally deliver" or "personal delivery" means delivering notice or causing notice to be delivered in person.

(iv) "Notice" means notice of a hearing, decision, action required of an applicant for a permit or a Permittee, or any other information that this Article requires to be given or which the Entertainment Commission or the Director find appropriate in implementing the provisions of this Article.

(b) Applicants for a permit and Permittees shall provide information necessary to enable the Entertainment Commission and the Director to give notice under this Article. Applicants and Permittees shall provide the Director in writing with a street address where the applicant and Permittee receive mail from the United States Postal Service, and with any email address, facsimile number or other information necessary to enable notice to be sent to the applicant and Permittee electronically. The applicant and Permittee shall keep the information required by this Section current by informing the Director in writing of any change. When the Commission or Director mails or personally delivers notice or sends notice electronically to the applicant or Permittee in accordance with the information most recently provided in writing by that Person, such action shall satisfy the requirements of this Article with respect to how notice is given.

(c) In some circumstances, this Article requires notice to the Manager. The Permittee shall provide a telephone and/or cell phone number and a facsimile number or email address for the transmission of notice to the Manager. The Permittee shall keep current the contact information for the Manager and shall notify the Director in writing of any change in this information. The Manager may designate other individuals to whom notice is to be given for any periods of the Manager's absence or unavailability by providing this information in writing to the Director. When the Commission or Director mails or personally delivers notice or sends notice electronically to the Manager, or to any individual designated by the Manager to receive notice in place of the Manager, in accordance with the information most recently provided in writing by the Permittee for the Manager, or by the Manager for his or her designee, such action shall satisfy the requirements of this Article that notice be given to the Manager.

(d) The Director may require applicants, Permittees and Managers to provide different or additional contact information for receipt of notice as communication technologies change.

(e) A Permittee may change the name and/or address of the individual provided by the Permittee in the permit application to accept service of process by providing written notice to the Director.

(Added by Ord. 252-70, App. 7/23/70; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.5. DETERMINATION OF APPLICATION.

The procedures and standards set forth in Section 1060.5 of this Code shall govern the review and determination of applications for Extended-Hours Premises Permits.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 325-91, App. 9/4/91; Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 216-02, File No. 021460, App. 11/1/2002; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.6. PRIVATE CLUB.

No establishment licensed pursuant to this Article may allow the premises to be used solely for the purpose of conducting a private club between the hours of 2:00 a.m. and 6:00 a.m.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.7. SOLICITATION OF DRINKS OR MERCHANDISE.

(a) No Permittee shall employ or permit any hostess, entertainer, or Person to solicit any patron or customer of or visitor in said Extended-Hours Premises to purchase any beverage or merchandise for the one soliciting or for any other Person.

(b) No Permittee shall employ any hostess or entertainer for the purpose of procuring or encouraging the purchase or sale of beverages or merchandise, or pay any such hostess or entertainer a percentage or commission on the sale of beverages or merchandise for procuring or encouraging the purchase or sale of beverages or merchandise on said premises.

(Amended by Ord. 306-73, App. 8/6/73; Ord. 76-98, App. 3/6/98; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.8. SOLICITATION OF TRADE.

No Permittee shall permit or allow or cause any Person, including any employee of the Extended-Hours Premises, to solicit by personal solicitation or otherwise, or by means of any device whereby the voice of the person soliciting can be heard at or near such entrance.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 76-98, App. 3/6/98; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.9. PROCUREMENT.

No person shall permit, procure, counsel, or assist any person to expose himself or herself.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.10. ATTIRE.

No person shall enter, be, or remain in any establishment licensed pursuant to this Article or required to be licensed pursuant to this Article, except when attired in such a manner that the pubic area, private parts, the crease of the buttocks are completely covered and are not visible to the human eye.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.11. LIGHTING.

Every establishment licensed pursuant to this Article shall be lighted throughout an intensity of not less than 12 footcandles during all hours of operation.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.12. MISCELLANEOUS RULES.

No professional entertainer or employee may dance, unnecessarily converse, or associate with any customer on the premises in any extended-hours premises; provided, however, that a regularly scheduled audience participation type of entertainment may be presented during the time slated and in the manner described in an advertisement posted in a regularly printed program. Provided, further, that a copy of said advertisement shall be received by the Entertainment Commission 24 hours prior to the conducting of said audience participation entertainment.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1070.13. BOOTHS.

It shall be unlawful for any person operating an extended-hours premises under the provisions of this Article, in the City and County of San Francisco, or any agent, employee or representative thereof, to erect, construct, maintain, or cause or permit to be erected, constructed or maintained, within such extended-hours premises any private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of any nature, so arranged that the inner portion of the same shall not at all times be visible from any point in the extended-hours premises where such rooms, booths, enclosures, compartments, stalls, or alcoves should be reasonably within view.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 76-98, App. 3/6/98)

SEC. 1070.14. POLICE; INSPECTION.

The Police Department, in addition to its several other duties, shall inspect any and all establishments licensed pursuant to this Article.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.15. NOISE ABATEMENT.

Whenever, upon due notice and hearing, it shall be determined that noise from any establishment licensed under this Article interfered with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, the Entertainment Commission may require that the premises be soundproofed in a manner that in the judgment of the Entertainment Commission will be effective to eliminate the noise or reduce it to a reasonable level. In taking any action under this Section, the Entertainment Commission must balance all of the interests of the respective parties, as well as the hardship which will result from any order, if the Entertainment Commission finds that the noise complained of is of a minimum or unconsequential degree, no action shall be taken under this Article. If a licensee fails, within a reasonable time and in no event more than 60 days after having been ordered to do so pursuant to this Article, to take such steps as were ordered to abate any noise, his license shall be suspended after a second hearing, due notice of which is given, until such time as he complies with the order.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1070.16. MINORS.

Except as provided in this Section, no person under 21 years of age shall enter, be, or remain in or on any premises operated as an extended-hours premises. A licensee shall not permit such a person to enter, be, or remain in or on any such premises except on Friday and Saturday nights there shall be a one-half hour grace period, until 2:30 a.m., for the departure from extended-hours premises of persons 18 to 21 years of age.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 192-89, App. 6/5/89; Ord. 76-98, App. 3/6/98)

SEC. 1070.17. SUSPENSION.

(a) Permits issued under this Article may be suspended by the Entertainment Commission and the Director as follows:

(1) The Entertainment Commission may suspend a permit issued under this Article as provided in Section 1070.17.1.

(2) The Director may issue an order of limited suspension as provided in Section 1070.17.2, which order the Permittee may appeal to the Entertainment Commission.

(3) The Director may issue an order of suspension for public safety as provided in Section 1070.17.3, which order is not appealable to the Entertainment Commission.

(4) The Entertainment Commission and the Director have independent authority to suspend permits; the action of one does not limit action by the other.

(b) Every Permittee shall request emergency medical services when any person who has been injured on the premises of the Business needs emergency medical services. The failure to request such services, when such a request would have been reasonable under the circumstances, shall be grounds for suspension of the permit. The Entertainment Commission and Director may allow any circumstances involving the operation of the Business that relate to the injury as evidence supporting suspension of a permit, but may not allow the request itself as evidence to support suspension.

(c) When considering whether to suspend a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.1, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 325-91, App. 9/4/91; Ord. 76-98, App. 3/6/98; Ord. 81-00, File No. 000390, App. 5/5/2000; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.17.1. SUSPENSION BY THE ENTERTAINMENT COMMISSION.

(a) GROUNDS FOR SUSPENSION. The Entertainment Commission may suspend any permit issued under this Article under any of the following circumstances:

(1) The premises or operation of the Business does not comply with the health, zoning, fire, and safety requirements of the laws of the State of California and ordinances of the City and County of San Francisco applicable to the Business; or

(2) The Permittee or an employee or agent of the Permittee has operated the Business:

(i) In a manner that has harmed the public health, safety, or welfare by significantly increasing pedestrian congestion, the incidence of disorderly conduct, or the level of noise in the area in which the premises are located, and

(ii) The Permittee has refused or failed, upon request by the Police Department, Entertainment Commission or the Director, to take reasonable steps to alleviate these conditions, such as providing additional off-street parking, security, soundproofing, restroom facilities, or refuse containers; or

(3) (i) Permittee or any employee or agent of the Permittee has engaged in conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§ 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code §§ 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22), drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29); or

(ii) The Permittee has failed to take reasonable steps within the Permittee's control upon the request of the Police Department, the Entertainment Commission or the Director to halt conduct on the premises of the Business, or in connection with the operation of the Business, that would constitute a violation of the laws set forth in Section (a)(3)(i) of this Section; or

(iii) The Permittee in the operation of the Business has implemented, maintained, or permitted an admission or related policy or practice prohibited by San Francisco Police Code Section 3305 (prohibiting discrimination); or

(4) The Permittee or any employee or agent of the Permittee has violated any requirement of this Article or any other applicable ordinance, any regulation adopted pursuant to this Article, or any condition placed on the permit; or

(5) The Permittee has failed to submit a proposed Security Plan as required by Section 1070.28; or

(6) The Permittee or any agent or employee of the Permittee has failed to comply with an approved Security Plan or a revised Security Plan as required by Sections 1070.28 and 1070.29; or

(7) The Permittee or any agent or employee of the Permittee has failed to request emergency medical services as required by Section 1070.17(b).

(b) HEARING PROCEDURE AND DETERMINATION.

(i) The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to suspend a permit. The notice shall set forth the grounds for the proposed suspension and the date, time and location of the hearing.

(ii) The Chief of Police or the Chief's designee may request in writing that the Director bring a suspension proceeding before the Entertainment Commission. If, within 10 business days of receiving the request, the Director has not brought the suspension proceeding, the Chief may bring the suspension proceeding before the Entertainment Commission. In such a case, the Chief or the Chief's representative shall present the case for suspension, except that the Director may join in presenting the case for suspension if the Director agrees to do so.

(c) PERIOD OF SUSPENSION. The Entertainment Commission may suspend a permit for the periods of time set forth in this Subsection (c).

(i) For the first violation under Subsection (a)(1) through (6) of this Section, for up to 30 days.

(ii) For the second violation of the same or any other provision of Subsection (a)(1) through (6) within six months of the order of suspension for the first violation, for up to 60 days.

(iii) For the third and subsequent violation of the same or any other provision of Subsection (a)(1) through (6) within six months of the order of suspension for the second or any subsequent violation, for up to 90 days.

(iv) For the purpose of Subsections (c)(ii) and (iii) of this Section, calculation of the six months shall not include any period of time during which the permit was suspended.

(v) In determining the length of the suspension, the Entertainment Commission shall consider the seriousness and the frequency of the violation(s) in light of the effort taken to correct them and the impact of the violation(s) on the surrounding neighborhood.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.17.2. LIMITED SUSPENSION BY THE DIRECTOR; APPEAL TO ENTERTAINMENT COMMISSION.

(a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under this Article for a period of up to seven days if the Director determines, after providing the Permittee and the Manager at least five days written notice and an opportunity to respond, that any of the circumstances set forth in Subsections (a)(1), (2) or (3) of this Section has occurred. Each order of limited suspension may include multiple violations under Subsections (a)(1), (2), or (3) of this Section. The Director shall provide the written notice required under this Subsection either by mail and electronically or by personal delivery.

(1) The Business has exceed the allowable noise emissions under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, on three separate days within a three month time period. The Director may suspend a permit under this Subsection (a)(1) only if:

(i) The San Francisco Police Department, the Director, or an authorized agent of either has issued a noise emission report for each violation showing noise levels that exceed those allowed under Section 49 or Article 29 of the San Francisco Police Code, or as required under any condition imposed on the permit, and

(ii) The Director has provided notice of the issuance of each noise emission report described in Subsection (a)(1) to the Permittee or the Manager electronically or by mail within three City business days of its issuance.

(2) The Permittee or any employee or agent of the Permittee has engaged in Conduct that Constitutes a Nuisance or the Permittee has failed to take reasonable steps within the Permittee's control to halt another Person from engaging in Conduct that Constitutes a Nuisance. "Conduct that Constitutes a Nuisance" as defined in Section 1070(e), means any conduct that would constitute a violation of the following laws: assault and battery (Cal. Penal Code § 240, 242, 245); sexual battery (Cal. Penal Code § 243.4); discharging firearm (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); prostitution and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290); felony sexual assault; loitering for lewd or lascivious purposes (Cal. Penal Code § 647(d)); loitering on private property without lawful business (Cal. Penal Code § 647(h)); identify theft (Cal. Penal Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); public urination or defecation (San Francisco Police Code § 153); accumulation of filth (Cal. Health & Safety Code § 17920.3(j)); or excessive noise emissions (San Francisco Police Code Section 49 or Article 29).

This Subsection (a)(2) applies only when both of the following apply:

(i) The conduct occurred on the premises of, or on Any Sidewalk Abutting the Premises of, the Business, and

(ii) The conduct continued after the Director had notified the Permittee of the problem and informed the Permittee of Corrective Action, as defined in Section 1070, to address the problem, but the Permittee failed to take the Corrective Action.

(3) The Permittee or any agent or employee of the Permittee has failed to comply with an approved Security Plan as required by Section 1060.28 or a revised Security Plan as required by Section 1060.29.

(b) (1) OF ORDER; RIGHT TO APPEAL TO COMMISSION. On the day that the Director issues an order of limited suspension, the Director shall send the order to the Permittee and Manager by mail or electronically. The order shall state the date that the order issued and the date that it takes effect. To provide the Permittee with an opportunity to file an appeal to the Entertainment Commission, an order of limited suspension shall not take effect for at least five City business days from the date that the Director issues the order.

(2) A Permittee may appeal an order of limited suspension to the Entertainment Commission by filing with the Commission Secretary a written request for review within five City business days of the date that the Director has issued the order. The filing of an appeal stays the order pending the Commission's decision. If a Permittee withdraws the appeal, the Director's order shall no longer be stayed and shall take effect on the date of the withdrawal or the date that the order was to take effect, whichever is later.

(3) The Commission may affirm, overturn, or modify the Director's order. When the Commission affirms or modifies the Director's order, the order takes effect the day following the day of the hearing at which the Commission made its determination.

(4) If the Permittee does not file a timely appeal of the Director's order, the order shall take effect the day after the time to appeal has expired or the effective date set forth in the order, whichever is later; provided, however, that the Director and the Permittee may agree in writing to an earlier effective date.

(5) The Entertainment Commission may adopt a regulation establishing a procedure which would allow the Director or the Commission, or both, to stay and vacate an order of limited suspension if the Permittee submits and complies with a plan to address the problems that gave rise to the suspension.

(c) The Director shall initiate suspension proceedings before the Commission under Section 1070.17.1 against any Business that is suspended by the Director under this Section three times in any twelve-month period. For purposes of this Subsection (c), "suspended by the Director" includes a suspension affirmed in whole or part or modified by the Commission if appealed pursuant to Subsection (b)(2) but does not include a suspension overturned by the Commission on appeal. This Subsection (c) shall not in any way preclude the Commission from otherwise exercising its authority to suspend a Business under Section 1070.17.1, or preclude the Director or Chief of Police or Chief's designee from initiating a suspension proceeding under Section 1060.17.1.

(d) POLICE DEPARTMENT RECOMMENDATION OF LIMITED SUSPENSION BY THE DIRECTOR. The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, it shall later be reduced to writing and filed with the Director when the permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (d), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (d) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit in accordance with the grounds for suspension stated in Subsection (a) above.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.17.3. SUSPENSION FOR PUBLIC SAFETY BY THE DIRECTOR.

(a) GROUNDS FOR SUSPENSION. The Director may suspend any permit issued under this Article for up to 72 hours if the Director determines, after providing the Permittee at least 8 hours written notice and an opportunity to respond, that any of the circumstances set forth in Subsection (a)(1)(i) or (ii) of this Section has occurred either on the premises of the Business, on Any Sidewalk Abutting the Premises of the Business, or within 100 feet of the Premises of the Business, provided in this last instance that the person engaging in the conduct that would constitute a violation of a law specified in Subsection (a)(1)(i) had been on the Premises of the Business no more than 30 minutes before engaging in that conduct; that the conduct has resulted or could have resulted in serious bodily injury or death, and that continued operation of the Business poses a serious threat to public safety.

(1) (i) Permittee or any employee or agent of the Permittee has engaged in conduct that would constitute a violation of any of the following laws: assault and battery (Cal. Penal Code §§ 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); pimping (Cal. Penal Code § 266); discharging firearm (Cal. Penal Code §§ 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal. Penal Code §§ 415, 416, 417); unlawful threats (Cal. Penal Code § 422); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5); criminal gang activity (Cal. Penal Code § 186.22); or

(ii) The Permittee has failed to take reasonable steps within the Permittee's control and within the limits of the law to halt the conduct of another Person that would constitute a violation of any law described in Subsection (a)(1)(i) of this Section.

(b) NOTICE OF PROPOSED ORDER. The Director shall provide the written notice required under Subsection (a) of this Section to the Permittee and the Manager by personal delivery and electronically.

(c) EFFECTIVE DATE AND TIME OF ORDER. The order of suspension for public safety issued under this Section shall take effect at the date and time stated in the order.

(d) DIRECTOR MAY VACATE ORDER. The Director may vacate an order of suspension for public safety if the Director determines that operation of the Business before expiration of the suspension order will not pose a danger to the public because additional information demonstrates that the conduct was not related to the operation of the Business, the Permittee has taken adequate steps to correct the problem giving rise to the suspension, or other circumstances warrant such action.

(e) POLICE DEPARTMENT RECOMMENDATION OF SUSPENSION FOR PUBLIC SAFETY. The Chief of Police, or the Chief's designee, may recommend to the Director, orally or in writing, that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above. If the recommendation is oral, it shall later be reduced to writing and filed with the Director when time permits. If the Director fails to follow the oral or written recommendation, the Director shall report to the Entertainment Commission both the recommendation and the reason or reasons for not following the recommendation. This report shall occur at the next regular Commission meeting subsequent to the recommendation, consistent with the provisions of the Brown Act and Sunshine Ordinance. For purposes of this Subsection (e), the Captain for the district where the Place of Entertainment is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

This Subsection (e) shall not preclude any Police Officer from recommending to the Director that the Director suspend a permit for public safety in accordance with the grounds for suspension stated in Subsection (a) above.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.18. FORFEITURE OF FEE.

On revocation of the permit, no part of the permit fee shall be returned, but the said permit fee shall be forfeited to the City and County of San Francisco.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.19. EXCEPTIONS.

(a) The Entertainment Commission may grant an exception to an Extended-Hours Premises as defined herein from the provisions of Sections 1070.11, 1070.13, and 1070.16 relating to lighting of the premises, booths, and minors on the premises if the Entertainment Commission shall find that the Extended-Hours Premises is used exclusively for any of the following purposes:

(1) A Bona Fide Public Eating Place as defined herein to which the Department of Public Health has issued a public eating place permit.

(2) A Place of Entertainment with no liquor license.

(3) An Extended-Hours Premises operated by any public agency; by any educational, recreational, or social agency; or by any Bona Fide Nonprofit Club or Organization.

(b) Any determination as to the exception status of any applicant pursuant to this Section shall be made by the Entertainment Commission.

(c) A decision by the Entertainment Commission denying the exception from the regulations shall be final except that an appeal therefrom may be taken within ten days to the Board of Appeals.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 47-04, File No. 032029, App. 4/1/2004; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.20. REVOCATION OF A PERMIT.

(a) **Grounds for Revocation.** The Entertainment Commission may revoke any permit issued under this Article if it determines after a public hearing that any of the following conditions exist:

(1) The Permittee has knowingly made any false, misleading, or fraudulent statement of material fact or has knowingly omitted a material fact in the application for a permit.

(2) The Permittee has failed to pay any fee or charge required under this Article.

(3) The Permittee has failed to surrender the permit as required by Section 1070.22(b).

(4) One or more of the grounds for suspension enumerated in Section 1070.17.1(a) applies, and considerations of public safety warrant revocation of the permit. For purposes of this provision, "considerations of public safety" means a substantial risk of physical harm or injury to individuals. In determining whether considerations of public safety warrant revocation, the Commission shall evaluate the likelihood and seriousness of the threat to public safety that continued operation of the Business under the permit presents. In making its determination, the Commission shall consider the following factors: (i) the history of violence and other public safety problems associated with the operation of the Business; (ii) a pattern of the Permittee's noncompliance with Security Plan requirements imposed by law or as a condition of the permit; (iii) the frequency of the Permittee's violations of other provisions of law or permit conditions, which violations have contributed to violence or other public safety problems associated with the operation of the Business; (iv) the degree to which the Permittee's action or inaction has been responsible for violence and other public safety problems associated with the operation of the Business; and (v) the degree to which the City, through the Entertainment Commission, Director, Police Department, or otherwise, has notified the Permittee of violence or other public safety problems associated with the operation of the Business and/or of the need to take action to reduce such problems, and the promptness and efficacy of the Permittee's responses.

(5) One or more of the grounds for suspension enumerated in Section 1070.17.1(a) applies, and revocation is warranted because the problems that those grounds have created have been serious and continuing, and the action or inaction of the Permittee contributing to those problems has been persistent; provided, that the circumstances warranting revocation under this provision would constitute a public nuisance within the meaning of Section 3480 of the California Civil Code.

(b) **Hearing by Commission.** The Entertainment Commission shall give the Permittee and the Manager written notice of a hearing to determine whether to revoke a permit. The notice shall set forth the grounds for the proposed revocation and the date, time and location of the hearing.

(c) **Application for Permit After Revocation.** The revocation of a permit under this Article shall not preclude the Permittee from applying for a new permit under this Article, except that, notwithstanding any other provision of law, including but not limited to Section 1060.5(f), revocation under Section 1070.20(a)(4) or Section 1070.20.(a)(5) shall render the Permittee ineligible to apply for a new permit under this Article for one year from the date of revocation.

(d) When considering whether to revoke a permit under this Article, the Commission and the Director shall consider any previous denial of a permit application or previous suspension or revocation of a permit, under this Article or Article 15.1, for the same permit applicant or Permittee when the circumstances warranting the previous action are relevant to the current determination.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-09, File No. 080324, App. 11/20/2009; Ord. 217-10, File No. 100674, App. 8/9/2010)

SEC. 1070.20.1 RESERVED.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 76-98, App. 3/6/98; Rpld by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.21 RESERVED.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002; Repealed by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.22. PERMITS NOT TRANSFERABLE; PERMIT MUST BE SURRENDERED UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO CHANGE PARTNERS OR OTHER OWNERS.

(a) No Person may transfer a permit issued under this Article to any other Person.

(b) If a Permittee Sells the Business, the Permittee shall promptly surrender the permit to the Director. If the Permittee fails to surrender the permit to the Director, the Director may, after giving the Permittee notice by mail and electronically of the proposed action and an opportunity to respond, revoke the permit.

(c) Notwithstanding Subsections (a) and (b) of this Section, a Permittee may change partners, shareholders, or other owners of a Business provided that (1) the sale or other transfer of ownership results in a Person owning no more than 50% of the Business, regardless of the form of ownership, and (2) the Permittee obtains an amendment to the Permit as provided in this Section. If the transfer of ownership does not result in any Person (who did not already have such a percentage interest) having an ownership interest of ten percent or more, the Permittee is not required to obtain a permit amendment.

(d) A Permittee seeking to amend a permit as required under this Section shall pay the filing fee for Permit Amendment/Additional Partner set forth in Section 2.26 of this Code. The applicant shall provide that portion of the information sought under Section 1070.3 that the Director requires.

(e) The Director shall determine within 30 days of the filing of a complete application to amend a permit whether to approve it. The Director shall approve the application unless he or she determines that denial is warranted under any of the grounds set forth in Section 1070.5(f) (incorporating the standards set forth in Section 1060.5(f)) and shall notify the Permittee and Manager of the approval electronically and either by mail or personal delivery.

(f) If the Director determines that disapproval of the application may be warranted, the Director shall schedule a hearing on the matter for the next regularly scheduled meeting of the Entertainment Commission. The Director shall promptly provide written notice of the hearing to the Permittee and the Manager by mail and electronically.

(g) The Entertainment Commission shall determine whether to approve the application according to the standards governing the initial application for an Extended-Hours Premises Permit (incorporating the standards set forth in Section 1060.5(f)).

(h) **Temporary Permits.** Once the Entertainment Commission receives a surrendered Permit under this Article, the new owner of the business may apply to the Executive Director of the Entertainment Commission for an Extended-Hours Premises Permit, subject to any required Planning Department approvals, for a period not to exceed 90 days from the date of surrender (a "Temporary Extended-Hours Permit"). The Executive Director of the Entertainment Commission may grant a Temporary Extended-Hours Permit provided that (1) the new owner has already submitted an application for an Extended-Hours Permit, (2) that the new owner's Entertainment events and activities are consistent with those allowed under the prior Permit, (3) that the premises at issue complies with all existing health, safety, and fire ordinances, and (4) where a Temporary Extended-Hours Permit is necessary to ensure uninterrupted operations of a business at the premises. This Temporary Permit may not be renewed as a Temporary Permit. The Entertainment Commission may establish additional procedures and Temporary Extended-Hours Permit criteria to help carry out the goals of this Section 1070.22(h).

(Amended by Ord. 555-81, App. 11/12/81; Ord. 164-02, File No. 020783, App. 7/26/2002; Ord. 238-09, File No. 080324, App. 11/20/2009; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 1070.23. PERMIT REQUIRED.

All premises operating as an extended-hours premises as defined in Section 1070(a) herein are required to conform with all provisions contained in Sections 1070 through 1070.17 of this Article within 90 days of the effective date thereof, unless excepted pursuant to Section 1070.19; failure so to do shall make continued operation of said extended-hours premises establishment a violation of Section 1070.24 hereof.

New permits must be obtained from the Entertainment Commission as Sections 1070.1, 1070.2, 1070.3 and 1070.4 hereof provide.

(Added by Ord. 252-70, App. 7/23/70; amended by Ord. 76-98, App. 3/6/98; Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 1070.24. CRIMINAL AND ADMINISTRATIVE PENALTIES.

(a) CRIMINAL PENALTY. Any person who violates any provision of this Article shall be deemed guilty of an infraction. Any person who violates this Article more than once in a 12-month period shall be guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A first violation of this Article is an infraction is punishable by a fine of not more than $100. A second violation within one year of the date of the first violation is an infraction punishable by a fine of not more than $200 or a misdemeanor punishable by a fine of not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment, at the discretion of the prosecutor. A third or subsequent violation within one year of the date of the second or subsequent violation is an infraction punishable by a fine of not more than $500 or a misdemeanor punishable by a fine of not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment, at the discretion of the prosecutor. Each day a Person conducts, operates, or maintains a Business without a valid permit shall constitute a separate violation.

(b) ADMINISTRATIVE PENALTY.

(1) The Director may issue administrative citations for the violation of any condition imposed on a permit granted under this Article and any violation of Section 1070.28 or 1070.29 (governing Security Plans). San Francisco Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," is hereby incorporated in its entirety and shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations issued under this Subsection (b). The Director shall impose fines for violations of any permit condition and any violation of Section 1070.28 or 1070.29 as set forth in Section 100.5(a) of the San Francisco Administrative Code.

(2) Notwithstanding Subsection (b)(1) of this Section, the procedure governing the appeal of a citation set forth in San Francisco Administrative Code Chapter 100 is revised as provided in this Subsection (b)(2). The Controller may designate the Director of the Department of Public Works as a hearing officer under San Francisco Administrative Code Section 100.7, but shall designate such officer for no more than one appeal a month and for no more than 12 times in a 12-month period.

(Added by Ord. 251-70, App. 7/23/70; Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.25. SEVERABILITY.

If any section, Subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, Subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, Subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 252-70, App. 7/23/70)

SEC. 1070.26 RESERVED.

(Added by Ord. 75-98, App. 3/6/98; amended by Ord. 217-00, File No. 001313, App. 9/8/2000; Repealed by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.27. EARPLUGS AND FREE DRINKING WATER.

If the location for which the extended hours premises permit is issued holds over 500 persons and contains a dance floor or other place primarily designated for dancing, the permit holder shall provide:

(a) Free cool drinking water to patrons by means of an automatic drinking fountain or by providing cups of water at all beverage service locations, or both; and

(b) Earplugs for free, or for sale on the premises at a reasonable price.

(Added by Ord. 176-00, File No. 000477, App. 7/28/2000; amended by Ord. 215-02, File No. 021459, App. 11/1/2002)

SEC. 1070.28. APPROVAL REQUIRED FOR SECURITY PLANS.

(a) Every Extended-Hours Premises shall have a Security Plan, as defined in Section 1070(o), that has been approved by the Entertainment Commission or by the Director, as required by this Article.

(b) As of the effective date of this Section, the Entertainment Commission shall not approve any permit or other application relating to a Business unless the applicant has a Security Plan that has been approved by the Commission or the Director as provided in this Article. The Security Plan shall meet the minimum requirements of Section 1070(o) and any implementing rules and regulations. The Commission shall disapprove any Security Plan that it determines does not adequately address the safety of persons and property and provide for the orderly dispersal of persons and traffic, notwithstanding the compliance of the proposed plan with the minimum requirements of Section 1070(o).

(c) Compliance with the Security Plan approved under this Article is a condition of the permit.

(d) Every Extended-Hours Premises that does not have a Security Plan approved by the Entertainment Commission on the effective date of this Section shall submit a proposed Security Plan to the Director. The Entertainment Commission, the Director and every Permittee shall follow the procedures and standards set forth in Section 1060.31 of this Code for the approval of Security Plans under this Article. The Entertainment Commission may suspend a permit for the Permittee's failure to comply with the requirements of Section 1060.31 as required by this Subsection (d), including the failure to submit a proposed Security Plan and the failure to comply with an approved Security Plan.

(e) For the purpose of calculating compliance with the component of a Security Plan that requires a ratio of one Security Guard to a specific number of individuals, a Security Guard may be counted toward the ratio for only one Place of Entertainment at any one time. This calculation rule applies whether the required ratio of Security Guard to individuals is based solely on the definition of Security Plan in Section 1060(o), is otherwise required by this Article, or is a condition of the Place of Entertainment permit.

(f) Where the Chief of Police or the Chief's designee, with the concurrence of the Director, determines that the public safety will not be advanced by enforcing on a particular Business with an Extended Hours Premises Permit the requirement stated in Section 1070(o) that on Thursday and Sunday evenings there be a Security Guard for every 100 individuals authorized by the Occupancy Permit, the Chief or Chief's designee or the Director may notify the Permittee in writing that the Security Guard ratio based on Occupancy Permit shall not be required for that Business on Thursday and/or Sunday evenings. Such a determination may be based on all relevant factors, including but not limited to the past operation of the Business or related Businesses, but may not be based on the content of constitutionally protected expression or entertainment. Such a determination creates no vested right on the part of the affected Business to an exemption from the Thursday/Sunday requirement of one Security Guard per 100 individuals authorized by the Occupancy Permit, and said determination may be changed at any time by the Chief of Police or the Chief's designee, or by the Director, upon written notice to the Permittee. For purposes of this Subsection (f), the Captain for the district where the Business is located, or the Captain's designee, is deemed the Chief's designee unless the Chief of Police directs otherwise.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.29. DIRECTOR MAY REQUIRE A PERMITTEE TO COMPLY WITH A REVISED SECURITY PLAN.

Notwithstanding a Security Plan's compliance with the minimum requirements of Section 1070(o) and prior approvals under this Article, after consulting with the San Francisco Police Department, the Director may issue an order directing a Permittee to comply with a revised Security Plan by directing such revisions as the Director reasonably determines will address safety and traffic concerns. The procedures and standards set forth in Section 1060.32 of this Code shall govern the issuance of orders directing a Permittee to comply with a revised Security Plan under this Article. The Entertainment Commission may suspend a permit for the Permittee's failure to comply with the requirements of Section 1060.32 as required by this Section.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.30. COMPLIANCE WITH CONDITIONS; AMENDMENT OF PERMIT TO CHANGE CONDITIONS.

No Permittee shall operate a Business in any manner inconsistent with any condition imposed on the permit. A Permittee may request an amendment to a permit to remove or change a condition by filing a request with the Secretary of the Commission and paying the fee for an Amendment to a Permit required under Police Code Section 2.26. The Entertainment Commission shall conduct a hearing and determine whether to approve the application to amend the permit according to the procedures and standards governing the initial application for Extended-Hours Premises Permits.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.31. PERMITTEES REQUIRED TO REPORT CERTAIN INFORMATION.

(a) Every Permittee shall provide written notice to the Entertainment Commission within 30 days after any of the following occurs:

(1) Criminal charges, complaints or indictments for the Permittee, the Manager, and each Person with authority or control over the Business occurring after the filing of the permit application to the extent that they fall within the categories specified in Sections 1060.3(j), (k) and (l) of this Code as incorporated by Section 1070.3.

(b) Every Person holding a Extended-Hours Premises Permit, other than a publicly traded corporation, shall maintain a record of the name and address of every Person that directly or indirectly owns or controls 10% or more of the assets, ownership interests or voting interests in the Person holding the Permit, which shall be known as a "record of principal owners," and shall make the information available to the Entertainment Commission upon request. Every Person subject to this Subsection (b) shall report any change to the record of principal owners within 30 days of the transaction that effects the change. A "publicly traded" corporation is a company that has issued securities through an initial public offering which are traded on at least one stock exchange or over-the-counter market.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.32. APPEALS TO BOARD OF APPEALS.

(a) The following actions taken under this Article may be appealed to the Board of Appeals: The granting or denial of a permit, including a conditionally granted permit, or an amendment to a permit; the suspension or revocation of a permit; and the denial by the Entertainment Commission of an exception from the regulations under Section 1070.19. Any such appeal shall be filed within ten days from the date of the decision, as provided in Section 8 of the San Francisco Business and Tax Regulations Code.

(b) Notwithstanding the provisions of Subsection (a) of this Section, the Permittee or permit applicant may seek immediate judicial review of the actions described in Subsection (a) of this Section pursuant to California Code of Civil Procedure Section 1085 or Section 1094.8, as these provisions may be amended, including any successor provisions, or any other procedure provided by law. The Permittee or permit applicant is not required to exhaust his or her administrative remedies before the Entertainment Commission or before the Board of Appeals.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.33. AUTHORITY OF SAN FRANCISCO POLICE DEPARTMENT.

Nothing in this Article is intended to restrict or alter in any way the authority vested in the San Francisco Police Department under Federal, State or local law to take action in response to conduct that arises in connection with the operation of a Business.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.34. PROMOTION OF GENERAL WELFARE.

In undertaking the enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.35. REPORTS BY ENTERTAINMENT COMMISSION.

(a) The Director shall prepare regular quarterly and yearly reports pertaining to Extended-Hours Premises Permits and One Time Event Permits. The report for the January-March quarter shall be completed no later than April 20; for the April-June quarter, no later than July 20; for the July-September quarter, no later than October 20; for the October-December quarter, no later than January 30. The first quarterly report shall only cover that portion of the quarter that follows the effective date of Ordinance No. 238-09. The yearly report shall cover the calendar year and be completed no later than January 30. A One Time Event Permit covering the hours of 2:00 a.m. to 6:00 a.m. on January 1 shall be considered as part of the October-December quarter and as part of the year ending December 31.

(b) Quarterly and yearly reports shall be promptly submitted to the Clerk of the Board of Supervisors, the Mayor, the Chief of Police, and any City department that has requested such reports or that in the Director's judgment would have an interest in such reports. These reports shall be promptly posted on the Entertainment Commission website and maintained on the website for at least seven years.

(c) Yearly reports shall include, for Extended-Hours Premises Permits, total number of existing permits; number of existing permits in each Police District; name and location of the Premises for each existing permit. Existing permits shall be measured as of December 31 immediately prior to submission of the yearly report.

(d) Yearly reports shall include, for One Time Event Permits, total number of permits granted during the prior calendar year or granted for events occurring during the prior calendar year; total number of those permits that included authorization for the event to go beyond 2:00 a.m.; number of permits in each Police District; number of permits that included authorization for the event to go beyond 2:00 a.m. in each Police District; name and location of the Premises for each event.

(e) Quarterly reports shall include, for Extended-Hours Premises Permits granted during the quarter that is the subject of the report, name and location (street address and Police District) of the Premises; a summary of the Security Plan; a summary of the business plan; and any conditions placed on the permit. In addition, quarterly reports shall include the number of applications for Extended-Hours Premises Permits denied by the Commission, suspended by the Commission or Director, or revoked by the Commission, during the quarter that is the subject of the report, and a summary of the grounds for the denial, suspension, or revocation.

(f) Quarterly reports shall include, for One Time Event Permits granted during the quarter that is the subject of the report or granted for events occurring during that quarter, name and location (street address and Police District) of the Premises; whether the permit authorizes the event to go beyond 2:00 a.m.; a summary of the Security Plan; a summary of the business plan; and any conditions placed on the permit. In addition, quarterly reports shall include the number of applications for One-Time Event Permits denied by the Commission, and a summary of the grounds for denial.

(g) Quarterly reports shall include a summary of every complaint, whether formal or informal, brought to the attention of the Entertainment Commission or its staff and/or the Police Department pertaining to the operation of an Extended Hours Premises or an event for which a One Time Event Permit had been issued. The report shall state the general nature of the complaint (by way of example but not limitation, noise, overcrowding, altercation, criminal activity); the general type of source of the complaint (by way of example but not limitation, a patron, neighbor, or Police Officer), and the resolution of the complaint, if any.

(h) Notwithstanding the time frame for submission of yearly reports as stated in Subsection (a), the Entertainment Commission shall submit no later than 30 days after the effective date of Ordinance No. 238-09 a report containing the information for Extended-Hours Premises Permits required to be included in a yearly report as stated in Subsection (c), current as of the effective date of Ordinance No. 238-09 Further, this report shall contain the information for One Time Event Permits required to be included in a yearly report as stated in Subsection (d), covering calendar year 2008 and that portion of calendar year 2009 up to the effective date of Ordinance No. 238-09.

(i) The San Francisco Police Department and other City departments shall cooperate with and assist the Director, at the Director's request, in providing information for all reports that must be submitted under this Section.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009)

SEC. 1070.36. PROSPECTIVE MORATORIUM ON GRANT OF EXTENDED-HOURS PREMISES PERMITS.

(a) Within two weeks on either side of the yearly anniversary of the effective date of Ordinance No. 238-09, the Entertainment Commission shall hold an annual hearing to determine whether there has been a substantial increase since the effective date of Ordinance No. 238-09 in the number of Extended-Hours Premises Permits in existence. To make this determination as to Extended-Hours Premises Permits at the first annual hearing, the Commission shall compare the number of such permits in existence at the time of the hearing to the number of such permits in existence as indicated in the report submitted pursuant to Section 1070.35(h). To make this determination at subsequent annual hearings, the Commission shall compare the number of such permits in existence at the time of the hearing to the number of such permits in existence at the time of the last annual hearing.

(b) If the calculation mandated by Subsection (a) of this Section demonstrates an increase of 15% or more in any year in the number of Extended-Hours Premises Permits in existence and the number is at least 15% greater than the number of such permits in existence as indicated in the report submitted pursuant to Section 1070.35(h), there shall be a City-wide moratorium on the granting of additional Extended-Hours Premises permits. In lieu of a City-wide moratorium, the Entertainment Commission shall have discretion to impose a moratorium applicable only to certain geographic areas of the City in which there is a concentration of Extended-Hours Premises Permits. In this context, a "concentration of Extended-Hours Premises Permits" means geographic areas in the City that have the largest number of Extended-Hours Premises Permits and that cumulatively account for at least 70% of the Extended-Hours Premises Permits in existence as of the hearing mandated by Subsection (a) of this Section. In this context, the Commission may define "geographic areas" by reference to Police Districts, zoning provisions of the Planning Code, or other measures that are reasonable in light of other provisions in City law or commonly understood notions of the contours of various San Francisco neighborhoods. The Commission may exercise its discretion to impose the aforementioned moratorium applicable only to certain geographic areas if the Commission makes a finding on the record that considering all factors, including but not limited to economic and public safety concerns, such a moratorium is preferable to a City-wide moratorium.

(c) If a moratorium on Extended-Hours Premises Permits is imposed pursuant to Subsection (b) of this Section, the Entertainment Commission or Director, in consultation with the Police Department, Planning Department, and such other departments as the Commission or Director shall designate, shall conduct a study of the effects of the moratorium, as well as the effects of the substantial increase in the number of Extended-Hours Premises Permits in existence that gave rise to the moratorium. The study shall be completed no earlier than six months and no later than eleven months after the moratorium is imposed. The Entertainment Commission shall hold a hearing on the subject of the study within one month of completion of the study and shall make a recommendation regarding continuing, modifying, or lifting the moratorium. The Police Department and Planning Department shall participate in the hearing and other interested departments may participate in the hearing. Within three months of the Entertainment Commission hearing, the Board of Supervisors or a committee thereof shall hold a hearing on the same subject.

(d) Any moratorium under this Section 1070.36 shall only apply to Extended Hours Premises Permits for any premises where Entertainment is furnished or occurs upon the premises and shall not apply to any premises that serves food, beverages, or food and beverages, without Entertainment.

(Added by Ord. 238-09, File No. 080324, App. 11/20/2009; amended by Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

ARTICLE 15.3:  
PROHIBITING NUDE PERFORMERS, WAITERS AND WAITRESSES

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| --- | --- |
| Sec. 1071. | Definition. |
| Sec. 1071.1. | Regulating Public Nudity in Restaurants and Public Seating Areas. |
| Sec. 1071.2. | Employment or Payment Not Necessary For Offense. |
| Sec. 1071.3. | Counseling or Assisting. |
| Sec. 1071.4. | Exceptions. |
| Sec. 1071.5. | Severability. |
| Sec. 1071.6. | Penalty. |

SEC. 1071. DEFINITION.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Theater.** A building, playhouse, room, hall or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given, with permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, whose primary function is to give such performance.

(Added by Ord. 260-73, App. 7/5/73)

SEC. 1071.1. REGULATING PUBLIC NUDITY IN RESTAURANTS AND PUBLIC SEATING AREAS.

(a) **Waiters, Waitresses, and Entertainers.** Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including but not limited to, alcoholic beverages; (1) exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or (2) exposes or employs any device, costume or cover which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or (3) exposes any portion of the female breast at or below the areola thereof; or (4) employs any device or covering which is intended to simulate such portion of the breast.

(b) **Members of the Public in Restaurants and on Public Seating.** Except as provided herein, every person is guilty of an infraction who, (l) while present as a customer in the public eating and drinking areas of an establishment whose primary business is to serve food, exposes his or her genitals, buttocks, or anal region; or (2) sits on any public bench, public steps, or other public seating area without clothing or other separate material as a barrier between his or her genitals, buttocks, or anal region and the public seating. Any person who violates this Section 1071.1(b) shall be deemed guilty of an infraction and upon conviction thereof such person shall be punished by a fine not to exceed one hundred dollars ($100) for a first violation, and not to exceed two hundred dollars ($200) for a second violation of this Section 1071.1(b) within a twelve-month period. Upon the third or subsequent conviction within a twelve-month period, such person shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed one year or by both such fine and imprisonment. This Section 1071.1(b) shall not apply to children under the age of sixteen years.

(Added by Ord. 260-73, App. 7/5/73; amended by Ord. 219-11, File No. 110967, App. 11/15/2011, Eff. 12/15/2011)

SEC. 1071.2. EMPLOYMENT OR PAYMENT NOT NECESSARY FOR OFFENSE.

A person shall be deemed to be a waiter, waitress, or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

(Added by Ord. 260-73, App. 7/5/73)

SEC. 1071.3. COUNSELING OR ASSISTING.

Every person is guilty of a misdemeanor who permits, counsels, or assists any person to violate any provision of this Article.

(Added by Ord. 260-73, App. 7/5/73)

SEC. 1071.4. EXCEPTIONS.

This Article does not apply to: (a) a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances; (b) any act authorized or prohibited by any state statute; (c) entertainment as defined in Section 1060(e), Article 15.1 of this Code, and as regulated by Section 1060.9.1 of said Code.

(Added by Ord. 260-73, App. 7/5/73)

SEC. 1071.5. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 260-73, App. 7/5/73)

SEC. 1071.6. PENALTY.

A violation of this Article is punishable by a fine not exceeding $500 or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

(Added by Ord. 260-73, App. 7/5/73)

ARTICLE 15.4:  
ENCOUNTER STUDIOS

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| Sec. 1072.1. | Definitions. |
| Sec. 1072.2. | Permit Required. |
| Sec. 1072.3. | Employee Permit Required Display. |
| Sec. 1072.4. | Filing and Fee Provision. |
| Sec. 1072.5. | Employee Permit. |
| Sec. 1072.6. | Application for Encounter Studio Permit. |
| Sec. 1072.7. | Application For Employee of an Encounter Studio. |
| Sec. 1072.8. | Verification of Application. |
| Sec. 1072.9. | Corporate, Applicants; Exemption. |
| Sec. 1072.10. | Corporate Permittee; Maintenance of Stock Register; Report. |
| Sec. 1072.11. | Notice of Hearing. |
| Sec. 1072.12. | Referral of Application to Other Departments. |
| Sec. 1072.13. | Issuance of Permit For an Encounter Studio. |
| Sec. 1072.14. | Applications Barred For One Year. |
| Sec. 1072.15. | Issuance of Employee Permits. |
| Sec. 1072.16. | Revocation or Suspension of Permit. |
| Sec. 1072.17. | Employment of Persons Under the Age of 18 Prohibited. |
| Sec. 1072.18. | Age of Customer. |
| Sec. 1072.19. | Sale or Transfer. |
| Sec. 1072.20. | Name and Place of Business Change of Location. |
| Sec. 1072.21. | Display of Permit. |
| Sec. 1072.22. | Inspection. |
| Sec. 1072.23. | Daily Register. |
| Sec. 1072.24. | Prohibited Activities. |
| Sec. 1072.25. | Solicitation of Trade. |
| Sec. 1072.26. | Lighting. |
| Sec. 1072.27. | Noise. |
| Sec. 1072.28. | Booths and Cubicles. |
| Sec. 1072.29. | Hours of Operation. |
| Sec. 1072.30. | Signs Regulated. |
| Sec. 1072.31. | Signs; Continued. |
| Sec. 1072.32. | Signs Required. |
| Sec. 1072.33. | Entertainment, Visibility from the Street. |
| Sec. 1072.34. | Advertising. |
| Sec. 1072.35. | Locked Doors. |
| Sec. 1072.36. | Counseling or Assisting. |
| Sec. 1072.37. | Exemptions. |
| Sec. 1072.38. | Exemptions Continued. |
| Sec. 1072.39. | Exemptions Continued. |
| Sec. 1072.40. | License Fees. |
| Sec. 1072.40-1. | Employee License. |
| Sec. 1072.41. | Transfer or Assignment of Permit. |
| Sec. 1072.42. | Penalty, Misdemeanor or Infraction. |
| Sec. 1072.43. | Penalty Limited Suspension or Revocation. |
| Sec. 1072.44. | Time Limit For Obtaining Permit. |
| Sec. 1072.45. | Severability. |

SEC. 1072.1. DEFINITIONS.

For the purposes of this Article, the following words and phrases shall mean and include:

(a) **Theater.** A building, playhouse, room, hall, or other place having therein a permanent stage upon which movable scenery is or may be placed and upon which theatrical or vaudeville or similar performances are given, with seats so arranged in proximity to such stage that a body of spectators may have an unobstructed view of said stage, the primary function of which is to serve as the locale of such performance.

(b) **Encounter Studio.** An establishment to which patrons or members are invited and is so arranged as to provide booths, cubicles, room or rooms, compartments or stalls wherein an entertainer provides entertainment as defined herein to patrons or members or groups of members or patrons within the aforesaid booths, cubicles, room or rooms, compartments or stalls.

(c) **Entertainment.** Any act, play, review, pantomime, scene, song, dance act, song and dance act, modeling, conversation, appearance or any other live act, demonstration, exhibition, or poetry recitation, conducted or participated in by any person in or upon any premises to which patrons or members are admitted. "Entertainment" also includes a fashion or style show, except when conducted by a bona fide nonprofit club or organization as part of the social activities of such club or organization, and when conducted solely as a fund-raising activity for charitable purposes.

"Entertainment," in addition, is defined to mean and include the playing upon or use of any instrument that is capable of or can be used to produce musical sounds or percussion sounds, including but not limited to reed, brass, percussion or stringlike instruments; provided, further, that "entertainment" is defined to mean any instrument or device capable of producing or reproducing sound.

(d) **Person.** An individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, and any political subdivision of either thereof.

(e) **Operator.** Any person operating an Encounter Studio, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession.

(f) **Bona Fide Nonprofit Clubs or Organizations.** Any fraternal charitable, religious or benevolent, or any other nonprofit organization, having a regular membership association primarily for mutual social, mental, political and civil welfare to which admission is limited to members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(g) **Entertainer.** An entertainer, for the purposes of this Article, is any person who performs any act enumerated in Section 1072.1(c) of this Article within an Encounter Studio whether for any consideration or not.

(h) **Employee.** Any and all persons who work in or about or render any services whatsoever to the patrons or customers of an Encounter Studio and who receives compensation for such service.

(i) **Specified Sexual Activities.** (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts of human masturbation, sexual intercourse or sodomy; and (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(j) **Specified Anatomical Areas.** (1) Less than completely and opaquely covered: (a) human genitals, pubic hair, buttock, natal cleft, perineum, anal region, and (b) female breast at or below the areola thereof; and (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.2. PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City and County of San Francisco, the operation of an Encounter Studio as herein defined, without first having obtained a permit from the Police Department.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.3. EMPLOYEE PERMIT REQUIRED DISPLAY.

It shall be unlawful for any entertainer or other employee to work in or about, or to perform any services for a customer of an Encounter Studio without first securing a permit from the Chief of Police.

Every person to whom an employee permit is granted pursuant to the provisions of this Article shall display said permit in plain view on his person at all times while on an Encounter Studio premises in such a manner that the same may be readily seen by customers on the premises. Said permit shall contain a recent photograph of the entertainer as well as said entertainer's name and permit number.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.4. FILING AND FEE PROVISION.

Every applicant desiring a permit to maintain, operate or conduct an Encounter Studio shall file an application with the Chief of Police upon a form provided by said Chief of Police and pay a filing fee which shall not be refundable. Each such applicant shall pay an additional fee of $500 which shall be used by the Chief of Police to investigate said applicant's application as provided in Section 1072.6 herein. Any unused portion of such additional fee shall be returned to the applicant at the conclusion of the hearing on his application provided by Section 1072.1.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1072.5. EMPLOYEE PERMIT.

Application to Chief of Police. Every applicant for an Employee Permit for an Encounter Studio shall file an application with the Chief of Police on a form provided by said Chief of Police and pay a filing fee which shall not be refundable. Said applicant shall file for a permit within 30 days of the effective date of this Article.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1072.6. APPLICATION FOR ENCOUNTER STUDIO PERMIT.

The application for a permit to operate an Encounter Studio shall set forth the proposed place of business and facilities therefor and the name and address of each applicant.

In addition to the foregoing, any applicant for a permit shall furnish the following information:

(a) The two previous addresses immediately prior to the present address of the applicant.

(b) Written proof that the applicant is at least 18 years of age.

(c) Applicant's height, weight, color of eyes and hair.

(d) Three portrait photographs at least 2" x 2".

(e) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application.

(f) All criminal convictions except minor traffic violations.

(g) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than 10 percent of the stock or beneficial ownership of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence addresses of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

(h) Whether applicant or any other person who will be directly engaged in the management or operation of the Encounter Studio has been previously granted permits or licenses to engage in a business or occupation by the State of California or by the City and County of San Francisco, any of which permits or licenses has/have been revoked by the granting authority because of violation of law or violation of rules promulgated by the regulating agency where the issuing agency or the regulating agency is either the Alcoholic Beverage Control Commission or the San Francisco Police Department. The Chief of Police shall not take into account such revocation if the applicant suffered such revocation at least three years prior to the date of the application.

(i) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

(j) Nothing contained herein shall be construed to deny to the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm, by independent investigation, the truth and accuracy of the above information.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.7. APPLICATION FOR EMPLOYEE OF AN ENCOUNTER STUDIO.

The employee of an Encounter Studio filing for a permit shall furnish the following information:

(a) Name.

(b) Residence address.

(c) Encounter Studio in which the employee is currently working.

(d) Two previous addresses immediately prior to the present address of the applicant.

(e) Applicant's weight, height, color of eyes and hair.

(f) Written proof that applicant is at least 18 years of age.

(g) Three portrait photographs of at least 2" x 2".

(h) Previous employment of the applicant for three years immediately preceding the date of application.

(i) All criminal convictions except minor traffic violations.

(j) Such other identification and information necessary to discover the truth of the matters hereinbefore specified.

(k) Whether applicant or any other person who will be directly engaged in the management and operation of the Encounter Studio has been previously granted permits or licenses to engage in a business or occupation by the State of California or the City and County of San Francisco, any of which permits or licenses has/have been revoked by the granting authority.

(l) Nothing contained herein shall be construed to deny the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm, by independent investigation, the truth and accuracy of the above information.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.8. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the Code of Civil Procedure of the State of California for the verification of pleadings.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.9. CORPORATE, APPLICANTS; EXEMPTION.

The provisions of Section 1072.6(a), (b), (c), (d), (e) and (f) entitled "Application for Permit" relating to requirement for corporate applicants shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.10. CORPORATE PERMITTEE; MAINTENANCE OF STOCK REGISTER; REPORT.

(A) Any corporation holding a permit under this Article shall maintain a stock register at the principal office of the corporation in San Francisco and the stock register shall be available to the Police Department for inspection. Such corporation shall report to the department in writing any of the following:

(1) Issuance or transfer of any shares of stock or beneficial ownership thereof to any person where the issuance or transfer results in the person owning 10 percent or more of the corporate stock.

(2) Change in any of the corporate officers which are required by Section 821 of the Corporations Code.

(3) Change of the members of its Board of Directors.

The report shall be filed with the Police Department within 30 days after the issuance or transfer of corporate stock or beneficial ownership thereof, change in corporate officers, or change in members of the Board of Directors, as the case may be.

(B) The provisions of this Section shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company to which a permit is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.11. NOTICE OF HEARING.

When an application is filed for a permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed Encounter Studio is to be operated. Such posting of notice shall be carried out by the Chief of Police, and the applicant shall maintain said notice as posted for the required number of days.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.12. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.

The Chief of Police, upon receiving an application for an Encounter Studio permit, shall refer the application to the Bureau of Building Inspection, the Fire Department, and the City Planning Department which departments shall inspect the premises proposed to be operated as an Encounter Studio and shall make written recommendations to the Chief of Police concerning compliance with the codes that they administer.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.13. ISSUANCE OF PERMIT FOR AN ENCOUNTER STUDIO.

The Chief of Police shall issue a permit within 14 days following a hearing if all requirements for an Encounter Studio described in this Article are met and shall issue a permit to all persons who apply to perform Encounter Studio services unless he finds:

(1) That the operation as proposed by the applicant if permitted would not have complied with all applicable laws, including, but not limited to the Building, City Planning, Housing and Fire Code of the City and County of San Francisco or regulations by the Chief of Police.

(2) That the operation as proposed by the applicant if permitted would not result in a density of more than one Encounter Studios, Massage Establishments, Adult Theaters or Adult Bookstores within an area of 500 square feet of the premises for which a permit is sought.

(3) That the applicant and any other person who will be directly engaged in the management and operation of an Encounter Studio has been convicted of any of the following offenses or convicted of an offense within, or without the State of California that would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code;

(b) An offense involving the use of force and violence upon the person of another.

(c) An offense involving sexual misconduct with children;

(d) An offense as defined in Sections 311, 647(a), 647a, 647(b), 315, 316, 318 or 266 through 267 inclusive of the Penal Code of the State of California;

(e) The applicant has had revoked his license or permit issued by either the Alcoholic Beverage Control Commission of the State of California or the San Francisco Police Department.

(4) That the applicant or any other person who will be directly engaged in the management and operation of the Encounter Studio has had a permit or license to engage in a business or occupation granted by the State of California or the City and County of San Francisco revoked by the granting authority.

The Chief of Police shall issue a permit to any person convicted of any of the crimes described in Subsections (3a), (3b), (3c), (3d), or (3e) of this Section or subjected to a license or permit revocation as described in Subsection (4) of this Section if he finds that the termination of any disability resulting from such conviction or revocation occurred at least three years to the date of the application and the applicant has had no subsequent felony convictions of any nature, no subsequent misdemeanor convictions for crimes mentioned in this Section and no permit or license revocations as mentioned in Subsection (4) of this Section.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.14. APPLICATIONS BARRED FOR ONE YEAR.

Whenever any application is filed for a permit under this Article and said application has been denied by the Chief of Police, or a permit issued under this Article has been revoked, and no appeal has been taken to the Board of Permit Appeals or when any appeal from such denial or revocation has been taken to the Board of Permit Appeals and said Board has concurred in the judgment or order of denial or revocation, said application for said permit, or for a like permit for the same location or by the same applicant shall not be heard by the Chief of Police until the expiration of one year from the date of the previous denial or revocation of said permit or application and there shall be no appeal to said Board of Permit Appeals for failure or refusal to hear any such application or appeal within said one-year period.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.15. ISSUANCE OF EMPLOYEE PERMITS.

The Chief of Police shall issue a permit within 14 days following a hearing unless he finds that the applicant has had a permit or license to engage in a business or occupation granted by the State of California or the City and County of San Francisco revoked by the granting authority or that the applicant has been convicted of any of the following offenses or if convicted of an offense within or without the State which would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code.

(b) An offense involving the use of force and violence on the person of another.

(c) An offense involving sexual misconduct with children.

(d) An offense as defined in Sections 311, 647(a), 647a, 647(b), 315, 316, 318 or 266 through 267 inclusive of the Penal Code of the State of California.

(e) The applicant has had revoked his license or permit issued by either the Alcoholic Beverage Control Commission of the State of California or the San Francisco Police Department.

The Chief of Police shall issue a permit to any person subjected to a revocation as described in this Section or to any person convicted of any of the crimes enumerated in Subsections (a), (b), (c), (d), or (e) of this Section if he finds that the termination of any disability resulting from such conviction or revocation occurred at least three years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature, no subsequent misdemeanor convictions for crimes mentioned in this Section and no subsequent permit revocations mentioned in this Section.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.16. REVOCATION OR SUSPENSION OF PERMIT.

Any permit issued for an Encounter Studio or employee may be revoked or suspended by the Chief of Police after a hearing, in any case where any of the provisions of this Article or local or State law are violated or where any employee of the permittee has engaged in any conduct which violates any of the state or local laws or ordinances at permittee's place of business, or in any case where the permittee or licensee refuses to permit any duly authorized Police officer of the City and County of San Francisco to inspect the premises or the operations therein.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.17. EMPLOYMENT OF PERSONS UNDER THE AGE OF 18 PROHIBITED.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any Encounter Studio to employ any person who is not at least 18 years of age.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.18. AGE OF CUSTOMER.

It shall be unlawful for any owner, proprietor, manager or other person in charge of an Encounter Studio to allow any person under the age of 18 years to patronize an Encounter Studio as a customer or patron.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.19. SALE OR TRANSFER.

Upon sale, transfer or relocation of an Encounter Studio, the permit and license therefor shall be null and void unless approved as provided in Section 1072.24 herein; provided, however, that upon the death or incapacity of the permittee the Encounter Studio may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

If the permittee is a corporation, a transfer of 25 percent of the stock ownership of the permittee will be deemed to be a sale or transfer and the permit and license therefor shall be null and void unless approved as provided in Section 1072.24 herein; provided, however, that the provision shall not apply to a permittee corporation, the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Securities and Exchange Commission unless approved as provided in Section 1072.19 herein.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.20. NAME AND PLACE OF BUSINESS CHANGE OF LOCATION.

No person granted a permit pursuant to this Article shall operate under any name or conduct his business under any designation for any location not specified in his permit.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.21. DISPLAY OF PERMIT.

Every person to whom or for whom a permit to operate an Encounter Studio shall have been granted pursuant to the provisions of this Article shall display said permit in a conspicuous place within the Encounter Studio so that the same may be readily seen by persons entering the premises.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.22. INSPECTION.

The Police Department shall, from time to time and at least twice a year, make an inspection of each Encounter Studio in the City and County of San Francisco for the purposes of determining that the provisions of this Article are complied with.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.23. DAILY REGISTER.

Every person who engages in, conducts, or carries on the operation of an Encounter Studio shall keep a daily register, approved as to form by the Police Department, of the following information:

(a) The identification of all employees employed by such establishment, together with a duplicate of each of said employees' employee permit;

(b) The hours of employment of each employee for each day;

(c) The rooms, cubicles, booths, compartments or stalls assigned to or used by each employee for that day and the time at which each employee used or was assigned to each room, cubicle, booth, compartment or stall; and

(d) All patrons, with said patrons' true full names, residential street, city and state addresses and hours of arrival and the rooms, cubicles, booths, compartments or stalls used by each patron, if any.

Said daily register shall at all times during business hours be subject to inspection by the Police Department and by the Health Department and shall be kept on file for one year on the premises.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.24. PROHIBITED ACTIVITIES.

(A) No person, while acting as an entertainer in an Encounter Studio, shall:

(1) Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(2) Expose or employ any device, costume or cover which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(3) Expose any portion of the female breast at or below the areola thereof; or

(4) Employ any device or covering which is intended to simulate such portion of the breast; or

(5) Touch a customer; or

(6) Permit a customer or patron to touch an entertainer; or

(7) Leave the encounter studio with or meet a customer or patron outside of said premises.

(B) No person who is a patron of an Encounter Studio shall place, or cause to be placed in the daily register false name, or residential street, city and state addresses.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.25. SOLICITATION OF TRADE.

No operator or employee of an Encounter Studio shall permit or allow or cause any person or employee to solicit trade on the public sidewalk or shall engage in such activity.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.26. LIGHTING.

Every Encounter Studio shall be lighted throughout to an intensity of at least 12 foot candles during all hours of operation.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.27. NOISE.

It shall be unlawful for any operator or employee of an Encounter Studio to make or continue, or cause, or permit to be made or continued, any vocal or instrumental music and related sounds, whether live or reproduced mechanically by radio, television, stereo or otherwise, so as to create any sound or noise which would cause the sound level (noise level) measured at any point within the Encounter Studio to exceed the sound level of 55 decibels, measured on the A-weighted scale as defined in the American National Standard S-1.4-1971.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.28. BOOTHS AND CUBICLES.

It shall be unlawful for any operator of an Encounter Studio to maintain or construct any booth, cubicle, room or rooms, compartment or stall that is so arranged that the entire interior portion of same is not visible from the exterior of the booth, cubicle, room or rooms, compartment or stall. No booth, cubicle, room, compartment or stall shall be so maintained or constructed so that the entrance to same may be blocked by a door or curtain or similar device.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.29. HOURS OF OPERATION.

Encounter Studios shall be operated only between the hours of 10:00 a.m., and 10:00 p.m., of the same day.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.30. SIGNS REGULATED.

No sign or signs which, in whole or in part, advertise any Encounter Studio and which sign or signs use the words "nude," "topless," "bottomless," "naked," or words of like import in any language, or which, either expressly or by implication, indicate that any act which is prohibited by this Article or by state or local law is available or performed in said Encounter Studio, shall be maintained, erected, used or placed in upon or adjacent to the outside or inside of any building where it is visible from public streets or from adjacent buildings and premises, the purposes of which sign is intended to attract, lure or entice customers.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.31. SIGNS; CONTINUED.

No operator of an Encounter Studio shall permit, or cause to be permitted, any sign to be posted on the premises which depicts, describes or relates to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.32. SIGNS REQUIRED.

(a) Each operator of an Encounter Studio shall post and display signs in a conspicuous place, one inside and one outside the Encounter Studio which lists the services provided by said studio and the fee or charge for each such service;

(b) Each operator of an Encounter Studio shall post and display signs in a conspicuous place, one inside and one outside the Encounter Studio which read as follows: "THIS ENCOUNTER STUDIO IS REGULATED BY THE CITY AND COUNTY OF SAN FRANCISCO. UPON ENTRY, ALL PATRONS MUST SIGN A REGISTER, GIVING THEIR TRUE NAME AND ADDRESS. THE SIGNING OF A FALSE NAME AND/OR GIVING A FALSE ADDRESS WILL BE DEEMED A MISDEMEANOR. ENTERTAINERS ARE: (1) NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT; (2) NOT PERMITTED TO REMOVE THEIR CLOTHING; (3) NOT PERMITTED TO EXPOSE BREASTS OR GENITAL AREAS; (4) NOT PERMITTED TO TOUCH OR BE TOUCHED BY CUSTOMERS; (5) NOT PERMITTED TO LEAVE WITH OR MEET A CUSTOMER OFF THE PREMISES."

(c) The signs described above must be printed in upper case block letters no less than one inch in height and ¼ inch in width. Each such sign shall state the required information in English, Spanish, Chinese and Japanese.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.33. ENTERTAINMENT, VISIBILITY FROM THE STREET.

No operator of an Encounter Studio shall permit or cause to be permitted or allow any entertainment as defined in this Article in such a manner that said entertainment would be visible at any time from the street, sidewalk or highway.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.34. ADVERTISING.

No operator of an Encounter Studio shall place or cause to be placed or distribute or cause to be distributed any advertising brochures, pamphlets, handbills, posters, announcements, or the like, that depict the human form or portions thereof, or contain such wording in such a manner that such depictions of the human form or portions thereof or words would violate Section 1072.25 of this Article if such pictorial representation were on a sign upon or adjacent to an Encounter Studio.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.35. LOCKED DOORS.

No operator of an Encounter Studio shall lock or otherwise bar the entrance door to the Encounter Studio through which customers or patrons are customarily admitted during the hours of operation. If there is more than one door through which customers or patrons are customarily admitted, only one such door need remain in an unlocked condition during the hours of operation.

Nothing in this Section shall be construed to relieve the owner, manager, proprietor or person in charge of an Encounter Studio from compliance with the several sections of Part II, Chapter IV of the San Francisco Municipal Code (Fire Code).

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.36. COUNSELING OR ASSISTING.

No person shall permit, counsel or assist any other person in the violation of any provision of this Article.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.37. EXEMPTIONS.

The provisions of Section 1072.2 relating to requirement for a permit shall not apply to an Encounter Studio operated by any public agency or by any educational or social agency, or any bona fide charitable organization as defined in Section 1072.1(f) herein.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.38. EXEMPTIONS CONTINUED.

This Article shall not apply to any of the following who hold current, unrevoked licenses or certificates from the State of California:

(a) Physicians as defined in Section 4033 of the Business and Professions Code;

(b) Drugless Practitioners as defined in Section 2138 of the Business and Professions Code;

(c) Psychiatric Technicians as defined in Section 4502 of the Business and Professions Code;

(d) Psychologist as defined in Section 2903 of the Business and Professions Code; or

(e) Persons working under the immediate control and direction of persons specified in Subsections (a), (b), (c) or (d) of this Section.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.39. EXEMPTIONS CONTINUED.

This Article shall not apply to:

(a) A theater, concert hall, or similar establishment which is primarily devoted to theatrical performances;

(b) Any act authorized or prohibited by any state statute;

(c) Entertainment as defined in Section 1060(e), Article 15.1 of this Code, and as regulated by Section 1060.9.1 of said Code.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.40. LICENSE FEES.

Every permittee who conducts or assists in conducting or permitting any Encounter Studio as defined herein shall pay to the Tax Collector an annual license fee payable in advance. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1072.40-1. EMPLOYEE LICENSE.

Every person engaged as an employee of an Encounter Studio who requires a permit from the Police Department pursuant to the provisions of Section 1072.3 of this Article shall pay an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1072.41. TRANSFER OR ASSIGNMENT OF PERMIT.

No permit shall be transferable or assignable except with the written consent of the Chief of Police. An application for such a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial application. The written application for such transfer shall contain the same information as requested herein for initial application for such a permit.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1072.42. PENALTY, MISDEMEANOR OR INFRACTION.

Any person who violates any provisions of this Article shall be deemed guilty of a misdemeanor or an infraction.

(a) If charged as an infraction the penalty, upon conviction of such person, shall be by a fine not exceeding $500;

(b) If charged as a misdemeanor the penalty, upon conviction of such person, shall be by imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding $1,000, or by both such fine and imprisonment;

(c) The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction. Such charging decisions shall be at the sole discretion of the District Attorney;

(d) Nothing herein shall prohibit the District Attorney from exercising the sole discretion vested in him by law to charge an operator, employee, or any other person associated with an Encounter Studio with violating this or any other local or state law.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.43. PENALTY LIMITED SUSPENSION OR REVOCATION.

Any permit issued under the terms of this Article may be suspended for a period of 30 days by the Chief of Police if the Chief of Police deems after a noticed hearing, that violation of the regulations or any provisions of the Municipal Code has occurred. A permit may be revoked for such violations as set forth in Section 1072.16, above.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.44. TIME LIMIT FOR OBTAINING PERMIT.

All premises required to obtain a permit and license pursuant to this Article must obtain a permit within 45 days of the effective date of this Article; failure to do so shall make continued operation of said Encounter Studio a violation of Section 1072.42 hereof. Permits must be obtained from the Police Department as Sections 1072.2, 1072.3, 1072.4, 1072.5, and 1072.6 provide.

(Added by Ord. 241-77, App. 6/17/77)

SEC. 1072.45. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed such section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 241-77, App. 6/17/77)

ARTICLE 15.5:  
NUDE MODELS IN PUBLIC PHOTOGRAPHY STUDIOS

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| --- | --- |
| Sec. 1073.1. | Definition. |
| Sec. 1073.2. | Permit Required. |
| Sec. 1073.2.1. | Employee Permit Required. |
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| Sec. 1073.4. | Application For Public Photography Studio. |
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| Sec. 1073.7. | Verification of Application. |
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| Sec. 1073.10. | Issuance of Permit For a Public Photography Studio. |
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| Sec. 1073.24. | Signs Regulated. |
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| Sec. 1073.31. | Penalty. |
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| Sec. 1073.34. | Severability. |

SEC. 1073.1. DEFINITION.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Theater.** A building, playhouse, room, hall or other place having a permanent stage upon which movable scenery is or may be placed and upon which theatrical or vaudeville or similar performances are given, with permanently affixed seats so arranged in proximity to such stage that a body of spectators may have an unobstructed view of said stage, the primary function of which is to serve as the locale of such performances.

(b) **Public Photography Studio.** An establishment to which patrons or members are invited or allowed to photograph or purportedly photograph or graphically reproduce in any manner persons or models.

(c) **Entertainment.** Any act, play, review, pantomime, scene, dance act, song, song and dance act, poetry recitation, reading, style show or modeling for photographing or graphic reproduction by any means whatsoever within a public photography studio as defined herein.

(d) **Person.** An individual, firm, partnership, joint adventure, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, and any political subdivision of either thereof.

(e) **Operator.** Any person operating a Public Photography Studio, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession.

(f) **Bona Fide Nonprofit Clubs or Organizations.** Any fraternal, charitable, religious or benevolent, or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political and civic welfare, to which admission is limited to members and guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation under the Internal Revenue Laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

(g) **Entertainer.** An entertainer is any person who performs any act enumerated in Section 1073.1(c) of this Article for any compensation whatsoever.

(h) **Employee.** Any and all persons who render any service whatsoever to the patrons or customers of a Public Photography Studio and who receive compensation for such service.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.2. PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in any premises in the City and County of San Francisco, the operation of a Public Photography Studio as defined herein, without first obtaining a permit from the Police Department.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.2.1. EMPLOYEE PERMIT REQUIRED.

It shall be unlawful for any person, as defined in Section 1073.1(h), to perform any service for a customer of a Public Photography Studio without first securing a permit from the Chief of Police.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.3. FILING AND FEE PROVISION.

Every applicant desiring a permit to maintain, operate or conduct a Public Photography Studio shall file an application with the Chief of Police upon a form provided by said Chief of Police and pay a filing fee which shall not be refundable.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1073.3.1. EMPLOYEE PERMIT-APPLICATION TO CHIEF OF POLICE.

Every applicant for an Employee Permit for a Public Photography Studio shall file an application with the Chief of Police on a form provided by said Chief of Police and pay a filing fee which shall not be refundable. Said applicant shall file for a permit within 30 days of the effective date of this Article.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1073.4. APPLICATION FOR PUBLIC PHOTOGRAPHY STUDIO.

The application for a permit to operate a Public Photography Studio shall set forth the proposed place of business and facilities therefor and the name and address of each applicant.

In addition to the foregoing, any applicant for a permit shall furnish the following information:

(a) The two previous addresses immediately prior to the present address of the applicant.

(b) Written proof that the applicant is at least 18 years of age.

(c) Applicant's height, weight, color of eyes and hair.

(d) Two portrait photographs at least 2" by 2".

(e) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application.

(f) All criminal convictions except minor traffic violations.

(g) Such other identification and information necessary to discover the truth and the matters hereinbefore specified as required to be set forth in the application.

(h) Nothing contained herein shall be construed to deny to the Chief of Police the right to take fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm the height and weight of the applicant.

(i) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than 10 percent of the stock of the corporation. If the applicant is a partnership, the applicant shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.4.1. APPLICATION FOR EMPLOYEE OF A PUBLIC PHOTOGRAPHY STUDIO.

The employee of a Public Photography Studio filing for a permit shall furnish the following information:

(a) Name.

(b) Residence address.

(c) Public Photography Studio in which the employee is currently working.

(d) Two previous addresses immediately prior to the present address of the applicant.

(e) Applicant's weight, height, color of eyes and hair.

(f) Written proof that applicant is at least 18 years of age.

(g) Two portrait photographs at least 2"  2".

(h) Previous employment of the applicant for three years immediately preceding the date of application.

(i) All criminal convictions except minor traffic violations.

(j) Such other identification and information necessary to discover the truth of the matters hereinbefore specified.

(k) Nothing contained herein shall be construed to deny the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm the height and weight of the applicant.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.5. CORPORATE APPLICANTS: EXEMPTION.

The provisions of Section 1073.4(a), (b), (c), (d), (e) and (f) entitled "Application for Public Photography Studio" relating to requirements for corporate applicants shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.6. CORPORATE PERMITTEE: MAINTENANCE OF STOCK REGISTER; REPORT.

(A) Any corporation holding a permit under this Article shall maintain a stock register at the principal office of the corporation in San Francisco and the stock register shall be available to the Police Department for inspection. Such corporation shall report to the department in writing any of the following:

(1) Issuance or transfer of any shares of stock to any person where the issuance or transfer results in the person owning 10 percent or more of the corporate stock.

(2) Change in any of the corporate officers which are required by Section 821 of the Corporations Code.

(3) Change of the members of its Board of Directors.

The report shall be filed with the Police Department within 30 days after the issuance or transfer of corporate stock, change in corporate officers, or change in members of the Board of Directors, as the case may be.

(B) The provisions of this Section shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company to which a permit is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 428-74, App. 9/5/79)

SEC. 1073.7. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the California Code of Civil Procedure for the verification of pleadings.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.8. NOTICE OF HEARING.

When an application is filed for a permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed Public Photography Studio is to be operated. Such posting of notice shall be carried out by the Chief of Police, and the applicant shall maintain said notice as posted for the required number of days.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.9. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.

The Chief of Police, upon receiving an application for a Public Photography Studio permit, shall refer the application to the Bureau of Building Inspection, the Fire Department, and the City Planning Department, which departments shall inspect the premises proposed to be operated as a Public Photography Studio and shall make written recommendations to the Chief of Police concerning compliance with the codes that they administer.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.10. ISSUANCE OF PERMIT FOR A PUBLIC PHOTOGRAPHY STUDIO.

The Chief of Police may issue a permit within 14 days following a hearing if all requirements for a Public Photography Studio described in this Article are met and may issue a permit to all persons who apply to perform Public Photography Studio services unless he finds:

(1) That the operation as proposed by the applicant if permitted would not have complied with all applicable laws, including but not limited to the Building, City Planning, Housing and Fire Codes of the City and County of San Francisco or regulations adopted by the Chief of Police.

(2) That the applicant and any other person who will be directly engaged in the management and operation of a Public Photography Studio has been convicted of any of the following offenses or convicted of an offense without the State of California that would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code;

(b) An offense involving the use of force and violence upon the person of another that amounts to a felony;

(c) An offense involving sexual misconduct with children;

(d) An offense as defined in Sections 311, 647(a), 647a, 647b, 315, 316 or 318 of the Penal Code of the State of California.

The Chief of Police may refuse to issue any permit if it shall appear that the character of the business is not a proper or suitable place in which to conduct or maintain such business or calling or the applicant requesting such permit does not warrant the issuance thereof.

The Chief of Police may issue a permit to any person convicted of any of the crimes described in Subsections (a), (b), (c) or (d) of this Section if he finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.10.1. ISSUANCE OF EMPLOYEE PERMIT.

The Chief of Police may issue a permit within 14 days following a hearing unless he finds that the applicant has been convicted of any of the following offenses or if convicted of an offense without the State of California that would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code.

(b) An offense involving the use of force and violence on the person of another that amounts to a felony.

(c) An offense involving sexual misconduct with children.

(d) An offense as defined in Section 311, 647(a), 647a, 647b, 315, 316 or 318 of the Penal Code of the State of California.

The Chief of Police may refuse to issue any permit if it shall appear that the character of the applicant does not warrant the issuance thereof.

The Chief of Police may issue a permit to any person convicted of any of the crimes enumerated in Subsections (a), (b), (c), or (d) of this Section if he finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in this Section.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.11. REVOCATION OR SUSPENSION OF PERMIT.

Any permit issued for a Public Photography Studio or employee may be revoked or suspended by the Chief of Police, after a hearing, for good cause, or in any case where any of the provisions of this Article are violated or where any employee of the permittee is engaged in any conduct which violates any of the state or local laws or ordinances at permittee's place of business and the permittee has actual or constructive knowledge of such violations, or in any case where the permittee or licensee refuses to permit any duly authorized Police Officer of the City and County of San Francisco to inspect the premises or the operations therein.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.12. EMPLOYMENT OF PERSONS UNDER THE AGE OF EIGHTEEN PROHIBITED.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any Public Photography Studio to employ any person who is not at least 18 years of age.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.13. SALE OR TRANSFER.

Upon sale, transfer or relocation of a Public Photography Studio, the permit and license therefor shall be null and void unless approved as provided in Section 1073.18 herein; provided, however, that upon the death or incapacity of the permittee the Public Photography Studio may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

If the permittee is a corporation, a transfer of 25 percent of the stock ownership of the permittee will be deemed to be a sale or transfer and the permit and license therefor shall be null and void unless approved as provided in Section 1073.18 herein; provided, however, that the provision shall not apply to a permittee corporation, the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Securities and Exchange Commission unless approved in Section 1073.18 herein.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.14. NAME AND PLACE OF BUSINESS-CHANGE OF LOCATION.

No person granted a permit pursuant to this Article shall operate under any name or conduct his business under any designation for any location not specified in his permit.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.15. DISPLAY OF PERMIT.

Every person to whom or for whom a permit shall have been granted pursuant to the provisions of this article shall display said permit in a conspicuous place within the Public Photography Studio so that the same may be readily seen by persons entering the premises.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.16. INSPECTION.

The Police Department shall, from time to time and at least twice a year, make an inspection of each Public Photography Studio in the City and County of San Francisco for the purposes of determining that the provisions of this Article are complied with.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.17. LICENSE FEES.

Every permittee who conducts or assists in conducting or permitting any Public Photography Studio as defined herein shall pay to the Tax Collector an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1073.17.1. EMPLOYEE LICENSE.

Every person engaged as an employee of a public photography studio who requires a permit from the Police Department pursuant to the provisions of Section 1073.2.1 of this Article shall pay an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1073.18. TRANSFER OF PERMIT.

No permit shall be transferable except with the written consent of the Chief of Police. An application for such a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial application. The written application for such transfer shall contain the same information as requested herein for initial application for such a permit.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1073.19. PROHIBITION.

Every person is guilty of a misdemeanor who, while acting as an entertainer in a Public Photography Studio as defined herein:

(a) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(b) Exposes or employs any device, costume or cover which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(c) Exposes any portion of the female breast at or below the areola thereof; or

(d) Employs any device or covering which is intended to simulate such portion of the breast.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.20. SOLICITATION OF TRADE.

No operator or employee of a Public Photography Studio shall permit or allow or cause any person or employee to solicit trade on the public sidewalk at or near the entrance to the Public Photography Studio or shall engage in such activity.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.21. LIGHTING.

Every Public Photography Studio shall be lighted throughout to an intensity of at least 12 foot candles during all hours of operation.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.22. BOOTHS AND CUBICLES.

It shall be unlawful for any operator of a Public Photography Studio to maintain or construct any booth, cubicle, room or rooms, compartment or stall that is so arranged that the entire interior portion of same is not visible from the exterior of the booth, cubicle, room or rooms, compartment or stall. No booth, cubicle, room, compartment or stall shall be so maintained or constructed so that the entrance to same may be blocked by a door or curtain or similar device.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.23. EMPLOYMENT OR PAYMENT NOT NECESSARY FOR OFFENSE.

A person shall be deemed to be an entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.24. SIGNS REGULATED.

No sign or signs which, in whole or in part, advertise any Public Photography Studio and which sign or signs use the words "nude", "topless", "bottomless", "naked", or words of like import, shall be maintained, erected, used or placed upon or adjacent to the outside of any building where it is visible from public streets or from adjacent buildings and premises, the purpose of which sign is intended to attract, lure or entice customers.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.25. SIGNS CONTINUED.

No sign or signs, paintings, photographs, pictorial representations, or any other visual means shall be maintained, erected, used or placed upon or adjacent to the outside of any building, or in connection with any premises therein, if it shows, reveals or depicts, in whole or in part, the following:

(1) The actual or simulated displaying of the pubic hair, anus, vagina, penis, vulva, buttocks, or any other genitalia of the human body;

(2) Any portion of the nude female breast below the top of the areola.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.26. VISIBILITY FROM THE STREET.

No operator of a Public Photography Studio shall permit or cause to be permitted or allow any entertainment as defined in this Article in such a manner that said entertainment would be visible at any time from the street, sidewalk or highway.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.27. ADVERTISING.

No operator of a Public Photography Studio shall place or cause to be placed or distribute or cause to be distributed any advertising brochures, pamphlets, handbills, posters, announcements, or the like, that depict the human form or portions thereof, or contain such wording in such a manner that such depictions of the human form or portions thereof or words would violate Section 1073.19 of this Article if such pictorial representation were on a sign upon or adjacent to a Public Photography Studio.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.28. COUNSELING OR ASSISTING.

Every person is guilty of a misdemeanor who permits, counsels or assists any person to violate any provision of this Article.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.29. EXEMPTIONS.

The provisions of Section 1073.2 relating to requirement for a permit shall not apply to a Public Photography Studio operated by any public agency or by any educational or social agency, or any bona fide charitable organization as defined in Section 1073.1(f) herein.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.30. EXEMPTIONS CONTINUED.

This Article shall not apply to any of the following:

(a) A school or institute approved by the Superintendent of Public Instruction pursuant to the provisions of Section 29007.5 of the Education Code of the State of California.

(b) A theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

(c) Any act authorized or prohibited by state statute.

(d) Entertainment as defined in Section 1060(e) of Article 15.1 of this Code and as regulated by Section 1060.9.1 of said Code.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.31. PENALTY.

A violation of this article is punishable by a fine not exceeding $500 or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.32. TIME LIMIT FOR OBTAINING PERMIT.

All premises required to obtain a permit and license pursuant to this Article must obtain a permit within 45 days of the effective date of this Article; failure so to do shall make continued operation of said Public Photography Studio a violation of Section 1073.31 hereof. Permits must be obtained from the Police Department as Sections 1073.2, 1073.3 and 1073.4 hereof provide.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.33. LIMITED SUSPENSION.

Any permit issued under the terms of this Article may be suspended for a period of 30 days by the Chief of Police if the Chief of Police deems after the noticed hearing that violation of the regulations or any provision of the Municipal Code has occurred.

(Added by Ord. 428-74, App. 9/5/74)

SEC. 1073.34. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 428-74, App. 9/5/74)

ARTICLE 15.6:  
ESCORT SERVICES

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| Sec. 1074.1. | Definitions. |
| Sec. 1074.2. | Permit Required. |
| Sec. 1074.3. | Filing Fee. |
| Sec. 1074.4. | Application For Escort Service Permit. |
| Sec. 1074.5. | Employee Permit Required. |
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| Sec. 1074.7. | Application For Employee of an Escort Service. |
| Sec. 1074.8. | Verification of Application. |
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| Sec. 1074.10. | Corporate Permittee; Maintenance of Stock Register; Report. |
| Sec. 1074.11. | Notice of Hearing. |
| Sec. 1074.12. | Issuance of Permit For an Escort Service. |
| Sec. 1074.13. | Applications Barred For One Year. |
| Sec. 1074.14. | Issuance of Employee Permits. |
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| Sec. 1074.29. | Severability. |

SEC. 1074.1. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Escort Service.** Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters. Excluded from this definition are any businesses, agencies or persons which provide escort services for older persons as defined in California Welfare and Institutions Code Section 9406, when such services are provided as part of a social welfare and health program for such older persons.

(b) **Escort.** Any person who, for a fee, commission, hire, reward or profit, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters. Excluded from this definition are any persons employed by any business, agency or person excluded from the definition of "escort service" above.

(c) **Person.** An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, and any political subdivision thereof.

(d) **Operator.** Any person operating an escort service, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession.

(e) **Employee.** Any and all persons who work in or about or render any services whatsoever to the patrons or customers of an Escort Service and who receive compensation for such service.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.2. PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on in the City and County of San Francisco, the operation of an escort service as herein defined, without first having obtained a permit from the Police Department.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.3. FILING FEE.

Every person desiring a permit to maintain, operate or conduct an escort service shall file an application with the Chief of Police upon a form provided by said Chief of Police and pay a filing fee which shall not be refundable. Each such person shall pay an additional fee of $500 which shall be used by the Chief of Police to investigate said person's application as provided herein. Any unused portion of such additional fee shall be returned to the applicant at the conclusion of the hearing on his application.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1074.4. APPLICATION FOR ESCORT SERVICE PERMIT.

The application for a permit to operate an escort service shall set forth the proposed place of business and facilities therefor and the name and present address of each applicant.

In addition to the foregoing, any applicant for a permit shall furnish the following information or documents about the applicant if he is an individual, about each director and officer if it is a corporation, about each partner if it is a partnership, or about each member if it is some other organization as listed in Section 1074.1(c):

(a) The present address and the two previous addresses immediately prior to the present address;

(b) Written proof that each person is at least 18 years of age;

(c) Height, weight, color of eyes and hair;

(d) Three portrait photographs at least 2" × 2";

(e) Business occupation, or employment for the three years immediately preceding the date of application;

(f) A listing of all criminal convictions except minor traffic violations including date and place of each such conviction;

(g) If the applicant is a corporation, the name of the corporation exactly as shown in its articles of incorporation together with the names and residence addresses of each stockholder holding more than 10 percent of the stock or beneficial ownership of the corporation. (If one or more of the partners of applicant is a corporation, these provisions apply to corporate applicant);

(h) Whether applicant or each person of whom the above information is required or any other person who will be directly engaged in the management or operation of the Escort Service has been previously granted permits or licenses to engage in a business or occupation by the State of California or by the City and County of San Francisco, or a license or permit issued by the Alcoholic Beverage Control Commission, any of which permits or licenses has/have been revoked by the granting authority because of violation of law or violation of rules promulgated by the regulating agency. (The Chief of Police shall not take into account such revocation if such revocation occurred at least three years prior to the date of the application); and

(i) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

Nothing contained herein shall be construed to deny to the Chief of Police the right to take the fingerprints and additional photographs of the applicant, its officers, directors, or partners nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm, by independent investigation, the truth and accuracy of the above information.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.5. EMPLOYEE PERMIT REQUIRED.

It shall be unlawful for any escort or other employee to work in or about an escort service in the City and County of San Francisco or to perform any services in the City and County of San Francisco for a customer of an escort service wherever located without first securing a permit from the Chief of Police.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.6. EMPLOYEE PERMIT.

Every person desiring an employee permit shall file an application with the Chief of Police on a form provided by the Chief of Police and pay a filing fee which shall not be refundable and shall pay a license fee annually. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* Every person now working as an escort or employee shall file for a permit within 30 days of the effective date of this Article.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1074.7. APPLICATION FOR EMPLOYEE OF AN ESCORT SERVICE.

The employee of an escort service filing for a permit shall furnish the following information:

(a) Name;

(b) Residence address;

(c) Escort service in which the employee is currently working;

(d) Two previous addresses immediately prior to the present address of the employee;

(e) Weight, height, color of eye and hair;

(f) Written proof that employee is at least 18 years of age;

(g) Three portrait photographs of at least 2" × 2";

(h) Previous employment of the employee for three years immediately preceding the date of application;

(i) All criminal convictions except minor traffic violations including date and place of each such conviction;

(j) Such other identification and information necessary to discover the truth of the matters hereinbefore specified; and

(k) Whether employee has been previously granted permits or licenses to engage in a business or occupation by the State of California or the City and County of San Francisco, any of which permits or licenses has/have been revoked by the granting authority.

Nothing contained herein shall be construed to deny the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm, by independent investigation, the truth and accuracy of the above information.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.8. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the Code of Civil Procedure of the State of California for the verification of pleadings.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.9. CORPORATE APPLICANTS; EXEMPTION.

The provisions Subsections (a), (b), (c), (d), (e) and (f) of the Section 1074.4 relating to requirements for corporate applicants shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or the City of New York, State of New York;

(2) A bank, trust company, financial institution or title company to which application is made or to whom a license is issued in a fiduciary capacity; and

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.10. CORPORATE PERMITTEE; MAINTENANCE OF STOCK REGISTER; REPORT.

A. Any corporation holding a permit under this Article shall maintain a stock register at the principal office of the corporation in San Francisco and the stock register shall be available to the Police Department for inspection. Such corporation shall report to the department in writing any of the following:

(1) Issuance or transfer of any shares of stock or beneficial ownership thereof to any person where the issuance or transfer results in the person owning 10 percent or more of the stock or beneficial ownership of the corporation.

(2) Changes of any of the corporate officers required to be reported by Section 821 of the California Corporations Code.

(3) Changes of the members of its Board of Directors. The report shall be filed with the Police Department within 30 days after the issuance or transfer of corporate stock or beneficial ownership thereof, changes of corporate officers, or changes of members of the Board of Directors.

B. The provisions of this Section shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or in the City of New York, State of New York;

(2) A bank, trust company, financial institution or title company to which a permit is issued in a fiduciary capacity; or

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.11. NOTICE OF HEARING.

When an application is filed for a permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon within 60 days from the date of application. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed escort service is to be operated. Such posting of notice shall be carried out by the Chief of Police or his designee, and the applicant shall maintain said notice as posted until the date of the hearing.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.12. ISSUANCE OF PERMIT FOR AN ESCORT SERVICE.

The Chief of Police shall issue an escort service permit within 14 days following the hearing if all requirements for an escort service described in this Article are met unless he finds:

(1) That the premises where the escort service business will be conducted does not comply with all applicable laws, including, but not limited to, the Building, City Planning, Housing and Fire Codes of the City and County of San Francisco, and the rules and regulations adopted by the Chief of Police pursuant to this Article;

(2) That the applicant or an officer, director or partner thereof and any other person who will be directly engaged in the management and operation of an escort service has been convicted of an offense within or without the State of California that would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code;

(b) An offense involving the use of force and violence upon the person of another:

(c) An offense involving sexual misconduct with children; or

(d) An offense as defined in Sections 311, 647(a), 647a, 647(b), 315, 316, 318, or 266 through 267 inclusive of the Penal Code of the State of California; or

(3) That the applicant, an officer, director or partner thereof or any other person who will be directly engaged in the management and operation of the escort service has had a permit or license to engage in a business or occupation granted by the State of California or the City and County of San Francisco or a license or permit issued by the Alcohol Beverage Control Commission revoked by the granting authority.

The Chief of Police shall issue a permit to any person convicted of any of the crimes described in Subsections (2)(a), (2)(b), (2)(c), or (2)(d) of this Section or subjected to a license or permit revocation as described in Subsection (3) of this Section if he finds that the termination of any disability resulting from such conviction or revocation occurred at least three years prior to the date of the application and the applicant, its officers, directors and partners have had no subsequent felony convictions of any nature, no subsequent misdemeanor convictions for crimes mentioned in this Section and no permit or license revocations as mentioned in Subsection (3) of this Section.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.13. APPLICATIONS BARRED FOR ONE YEAR.

Whenever any application is filed for a permit under this Article and said application has been denied by the Chief of Police, or a permit issued under this Article has been revoked, and no appeal has been taken to the Board of Permit Appeals or when any appeal from such denial or revocation has been taken to the Board of Permit Appeals and said Board has concurred in the judgment or order of denial or revocation, said application for said permit, or for a like permit for the same location or by the same applicant shall not be heard by the Chief of Police until the expiration of one year from the date of the previous denial or revocation of said permit or application and there shall be no appeal to said Board of Permit Appeals for failure or refusal to hear any such application or appeal within said one year period. For the purposes of this Section, "same applicant" shall mean a corporation having substantially the same shareholders as a prior corporate applicant, or a partnership having substantially the same membership as a prior partnership applicant; furthermore, "same applicant" shall mean any officer, director, shareholder or partner of a prior corporate or partnership applicant; provided, that when any permit is denied by reason of definite existing conditions which prevent the granting of said permit, and said conditions are removed or remedied, the one year's prohibition against reapplication will not apply.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.14. ISSUANCE OF EMPLOYEE PERMITS.

The Chief of Police shall issue an employee permit within 14 days following a hearing unless he finds that the applicant has had a permit or license to engage in a business or occupation granted by the State of California or the City and County of San Francisco or a permit or license granted by the Alcoholic Beverage Control Commission revoked by the granting authority or that the applicant has been convicted of any of the following offenses, or convicted of an offense within or without the State which would have constituted any of the following offenses if committed within the State of California:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code;

(b) An offense involving the use of force and violence on the person of another;

(c) An offense involving sexual misconduct with children; or

(d) An offense as defined in Sections 311, 647(a), 647a, 647(b), 315, 316, 318 or 266 through 267, inclusive, of the Penal Code of the State of California.

The Chief of Police shall issue a permit to any person subjected to a revocation as described in this Section or to any person convicted of any of the crimes enumerated in Subsections (a), (b), (c) or (d) of this Section if he finds that the termination of any disability resulting from such conviction or revocation occurred at least three years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature, no subsequent misdemeanor convictions for crimes mentioned in this Section and no subsequent permit revocation mentioned in this Section.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.15. REVOCATION OR SUSPENSION OF PERMIT.

Any permit issued for an escort service or employee may be revoked or suspended by the Chief of Police after a hearing, in any case where any of the provisions of this Article or local or State law are violated or where any employee of the permittee has engaged in any conduct which violates any of the State or local laws or ordinances at permittee's place of business, or in any case where the permittee or licensee refuses to permit any duly authorized police officer of the City and County of San Francisco to inspect the premises or the operations therein or when any of the rules or regulations adopted by the Chief of Police pursuant to this Article are violated.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.16. EMPLOYMENT OF PERSONS UNDER THE AGE OF 18 PROHIBITED.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any escort service to employ any person who is not at least 18 years of age.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1047.17. AGE OF CUSTOMER.

It shall be unlawful for any owner, proprietor, manager or other person in charge of an escort service to allow any person under the age of 18 years to patronize an escort service as a customer or patron.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.18. SALE OR TRANSFER.

Upon sale, transfer or relocation of an escort service, the permit and license therefor shall be null and void unless approved as provided in Section 1074.25 herein; provided, however, that upon the death or incapacity of the permittee, the escort service may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

If the permittee is a corporation, a transfer of 25 percent of the stock ownership of the permittee will be deemed to be a sale or transfer and the permit and license therefor shall be null and void unless approved as provided in Section 1074.25 herein; provided, however, that the provision shall not apply to a permittee corporation, the stock of which is listed on a stock exchange in this State or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security and Exchange Commission.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.19. NAME AND PLACE OF BUSINESS – CHANGE OF LOCATION.

No person granted a permit pursuant to this Article shall operate under any name or conduct his business under any designation for any location not specified in his permit.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.20. INSPECTION.

The Police Department may, from time to time during business hours, inspect each escort service in the City and County of San Francisco for the purposes of determining that there is compliance with the provisions of this Article.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.21. DAILY REGISTER.

Every person who engages in, conducts, or carries on the operation of an escort service shall keep a daily register, approved as to form by the Police Department, containing the following information:

(a) The identification of all employees employed by such establishment together with a duplicate of each of said employees' employee permit;

(b) The hours of employment of each employee for each day; and

(c) The names of all patrons, including true full names, residential addresses, including street, city and state, hours of employment of escort service, name of escort or employee providing escort services, location and place where escort services took place, and fee charged.

Said daily register shall at all times during business hours be subject to inspection by the Police Department only for the limited purpose of determining that said daily registers are being maintained in compliance with the provisions of this Section and shall be kept on file for one year on the premises. Any evidence so obtained shall not be admissible for any purpose other than proof of compliance or noncompliance with this Section. The Police Department and the Health Department are authorized to inspect said daily registers for other purposes or to obtain information therefrom only if they have first obtain a warrant.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.22. PROHIBITED ACTIVITIES.

No person who is a patron of an escort service shall place or cause to be placed in the daily register a false name or address.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.23. COUNSELING OR ASSISTING.

No person shall permit, counsel or assist any other person in the violation of any provision of this Article.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.24. LICENSE FEES.

Every permittee who conducts or assists in conducting any escort service as defined herein shall pay to the Tax Collector an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1074.25. TRANSFER OR ASSIGNMENT OF PERMIT.

No permit shall be transferred or assigned except with the written consent of the Chief of Police. An application for such a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial application. The written application for such transfer shall contain the same information as required herein for an initial application for such a permit.

(Amended Ord. 555-81, App. 11/12/81)

SEC. 1074.26. PENALTY; MISDEMEANOR OR INFRACTION.

Any person who willfully violates any provision of this Article shall be deemed guilty of a misdemeanor or an infraction.

(a) If charged as an infraction, the penalty upon conviction of such person shall be a fine not exceeding $500.

(b) If charged as a misdemeanor, the penalty upon conviction of such person, shall be imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding $1,000, or by both such fine and imprisonment.

(c) The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction. Such charging decisions shall be at the sole discretion of the District Attorney.

(d) Nothing herein shall prohibit the District Attorney from exercising the discretion vested in him by law to charge an operator, employee, or any other person associated with an escort service with violating this or any other local or state law.

(Added by Ord. 323-81, App. 6/19/81)

SEC. 1074.27. TIME LIMIT FOR OBTAINING PERMIT.

All premises required to obtain a permit and license pursuant to this Article must obtain a permit within 60 days of the effective date of this Article; failure to do so shall make continued operation of said escort service a violation of Section 1074.2 hereof.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.28. RULES AND REGULATIONS.

The Chief of Police may adopt rules and regulations supplemental to this Article and not in conflict therewith.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

SEC. 1074.29. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed such section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 323-81, App. 6/19/81; amended by Ord. 217-87, App. 6/19/87)

ARTICLE 15.7:  
EVENT PROMOTERS

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| --- | --- |
| Sec. 1075.1. | Definition of Event Promoter. |
| Sec. 1075.1.1. | Other Definitions. |
| Sec. 1075.2. | Event Promoter Registration Required. |
| Sec. 1075.2.1. | Submission of Registration Information. |
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| Sec. 1075.2.3. | Registration Receipt. |
| Sec. 1075.2.4. | Sale or Change of Ownership. |
| Sec. 1075.3. | Event Promoter Records and Information. |
| Sec. 1075.4. | Permittees' Use of Registered Event Promoters. |
| Sec. 1075.5. | Director's Powers Regarding Event Promoters. |
| Sec. 1075.5.1. | Procedures and Appeal Rights. |
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| Sec. 1075.5.3. | Online Disclosure of Director's or Commission's Order. |
| Sec. 1075.6. | Multiple Event Promoters for a Single Event. |
| Sec. 1075.7. | Administrative Penalties for Event Promoters. |
| Sec. 1075.8. | Sanctions for Permittees. |
| Sec. 1075.9. | Relationship to Other Municipal Code Provisions. |
| Sec. 1075.10. | Adoption of Regulations. |
| Sec. 1075.11. | Promotion of General Welfare. |
| Sec. 1075.12. | Authority of San Francisco Police Department. |
| Sec. 1075.13. | Severability. |
| Sec. 1075.14. | Operative Date. |

**Editor's Notes:** Section 1075 is codified in Article 16 below.  
 This Code includes two sections designated "1075.1." For the section abolishing the Taxi Commission and entitled "Transfer of Regulatory Authority to Municipal Transportation Agency," see Article 16 below.

SEC. 1075.1. DEFINITION OF EVENT PROMOTER.

For purposes of this Article:

(a) "Event" means an occasion or happening at which Entertainment is presented or a Dance occurs under circumstances where a Place of Entertainment Permit, Extended-Hours Premises Permit. One Time Event Permit, and/or Dance Hall Permit is required, provided all of the following conditions are met:

(1) The venue for the Event, if held indoors, has a legal occupancy limit of 100 persons or more; the Event, if held outdoors, is anticipated to have 100 persons or more in attendance at any one time;

(2) Some portion of the Event takes place between the hours of 10:00 p.m. to 6:00 a.m.;

(3) The Event is not of a bona fide social character. To be of a bona fide social character, admission must be limited strictly on invitation of the Person acting as host; no fee, either by way of admission or in any other manner may be charged, other than to cover costs; and no profit is intended to be made or other commercial or marketing advantage intended to be sought; if an Event Promoter is uncertain whether the Event is of a bona fide social character, the Event Promoter shall inquire of the Director in advance of the Event;

(4) The Event is not a bona fide fundraiser. A bona fide fundraiser is held to raise funds for a charitable, political, religious, or similar purpose, and none of the proceeds can be used for any other purpose, except to cover costs incurred in holding the fundraiser, provided, however, that no proceeds of the fundraiser may inure to the benefit of the Person promoting the event; if an Event Promoter is uncertain whether the Event is a bona fide fundraiser, the Event Promoter shall inquire of the Director in advance of the Event;

(5) The Event is not held at City Hall, the Fine Arts Museums of San Francisco, the Asian Art Museum of San Francisco, the War Memorial and Performing Arts Center, the California Academy of Sciences, or the San Francisco Public Library including all branches;

(6) The Event is not one in which the City has a management role, either exclusively or in concert or partnership with a private individual or entity; and

(7) The Event is not held at a recreational or social hall or similar venue on the property of a church, synagogue, mosque, or other house of worship.

(b) "Hold an Event" means to take action to organize the Event, arrange the program for the Event, or encourage attendance at the Event. To Hold an Event includes but is not limited to the following activities:

(1) Contracting for or renting the Event site;

(2) Exercising some control over the Event site during the Event;

(3) Selecting or contracting for entertainment for the Event;

(4) Advertising or publicizing the Event to members of the public; or

(5) Soliciting members of the public to attend the Event.

(c) "Receives Compensation in Connection with the Event" means one or more of the following:

(1) Receiving or sharing in admission or entrance fees paid by those attending the Event;

(2) Receiving or sharing in compensation, revenue, or other consideration for Holding the Event; or

(3) Receiving or sharing in revenue from food, beverages, or items sold at the Event.

(d) "Event Promoter" is any Person who both Holds an Event and Receives Compensation in Connection with the Event, but does not include the following:

(1) A Permittee, when the Event is held at the venue of the Permittee's Place of Entertainment Permit, Extended-Hours Premises Permit, One-Time Event Permit, or Dance Hall Permit;

(2) A print, broadcast, or internet medium that is paid solely for page space or broadcast time to advertise an event, but exercises no other responsibilities in connection with the Event;

(3) A ticket seller who sells admission tickets to an Event from its own place of business, not at the site of the Event and in advance of the Event, but exercises no other responsibilities in connection with the Event;

(4) An entertainer or performer who is not compensated, or who is compensated solely for his or her performance or presentation of Entertainment at the Event;

(5) An agent of an entertainer or performer described in subsection (d)(4) above;

(6) An employee of an Event Promoter; or

(7) An agent, official, or employee of the City acting in the course of his or her position as an agent, official, or employee.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

**Editor's Note:** This Code includes two sections designated "1075.1." For the section abolishing the Taxi Commission and entitled "Transfer of Regulatory Authority to Municipal Transportation Agency," see Article 16 below.

SEC. 1075.1.1. OTHER DEFINITIONS.

For purposes of this Article, all terms that are used in this Article and defined in Police Code Sections 1022, 1060, or 1070 have the same meaning as in those Police Code Sections. In addition, for purposes of this Article:

(a) "City" is the City and County of San Francisco.

(b) "Commission" is the Entertainment Commission.

(c) "Permit" is a Place of Entertainment Permit, Extended-Hours Premises Permit, One Time Event Permit, or Dance Hall Permit.

(d) "Permittee" is the holder of a Place of Entertainment Permit, Extended-Hours Premises Permit, One Time Event Permit, or Dance Hall Permit.

(e) "Registrant" is an Event Promoter who has registered with the Commission under Sections 1075.2.1 and 1075.2.2.

(f) "Registration Receipt" is the record issued to a Registrant by the Director under Section 1075.2.3

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.2. EVENT PROMOTER REGISTRATION REQUIRED.

Any Person who acts as an Event Promoter in the City shall register with the Commission as an Event Promoter.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.2.1. SUBMISSION OF REGISTRATION INFORMATION.

(a) To register as an Event Promoter, a Person shall complete a form or forms prescribed by the Director, and submit the completed form(s) to the Director. The form(s) shall be submitted under penalty of perjury.

(b) The form(s) shall include the following information:

(1) The Person's name, address, phone number, e-mail address (if any), and fax number (if any).

(2) The Person's trade name or business name when acting as an Event Promoter.

(3) All trade names or business names used by the Person when acting as an Event Promoter during the three years prior to submission of the form(s).

(4) If the Person is a corporation, the name of the corporation shall be set forth as shown in its articles of incorporation, along with the date and place of incorporation and the name and address of officers, directors, and of each shareholder owning ten percent or more of the stock of the corporation.

(5) If the Person is a partnership, the name and address of each of the partners, including limited partners. If one or more of the partners is a corporation, the information required in subsections (b)(1) through (b)(4) above pertaining to a corporate applicant apply for that partner.

(6) If the Person is a corporation or partnership, the names and business telephone numbers, cell phone numbers, email addresses, fax numbers, and any other business contact information for the day-to-day manager(s) of the corporation or partnership.

(7) The name(s) and address(es) that appear on any business registration certificate for the Person.

(8) The address to which notice to the Person, when required, is to be sent or mailed, and the name and address of the individual(s) authorized to accept service of process for the Person.

(9) At the discretion of the Director, other identification and contact information similar in nature to the information in subsections (b)(1)-(8) above.

(c) A Registrant shall update the information required to be submitted under subsection (b) above within 30 days after the information becomes inaccurate or incomplete.

(d) If the Director determines that a Registrant, or a Person seeking to become a Registrant, has intentionally submitted information that is false or incomplete in any material respect, or that a Registrant has intentionally failed to update information resulting in a material omission, the Director may issue an Order that the Registrant be removed from, or the Person seeking to become a Registrant not be included in, the online registration system described in Sections 1075.2.2(a) and (b). The Director's Order shall be subject to the procedures and appeal rights specified in Section 1075.5.1. An Order imposed under this subsection (d) by the Director, or by the Commission on appeal of the Director's Order, shall be in effect for one year. A Registrant or a Person seeking to become a Registrant who is the subject of an Order imposed by the Director under this subsection (d) may at any time request that the Director lift the Order or shorten its duration. The Director's decision in response to the request shall not be appealable to the Commission. A Registrant or Person seeking to become a Registrant who is the subject of an Order imposed by the Commission on appeal that modifies the Director's Order may at any time request that the Commission lift the Order or shorten its duration. The Commission may make a decision in response to the request, or delegate the decision to the Director.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.2.2. ONLINE REGISTRATION AND POSTING.

(a) The City shall make the form(s) described in Sections 1075.2.1(a) and (b) available online. Persons shall be permitted to complete and submit the forms to the Director online.

(b) All completed forms shall be publicly available online on the Commission's website or such other website as the Director, in consultation with the Department of Technology, shall determine. Any completed forms submitted in hard copy to the Director shall be placed online by the Director with the other completed forms submitted online. In lieu of the requirement that completed forms be posted online, the Director may post online a registry of Registrants containing the information submitted under Sections 1075.2.1(b)(1) and (2), and such other information submitted under Sections 1075.2.1(b)(3)-(9) as the Director chooses to include in the registry.

(c) The Director shall make a public announcement when the online registration system described in subsections (a) and (b) above become operational. The Director's announcement shall be made by posting a prominent notice on the Commission's website; by mailing or emailing the notice to all Event Promoters for which the Director has contact information; by mailing or emailing the notice to all Permittees and requesting that they forward the notice to Event Promoters; and, in the Director's discretion, by mailing or emailing the notice to trade associations, if any, connected to Event Promoters. The Director may take other measures, in the Director's discretion, to publicize the online registration system. The Director's failure to comply with this subsection (c) shall not invalidate this Article or affect its operative date.

(d) The Commission shall regularly place a notice on agendas for its regular meetings that informs the public of Persons who have become new Registrants.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.2.3. REGISTRATION RECEIPT.

Upon submission of the completed form(s) required under Sections 1075.2 and 1075.2.1, the Director shall issue a Registration Receipt to the Registrant. The Director shall determine the form and content of the Registration Receipt.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.2.4. SALE OR CHANGE OF OWNERSHIP.

(a) When there is a sale of the Registrant's business or a change of ownership, the Registrant shall notify the Director, who shall remove the Registrant from the online system described in Section 1075.2.2(b).

(b) A sale of the Registrant's business or a change of ownership does not make the Person that is the new owner a Registrant. To act as an Event Promoter, the Person that is the new owner must become a Registrant by complying with Sections 1075.2 and 1075.2.1.

(c) For a Registrant that is a corporation, a change of ownership occurs when (i) a Person who, at the time of the Registrant's submitting information to the Director under Section 1075.2.1, did not own or control more than 50% of the shares of stock in the corporation, acquires or gains control over more than 50% of the shares, or (ii) Persons who, at the time of the Registrant's submitting information to the Director under Section 1075.2.1, did not cumulatively own or control more than 50% of the shares of stock in the corporation, cumulatively acquire or gain control over more than 50% of the shares, provided that each of those Persons has acquired or gained control over at least 10% of those shares.

(d) For a Registrant that is a partnership, a change of ownership occurs when (i) a Person who, at the time of the Registrant's submitting information to the Director under Section 1075.2.1, did not own or control more than 50% of the partnership or its assets, gains ownership or control of more than 50% of the partnership or its assets, or (ii) Persons who, at the time of the Registrant's submitting information to the Director under Section 1075.2.1, did not cumulatively own or control more than 50% of the partnership or its assets, cumulatively gain ownership or control of more than 50% of the partnership or its assets, provided that each of those Persons has gained ownership or control over at least 10% of the partnership or its assets.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.3. EVENT PROMOTER RECORDS AND INFORMATION.

Any Event Promoter or Permittee shall cooperate with City officials, including but not limited to the Director and the Commission, in providing access to records or any other information relevant to determining:

(a) The Event Promoter's compliance with this Article or with any Order imposed under Sections 1075.5 or 1075.5.1;

(b) A Permittee's compliance with this Article; and

(c) The Event Promoter's role and involvement in promoting an Event. The purpose of this subsection (c) is to ascertain the Event Promoter's connection, if any, to the risk or actual occurrence of injury to persons, damage to property, or other safety problems associated with an Event.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.4. PERMITTEES' USE OF REGISTERED EVENT PROMOTERS.

A Permittee may not have a Person act as an Event Promoter at or in connection with an Event at a Place of Entertainment, Extended-Hours Premises, location of a One Time Event, or Dance Hall unless the Event Promoter is a Registrant. For purposes of this requirement, the Permittee may conclude that an Event Promoter is a Registrant if the Event Promoter is listed online in the system described in Section 1075.2.2(b). In circumstances where the Permittee does not have access to the online system, or where a Registrant is not included in the online system due to the City's delay, failure, or error, the Permittee may conclude that the Event Promoter is a Registrant based on (1) the Event Promoter's possession of a valid Registration Receipt and (2) confirmation from the Director that the Event Promoter is a Registrant.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.5. DIRECTOR'S POWERS REGARDING EVENT PROMOTERS.

If an Event Promoter has promoted one or more Events (i) whether or not within the territorial limits of the City, at which the Director determines, in consultation with the Police Department, that there has been a significant risk or actual occurrence of injury to persons, damage to property, or other serious safety problems, or (ii) within the territorial limits of the City, at which the Director determines, in consultation with the Police Department, that there has been an actual occurrence of serious neighborhood disturbance including but not limited to traffic, litter, and noise problems, and if the Director determines, in consultation with the Police Department, that the Event Promoter bears significant responsibility for the risk or actual occurrence referenced in (i) above or the actual occurrence referenced in (ii) above, the Director may issue an Order that:

(a) Requires the Event Promoter to report to the Director some or all future Events within the City for which the Event Promoter will be Holding the Event. The report shall be promptly made following the Event Promoter's knowledge that the Event Promoter will be Holding the Event;

(b) Requires that enhanced Security Plan requirements shall apply to some or all Permittees that use the Event Promoter to hold an Event;

(c) Requires that the Event Promoter hold commercial general liability insurance to cover bodily injury and property damage arising from an Event. The Director's Order shall specify the amount of insurance to be held and other conditions pertaining to the insurance. The Director's Order may extend to insurance for a particular Event or for all Events promoted by the Event Promoter;

(d) Requires that the Event Promoter's managers, employees, and other personnel be subject to criminal background checks; and/or

(e) Requires that the Event Promoter adhere to other conditions and requirements that are warranted in light of the facts and circumstances giving rise to the Order.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.5.1. PROCEDURES AND APPEAL RIGHTS.

(a) The Director shall send an Order imposed under Section 1075.5 to the Event Promoter electronically and by mail or personal delivery. The Order shall state its date of issuance and its effective date.

(b) To provide the Event Promoter an opportunity to appeal, the Director's Order shall not take effect for ten City business days from the date the Order issues. Any Event Promoter directed to comply with the Director's Order may appeal the Director's Order within ten City business days of the date that the Order issues by filing a written request for review with the Secretary of the Commission. The Event Promoter shall not be required to comply with the Director's Order pending the Commission's action on the matter. If the Event Promoter withdraws the appeal, the Director's Order shall take effect immediately upon the withdrawal of the appeal or upon the effective date of the Director's Order, whichever is later.

(c) When acting on the appeal, the Commission may affirm, overturn, or modify the Director's Order.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.5.2. DURATION OF DIRECTOR'S OR COMMISSION'S ORDER.

(a) An Order imposed by the Director under Section 1075.5 may, at the Director's discretion, include an expiration date. An Order imposed by the Commission under Section 1075.5.1(c) that modifies the Director's Order may, at the Commission's discretion, include an expiration date.

(b) An Event Promoter who is the subject of an Order imposed by the Director under Section 1075.5 may at any time request that the Director lift the Order or shorten its duration. The Director's decision in response to the request shall not be appealable to the Commission. An Event Promoter who is the subject of an Order imposed by the Commission under Section 1075.5.1(c) that modifies the Director's Order may at any time request that the Commission lift the Order or shorten its duration. The Commission may make a decision in response to the request, or delegate the decision to the Director.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.5.3. ONLINE DISCLOSURE OF DIRECTOR'S OR COMMISSION'S ORDER.

(a) The Director shall include in the online system described in Section 1075.2.2(b) a reference to any Order that is in effect, imposed by the Director under Section 1075.5 or by the Commission under Section 1075.5.1, against an Event Promoter. The Director shall determine the degree of detail pertaining to the Order to be included in the online system.

(b) When using an Event Promoter in connection with an Event, Permittees have an obligation to ascertain whether there is an Order in effect, imposed by the Director under Section 1075.5 or by the Commission under Section 1075.5.1, against an Event Promoter that requires enhanced Security Plan requirements for Events to be Held by the Event Promoter or requires the Event Promoter to have commercial general liability insurance in connection with an Event. If a Permittee contracts with or otherwise engages the services of an Event Promoter, the Permittee (in addition to the Event Promoter) has a duty to proceed with the Event in a manner that is consistent with the requirements of the Director's or Commission's Order.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.6. MULTIPLE EVENT PROMOTERS FOR A SINGLE EVENT.

(a) The definition of Event Promoter does not limit the number of Persons who may qualify as an Event Promoter for a single Event. There can be more than one Event Promoter for a single Event.

(b) An Event Promoter may not contract with or otherwise engage another Event Promoter to Hold the same Event unless the other Event Promoter ("Other Event Promoter") is a Registrant. For purposes of this requirement, the Event Promoter may conclude that the Other Event Promoter is a Registrant if the Other Event Promoter is listed online in the system described in Section 1075.2.2(b). In circumstances where the Event Promoter does not have access to the online system, or where the Other Event Promoter is not included in the online system due to the City's delay, failure, or error, the Event Promoter may conclude that the Other Event Promoter is a Registrant based on (1) the Other Event Promoter's possession of a valid Registration Receipt and (2) confirmation from the Director that the Other Event Promoter is a Registrant.

(c) An Event Promoter that contracts with or otherwise engages another Event Promoter to Hold the same Event must promptly notify the Permittee that the Other Event Promoter is also Holding the Event.

(d) A Permittee's obligation under Section 1075.4 to only use registered Event Promoters for an Event applies to all Event Promoters Holding the Event.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.7. ADMINISTRATIVE PENALTIES FOR EVENT PROMOTERS.

Any Event Promoter who violates Sections 1075.2, 1075.2.1, 1075.2.4, 1075.3, 1075.6, or an Order imposed under Sections 1075.5 or 1075.5.1 shall be subject to administrative penalties as set forth in Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," which is hereby incorporated in its entirety and which shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations. The Director shall impose fines for violation of the aforementioned Sections or Orders as set forth in Section 100.5(a) of the Administrative Code. Each day during which a Section or Order is violated shall be considered a separate violation.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.8. SANCTIONS FOR PERMITTEES.

Any Permittee who violates Sections 1075.3, 1075.4, or 1075.5.3 shall be subject to the following sanctions:

(a) Permit suspension under Sections 1027, 1060.20 et seq., and 1070.17 et seq. of the Police Code;

(b) Permit revocation under Section 1027 of the Police Code and, where applicable, Sections 1060.20.4, 1060.20.5, 1070.20(a)(4), and 1070.20(a)(5) of the Police Code;

(c) Criminal penalties under Sections 1027, 1060.25(a), and 1070.24(a) of the Police Code; and

(d) Administrative penalties as set forth in Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," which is hereby incorporated in its entirety and which shall govern the amount of fees and the procedure for imposition, enforcement, collection, and administrative review of administrative citations. The Director shall impose fines for violation of this Article as set forth in Section 100.5(a) of the Administrative Code. Each day during which a Section or Order is violated shall be considered a separate violation.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.9. RELATIONSHIP TO OTHER MUNICIPAL CODE PROVISIONS.

This Article is intended to enhance the City's powers regarding the matters covered in the Article. It is not intended to limit the City's existing powers. By way of example but not limitation:

(a) This Article does not limit the duties and responsibilities of Permittees, or the sanctions and penalties that may be imposed against Permittees under Articles 15.1 and 15.2 of the Police Code. Imposition of an Order against an Event Promoter under Section 1075.5 or 1075.5.1 does not absolve a Permittee of responsibility for the safety problems that gave rise to the Order against the Event Promoter.

(b) This Article does not limit the City's powers regarding dances and Dance Halls as specified in Sections 1022-1027 of the Police Code.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.10. ADOPTION OF REGULATIONS.

The Commission may adopt regulations implementing the provisions of this Article.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.11. PROMOTION OF GENERAL WELFARE.

In undertaking the enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.12. AUTHORITY OF SAN FRANCISCO POLICE DEPARTMENT.

Nothing in this Article is intended to restrict or alter in any way the authority vested in the San Francisco Police Department under Federal, State, or local law.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.13. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

SEC. 1075.14. OPERATIVE DATE.

When the online registration system described in Sections 1075.2.2(a) and (b) is operational, the Director shall post a notice to that effect on the Commission's website and shall file a notice to that effect with the Clerk of the Board of Supervisors. This Article shall become operative on its effective date if 30 days have elapsed since the aforementioned posting of the website notice and filing of the notice with the Clerk. Otherwise, this Article shall become operative after its effective date once 30 days have elapsed since the posting of the website notice and filing of the notice with the Clerk.

(Added by Ord. 315-10, File No. 101190, App. 12/21/2010)

ARTICLE 16:  
REGULATIONS FOR MOTOR VEHICLES FOR HIRE\*

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\* **Editor's Note:** The former Taxi Commission referenced throughout this article has been abolished and its functions, powers, and duties transferred to the Municipal Transportation Agency. See Sec. 1075.1.   
 For current provisions relating to vehicles for hire, see Transportation Code Article 1100.

DIVISION I  
PROVISIONS GOVERNING ALL VEHICLES\*

SEC. 1075. DECLARATION OF POLICY.

The Board of Supervisors of the City and County of San Francisco hereby declare it shall be the policy of the City and County of San Francisco that:

(a) All motor vehicle for hire permits issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco and shall not be sold, assigned or transferred.

(b) A sufficient number of permits for each type, kind, or class of motor vehicle for hire shall be issued to assure adequate service to the public, including residents, commuters, tourists and other visitors.

(c) All taxicabs shall be operated with an effective 24-hour radio dispatch service to assure prompt, safe and adequate service for all residents of the City and County of San Francisco, including, without limitation, elderly and handicapped persons, in all locations throughout the City and County.

(d) Taxicab operators may charge less than the maximum fare set by law, as set forth below.

(e) All commercial operation of motor vehicles for hire in the City and County of San Francisco shall be subject to regulation under this Article, except to the extent that such regulation is preempted or precluded by state or federal law. It is the intent of the Board of Supervisors that this Article shall apply to all motor vehicles for hire, including those which may from time to time be deregulated by state or federal authority although now or in the future exempted from regulation hereunder by virtue of state or federal law.

(f) The public will benefit from additional efforts to enforce the provisions of this Article, and a portion of the cost of enforcement should be funded through fees collected from holders of permits issued under this Article.

(Added by Ord. 562-88, App. 12/27/88)

**Editor's Note:** For sections designated 1075.1 through 1075.14, see Article 15.7 above.

SEC. 1075.1. TRANSFER OF REGULATORY AUTHORITY TO MUNICIPAL TRANSPORTATION AGENCY.

Pursuant to the authority granted in Charter Section 8A.101. the Board of Supervisors hereby abolishes the Taxi Commission and transfers the functions, powers and duties of the Taxi Commission to the Municipal Transportation Agency.

(Added by Ord. 303-08, File No. 081383, App. 12/16/2008)

**Editor's Notes:** This Code includes two sections designated "1075.1." For the section entitled "Definition of Event Promoter," see Article 15.7 above.  
 For current provisions relating to vehicles for hire, see Transportation Code Article 1100.

SEC. 1076. DEFINITIONS.

For purposes of this Article the following words and phrases are defined and shall be construed as set forth below:

(a) "Motor Vehicle for Hire Every type, kind and class of privately owned motor-propelled passenger-carrying vehicle for hire over which the City and County of San Francisco may exercise jurisdiction.

(b) "Taxicab." A motor vehicle for hire of a distinctive color or colors and which is operated at rates per mile or upon a waiting-time basis, or both, and which is equipped with a taximeter and which is used for the transportation of passengers for hire over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle. A "taxicab" does not include motor vehicles for hire herein defined as "ramped taxis."

(c) "Taximeter." An instrument or device attached to a motor vehicle for hire by means of which instrument or device the charge authorized for hire of such vehicle is mechanically calculated either on a basis of distance traveled or for waiting time, or a combination thereof, which charges shall be indicated upon such taximeter by means of figures, in dollars and cents.

(d) "Taxicab Dispatch Service." Any person, business, firm, partnership, association or corporation which holds itself out to the public as a source of taxicab service by or through which taxicabs may be summoned or dispatched by radio.

(e) "Taxicab Color Scheme." Any color scheme, design or dress for taxicabs that is distinguishable from the color scheme, design or dress customarily used for private automobiles.

(f) "Jitney," "Jitney Bus." A motor vehicle for hire less than 20 feet in length traversing the public streets between certain definite points or termini and conveying no more than 15 passengers for a fixed charge, between such points or any intermediate points, and so held out, advertised or announced; provided, however, that the size and passenger limitations established herein shall not apply to any vehicle operated as of July 1, 1983. A jitney bus is hereby declared to be a common carrier and is subject to the regulations prescribed in the Municipal Code and in this Article.

(g) "Motorized Rickshaw." A passenger-carrying motor vehicle for hire having three or four wheels, convertible type, designed to carry not more than four passengers. The gross weight of a motorized rickshaw shall not exceed 4,700 pounds, unloaded, and shall have a wheelbase not to exceed 95 inches, and shall have an engine not to exceed four cylinders. A motorized rickshaw shall have a cloth hood over the rear seating area that shall resemble the hood of a traditional rikisha or jinrikisha.

(h) "Limousine." A passenger-carrying motor vehicle for hire, of private appearance (except as to license plates), not equipped with a taximeter, designed to accommodate seven or eight persons, inclusive of a driver, and used for the transportation of persons for hire over and along the public streets, not over a fixed and defined route but, as to route and destination, in accordance with and under the direction of the passenger or person hiring such limousine, the charges for use of which are based upon rates per mile, per trip, per hour, per day, per week or per month.

(i) "Funeral Limousine." Any limousine used exclusively in the business of any undertaker or funeral director.

(j) "Sightseeing Bus." A motor vehicle for hire used in the conveyance, for hire, of tourists and sightseers, over the public streets, for the purpose of a sightseeing trip or tour in the visiting and viewing of places of interest. A "sightseeing bus" is hereby defined to be a common carrier and subject to the regulations prescribed in the Municipal Code and this Article.

(k) "Interurban Bus." A motor vehicle for hire, other than a jitney bus used for transporting passengers for hire over and along the public streets between certain definite points or termini, one within and the other without the limits of the City and County of San Francisco. An "interurban bus" is hereby declared to be a common carrier and subject to the regulations prescribed in the Municipal Code and this Article.

(l) "Permittee" or "Permit Holder." Any person, business, firm, partnership, association or corporation which holds any permit or license issued by or under the authority of the City and County of San Francisco to operate or drive any motor vehicle for hire.

(m) "Operator." Any person, business, firm, partnership, association or corporation holding a permit issued by the City and County of San Francisco pursuant to the provisions of this Article, and any agent of such permittee including, but not limited to, any manager or lessee of said permittee.

(n) "Driver." Any person engaged in the mechanical operation and having physical charge or custody of a motor vehicle for hire while said motor vehicle for hire is available for hire or is actually hired.

(o) "Full-Time Driver." Any driver actually engaged in the mechanical operation and having physical charge or custody of a motor vehicle for hire which is available for hire or actually hired (i) for at least four hours during any 24-hour period on at least 75 percent of the business days during the calendar year or (ii) for at least 800 hours during the calendar year.

(p) "Stand." A place designated by the Municipal Transportation Agency for the use, while awaiting employment, of the particular motor-propelled passenger-carrying vehicles authorized to utilize such Stand.

(q) "Police Commission." Defined For the purposes of Police Code Sections 1075-1165, "Police Commission" shall refer to the Taxi Commission, unless the context requires that the term be interpreted to refer to Police Commission of the City and County of San Francisco.

(r) "Chief of Police," "Police Department." For the purposes of Police Code Sections 1075-1165, "Police Department" and "Chief of Police" shall refer to the Executive Director of the Taxi Commission or his or her designee(s), unless the context requires that the term be interpreted to refer to the Chief of Police or the Police Department of the City and County of San Francisco.

(s) "Tax Collector." The Tax Collector of the City and County of San Francisco.

(t) "Controller." The Controller of the City and County of San Francisco.

(u) Municipal Transportation Agency." The Municipal Transportation Agency of the City and County of San Francisco.

(v) "Ramped Taxi." A motor vehicle for hire of a distinctive color or colors operated at rates per mile or upon a waiting-time basis, or both, which is a minivan or similar vehicle specially adapted with ramp access for wheelchair users, which is also equipped with a taximeter, and which prioritizes requests for service from wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

(w) "Taxi Commission". The Taxi Commission of the City and County of San Francisco.

(x) "Executive Director". The Executive Director of the Taxi Commission, or his or her designee(s).

(Added by Ord. 562-88, App. 12/27/88; Ord. 64-97, App. 3/6/97; Ord. 111-04, File No. 040343, App. 7/1/2004; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1077. ADMINISTRATION OF THIS ARTICLE; AUTHORITY TO ISSUE REGULATIONS.

(a) **Rules and Regulations.** The Taxi Commission from time to time shall, after a noticed public hearing, adopt such rules and regulations to effect the purposes of this Article as are not in conflict therewith.

(b) **Administration of Regulations.** As set forth elsewhere in this Article, the Taxi Commission shall be charged with administering and enforcing the provisions of this Article, and any rules or regulations promulgated hereunder.

(c) **Enforcement.** In addition to the administrative penalties set forth in Section 1090 of this Article, violations of the Commission's Rules may be punished as infractions as set forth in Section 1185(d).

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 106-99, File No. 990006, App. 5/7/99)

SEC. 1078. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 15-06, File No. 051720, App. 1/20/2006; repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

SEC. 1079. ISSUANCE OF PERMITS; APPLICATIONS; HEARINGS.

(a) **Scope of Section.** To the extent the provisions of this Section and Sections 1080 through 1088 of this Article are inconsistent with the provisions of Sections 2.1 through 2.30 of Article I of the San Francisco Police Code, the provisions of this Article shall be applicable to all permits for the operation of motor vehicles for hire granted pursuant to this Article; provided, however, that certain alternative and additional provisions with respect to permits for the operation of taxicabs are set forth below in Sections 1120 et seq. Provisions of this Section shall not apply to taxicab dispatch service, taxicab color scheme permits, or permits for the operation of a rental vehicle business under Division 8 of this Article.

(b) **Taxi Commission to Issue Permits.** The Taxi Commission shall issue permits for the operation of motor vehicles for hire that are provided for in this Article as the public convenience and necessity shall require. The Taxi Commission shall not issue a permit for any motor vehicle for hire service not defined in Section 1076 hereof, except as provided for in Section 1078(b) of this Article.

(c) **Declaration of Public Convenience and Necessity.** No permit shall be issued for the operation of any motor vehicle for hire unless and until the Taxi Commission shall by resolution declare that public convenience and necessity require the proposed service for which application for a permit is made and the applicant is found to be eligible under all the requirements of this Article.

(d) **Hearings to Determine Public Convenience and Necessity.** The Taxi Commission shall hold hearings to determine public convenience and necessity pursuant to all applications for the issuance of permits to operate motor vehicles for hire. Protests against the issuing of a permit may be filed with the Taxi Commission. The Taxi Commission shall consider all protests and in conducting its hearing shall have the right to call such additional witnesses as it desires. In all such hearings, the burden of proof shall be upon the individual applicant to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle or vehicles for which permit application has been made, and that such application in all other respects should be granted. Subject to the provisions of Subsection (e) of this Section, hearings on applications for declaration of public convenience and necessity shall be held at least once each calendar year for each type, kind or class of permit for which one or more applications are pending.

(e) **Consolidation of Hearings Permitted.** The Taxi Commission may consolidate for hearing and determination of public convenience and necessity all applications for a given type, kind or class of permit. Any declaration of public convenience and necessity made by the Taxi Commission pursuant to such a consolidated hearing shall be valid and binding as to the total number of permits authorized for a particular type, kind or class of permit and as to each application included for hearing in said consolidated hearing and shall have continuing force and effect until the next subsequent Taxi Commission hearing on public convenience and necessity as to that particular type, kind or class of permit. Any applicant whose application is called for hearing at a consolidated hearing may rely upon the testimony and evidence adduced before the Taxi Commission by other pending convenience and necessity, in the sole discretion and judgment of the individual applicant; provided, however, that the burden of proof in establishing public convenience and necessity shall remain on each applicant.

(f) **Role of Controller.** Prior to increasing the total number of authorized permits, the Taxi Commission shall notify the Controller of the proposed increase and receive from the Controller, within 30 days of the Controller's receipt of the Taxi Commission notice, a report including the Controller's recommendation for an adjustment in the mean gate fee cap and/or in rates of fare for taxicabs, and/or the institution of temporary permit lease fee controls, necessary to maintain income of drivers and color scheme permitholders.

(g) **Notice of Commission's Determination.** Written notice of a declaration of public convenience and necessity by the Taxi Commission shall be given to all subject applicants and all protestors whose names and addresses are known to said Commission. Such notice shall be given forthwith upon the adoption of such declaration. A declaration of public convenience and necessity made at or as a result of a consolidated hearing under Subsection (e) of this Section may be appealed to the Board of Appeals as set forth in Section 4.106 of the Charter of the City and County of San Francisco. Prior to increasing the total number of authorized permits beyond the currently authorized number if the Taxi Commission has not authorized an increase, or beyond any increase authorized by the Taxi Commission, the Board of Appeals shall notify the Controller of the Board of Appeals' proposed increase and receive from the Controller within 30 days of the Controller's receipt of the Board of Appeals notice, a report including the Controller's recommendation for an adjustment in the mean gate fee cap and/or in rates of fare for taxicabs, and/or the institution of permit lease fee controls, necessary to maintain income of drivers and color scheme permitholders.

(h) If the Taxi Commission or the Board of Appeals authorizes the issuance of any additional number of taxicab permits above the 1381 permits authorized to be issued as of November 12, 2002, the Controller shall transmit to the Board of Supervisors a report including the Controller's recommendation for an adjustment in the mean gate fee cap and/or in rates of fare for taxicabs and/or the institution of temporary permit lease fee controls, necessary to maintain income of drivers and color scheme permitholders, and proposed legislation instituting such recommendations.

(i) **Separate Hearings for Individual Applicants.** Notwithstanding any consolidated hearing on public convenience and necessity as provided for in Subsection (e) of this Section, every applicant for a permit to operate a motor vehicle for hire shall have a separate hearing to review and determine the applicant's individual eligibility and compliance with all applicable laws, rules and regulations before a permit is issued, notice of which shall be given in the same manner as set forth in Section 1080(a) of this Article. Each application shall be investigated and the results of the investigation shall be transmitted to the Taxi Commission at the time of the hearing on the applicant's individual qualifications. If public convenience and necessity is declared for the issuance of a permit and an applicant is found to be eligible therefor after consideration by the Taxi Commission of the factors set forth in Section 1081 of this Article, the Taxi Commission shall so notify the applicant. Within 60 days thereafter the applicant shall furnish to the Taxi Commission any and all additional information which may be required. If the Taxi Commission then finds that the applicant, in addition to complying with all other requirements, is the owner of the vehicle or vehicles for which a permit is sought, and that each such vehicle meets with all applicable statutes, ordinances, rules and regulations, it shall thereupon issue the permit. A finding made at or as a result of a hearing under this Section may be appealed to the Board of Appeals as set forth in Section 4.106 of the Charter of the City and County of San Francisco.

(j) **Conditions on Permits.** The Taxi Commission may attach such conditions as it deems to be consistent with public convenience and necessity upon any new permit issued under this Article. From time to time, existing permits or those issued without conditions may be made subject to such conditions as the Taxi Commission may determine to be consistent with public convenience and necessity after a hearing of which notice is given to all affected permittees and the public in the manner prescribed for giving notice in Section 1080(a) of this Article.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 228-02, File No. 020678, App. 12/5/2002)

SEC. 1080. PERMIT APPLICATIONS.

(a) **Forms and Applications; Notice of Hearing.** Application for a permit required by this Article shall be made to the Police Commission on a form to be furnished by the Police Commission. The form shall specify, and the application shall state, such information as the Police Commission reasonably shall require. Within 14 days of the filing of such an application with the Police Commission, it shall cause a notice to be published in a newspaper approved for the giving of official notices of the City and County of San Francisco, which notice shall state that an application has been filed for a permit pursuant to this Article (specifying the type, kind or class), the name of the applicant, the kind of equipment to be used, and such other information as may be necessary to identify the applicant and to specify the type, kind or class of permit or service. If the hearing on an individual application is held more than 45 days after the last such notice was published, that notice shall be republished, commencing at least 14 days prior to the hearing. The notices required by this Section shall be published for three successive days and shall state the date, time, and place set for the hearing thereon.

(b) **Fee for Application.** Applicants for permits authorized by this Article shall pay to the City and County of San Francisco a sum set by ordinance to cover the costs of advertising, investigating, and processing the application for each permit. No application for a permit under this Article shall be deemed to be complete until and unless such sum is fully paid.

(c) **Applications Deemed Active.** Every application for a motor vehicle for hire permit shall be deemed to remain active and shall be considered until the earliest of the following events:

(1) The applicant withdraws the application in writing;

(2) The applicant is deemed to be ineligible by a vote of the Police Commission; or

(3) The applicant receives a permit;

(d) Notwithstanding the provisions of Subsection (c), the Chief of Police may adopt regulations requiring applicants periodically to reaffirm that their applications are active.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 88-99, File No. 981443, App. 4/30/99)

SEC. 1081. FACTORS CONSIDERED IN ISSUING PERMITS; DRIVING REQUIREMENTS.

(a) **General Factors.** The Taxi Commission, in determining whether an individual applicant is eligible for the issuance of a motor vehicle for hire permit pursuant to Section 1079(i) may consider such facts as it deems pertinent, but must consider the following:

(1) Whether the applicant is financially responsible and will comply with all insurance requirements and will maintain proper financial records.

(2) Whether the applicant has complied with all applicable statutes, ordinances, rules and regulations.

(3) Whether the applicant holds or has ever held any other permits issued to operate a motor vehicle for hire either in the City and County of San Francisco or elsewhere and the record of such applicant with regard to any such other or former permits.

(b) **Full-Time Driving Pledge.** No permit to operate a motor vehicle for hire shall be issued unless the person applying for the permit shall declare under penalty of perjury his or her intention actively and personally to engage as permittee-driver under any permit issued to him or her for at least four hours during any 24-hour period or at least 75 percent of the business days during the calendar year.

(c) **Driving Experience Required.** No permit to operate a taxicab or ramped taxi shall be issued unless the applicant has the driving experience required by Section 1121 for a taxicab permit or Section 1148.1 for a ramped taxi permit.

(d) **Order of Consideration.** Except as otherwise state in this Article, all applications for motor vehicle for hire permits shall be processed and considered in the order of their receipt by the Taxi Commission. The Commission retains discretion at any time, following a hearing, to deny an application for a motor vehicle for hire permit on the basis that the applicant has engaged in fraud, deceit, misrepresentation, or other misconduct in connection with the application process.

(e) **Applicability of Section.** Notwithstanding any contrary provision in this Article, the requirements set forth in this Section shall not apply to any person holding a permit issued on or before July 1, 1978.

(f) **Full-Time Driving Required.** Every permittee subject to the provisions of this Section shall be a full-time driver as defined in Section 1076(o), subject to the qualifications state in subparts (i)-(iii) below.

(i) During the calendar year in which the permittee receives the permit, and during the first full calendar year following receipt of the permit, the permittee must qualify as a full-time driver by satisfying the definition of that term in Section 1076(o)(i). For the calendar year in which the permittee receives the permit, the number of business days shall be measured from the date of receipt of the permit.

(ii) A permittee may be granted approval not to drive a certain number of days under certain circumstances pursuant to Section 1096(c). In such a case, for the permittee to qualify as a full-time driver as defined in Section 1076(o)(i), the number of business days for the calendar year shall be reduced in the same proportion as the ratio of the permittee's excused driving days to calendar days in the calendar year.

(g) **Promotion of the General Welfare.** By adopting a program for the issuance of permits for motor vehicles for hire, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 562-88, App. 12/27/88; Ord. 111-04, File No. 040343, App. 7/1/2004)

SEC. 1081.5. DRIVING REQUIREMENTS FOR DESIGNATED TAXI COMPANY KEY PERSONNEL.

(a) **Driving Requirement.** Beginning January 1, 2007 and notwithstanding any other provision of this Code, include subdivision (f) of Section 1081, taxi permit-holders who are designated as "key personnel" pursuant to this Section may satisfy their annual driving requirement under Section 1081(f) by driving 120 hours per year and performing 1,500 hours of work per year as key personnel for the company.

(b) **Definitions.** For purposes of this Section:

(i) "Taxi company" shall mean a person or entity holding a valid color scheme permit under Section 1125.

(ii) "Key personnel" shall mean a permit-holder who works in an administrative capacity or performs functions integral to the company. A permit-holder designated as key personnel must be a payroll employee of the taxi company and work on-site at the company's principal place of business.

(c) **Designation.** Each taxi company seeking to designate one or more of its employees for a calendar year pursuant to this Section must file the designation, on a form to be provided by the Taxi Commission, by December 1st of the preceding year. The company may not change designations during the year. A permit-holder may only be designated by one company at a time, and may not be designated by more than one company during a calendar year.

The Taxi Commission will only recognize as designated personnel those permit-holders named in the designation form signed and filed by the color scheme permit-holder or its authorized representative as of December 1st.

(d) **Number of Designated Personnel At a Company.**

A taxi company with 1 to 10 permits may not designate anyone under this Section.

A taxi company with 11 to 20 permits may designate one person.

A taxi company with 21 to 40 permits may designate two people.

A taxi company with 41 to 60 permits may designate three people.

A taxi company with 61 to 80 permits may designate four people.

A taxi company with 81 to 100 permits may designate five people.

A taxi company with 101 to 150 permits may designate six people.

A taxi company with 151 to 200 permits may designate seven people.

A taxi company with 201 to 300 permits may designate eight people.

A taxi company with 301 to 400 permits may designate nine people.

A taxi company with over 400 permits may designate nine people, plus one additional person for every 100 permits over 400.

The number of permits affiliated with a particular taxi company for the year shall be determined as of December 1st of the previous year, based on the records of the Taxi Commission. The number of designated personnel at a taxi company shall not be increased or decreased during the subsequent calendar year even if the number of permits at that company changes during the year.

(e) **Statement of Work Done.** No later than February 1st of each year, each company that has designated one or more permit-holders pursuant to this Section must submit a written statement, under oath, of the number of hours each of its designated personnel worked in that capacity for the company during the previous year. The taxi company shall be responsible for the accuracy of the statement.

(f) **Partial Completion of Requirements.** If a permit-holder performs at least 750 hours of work as designated personnel for the company during the year but less than 1,500 hours, the permit-holder shall be entitled to partial credit against the driving requirement on a pro rata basis. The credit shall correspond to the percentage of 1,500 hours that the designated permit-holder worked for the company in such capacity. If a permit-holder does not perform at least 750 hours of work as designated personnel for the company during the year, the permit-holder shall not be entitled to any credit against the driving requirement.

(Ord. 181-06, File No. 060539, App. 7/14/2006)

SEC. 1082. ONLY NATURAL PERSONS LICENSED; ONE PERMIT PER PERSON; INDIVIDUAL PERMITTEES ONLY; EXCEPTIONS.

(a) **Individual Permit Holders.** No permit to operate a motor vehicle for hire shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation, except as provided for in Subsection (c) of this Section. No more than one taxicab permit shall be issued to any one person, except as provided in Subsection (c) of this Section.

(b) **Permits Issued Only to Single Permittees.** Except for permits issued in the name of more than one person prior to the effective date of this Article, no permit to operate a motor vehicle for hire shall be issued to, or in the name of, more than one person.

(c) **Exceptions for Existing Permits.** The provisions of Subsection (a) of this Section shall not apply to any permit issued on or before July 1, 1978 that has been renewed and maintained in effect continuously since that date. Such permits shall continue in effect.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1083. SALE OR TRANSFER OF CORPORATE PERMITTEE; CORPORATE RECORDS.

(a) **Permits Void in Event of Transfer or Sale of Permittee.** Any permit to operate a motor vehicle for hire held by a permittee that is not a natural person and which permit would otherwise remain in effect pursuant to Section 1082(c) shall be deemed null and void and revoked in any of the following circumstances:

(i) If the permittee is or was sold or transferred at any time after June 6, 1978; with a cumulative sale or transfer of (A) 10 percent or more of the stock or other ownership of the permittee, or (B) 10 percent of the permittee's assets since June 6, 1978 constituting a sale or transfer for purposes of this Section unless such sale or transfer has been approved by the Police Commission in conformance with the requirements of this Article and San Francisco Charter, Appendix F.

(ii) If after the effective date of this Article the management or control of the permittee is transferred for consideration;

(iii) If after the effective date of this Article the permittee's rights to receive income derived from the lease of a permit is assigned, transferred or sold.

(b) **Corporate Records.** Any corporation holding a permit hereunder shall maintain a stock register at the principal office of the corporation in San Francisco and the stock register shall be available to the Police Department for inspection. Such corporation shall report to the Department in writing any of the following:

(i) Issuance or transfer of any shares of stock.

(ii) Change in any of the corporate officers which is required by Section 821 of the California Corporations Code.

(iii) Change of any member of its board of directors.

(c) Any report required pursuant to this Section shall be filed with the Police Department within 10 days of the change, sale or transfer to be reported.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1084. PERMITS A PRIVILEGE; NONTRANSFERABILITY OF PERMITS; NOTICE RE DEATH OF PERMITTEE; LEASE OF PERMIT PROHIBITED AFTER PERMITTEE'S DEATH.

(a) Permits granted pursuant to this Article constitute a privilege and do not constitute property of the permittee. Except as provided in Sections 1131(b) (taxicab color scheme permits) and 1133(b) (taxicab dispatch service permits) of this Article, no permit issued under this Article shall be transferable or assignable, either expressly or by operation of law.

(b) Within 14 days of the death of any living person holding a permit issued under this Article, the taxicab dispatch service with which that permit is affiliated, if it has knowledge of the permittee's death, and each lessee of the permittee's permit who has knowledge of the permittee's death, shall notify the Chief of Police in writing of the permittee's death.

(c) It shall be unlawful to attempt to lease or lease, as lessor or lessee, any permit issued pursuant to this Article with knowledge that the person in whose name that permit is issued is deceased.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1085. PERMIT FEES.

(a) **Payment of Fees Required.** It shall be unlawful for any person required to obtain a permit pursuant to the provisions of this Article to operate a motor vehicle for hire, a taxicab dispatch service or a taxicab color scheme, without first obtaining the required permit and paying the applicable fee therefor.

(b) **Permit Fee.** The fees charged for permits issued pursuant to this Article shall be set annually by the Board of Supervisors in an amount adequate to cover the estimated actual costs of the enforcement of this Article, including personnel, pursuant to Section 2.2 of Article I of the San Francisco Police Code; provided, however, that after January 1, 1990 said fees shall not be increased by an amount greater than 10 percent of the fee set for the preceding year. A prorated fee shall be charged for any license issued pursuant to Subsection (a) hereof for a period of less than one full year.

(c) **Notification of Number of Permits.** The Chief of Police shall notify the Controller and the Tax Collector of the number of motor vehicle for hire permits in effect, and the seating capacity of the vehicles for which the permits were granted; and, whenever additional permits are granted, or existing permits are modified or revoked during the year, the Controller and the Tax Collector shall be notified of same immediately. These notifications shall be in writing and signed by the Chief of Police, and shall be made on the following dates:

(i) Taxicabs and limousines-on the 30th day of June of each year;

(ii) All other motor vehicles for hire-on the 31st day of December of each year.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1086. DURATION OF LICENSES, ETC.; EXISTING PERMITS.

(a) **Expiration Dates for Permits, Etc.** All licenses and medallions issued under the provisions of this Section for the operation of taxicabs and limousines shall expire on the first day of July next following their issuance. All other permits issued pursuant to this Article shall expire the first day of January next following their issuance.

(b) Permits for the operation of motor vehicles for hire in effect on the effective date of this Article shall remain in full force and effect subject to the other provisions of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1087. ENFORCEMENT FUND.

All permit fees collected pursuant to this Article shall be held in trust by the Treasurer of the City and County of San Francisco and shall be distributed according to the fiscal and budgetary provisions of the San Francisco Charter subject only to the following conditions and limitations: the proceeds from permit fees collected pursuant to this Article, including earnings from investments thereof, may be used only to compensate and defray the capital and operating costs incurred by the City and County of San Francisco in enforcing the provisions of this Article, including, without limitation, the costs incurred by the Police Department and the Controller to comply with their obligations as set forth in this Article. The foregoing permit fee fund is necessary for the purpose of regulation and to provide for the necessary investigation, inspections and administration under, and enforcement of, the provisions of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1088. MEDALLIONS.

(a) **Issuance and Display.** The Police Department shall issue a metallic medallion of a design approved by the Police Commission for each motor vehicle for hire license issued pursuant to the provisions of Sections 1079 through 1081 hereof. During all hours of operation of a motor vehicle for hire, the medallion shall be placed in the lower right corner of the windshield in such a manner that the serial number shall be clearly visible from the exterior of the vehicle; provided, however, that the Chief of Police shall designate the manner of displaying the medallion on motorized rickshaws and limousines.

(b) **Medallion Fees.** Every motor vehicle for hire permit holder shall pay to the Police Department for each metallic motor vehicle for hire medallion a sum set by ordinance to cover the costs of producing and processing each such metallic motor vehicle for hire medallion as may be issued to him or her pursuant to the provisions of this Section. Said fees shall be paid once each calendar year.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 88-99, File No. 981443, App. 4/30/99)

SEC. 1089. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; Repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

SEC. 1090. REVOCATION OF PERMITS.

(a) **Revocation for Cause.** Any permit issued under this Article may be suspended or revoked by the Police Commission for good cause after a noticed hearing. "Good cause" hereunder shall include, but shall not be limited to, the following:

(i) The permittee ceased to be a full-time driver.

(ii) The permittee failed to pay a permit fee after notice of nonpayment.

(iii) The permittee or the lessee of the permittee's permit operated without the insurance required by this Article.

(iv) The permittee or an agent of the permittee knowingly made false statements to or concealed information from the Police Commission, the Chief of Police or the Police Department.

(v) The permittee has been convicted of any crime involving moral turpitude.

(vi) The permittee has failed to satisfy any judgment for damages arising from unlawful or negligent operation under any permit issued under this Article.

(vii) The permittee has been convicted of a misdemeanor under Section 1185 of this Article.

(viii) The permittee violated the Traffic Code of the City and County of San Francisco or the Vehicle Code or related laws of the State of California.

(ix) The permittee violated any applicable statute, ordinance, rule or regulation pertaining to the operation or licensing of the vehicles and services regulated by this Article, including any rules and regulations enacted by the Chief of Police pursuant to this Article.

Upon a showing of good cause, the Police Commission shall have discretion to suspend or revoke a permit as set forth above, except that a suspension and/or revocation shall be mandatory in the circumstances described in Subparts (i) through (vi) above.

(b) **Revocation of More Than One Permit.** Where a person violating this Article holds more than one permit to operate a motor vehicle for hire in the City and County of San Francisco, the Police Commission may revoke or suspend all such permits.

(c) **Suspension by Chief of Police.** The Chief of Police may suspend summarily any permit issued under this Article pending a disciplinary hearing before the Police Commission when in the opinion of said Chief of Police the public health or safety requires such summary suspension. Any affected permittee shall be given notice of such summary suspension in writing delivered to said permittee in person or by registered letter.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1091. INSURANCE REQUIRED.

Unless otherwise provided by ordinance, no person, firm or corporation, shall operate any motor vehicle for hire unless and until such person, firm or corporation shall comply with the provisions of either Section 1092 or 1094 of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1092. FILING INSURANCE POLICIES OR BOND WITH POLICE COMMISSION.

(a) Each person, firm or corporation holding a permit to operate a motor vehicle for hire pursuant to this Article shall file with the Police Commission and thereafter keep in full force and effect a policy of insurance in such form as the Police Commission may deem proper and executed by an insurer approved by the said Commission insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. Except as provided in Subsections (b) through (d) of this Section, the minimum amount of recovery in such policy of insurance shall be not less than the following sums:

(i) Personal injury to or death of any one person, $100,000 and subject to the limit of $100,000 for each person injured or killed, $450,000 for such injury to, or the death of two or more persons in any one accident;

(ii) Damage to property, $25,000 for any one occurrence;

(iii) In lieu of the requirements in (i) and (ii) above, combined single limit coverage of $500,000.

(b) For vehicles having a seating capacity of more than 10 persons the limit of liability for personal injury to, or death of any one person shall be $50,000 and subject to the limit of $50,000 for each person injured or killed, $100,000 for such injury to, or death of two or more persons in any one accident; damages to property, $25,000 for any one occurrence.

(c) A person, firm or corporation holding a permit to operate a motor vehicle fore hire pursuant to this Article, may, in lieu of the aforesaid policy of liability insurance, file with said Commission a bond in such form as the Commission may deem proper executed by a surety company duly authorized to do business within the State of California. The bond shall be conditioned for the payment of the amounts set forth hereinabove and shall provide for the entry of judgment on motion of the State in favor of any holder of a final judgment on account of damages to property or injury to any person caused by the operation of such person's, firm's or corporation's motor vehicle.

If such person, firm or corporation owns or offers for hire one or more such motor vehicles, bonds shall be in the sum as follows:

(i) If only one, $100,000 any one occurrence.

(ii) If more than one but less than six, $200,000 for any one occurrence.

(iii) If more than five but less than 21, $450,000 for any one occurrence.

(iv) If more than 20 but less than 61, $600,000 for any one occurrence.

(v) If more than 60 but less than 101, $1,000,000 for any one occurrence.

(vi) If more than 100, $3,000,000 any one occurrence.

Subject to the limits shown for any one occurrence, the bond shall be conditioned to pay $100,000 for injury to any one person and $25,000 for damage of property of any one person.

(d) For vehicles having a seating capacity of more than 10 persons, said bond shall be in an amount for any one occurrence which shall be twice the corresponding amounts as set forth in Subsections (c)(i) through (c)(vi) of this Section.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1093. NEW POLICY TO BE FURNISHED.

If, at any time, the policy or certificate of insurance referred to in Sections 1091 and 1092 is cancelled by the issuing company, the insured-permittee shall report that fact to the Chief of Police within three days after the insured-permittee received notice of cancellation. The permittee shall replace said policy or certificate with another policy or certificate prior to the termination of the existing policy or certificate prior to the termination of the existing policy or certificate and provide immediate verification of that replacement policy or certificate to the Chief of Police. The Chief of Police shall thereafter review the replacement policy or certificate to verify that the insurer issuing the replacement policy or certificate satisfies the provisions of Section 1092.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1094. PROVISIONS FOR SELF-INSURERS.

Any person, firm, corporation, association or organization of owners of vehicles for hire who have a certificate of self-insurance from the State of California pursuant to Sections 16500 and 16056 of the Vehicle Code may file said certificate together with a policy of insurance providing excess insurance over self-insurance retention for single limit of not less than $1,000,000 applying to bodily injuries or property damage or a combination thereof, with the Police Commission, and shall thereupon be deemed in compliance with the provisions of Section 1092 of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1095. INFORMATION TO BE FILED WITH CHIEF OF POLICE.

(a) **Information Re Other Permits.** No person, firm or corporation shall operate or cause to be operated any motor vehicle for hire, unless and until such person, firm or corporation shall file with the Police Commission a sworn statement setting forth the permits and/or certificates held, or proposed to be acquired, by applicant from other governmental bodies relating to the proposed operation, and annually thereafter, and not later than the first week in May of each year, and as often as said Commission shall direct, file a sworn statement setting forth the permits and/or certificates then held by applicant from other governmental bodies relating to said operation, together with a sworn statement showing full compliance with all provisions of the Municipal Code and/or State or federal laws applicable to said operations. Failure to file such statement or statements shall constitute a violation of this Article and shall be deemed a cause for cancellation of any and all permits to so operate.

Excepting, however, every person, firm or corporation having heretofore filed such statement with the Board of Supervisors, shall file such annual statement as provided herein.

(b) **Financial Information.** The Controller of the City and County of San Francisco shall establish rules and regulations for the keeping and filing of financial statements, and accounting books and records, by permittees under this Article. The purpose of such rules and regulations shall be to provide information to the Board of Supervisors with respect to maximum rates to be authorized for motor vehicles for hire and to the Police Commission for the performance of its duties under the law.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1096. CONTINUOUS OPERATION REQUIRED.

(a) **Requirement.** All permittees under this Article shall regularly and daily operate or arrange for the operation of their motor vehicle for hire during each day of the year to the extent reasonably necessary to meet the public demand for such motor vehicle for hire service.

(b) **Revocation Upon Abandonment.** Upon abandonment of such business for a period of 10 consecutive days by a permittee or operator, the Police Commission shall, after five days' written notice to the permittee or operator, revoke the permit or permits of such permittee or operator; except as provided in Subsection (c) of this Section.

(c) **Suspension of Operations.** The Police Commission may, on written application and following an investigation, grant to the holder of any permit hereunder permission to suspend operation pursuant to such permit for a period not to exceed 90 calendar days in any one 12-month period in case of sickness, death, or other similar hardship. Nothing in this Subsection shall be in conflict with or limit the provisions of Section 1153 of this Article pertaining to a suspension of operation by a jitney bus permittee.

(d) **Motorized Rickshaws.** Notwithstanding any contrary provisions of this Section, the Police Commission is authorized to allow any motorized rickshaw permittee to suspend operation during those times when in the judgment of the Police Commission, public convenience and necessity would not suffer as a result of the suspension of such operation. In making such determination, the Police Commission may consider the average weather conditions during such period of suspended operations and the availability of tourists wishing to use the services offered by a motorized rickshaw.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1097. SAFE, CLEAN OPERATION REQUIRED.

No vehicle licensed as a motor vehicle for hire shall operate unless it is in a safe operating condition and has body and seating facilities which are clean and in good repair.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1098. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; repealed by Ord. 312, File No. 081009, App. 12/19/2008)

SEC. 1099. SANITARY CONDITION.

Every person owning or operating, or causing to be operated, any motor vehicle for hire under this Article shall thoroughly wash each such vehicle, when so operated, at least once a week, and shall also carefully sweep and clean each vehicle other than a taxicab daily. Whenever required in writing by the Board of Health of the City and County of San Francisco, every person owning or operating, or causing to be operated, any such vehicle within the limits of said City and County shall fully disinfect each vehicle so operated by spraying the vehicle with an efficient disinfectant.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1100. BRAKE INSPECTION.

Before taking any descending grade of five percent or over, the speed of any motor vehicle for hire licensed pursuant to this Article other than a taxicab or motorized rickshaw shall be reduced so as to test the working of the brakes thereof. The brakes on all motor vehicles for hire other than taxicabs and motorized rickshaws licensed pursuant to this Article shall be inspected and tested daily by competent inspectors employed by the person or persons owning or operating, or causing to be operated such vehicles.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1101. DRIVING RECKLESSLY OR UNDER INFLUENCE OF INTOXICANTS PROHIBITED.

It shall be unlawful for any person who operates a motor vehicle for hire licensed under this Article to do so (a) while under the influence of liquor, or (b) in a reckless and dangerous manner.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1102. LOADING REGULATED.

It shall be unlawful for any person operating a motor vehicle for hire licensed pursuant to this Article to permit that vehicle to remain standing upon the street for the purpose of loading or unloading passengers unless the vehicle is within two feet from the curb.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1103. POSTING SCHEDULE OF RATES.

Every taxicab, jitney and sightseeing bus shall have permanently affixed to the interior thereof, in a place readily to be seen by passengers, a frame covered with glass or plastic, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such vehicle and such other provisions of this Article as the Chief of Police shall prescribe. The said frame and enclosed card must be approved by the Chief of Police.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1105. RESERVED.

(Added by Ord. 72-00, File No. 000416, App. 4/28/2000; repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

SEC. 1107. REPORTS OF LOST PROPERTY.

Drivers and operators of motor vehicles for hire shall promptly report to the Bureau of Inspectors of the Police Department within 24 hours all property of value fund in their vehicles by such drivers or operators or delivered to them by any person who has found such property.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1108. PUBLIC STANDS.

The following are hereby designated as public stands for licensed taxicabs, limousines and sightseeing buses:

(a) At or near the entrance to docks and wharves of passenger-carrying ships and other vessels;

(b) Railroad depots;

(c) Around such public squares, except Union Square, as may be designated to the Department of Public Works from time to time, but not on the streets, crosswalks or within double lines;

(d) Bus depots;

(e) At or near the entrance to rapid transit stations; provided, however, that no sightseeing bus shall be permitted to occupy said stands;

(f) All stands heretofore designated by the Department of Public Works pursuant to the provisions of former Section 1117 of this Code; provided, however, that the Board of Supervisors may, by resolution, designate the type, or types, of vehicles which shall be permitted to use any such stand, and may, by resolution, rescind the designation of any such stand;

(g) The Board of Supervisors, after notice has been duly given to the owner of the property fronting the space where such stand is to be located, and after public hearing has been held thereon, may, by resolution, designate such additional public stands as it finds necessary for the convenience of the public, and in its absolute discretion, may, by resolution, designate the type, or types of vehicles, including "jitney buses," which shall be permitted to use any such stand or to rescind the designation of any such public stand.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1109. REGULATING STANDING.

No driver of any taxicab or limousine while awaiting employment by passengers, shall do any of the following:

(a) Stand on any public street or place other than or upon a stand designated or established in accordance with the provisions of Section 1108 of this Article; or

(b) Seek employment by repeatedly and persistently driving his vehicle to and fro for a short space in front of any theater, hall, hotel, public resort, railroad or ferry station or other place of public gathering; or

(c) Interfere with the proper and orderly access to or egress from any theater, hall, hotel, public resort, railroad or ferry station or other place of public gathering.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1110. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

DIVISION II  
TAXICABS\*

Permits

SEC. 1120. TAXICAB PERMITS.

It shall be unlawful to own or operate a taxicab in the City and County of San Francisco unless a taxicab permit has been issued by the Police Commission for the operation of that vehicle. Taxicab permits shall be applied for and issued pursuant to Sections 1079 through 1081 and this Division of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1121. PERMIT APPLICATIONS; PREFERENCES; DRIVING EXPERIENCE REQUIRED.

(a) **Submission of Applications; Taxicab Waiting List.** Applications for taxicab permits shall be accepted by the Taxi Commission and shall be recorded by the date and time at which each application is received. The Commission shall maintain a list in the order of receipt ("taxicab waiting list") of all taxicab permit applications that have not been acted upon, in excess of the number of such permits authorized pursuant to Section 1079. When a taxicab permit becomes available for issue and an applicant on the taxicab waiting list is eligible for a hearing before the Commission, the Commission shall so notify the applicant.

Each applicant for a taxicab permit must, at the time of filing the application:

(1) Be a resident of the United States, of good moral character;

(2) Be 21 years or older;

(3) Be free of any disease, condition, infirmity, or addiction to the use of alcohol or any controlled substance, which might render the applicant unfit for the safe operation of a taxicab or any other motor vehicle for hire;

(4) Be able to read and write the English language;

(5) Be clean in dress and person;

(6) Hold a valid California driver's license of a class sufficient for the lawful operation of the motor vehicle driven; and

(7) Have held a driver's permit pursuant to Section 1089 of this Article for two years immediately preceding the date of application for a taxicab permit.

(b) **Driving Experience Required.** To qualify for issuance of a taxicab permit, an otherwise qualified applicant must have the driving experience specified in subparts (i)-(vi) below, subject to the modification stated in subsection (c). The required driving may be satisfied only by driving a taxicab and/or ramped taxi for which a permit has been issued by the Taxi Commission. For the purposes of this subsection (b), the phrase "application heard by the Commission during calendar year" includes an application publicly scheduled to be heard in the calendar year, but continued in that calendar year to the next calendar year by the Commission.

(i) **For an application heard by the Commission during calendar year 2004:** The applicant must have been a full-time driver during the 12 months immediately preceding the Commission's hearing on the application. For the purposes of this subpart (i), "full-time driver" shall be defined in accordance with Section 1076(o), except that the time frame applicable to the definition is the 12 months immediately preceding the hearing on the application rather than 12 months constituting a calendar year.

(ii) **For an application heard by the Commission during calendar year 2005:** The applicant must have been a full-time driver, as defined in Section 1076(o), during calendar year 2005 or the 12 months immediately preceding the hearing on the application.

(iii) **For an application heard by the Commission during calendar year 2006:** The applicant must have been a full-time driver, as defined in Section 1076(o), during calendar year 2005 or 2006.

(iv) **For an application heard by the Commission during calendar year 2007:** The applicant must have been a full-time driver, as defined in Section 1076(o), during any two calendar years from 2005 to 2007, inclusive.

(v) **For an application heard by the Commission during calendar year 2008:** The applicant must have been a full-time driver, as defined in Section 1076(o), during any three calendar years from 2005 to 2008, inclusive.

(vi) **For an application heard by the Commission during calendar year 2009:** The applicant must have been a full-time driver, as defined in Section 1076(o), during any four calendar years from 2005 to 2009, inclusive.

(vii) **For an application heard by the Commission in calendar year 2010 and subsequent calendar years:** The applicant must have been a full-time driver, as defined in Section 1076(o), for five years, as specified in Alternative 1 or Alternate 2 below.

**Alternative 1:** The applicant was a full-time driver during the calendar year immediately preceding the hearing, and during four of the five calendar years immediately preceding that calendar year.

**Alternative 2:** The applicant was a full-time driver during the calendar year in which the application is heard, and during four of the five calendar years immediately preceding that calendar year. (viii) When an applicant seeks credit as a full-time driver under this subsection (b) for the same calendar year in which his or her application is heard by the Commission, the Commission shall pro-rate the amount of driving required under Section 1076(o) against the portion of the calendar year that has elapsed as of the date of the hearing.

(ix) The Commission may substitute an equivalent amount of prior full-time driving experience for the experience required under subsections (b)(i)-(vi) above, where the Commission determines after a public hearing that the applicant has been unjustly and systematically denied employment in the taxi industry in retaliation for engaging in legitimate political, expressive, or labor activity. The applicant shall have the burden of establishing such a claim, and any such determination shall require a two-thirds' vote of the Commission.

(c) **Modification of Required Driving Experience.** If no applicant has the driving experience required pursuant to subsections (b)(ii)-(vi), but public convenience and necessity as determined pursuant to Section 1079 warrants issuance of a taxicab permit, the Taxi Commission may issue the permit to an otherwise qualified applicant who has been a full-time driver during the 12 months immediately preceding the Commission's hearing on the application. For purposes of this first paragraph of subsection (c), "full-time driver" shall be defined in accordance with Section 1076(o), except that the time frame applicable to the definition is the 12 months immediately preceding the hearing on the application rather than 12 months constituting a calendar year.

The Commission may be regulation establish additional driving experience required for the issuance of a taxicab permit under the circumstances described in this subsection (c), provided that the regulation shall require neither greater driving experience than is required pursuant to subsections (b)(ii) -(vi) nor driving experience for any calendar year greater than the driving experience encompassed in the definition of "full-time driver in Section 1076(o).

(d) **Educational Requirements.** In addition to meeting the driving requirements in subsection (b) and (c), applicants must also meet any educational or training requirements imposed by the Taxi Commission.

(e) **Burden of Proof on Applicant; Recordkeeping by Applicant.** The taxicab permit applicant shall have the burden of showing that he or she has the driving experience required to qualify for the taxicab permit. The applicant shall keep records sufficient to document his or her driving for the calendar year or years necessary to satisfy the driving requirement.

(f) **Recordkeeping by Color Scheme Permitholders.** Holders of color scheme permits shall maintain and retain records that will document driving performed by drivers of taxicabs and ramped taxis affiliated with the color scheme. Within 60 days of the effective date of this subsection (e), the Taxi Commission shall adopt a regulation requiring holders of color scheme permits to maintain and retain such records for a period of time sufficient to aid the Commission in determining whether applicants have met the specific driving requirements mandated by subsection (b). Failure of the Commission to adopt such a regulation, or failure of the color scheme permitholder to comply with the regulation, shall not excuse the permit applicant from the driving requirement or relieve the applicant from the burden of proving that he or she has satisfied the requirement.

(g) **Notice of Required Driving.** Notice of the driving experience required of taxicab permit applicants pursuant to subsections (b) and (c) and of the applicant's burden of proving the requisite driving experience and maintaining adequate records pursuant to subsection (d), shall be given by the City and color scheme permitholders pursuant to subparts (i)-(iii) below. In accord with Section 1148.1(e), the notice shall also include information pertaining to ramped taxi permit applicants. Failure to give the notice required by subparts (i), (ii), or (iii) shall not excuse the taxicab permit applicant from the driving requirement or relieve the applicant from the burden of proving that he or she has satisfied the requirement. The Taxi Commission may provide additional notice beyond that required by subparts (i)-(iii).

(i) Within 30 days of the effective date of this subsection (f), the Commission shall give written notice of the requirements of subsections (b), (c), and (d) to each applicant on the taxicab waiting list. Thereafter, the Commission shall give written notice to each new applicant on the taxicab permit waiting list on or before the filing of the application.

(ii) Beginning no later than 30 days after the effective date of this subsection (f), the Office of Treasurer and Tax Collector, in consultation with the Commission, shall give written notice of the requirements of subsections (b), (c), and (d) to each person who is obtaining or renewing the driver of public passenger vehicle permit. Said notice shall additionally inform the person of the existence of the taxicab waiting list and the process for getting on the list.

(iii) Within 20 days of the effective date of this subsection (f), the Commission shall adopt a regulation requiring each holder of a color scheme permit to post written notice of the requirements of subsections (b), (c), and (d) at a location at the color scheme's place of business that is ordinarily within the view of working taxi drivers affiliated with the color scheme.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 111-04, File No. 040343, App. 7/1/2004; amended by Ord. 58-08, File No. 080231, App. 4/10/2008)

SEC. 1122. ELIGIBILITY FOR TAXICAB PERMITS.

Before issuing a taxicab permit, the Police Commission shall consider the criteria set forth in Section 1081 of this Article. In addition, before issuing a taxicab permit, the Police Commission must determine that:

(a) The applicant will be a full-time driver;

(b) The applicant will operate said permit under or in association with a licensed taxicab dispatch service with radio-dispatch capability as defined in Section 1076(d) of this Article; and

(c) The applicant holds a driver's permit pursuant to Section 1089 of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1123. RADIO DISPATCH CAPABILITY.

(a) **Radio Required.** Commencing 60 days after the effective date of this Article, it shall be unlawful for any taxicab licensed pursuant to this Article to be operated without a radio permitting two-way communication with a taxicab dispatch service licensed pursuant to this Article.

(b) **Affiliation with Taxicab Dispatch Service Required.** Prior to the issuance of a taxicab permit, every applicant for such a permit shall file with the Police Commission a statement, giving the name, address, and phone number of the taxicab dispatch service through which taxicab service is to be made available to the public pursuant to the permit for which application has been made. Within 60 days of the effective date of this Article, such a statement shall be filed for each permit outstanding on the effective date of this Article. No permit shall be registered to more than one radio-dispatch service. Notice of any change of taxicab dispatch service affiliation must be given to the Police Commission in writing by the taxicab permittee within 10 days of the effective date thereof.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1124. LEASE OF TAXICAB PERMIT.

Provided that a taxicab permit is operated in compliance with all other applicable statutes, laws, rules and regulations, a taxicab permittee may operate his or her permit by authorizing another to drive or operate pursuant to said permit under any otherwise lawful lease, employment, or other agreement. A true and correct copy of such lease, employment, or other agreement shall be filed by the permit holder with the Chief of Police within 10 days of the execution of that agreement. Nothing in this Section shall be deemed to modify, limit or excuse the obligations of any permittee pursuant to the provisions of Section 1123 of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1124.5. EMPLOYEE STATUS FOR DRIVERS.

(a) Notwithstanding the provisions of Section 1124, no person shall drive a taxicab who is not either the permit-holder for that taxicab, an employee of the permit-holder, or an employee of the color scheme permit-holder for that taxicab. No taxicab permit-holder or color scheme permit-holder shall cause or permit any person to drive a taxicab pursuant to that taxicab permit who is not either the permit-holder for that taxicab, an employee of the permit-holder, or an employee of the color scheme permit-holder for that taxicab. For purposes of this Section, "taxicab" shall include a ramped taxicab.

(b) The provisions of Subsection (a) shall not take effect unless and until the Board of Supervisors accepts the petition provided for in Subsection (c).

(c) Any person may submit to the Board of Supervisors a petition signed by more than 50 percent of all full-time and regular part-time licensed taxicab drivers in the City, other than taxicab permit-holders, stating that the signer wishes to drive as an employee pursuant to Subdivision (a) of this section. The following rules and procedures shall apply to any such petition:

(1) The total number of full-time and regular part-time drivers shall be computed on the basis of 2.5 eligible drivers for each full-time taxicab permit issued. A "regular part-time driver" shall be defined as a driver who drives less than five full shifts but at least two full shifts per week.

(2) No signature on any such petition shall be valid if signed more than six months prior to submission of the petition to the Board of Supervisors. All signatures collected shall be submitted to the Taxi Commission for verification at the same time.

(3) Each signature shall include the driver's badge number. Upon submission of the petition, the Police Department shall provide the Board of Supervisors with the names and badge numbers of qualified drivers for the six-month period during which the signatures were collected.

(d) The Board of Supervisors, or a committee designated by the President of the Board, shall by motion accept the petition if it determines that the petition has been circulated and signatures obtained in a fair and reliable manner and that the petition represents an accurate and reliable measure of the wishes of the majority of the taxicab drivers. The provisions of Subsection (a) shall take effect 30 days after the Board accepts the petition pursuant to this subsection.

(e) No person shall interfere with, restrain, coerce or retaliate against any other individual for engaging in the solicitation of signatures or other related activities pursuant to this Section. Violation of any provision of this Section may constitute good cause to suspend or revoke a permit pursuant to Section 1090 of this Article.

(Added by Ord. 366-98, App. 12/18/98)

SEC. 1125. TAXICAB COLOR SCHEMES; ADOPTION; PERMITS; CHANGES.

(a) **Color Scheme Required.** Upon the issuance of a taxicab permit, every taxicab permittee shall adopt a distinguishing taxicab color scheme that has been approved by the Taxi Commission pursuant to Subsection (b) of this Section. The taxicab permittee's choice of color scheme shall be subject to the approval of the Taxi Commission, which approval shall be given except when it clearly would not be in the public interest to do so.

(b) **Color Scheme Permits.** Any holder of a taxicab permit or a taxicab dispatch service permit under this Article may apply to the Taxi Commission for taxicab color scheme permit pursuant to Section 1080 of this Article. That permit shall entitle the holder to the exclusive rights to the use of that taxicab color scheme for taxicabs licensed pursuant to this Article; provided, however, that the permittee under this Subsection may authorize taxicab permit holders to adopt the licensed taxicab color scheme, as set forth in Subsection (a). Notwithstanding the provisions of Section 1083 of this Article (nontransferability of permits), the permits issued pursuant to this Section are transferable, subject to the approval of the Taxi Commission, who shall determine that the proposed transferee meets the criteria set forth in Section 1081 of this Article. The permittee shall give notice to the Taxi Commission of any intended transfer at least 14 days prior to any such transfer. Applicants for permits authorized by this Section, as well as for color scheme changes and renewal of permits, shall pay to the City and County of San Francisco a sum set by ordinance to cover the costs of advertising, investigating, and processing the application for each permit.

(c) **Existing Color Scheme.** All persons and entities who, prior to the effective date of Ordinance 562-88, have obtained permission from the Chief of Police to use a taxicab color scheme are hereby deemed to be permittees under this Section; provided, however, that such persons or entities shall hereafter pay to the Chief of Police the taxicab color scheme permit fee as established by the Chief of Police.

(d) **Change of Color Scheme.** It shall be unlawful for any taxicab permittee or operator to make or cause to be made any change whatsoever in the distinguishing color scheme of any taxicab without the prior written approval of the Taxi Commission, which approval shall be given except when it clearly would not be in the public interest to do so. No change in distinguishing taxicab color scheme shall be allowed if such change will result in the discontinuance, interruption or reduction of radio-dispatched taxicab service, and the Taxi Commission shall consider the impact of a proposed change of distinguishing taxicab color scheme upon the quantity and quality of radio-dispatched taxicab service or paratransit service available to the public before allowing any such change.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 88-99, File No. 981443, App. 4/30/99; Ord. 100-04, File No. 040301, App. 6/4/2004)

SEC. 1126. NAME ON VEHICLE.

Every taxicab licensed pursuant to this Article shall have the name under which the owner operates painted in letters at least two inches in height on the side doors of each side of the vehicle.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1127. TAXICAB DISPATCH SERVICE PERMITS.

(a) **Permit Required.** It shall be unlawful to own or operate a taxicab dispatch service in the City and County of San Francisco unless a permit has been issued by the Police Commission for the operation of that service pursuant to the provisions of this Article. Applications for such permits shall be made pursuant to the provisions of Section 1080 of this Article.

(b) **Permits Transferable.** Notwithstanding the provisions of Section 1083 of this Article, the permits issued pursuant to this Section are transferable, subject to the approval of the Chief of Police, who shall determine that the proposed transferee meets the criteria set forth in Section 1081 of this Article. The permittee shall give notice to the Chief of Police of any intended transfer at least 30 days prior to any such transfer.

(Added by Ord. 562-88, App. 12/27/88)

Regulations Governing Operations

SEC. 1135. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 245-91, App. 6/26/91; Ord. 114-96, App. 3/13/96; Ord. 213-97, App. 6/6/97; Ord. 188-98, App. 6/12/98; Ord. 136-00, File No. 000391, App. 6/16/2000; Ord. 84-02, File No. 011716, App. 5/31/2002; Ord. 228-02, File No. 020678, App. 12/5/2002; Repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

SEC. 1135.1. GATE FEES.

(a) **Cap on Gate Fees.** The mean gate fee charged drivers by a taxicab company may not exceed $96.50 for a shift of 10 hours or longer. The cap shall be prorated at $9.65 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged by the company for all available shifts during one week and dividing that total by the number of available shifts during the week.

(b) **"Gate Fee" Defined.** For the purposes of this Section, "gate fee" shall mean any monetary fee or other charge or consideration, or any combination thereof, required of a driver other than a permit-holder for the privilege of driving a taxicab during a particular shift, or for any period of time, including receipt of all services provided in connection with such privilege, whether said fee is set by contract, lease or other agreement, orally or in writing, and whether said fee is paid by the driver as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose.

(c) **Regulations; Penalties.** The Taxi Commission may, from time to time and after a noticed public hearing, adopt regulations to carry out the purposes of this Section. Violation of any provision of this Section, or of any regulation adopted pursuant to this Section, may be cause for revocation or suspension of any permit granted to the violator by the City and County related to the operation of taxicabs or other motor vehicles for hire, or for the imposition of any other penalties authorized under this Article.

(d) **Ratifying Gate Fees Actually Charged Up to $91.50 Between January 1, 2003 and October 27, 2006.** The average gate fees charged to taxi drivers by taxicab companies from January 1, 2003 through October 27, 2006 and not exceeding an average of $91.50 for a shift of ten hours or longer are hereby declared to be fair, reasonable, and in compliance with any applicable provision of this Section 1135.1 during that period.

(Added by Ord. 362-98, App. 12/18/98; amended by Ord. 228-02, File No. 020678, App. 12/5/2002; Ord. 204-03, File No. 030998, App. 8/8/2003; Ord. 256-03, File No. 031608, App. 11/7/2003; Ord. 26-08, File No. 071371, App. 3/6/2008)

SEC. 1135.2. GATE FEE SURCHARGE FOR LOW EMISSION VEHICLES.

(a) **Gate Fee Surcharge.** Notwithstanding any provision of Police Code Section 1135.1, including the cap on gate fees imposed pursuant to that section, a taxicab company may collect a surcharge of $7.50 on any gate fee charged for use of a low emission vehicle, subject to the requirements of this Section. The surcharge shall be for a shift of ten hours or longer, and shall be prorated at $0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

(b) **Definition of "Low Emission Vehicle."** For purposes of this Section, "low emission vehicle" means a taxicab vehicle approved by the Taxi Commission that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle" shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was approved by the Taxi Commission and placed into service as a San Francisco taxi prior to January 1, 2008.

(Added by Ord. 26-08, File No. 071371, App. 3/6/2008)

**Editor's Note:** Section 2 of Ord. 26-08, File No, 071371, Approved March 6, 2008, repealed former Section 1135.2, which pertained to lease fees. Section 3 of said ordinance enacted provisions designated as a new Section 1135.2 to read as herein set out.

SEC. 1135.3. REDUCED EMISSIONS BY COMPANY.

(a) **Green Vehicle Guide.** Every year by April 1, the Department of the Environment, in consultation with the Taxi Commission, shall prepare and publicize a "Green Vehicle Guide." The guide shall list vehicles appropriate for use as taxis with emission levels that will allow the City to achieve its overall goal of a 20 percent reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. The guide shall also identify available funding sources and incentives for such vehicles.

(b) **Company Emission Reduction Plans: Progress Reports.** On June 1, 2008, and every year thereafter until June 1, 2010, each holder of a color scheme permit under Section 1125 shall submit to the Taxi Commission a written plan on how the color scheme will reduce or maintain its average per vehicle greenhouse gas emissions consistent with an overall 20 percent reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. The plan shall provide for spreading any reductions out evenly over each of the three years. Ramp taxis operated by the color scheme shall not be included in calculation of the color scheme's average per vehicle greenhouse gas emissions.

On June 1, 2009, and every year thereafter until June 1, 2011, each holder of a color scheme permit shall submit to the Taxi Commission a written report on the steps the color scheme has taken in the preceding year to carry out its emissions reduction plan and the results of those efforts.

(c) **On-Going Emission Reductions.** Beginning on June 1, 2011, each holder of a color scheme permit shall maintain average per vehicle greenhouse gas emissions at a level set by the Department of the Environment, in consultation with the Taxi Commission, that will allow the City to achieve its overall goal of a 20 percent reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. Ramp taxis operated by the color scheme shall not be included in calculation of the color scheme's average per vehicle greenhouse gas emissions.

(d) **Implementation and Enforcement.** Beginning July 1, 2008, the Taxi Commission shall consider the goals and requirements of this Section in deciding whether to approve any vehicle being put into service as a San Francisco taxi that is not included on that year's "Green Vehicle Guide" list of approved green vehicles under subsection (a).

The Taxi Commission may adopt rules and regulations to implement this Section. The Taxi Commission may reject as incomplete or insufficient any emissions reduction plan submitted under subsection (a) or progress report submitted under subsection (b), and the color scheme shall be required to resubmit the plan or report within the time period set by the Commission. Failure to comply with this Section may subject the holder of the color scheme permit to administrative discipline, including suspension or revocation of the permit.

(Added by Ord. 26-08, File No. 071371, App. 3/6/2008)

SEC. 1136. RATES FOR BAGGAGE.

The driver of any taxicab shall be entitled to charge an additional amount not to exceed $1 for each trunk and for luggage that cannot be conveyed either in the passenger compartment of the vehicle or in the vehicle's trunk with the trunk-lid closed. Each passenger shall be entitled to have conveyed without charge such valise or small package as can be conveniently carried within the vehicle. Other than the charges authorized by this Section, no charge shall be made by the driver for loading or unloading baggage.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1137. REVIEW OF RATES OF FARE AND CAP ON GATE FEES.

The rates provided in Sections 1135 and 1136 of this Article and the cap on gate fees provided in Section 1135.1 of this Article shall be reviewed by the Controller in even-numbered years, beginning with 2004. Not later than August 1st of each even-numbered year, the Controller shall transmit to the Board of Supervisors a determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees based upon changes in the Consumer Price Index since the prior determination, and related information submitted to the Controller pursuant to Section 1095(b) of this Article. The Controller's August 1, 2004 determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall be based upon changes in the Consumer Price Index since January 1, 2003, and related information submitted to the Controller pursuant to Section 1095(b) of this Article. In addition, the Controller's August 1, 2004 determination both as to increases or decreases in the rates of fare for taxicabs and as to an increase or decrease in the cap on gate fees shall include appropriate adjustments to ensure, in accordance with the procedure provided for in Section 1137.5 of this Article, that appropriate sums are collected to offset the increased monthly cost of paratransit scrip incurred by the paratransit program, except if the voters of the City and County of San Francisco have reauthorized a new sales tax to fund transportation.

The Controller's determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall take effect on November 1 of the even-numbered year in which the Controller makes the determination, and shall remain in effect through October 31 of the next even-numbered year, unless the following events occur: (i) By September 1 of the even-numbered year in which the Controller makes the determination the Board of Supervisors by resolution determines that the Board, or a committee thereof, should hold a hearing on the Controller's determination; (ii) by October 1 of that year a hearing is held in accordance with the aforementioned resolution; and (iii) by October 31 of that year the Board adopts a resolution disapproving or modifying the Controller's determination. Any resolution modifying the Controller's determination shall be based upon changes in the Consumer Price Index, costs recently incurred and expected to be incurred by drivers and color scheme permitholders, projected income of drivers and projected revenues of color scheme permitholders, and local economic conditions. If all three events occur, the Controller's determination shall not go into effect on November 1 of that year.

The Controller's determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall, beginning January 1, 2006, treat the higher mean gate fee cap of $91.50, provided for in Section 1135.1(b), as if it were $90.00 when instituted, and treat the higher meter rate of $2.85 for the first fifth of a mile or "flag," as provided for in Section 1135(a), as if it were $2.75 when instituted. In addition, the Controller's determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees shall, beginning January 1, 2006, make a similar accounting for any adjustments made in the Controller's August 1, 2004 determination designed to offset increased costs to the paratransit program arising from further increases in meter rates.

In cases where the holder of more than one permit to operate a sedan, limousine or taxicab fails to render a financial report within the time prescribed and in such form as the Controller may request, for the purpose of reviewing the rates of fare for taxicabs and the cap on gate fees and making a determination as to increases or decreases in the rates of fare for taxicabs and an increase or decrease in the cap on gate fees, such failure shall be a basis for cancellation of such permits by the Taxi Commission, provided such cancellation is approved by the Board of Supervisors.

Notwithstanding the other provisions of this Section, or any other provision of this Article, any change in the rates of fare for taxicabs and in the cap on gate fees based on the Controller's report for the even-numbered year 2008 shall not go into effect. The rates of fare for taxicabs and the cap on gate fees in effect on November 25, 2008 shall remain in effect.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 188-98, App. 6/12/98; Ord. 228-02, File No. 020678, App. 12/5/2002; Ord. 17-09, File No. 081505, App. 1/21/2009)

SEC. 1137.5. INCREASED COST OF PARATRANSIT PROGRAM.

From January 1, 2003 through June 30, 2006, MUNI shall calculate on a monthly basis the increased cost of paratransit scrip incurred by the paratransit program as a result of the increase in rates of fare for taxicabs provided for in this Ordinance or any increase in rates of fare for taxicabs resulting from the Controller's determination or any modification thereof as provided for in Section 1137. The increased monthly cost of paratransit scrip shall be divided equally among all taxicab permits in operation, to achieve an average increased cost per taxicab permit for each month. From January 1, 2003 through June 30, 2006, that cost shall be allocated to color scheme permitholders on a monthly pro rata basis, dependent on the number of taxicab permits affiliated with each color scheme. By January 15, 2003, the Taxi Commission shall adopt procedures for calculating and collecting appropriate sums from color scheme permitholders to offset the increased monthly cost of paratransit scrip incurred by the paratransit program. If the voters of the City and County of San Francisco reauthorize a new sales tax to fund transportation, the Board of Supervisors shall convene a hearing to consider whether it is necessary to continue the program designed to offset MUNI's increased paratransit costs pursuant to this Section.

(Added by Ord. 228-02, File No. 020678, App. 12/5/2002; Ord. 118-06, File No. 060708, App. 6/14/2006)

SEC. 1138. WAYBILL.

Drivers of taxicabs and motorized rickshaws shall keep an accurate and legible waybill, which waybill shall set forth the following information:

(a) Date of waybill;

(b) Driver's name;

(c) Vehicle number and vehicle license number;

(d) Number of medallion issued by the Police Department;

(e) Time driver began for period covered by waybill;

(f) Starting mileage of the taxicab for period covered by waybill;

(g) Starting meter units for the period covered by the waybill;

(h) Ending time for the period covered by the waybill;

(i) Ending mileage of the taxicab for the period covered by the waybill;

(j) Ending meter units for the period covered by the waybill;

(k) Number of passengers for each trip;

(l) The origin and destination of each trip;

(m) The charges authorized and made for each trip;

(n) The time of hire and discharge for each trip.

The waybill shall be retained for a period of one year at the business address of the owner of the permit. Said waybills shall be available for inspection by any police officer during normal business hours.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1139. EMERGENCY RATES FOR TAXICABS.

During any period of emergency, strike or other impairment or lack of municipal railway transportation, declared by the Mayor and affecting the entire City or any part thereof, taxicab operators shall accept passengers traveling in the same general direction, though each passenger or passengers may have differing points of pickup or discharge. At each stop for the pickup or discharge of a passenger or passengers, the taxicab operator shall collect, or tabulate for later collection at the passenger's point of discharge, the pro-rata share of the amount due as indicated by the meter, and said meter shall then be reset. The rates shall be those set forth in Section 1135.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1140. TAXIMETERS.

(a) **Use of Inaccurate Taximeters Prohibited.** The use of any inaccurate taximeter or other measuring instrument for the purpose of gauging or indicating distance traveled, or waiting time, or for the purpose of fixing rates to be collected from the public, is hereby prohibited, and it shall be the duty of the owner or lessee in possession of any motor vehicle for hire to which there is attached any taximeter or other measuring instrument, to at all times keep said taximeter or other measuring instrument accurate.

(b) **Inspection of Taximeters.** Every taximeter or other measuring instrument used for the purpose of gauging or indicating distance traveled or waiting time or for the purpose of computing fares to be collected from the public shall be subject to inspection at all times by the Chief of Police or his authorized representative. The Chief of Police may at any time detail police officers to inspect any or all taximeters or other measuring instruments so used when in his opinion such instruments are inaccurate. Any police officer is directed, upon complaint of any person that the fare charged is more than the legal fare, to investigate and report such complaint immediately to the Chief of Police who shall cause the taximeter or other measuring instrument upon the motor vehicle complained of to be at once inspected. Any person, firm or corporation who, with knowledge of such fact maintains any taximeter or other measuring instrument which registers charges in excess of the legal fare and collects such fare, is subject to revocation of license.

(c) **Illuminating Devices.** Each motor vehicle to which there is attached a taximeter, while in use in the City and County of San Francisco, for the transportation of passengers for hire, shall be equipped with an efficient illuminating device, either flexible or fixed, so arranged as to enable the passenger or passengers to conveniently observe the meter and the amount of fare registered thereon.

(d) **Operation Without Approved Taximeters Prohibited.** It shall be unlawful for any driver or operator of any motor vehicle for hire in soliciting trade from the public to represent his vehicle as a taxicab or sedan unless it is equipped with a taximeter in working order, duly inspected and approved as in this Section provided, and unless such vehicle conforms in other respects to the definition of taxicab and sedan in this Article contained.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1141. DISAGREEMENT AS TO FARE; RECEIPT.

(a) **Decision of Officer.** In any case of disagreement between the driver and passenger of a motor vehicle for hire relative to the legal fare to be paid, the driver shall convey the passenger to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the driver shall convey the passenger from the police station to his original destination without additional charge; if the passenger is about to leave the City by railroad, steamboat or otherwise, the police officer on duty at the depot or wharf shall decide the case.

(b) **Receipts for Fare to be Delivered to Passenger.** All drivers or operators of motor vehicles for hire, upon the demand of any passenger, shall give a receipt for fare paid, such receipt to be in a form satisfactory to the Chief of Police.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1142. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; Repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

SEC. 1143. REFUSAL TO CONVEY; REFUSAL TO OBEY SMOKING BAN IN TAXICABS.

Notwithstanding the provisions of Section 1141 of this Article, a taxicab driver who may refuse to convey any person who refuses to obey the ban against smoking in taxicabs in Article 19F of the Health Code.

(Added by Ord. 562-88, App. 12/27/88; Ord. 312-08, File No. 081009, App. 12/19/2008)

SEC. 1144. TAXIMETER OPERATION.

(a) **Operating a Taxi with Taximeter in Recording Position Prohibited.** It shall be unlawful for any driver or operator of any motor vehicle equipped with a taximeter to set the taximeter in operation when such vehicle is not actually employed.

(b) **Driver Required to Set Taximeter in a Nonrecording Position.** It shall be unlawful for any driver or operator of any motor vehicle equipped with a taximeter to fail to set the taximeter to a nonrecording position at the termination of each and every service and to call the attention of the passenger to the amount registered.

(c) **Requiring Taximeter to be Actuated.** Except as provided in Section 1135(b) of this Code, it shall be unlawful for any driver or operator of any motor vehicle equipped with a taximeter, while carrying passengers or under employment, to fail to activate the taximeter, or activate the taximeter in such position as to denote that he or she is employed at a rate of fare different from that authorized under the provisions of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1145. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; Repealed by Ord. 45-11, File No. 101422, App. 3/10/2011)

SEC. 1146. DEDUCTION FOR TIME WHILE DISABLED.

In the event that a taxicab, while conveying for hire any passenger or passengers, becomes disabled, or breaks down, the time of stoppage shall be deducted from the time charged for.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1147. PURPOSE.

It is the purpose of Sections 1147 through 1147.6 of this Article to require all persons, firms or corporations holding taxicab permits pursuant to Section 1120 of this Article, and all persons applying for driver's permits pursuant to Section 1089 of this Article, to take steps to improve taxicab services to the public and to protect the public health and safety when providing such services.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.1. DRIVER EDUCATION.

All new applicants for permits to drive taxicabs pursuant to Section 1089 of this Article shall certify that they have successfully completed a driver training course. The course may be offered by the San Francisco Police Department, City College of San Francisco, or by any other such educational entity that the Chief of Police may approve. The required course length is 16 hours of classes. The course shall consist of classes on the following subjects: crime prevention; vehicular safety; the geography of the City and County of San Francisco; taxicab rules and regulations; the California Motor Vehicle Code; pedestrian safety; and any other subject that the Chief of Police may determine is relevant to the public health and safety in the operation of taxicabs. Within 60 days of the effective date of this ordinance, the Chief of Police shall adopt regulations setting forth the required course length and content. After adoption of such regulations, the Chief of Police shall approve or disapprove, within 30 days of submission, any entity's proposal to offer the required driver training course. The requirement that new applicants certify completion of a driver training course will take effect 60 days after the date upon which a course approved by the Chief of Police is first offered. The Chief of Police also may require all taxicab permit holders to furnish to all persons authorized by Section 1124 of this Article to drive under their permits any information on taxicab crime that the Chief of Police deems advisable for the purpose of crime prevention and public safety.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.2. SAFETY EQUIPMENT.

(a) Within 180 days of the effective date of this ordinance, all vehicles newly placed into service as a taxicab must be equipped with automatic door locks that can be controlled by the driver. Also within 180 days of the effective date of this ordinance, all taxicab radios permitting two-way communication with a licensed dispatch service as required by Section 1123 of this Article must also allow for direct voice access to the taxicab dispatch service in an emergency. In addition, within 180 days of the effective date of this ordinance, except for taxicabs that are solely operated by the permit holder and those operated as ramped taxis, all taxicab color schemes shall ensure that a minimum of 50% of their taxicabs are equipped with a retractable safety partition that is controlled by the driver and that forms a complete barrier between the front and rear seats. A retractable safety partition shall be made available to any driver who requests one in his or her taxicab, and no retaliation or discriminatory action shall be taken against any driver who requests a retractable safety partition. No taxicab driver operating a taxicab with a safety shield may refuse to transport a disabled person in the front seat.

(b) The Chief of Police shall have the authority to promulgate as he or she deems necessary standards for safety partitions, standards and procedures for taxicab drivers and dispatchers to follow in an emergency, and standards for automatic door locks.

(c) In addition to the specific authority granted to the Chief of Police by this Section, the Chief of Police is authorized to issue any other regulations concerning taxicab equipment or operation that he or she determines will promote the prevention of taxicab crime and the protection of the public.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.3. REVIEW.

(a) The Police Commission shall hold an annual hearing to review: (1) the compliance of taxicab permit holders with this Article and any regulations adopted pursuant to this Article; (2) the effectiveness of safety equipment and safety measures currently in effect; and (3) the need for further measures to reduce taxicab crime and to protect the public safety. The Police Commission may appoint the Chief of Police or his or her designee as a hearing officer to conduct the hearings and to gather relevant evidence. At the conclusion of the hearing conducted by the hearing officer, the hearing officer shall make a written report to the Police Commission. The Chief of Police, if he or she deems it necessary on the basis of that report, shall adopt further regulations to implement this Article.

(b) The Chief of Police shall direct the appropriate Police Department personnel to compile and maintain statistics on taxicab crime, which shall be submitted to the Police Commission and to the Chief of Police or his or her designee in conjunction with the annual hearings mandated by this Section.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.4. COMPLIANCE WITH WORKERS' COMPENSATION REQUIREMENTS.

All persons, firms or corporations holding taxicab color scheme permits pursuant to Section 1125(b) of this Article shall comply with all applicable state statutes concerning Workers' Compensation and any applicable regulations adopted pursuant to those statutes. Taxicab color scheme permit holders must include a sworn statement attesting to compliance with such applicable statutes and regulations as part of the annual filing required by Section 1095 of this Article.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.5. LIMITATION OF LIABILITY.

By adopting this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.6. PENALTIES.

Every person, firm or corporation holding a taxicab permit pursuant to Section 1120 of this Article who violates or causes to be violated any of the provisions of this ordinance or any regulations adopted pursuant to this ordinance shall be subject to disciplinary action pursuant to Section 1090(a)(ix) of this Article.

(Added by Ord. 76-94, App. 2/18/94)

SEC. 1147.7. BAN ON TOBACCO ADVERTISING.

(a) Notwithstanding the provisions of Police Code Section 674(d), no taxicab shall bear in any manner any advertising or promotion of cigarettes or tobacco products. No taxicab company shall place or maintain, or cause or allow to be placed or maintained, any advertising or promotion of cigarettes or tobacco products on any of its taxicabs.

(b) For the purposes of this Section, "tobacco product" shall mean any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco. For the purposes of this Section, "promote" or "promotion" shall include a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product.

(c) This Section shall become operative September 1, 1999.

(Added by Ord. 363-98, App. 12/18/98)

SEC. 1147.8. PARTICIPATION IN PARATRANSIT PROGRAM.

(a) Beginning January 1, 2000, each holder of a taxicab color scheme permit, as defined in Section 1125 of this Article, must participate in the City's paratransit program. The color scheme permit-holder must be under contract to and approved for participation by the Paratransit Broker who operates the Paratransit Program of the Public Transportation Commission.

(b) Thereafter, each color scheme permit-holder shall operate at all times subject to the rules and regulations of the City's Paratransit Program, including, but not limited to, the paratransit scrip program, the debit card program including hardware and software capabilities, fare discount and reimbursement procedures, and training in safe and courteous paratransit operations. Each taxicab permit-holder who enters into an agreement or contract with a color scheme permit-holder to use that color scheme, and each taxicab driver who operates under a taxicab permit affiliated with the color scheme, shall at all times operate subject to the rules and regulations of the City's Paratransit Program.

(c) The Chief of Police, in consultation with a Paratransit Program, may issue appropriate rules and regulations to ensure compliance with this Section.

(Added by Ord. 301-98, App. 10/9/98)

SEC. 1147.9. CAB POOLING.

The Chief of Police is authorized to establish a six-month trial program for voluntary "cab pooling" along one or more designated routes. The Chief of Police shall consult with the Departments of Parking and Traffic and Public Transportation on the selection of routes.

Taxicabs may charge a flat fare for passengers riding between points along the designated route, and may solicit more than one fare along the route. The Chief of Police may adopt reasonable rules and regulations to carry out this trial program. At the end of six months, the Chief shall report back to the Board of Supervisors on the feasibility of a permanent program.

(Added by Ord. 365-98, App. 12/18/98)

DIVISION IIA  
RAMPED TAXIS\*

SEC. 1148. PERMITS.

It shall be unlawful to operate a ramped taxi in the City and County of San Francisco unless a permit has been issued by the Police Commission for the operation of said vehicle. Except as otherwise provided herein, permits for ramped taxis shall be applied for and issued pursuant to Sections 1079 through 1081 of this Article.

(Added by Ord. 64-97, App. 3/6/97)

SEC. 1148.1. PERMIT APPLICATIONS.

(a) **Submission of Applications.** Applications for permits for ramped taxis shall be made to the Taxi Commission on a form to be furnished by the Commission. An applicant for a ramped taxi permit must, at the time of filing the application, meet the same requirements as set forth in Section 1121(a) for an applicant for a taxi permit. Applications for permits for ramped taxis shall be accepted by the Commission and shall be recorded by the date and time at which each application is received. Except as otherwise provided herein, the Commission shall maintain a list in the order of receipt ("ramped taxi list"). In the absence of any preference provided for in this Division, applicants for permits for ramped taxis shall be processed and considered by the Commission in accordance with the order of application as set forth on the ramped taxi list. When a permit becomes available for issuance and an applicant on the waiting list is eligible for a hearing before the Taxi Commission, the Commission shall so notify the applicant.

As of the effective date of Ordinance No. 652-88, all persons whose application is already on "the taxicab waiting list" as provided for in Section 1121 of this Article will be placed on the ramped taxi list. Their place on the ramped taxi list shall be determined as of the date and time on which his or her application for the taxicab waiting list was received by the Commission. Those individuals so placed will remain on the taxicab waiting list until they are removed in accordance with Section 1080(c)(1) of this Article.

(b) **Limitation on Acceptance of Other Permits.** All persons accepting a ramped taxi permit shall be precluded from accepting any other motor vehicle for hire permit regulated by this Article for a minimum of five years after receipt of a ramped taxi permit or, in the alternative, for a minimum of three years after receipt of the ramped taxi permit so long as six months have elapsed since the permittee gave notice of his or her intent to leave the ramped taxi program in accordance with the provisions of Subsection (c). If the permittee becomes eligible for a permit from another motor vehicle for hire waiting list at a time when the permittee is precluded from accepting the permit, the permittee's application will be kept active until a permit becomes available when the permittee is no longer precluded from accepting one.

(c) **Notice of Intent to Leave the Ramped Taxi Program.** Upon completion of a minimum of 30 months as a ramped taxi permittee, the permittee may opt to leave the ramped taxi program by filing with the Taxi Commission a written notice of intent to leave the program. The date the Commission receives the notice of intent to leave the ramped taxi program shall be deemed the date the permittee filed the notice. Upon receipt of the notice, the Commission shall promptly inform a reasonable number of persons at the head of the ramped taxi list of the permittee's intent to leave the ramped taxi program.

In accordance with Subsection (b), the permittee's decision to leave the ramped taxi program shall become effective six months after his or her filing of the notice of intent to leave the program. Subject to qualifications (i) and (ii) below, upon completion of the six-month notice period, the permittee shall be required to leave the ramped taxi program, and shall no longer be precluded from accepting another motor vehicle for hire permit regulated by this Article.

(i) If, at the completion of the six-month period, the permittee is not yet eligible for a permit from another motor vehicle for hire list, or no such permit is available, the permittee, at his or her option, may remain in the ramped taxi program for any period of time until the permittee becomes eligible for a permit from another motor vehicle for hire list and such permit becomes available.

(ii) The permittee's decision to leave the ramped taxi program shall become inoperative if, within the first three months of the required six-month notice period, the permittee informs the Commission in writing of his or her decision to rescind the notice of intent to leave the program. The permittee shall be required to file a subsequent notice of intent to leave the program if he or she subsequently decides to leave the program. The same requirements governing the permittee's initial notice of intent to leave the program, including the full six-month notice period, shall govern any subsequent notice of intent to leave the program.

(d) Notwithstanding any other provision of this Section, the Taxi Commission may require that a taxicab permit to be issued to a ramped taxi permittee exiting the ramped taxi program be issued (i) three months after the Commission hearing on the application for the taxicab permit or (ii) when a new permittee has qualified for the ramped taxi permit and has acquired a suitable vehicle which has passed inspection, whichever event occurs first. Before the taxicab permit is issued, the ramped taxi permittee who is exiting the ramped taxi program shall retain the ramped taxi permit and continue to operate the ramped taxi permit. Under no circumstances may an individual simultaneously hold a ramped taxi permit and a taxicab permit. Under no circumstances may two individuals hold the same ramped taxi permit or taxicab permit.

(e) **Driving Experience Required.** In order to qualify for a ramped taxi permit, an applicant must meet the same driving requirement stated in Section 1121(b) that an applicant for a taxicab permit must meet. In accordance with Section 1121(c), if no ramped taxi permit applicant has the requisite driving experience, but public convenience and necessity as determined by the Taxi Commission pursuant to Section 1079 warrants issuance of a ramped taxi permit, the Commission may issue the permit to an otherwise qualified applicant who has been a full-time driver during the 12 months immediately preceding the Commission's hearing on the application. In accordance with Section 1121(d), a ramped taxi permit applicant has the burden of showing that he or she has the driving experience required to qualify for the permit, and shall keep records sufficient to document his or her driving for the calendar year or years necessary to satisfy the driving requirement. Failure of the Taxi Commission to adopt the regulation specified in Section 1121(e) requiring recordkeeping by color scheme permitholders, or failure of a color scheme permitholder to follow the regulation, shall not excuse a ramped taxi permit applicant from the driving requirement or relieve the applicant of the burden of proving that he or she has satisfied the requirement.

The notices required by Section 1121(g) shall indicate that the driving experience required by Section 1121(b) covers applicants for a ramped taxi permit as well as applicants for a taxicab permit. The notices required to Sections 1121(g)(i) and 1121(g)(ii) shall be given to applicants on the ramped taxi list as well as applicants on the taxicab waiting list, but if an applicant is on both lists, these notices need not be given twice to the same person. Failure to give the notices required pursuant to Sections 1121(g)(i), 1121(g)(ii), or 1121(g)(iii) and this subsection (d) shall not excuse the ramped taxi applicant from the driving requirement or relieve the applicant from the burden of proving that he or she has satisfied the requirement.

(f) **Preference for Full-Time Drivers of Ramped Taxis.** Among the applicants whose names appear on the ramped taxi list, the Taxi Commission shall give preference to any applicant who has been a full-time driver of a ramped taxi during the 6 months immediately preceding the Commission's hearing on that applicant's application, granting permits to all otherwise eligible full-time drivers of ramped taxis on the list before granting permits to others on the ramped taxi list. Any applicant seeking a preference pursuant to this Subsection shall, at least 21 days prior to the hearing at which the applicant seeks to be considered, so notify the Commission in writing and submit evidence to prove that the applicant was a full-time driver of a ramped taxi in the preceding 6 months. For purposes of this section, "full-time driver of a ramped taxi" shall mean a permitted driver who is actually engaged in the mechanical operation and having physical charge or custody of a ramped taxi as defined in this Article which is available for hire (i) or actually hired for at least four hours during any 24-hour period on at least 75 percent of the business days during the 6 months immediately preceding the Commission's hearing on that applicant's application, or (ii) for at least 400 hours during the 6 months immediately preceding the Commission's hearing on the application.

(g) **Wheelchair Pick-Up Requirement.** To qualify for a ramped taxi permit, an applicant must have completed at least 100 wheelchair pick-ups as a ramped taxi driver during the six months immediately preceding the Commission's hearing on the application. If no ramped taxi applicant has completed the necessary wheelchair pick-ups, the Commission shall issue the permit to the applicant next on the list who has completed the most wheelchair pick-ups within the six months prior to the Commission's hearing, if the Commission determines that the public convenience and necessity requires the immediate issuance of the permit. A ramped taxi applicant has the burden of showing that he or she has completed the requisite number of wheelchair pick-ups to qualify for the permit, and shall keep records sufficient to document his or her performance.

(Added by Ord. 64-97, App. 3/6/97; amended by Ord. 246-97, App. 6/13/97; Ord. 105-99, File No. 982077, App. 5/7/99; Ord. 173-00, File No. 000798, App. 7/14/2000; Ord. 78-02, File No. 012131, App. 5/24/2002; Ord. 101-04, File No. 040302, App. 6/4/2004; Ord. 111-04, File No. 040343, App. 7/1/2004)

SEC. 1148.2. ELIGIBILITY FOR PERMIT FOR RAMPED TAXI.

Before receiving a permit for a ramped taxi, the applicant shall satisfy the criteria set forth in Section 1081 of this Article. In addition, before issuing a permit for a ramped taxi, the Police Commission must determine that:

(a) The prospective permit holder will be a full-time driver;

(b) He or she understands the conditions and limitations governing the operation of the ramped taxi;

(c) He or she had completed a course of instruction approved by the Chief of Police for the safe, effective and efficient operation of ramped taxis and has been certified by the Chief of Police to have satisfactorily demonstrated the aptitude and attitude necessary for a holder of a permit for a ramped taxi;

(d) He or she will operate said permit in association with a holder of a taxicab color scheme permit, as defined by Section 1125 of this Article, that is under contract to and approved for the operation of ramped taxis by the Paratransit Broker who operates the Paratransit Program of the San Francisco Public Transportation Commission;

(e) He or she holds a valid driver's permit issued in accordance with Section 1089 of this Article; and

(f) He or she agrees to operate said permit at all times subject to the rules and regulations of the City's Paratransit Program including, but not limited to, the paratransit scrip program and fare discount and reimbursement procedures.

(Added by Ord. 64-97, App. 3/6/97)

SEC. 1148.3. ADDITIONAL CONSIDERATIONS FOR ISSUANCE OF PERMITS.

As part of the determination of public convenience and necessity for the issuance of one or more ramped taxi permits, the Police Commission shall, in addition to those considerations mandated by Section 1079 of this Article, take into account the availability of sufficient numbers of ramped taxi vehicles to meet safety and operating requirements imposed on permittees by this Article.

(Added by Ord. 64-97, App. 3/6/97)

SEC. 1148.4. PERMIT OPERATION.

All persons who enter into an agreement or contract with a ramped taxi permittee to operate his or her permit shall at all times satisfy the eligibility criteria set forth in Section 1148.2 of this Article. All drivers of ramped taxis, in addition to the provisions of Section 1089 of this Article, shall also meet the eligibility criteria set forth in Section 1148.2(c).

(Added by Ord. 64-97, App. 3/6/97)

SEC. 1148.5. RAMPED TAXI OPERATIONS.

Consistent with the practical operation thereof, ramped taxis shall grant priority to requests for service from wheelchair users. In the absence of such requests for service, ramped taxis may transport any person in accordance with the provisions of this Article governing taxicabs. The Chief of Police, in consultation with the Paratransit Program, may issue appropriate rules and regulations to ensure compliance with this Section by all ramped taxi permit holders.

(Added by Ord. 64-97, App. 3/6/97)

SEC. 1148.6. USE OF RAMPED TAXI PERMIT IN SPARE TAXICAB.

(a) **Authorization To Use Ramped Taxi Permit In Spare Taxicab.** Notwithstanding Section 1120 of this Article or any other provisions of law, the Taxi Commission shall have discretion to adopt a policy that allows ramped taxi permits to be used for the purpose of operating a taxicab, as defined in Section 1076(b) of this Article, provided that (i) the taxicab is a spare taxicab, as defined by the Taxi Commission; (ii) the taxicab meets all applicable legal requirements for its operation; (iii) the ramped taxi permit cannot be used in the permitholder's ramped taxi because that vehicle is out of service for necessary repairs, or must be replaced due to breakdown of or damage to the vehicle; (iv) the ramped taxi permit cannot be used in a spare ramped taxi because none is available at the color scheme with which the ramped taxi permitholder is affiliated; (v) the use of the ramped taxi permit in a spare taxicab does not exceed the durational and fleet limits described in subsections (b) and (c); and (vi) in each instance the Taxi Commission or enforcement staff approves the use of the ramped taxi permit in a spare taxicab. The Taxi Commission or enforcement staff may impose additional conditions beyond those stated in subsection (a) for the use of a ramped taxi permit in a spare taxicab, to ensure that color scheme permitholders or ramped taxi permitholders do not abuse the authority to use a ramped taxi permit in a spare taxicab.

(b) **Durational Limits.** Authorization to use a ramped taxi permit in a spare taxicab is limited to no more than 30 consecutive days. The Taxi Commission or enforcement staff may impose a shorter durational limit if repair or replacement of the ramped taxi permit in a timely manner would take less than 30 days. The Taxi Commission or enforcement staff may, for good cause shown, extend the durational limit beyond 30 days, in increments of no greater than 15 consecutive days, provided that in no event shall the total durational limit exceed 90 days. If, before a durational limit has been reached, repairs on the ramped taxi vehicle have been completed or replacement of the ramped taxi vehicle has been accomplished, the authorization to use the ramped taxi permit in a spare taxicab shall expire by operation of law.

(c) **Fleet Limits.** If one to three ramped taxi permits are affiliated with a color scheme, only one ramped taxi permit may be used in a spare taxicab at any one time. For each additional three ramped taxi permits, or any fraction thereof, affiliated with a color scheme, an additional ramped taxi permit may be used in a spare taxicab.

(d) **Taxi Commission Enforcement.** The Taxi Commission shall strictly enforce this Section to ensure that ramped taxi permits are not unlawfully used in spare taxicabs. Without limiting the Taxi Commission's enforcement remedies, violation of this Section by a color scheme permitholder or ramped taxi permitholder may result in suspension or revocation of the permit and/or in a determination that a color scheme may not use any ramped taxi permits affiliated with that color scheme in spare taxicabs.

(Added by Ord. 27-04, File No. 032052, App. 2/19/2004)

DIVISION III  
JITNEY BUSES\*

SEC. 1150. JITNEY PERMITS.

(a) It shall be unlawful to own or operate a jitney in the City and County of San Francisco unless a jitney permit has been issued by the Police Commission for the operation of that vehicle pursuant to this Section.

(b) Jitney permits shall be applied for and issued pursuant to Sections 1079 through 1081 of this Article. In addition to the requirements set forth in those Sections, the applicant for a jitney bus permit shall state the proposed route over which the applicant proposes to operate the jitney bus.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1151. APPROVAL OF ROUTES REQUIRED.

It shall be unlawful to drive or operate, or cause to be driven or operated, any jitney bus upon or along any street or route unless such street or route is first approved by the Board of Supervisors after public hearing.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1152. RATES AND FARES FOR JITNEY BUSES.

(a) **Routes.** The following routes are hereby approved for jitney bus operation:

(1) From Market Street at 4th to Hunters Point;

(2) From Market Street at 4th Street to 3rd and Army Streets;

(3) From 3rd and Army Streets to Hunters Point;

(4) From Hunters Point to Market at 3rd;

(5) From 3rd and Army Streets to Market at 3rd;

(6) From Hunters Point to 3rd and Army Streets;

(7) From the Ferry Building to the County Line on Mission Street;

(8) From the Ferry Building to Twenty-Second and Mission Streets;

(9) From Twenty-Second and Mission Streets to the County Line;

(10) From Sickles Avenue and Mission Street to the Ferry Building;

(11) From Sickles Avenue and Mission Street to Twenty-Second and Mission Streets;

(12) From Twenty-Second and Mission Streets to the Ferry Building;

(13) Between Ellis and Taylor Streets and Broadway Street, north or southbound;

(14) Between Fisherman's Wharf and Broadway Street, south or northbound;

(15) From Ellis and Taylor Streets past Broadway Street to Fisherman's Wharf;

(16) From Fisherman's Wharf past Broadway Street to Ellis and Taylor Streets;

(17) Between Pier 39 and Ghirardelli Square or Maritime Museum, east or westbound.

Nothing in this Section shall be construed to diminish in any way the authority of the Board of Supervisors, after public hearing, to designate routes.

(b) **Fares; Increases per Muni Fare Increases.** The fare for each route approved in Subsection (a) shall be 85+. Whenever the Adult Base Cash Fare for the Municipal Railway is increased, the fares to be charged by jitney buses shall be increased by a like amount in dollars and cents.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1153. SUSPENSION OF OPERATION.

Notwithstanding the provisions of Section 1096 of this Article, the Chief of Police shall, upon written application, grant to the holder of a permit to operate a jitney bus permission to suspend operation of the permit for a period not to exceed one year in case of economic hardship arising from the operation of other forms of public transportation over substantially the same route the permittee is operating a jitney bus, if in the judgment of the Chief of Police investigation discloses that the statements contained in said written application warrant such permission. Permission to suspend operation of a jitney bus permit pursuant to the provisions of this Section shall be in addition to the period of suspension authorized by the provisions of Section 1096(c) of this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1154. EMERGENCY PERMITS.

During any period of emergency, strike or other impairment of Municipal Railway transportation affecting the entire City or any part thereof, the Chief of Police shall have authority to issue permits for the operation of vehicles to transport passengers for a charge to be determined by Section 1152 of this Article. Such permits shall be granted upon the following conditions:

(a) Each applicant shall comply with the provisions of Sections 1080 through 1085 of this Article.

(b) The designated route and price to be charged for transportation shall be specified in the permit.

(c) Persons operating under such permits shall not use any other route signs than those issued to them by the Chief of Police.

(Added by Ord. 562-88, App. 12/27/88)

DIVISION IV  
SIGHTSEEING AND INTERURBAN BUSES\*

SEC. 1155. SIGHTSEEING AND INTERURBAN BUS PERMITS.

(a) It shall be unlawful to own or operate a sightseeing bus or an interurban bus in the City and County of San Francisco unless a sightseeing bus permit or an interurban bus permit has been issued by the Police Commission for the operation of that vehicle pursuant to this Section.

(b) Sightseeing bus permits and interurban bus permits shall be applied for and issued pursuant to Sections 1079 through 1081 of this Article. In addition to the requirements set forth in those Sections, the applicant for a sightseeing or interurban bus permit shall state the proposed route over which the applicant proposed to operate the sightseeing or interurban buses.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1156. NAME ON VEHICLE.

Every sightseeing bus licensed pursuant to this Article shall have the name under which the owner operates plainly painted in letters at least two inches in height on the forward portion of the side panels of the sightseeing bus.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1157. TEMPORARY SIGHTSEEING BUS PERMITS.

(a) Notwithstanding the provisions of Sections 1075 and 1079 through 1081 of this Article, the Police Commission, after investigation, may find that the existing permit holders for sightseeing buses are not, or cannot provide adequate service for the public. In the event of such a finding, the Police Commission may issue temporary sightseeing bus permits, subject to such regulations as may be required by public convenience and necessity, to persons, firms or corporations who satisfy the requirements of Subsection (b) of this Section.

(b) To be eligible for a temporary sightseeing bus permit, an applicant must satisfy all of the following requirements:

(i) Be reasonably fit and have financial responsibility to initiate promptly and to provide competently and safely sightseeing services by bus within the City of San Francisco.

(ii) Provide sightseeing service only in vehicles furnished by a holder of a certificate or permit issued by the Public Utilities Commission of the State of California pursuant to the provision of Division II, Chapter VIII (commencing with Section 5351) of the Public Utilities Code of the State of California.

(iii) Be reasonably experienced in arranging sightseeing tours and services in San Francisco for incoming visitors.

(c) Temporary permits issued pursuant to this Section authorize the permittee to provide sightseeing services and tours by sightseeing bus within the City of San Francisco and to sell tickets for sightseeing tours on a per capita or any other reasonable basis.

(d) Temporary permits issued pursuant to this Section shall be valid for a period not to exceed 180 days; provided, that the Police Commission after public hearing may review temporary sightseeing permits if required by public convenience and necessity.

(e) Sections 1155 and 1158 of this Article shall be applicable to applications for temporary sightseeing bus permits.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1158. FILING ROUTES AND FARES FOR SIGHTSEEING BUSES.

(a) Permittees issued sightseeing bus permits pursuant to the provisions of this Article shall file with the Board of Supervisors the routes and fares per passenger charged for each sightseeing bus trip.

(b) The Board of Supervisors may adopt, modify or reject the routes or fare schedules submitted.

(c) Should the Board of Supervisors, by resolution, adopt or modify the route or fare schedule submitted, such shall be the route traveled and fare charged.

(d) Should the Board of Supervisors, by resolution, reject the route or fare schedule proposed, the permittee submitting said route or fare schedule shall not operate a sightseeing bus on said route or charge the rejected fare unless and until the permittee submits, and the Board of Supervisors adopts, a new and different route and fare schedule submitted.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1159. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 122-93, App. 4/29/93; repealed by Ord. 54-03, File No. 021885, App. 4/11/2003)

DIVISION V  
MOTORIZED RICKSHAWS\*

SEC. 1160. MOTORIZED RICKSHAW PERMITS.

It shall be unlawful to own or operate a motorized rickshaw in the City and County of San Francisco unless a motorized rickshaw permit has been issued by the Police Commission for the operation of that vehicle pursuant to this Section. Motorized rickshaw permits shall be applied for and issued pursuant to Sections 1079 through 1081; provided, however, that upon application any person who held motorized rickshaw permits on September 15, 1984 or on the effective date of this Article shall be entitled to hold an equal number of such permits under this Article.

(Added by Ord. 562-88, App. 12/27/88)

SEC. 1161. RATES FOR MOTORIZED RICKSHAWS.

The rates of fare for motorized rickshaw shall be as follows:

(a) On a time basis, not more than $12.50 for the first half hour or fraction thereof, and $12.50 for each succeeding half hour or fraction thereof. For each additional passenger above two, not more than $6.25 per passenger for the first half hour and each succeeding half hour;

(b) On a mileage basis, not more than $1 for the first mile or fraction thereof, and 50 for each additional half mile or fraction thereof.

(c) Said rates as to time and mileage shall be computed from the time and place said rickshaw was dispatched to the passenger until it is returned to the point of origin.

(d) Drivers of motorized rickshaws shall complete an accurate waybill as described in Section 1127 of this Article.

(Added by Ord. 562-88, App. 12/27/88)

DIVISION VI  
LIMOUSINES\*

SEC. 1165. INSPECTION OF LIMOUSINE WAYBILLS.

(a) Any Police Officer or the Taxi Commission Executive Director, or his or her designee, may, upon request, inspect the waybill of any charter-party carrier of passengers operating within the City and County for the purpose of verifying valid prearranged travel. As required by Part 3.01 of General Order 157-C of the California Public Utilities Commission, the waybill must include the following:

(1) Name of carrier and TCP number;

(2) Vehicle license plate number;

(3) Driver's name;

(4) Name and address of person requesting or arranging the charter;

(5) Time and date when charter was arranged;

(6) Whether the transportation was arranged by telephone or written contract;

(7) Number of persons in the charter group;

(8) Name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation; and,

(9) Points of origination and designation.

The party arranging the transportation must have exclusive use of the vehicle.

(b) Any person operating a charter-party carrier of passengers within the City and County who, upon request by a Police Officer, or the Taxi Commission Executive Director, or his or her designee, fails or refuses to produce his or her waybill for inspection is guilty of an infraction punishable under Section 1185.

(Added by Ord. 15-06, File No. 051720, App. 1/20/2006)

(Former Sec. 1165 added by Ord. 562-88, App. 12/27/88; repealed by Ord. 15-06, File No. 051720, App. 1/20/2006)

SEC. 1166. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; repealed by Ord. 287-08, File No. 081340, App. 12/5/2008)

DIVISION VII  
EMPLOYER'S BUS STANDS\*

SEC. 1170. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; repealed by Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1171. RESERVED.

(Added by Ord. 562-88, App. 12/27/88; repealed by Ord. 287-08, File No. 081340, App. 12/5/2008)

DIVISION VIII  
RENTAL VEHICLES\*

SECS. 1175 - 1180. RESERVED.

(Renumbered as Secs. 1225 to 1230 by Ord. 287-08, File No. 081340, App. 12/5/2008)

DIVISION IX  
RESTRICTED AREAS\*

SECS. 1183 - 1183.40. RESERVED.

(Repealed by Ord. 287-08, File No. 081340, App. 12/5/2008)

DIVISION X  
PENALTIES\*

SEC. 1185. PENALTIES.

(a) **Violations Chargeable as Misdemeanors or Infractions; Assisting or Inducing Violation.** Unless otherwise specified in this Article, any person violating any Section of this Article shall be deemed guilty of a misdemeanor or an infraction. It shall be a violation of this Article to knowingly assist or knowingly induce another to violate a provision of this Article.

(b) **Misdemeanor Penalties.** Upon conviction of a violation charged as a misdemeanor, the person so convicted shall be subject to a fine of not more than $500 or imprisonment in the County Jail for period of not more than six months, or by both such fine and imprisonment; provided, however, that any person or entity violating Sections 1078 (requiring permits), 1084(b) or (c) (notification of death of permittee; lease of permit of deceased permittee), 1089 (requiring drivers permits), 1091 through 1093 (requiring insurance), or 1110 (false statements) of this Article shall, upon conviction thereof, be subject to a fine of not more than $1,000 or imprisonment in the County Jail for period of not more than six months, or by both such fine and imprisonment.

(c) **Infraction Penalties.** Upon conviction of a violation charged as an infraction, the person so convicted shall be punished for the first offense by a fine of not less than $10 nor more than $50, and for a second and any additional violation of the same provision within one year by a fine of not less than $20 and not more than $100; provided, however, that for violations of Section 1078 (requiring permits) and Section 1165 (inspection of limousine waybills) charged as an infraction, the person so convicted shall be punished for the first offense by a fine not to exceed one hundred dollars ($100), for a second violation of the same provision within one year by a fine not to exceed two hundred dollars ($200), and for a third and any additional violation of the same provision within one year by a fine not to exceed five hundred dollars ($500).

(d) **Violations of Taxi Commission's Rules.** Upon conviction of a violation of the Taxi Commission's Rules, the person so convicted may be punished by a fine as follows:

(1) For regulations classified as Minor under the Commission's Rules, a fine of $25 for the first violation, $50 for a second violation of the regulation within one year of the first violation, and $150 for a third or additional violation of the regulation within one year of the first violation.

(2) For regulations classified as Moderate under the Commission's Rules, a fine of $75 for the first violation, $150 for a second violation of the regulation within one year of the first violation, and $450 for a third or additional violation of the regulation within one year of the first violation.

(3) For regulations classified as Major under the Commission's Rules, a fine of $250 for the first violation, $400 for a second violation of the regulation within one year of the first violation, and $500 for a third or additional violation of the regulation within one year of the first violation.

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 106-99, File No. 990006, App. 5/7/99; Ord. 15-06, File No. 051720, App. 1/20/2006)

SEC. 1186. FULL-TIME DRIVING REQUIREMENT; VIOLATIONS; ADMINISTRATIVE PENALTIES.

(a) **Full-Time Driving Requirement.** The holder of a taxicab permit shall be a full-time driver as provided in Section 1081.

(b) **Administrative Penalties.** The Taxi Commission (the Commission) may impose administrative penalties for violations of the full-time driving requirement, in accordance with the procedures established in Section 1188.

(c) **Amount of Penalty.** The administrative penalties assessed against the permit holder by the Commission shall not exceed the amount of any lease fees collected by the permit holder during the period that the permit holder was in violation of the full-time driving requirement. Where the permit holder does not collect lease fees, the Commission may impose administrative penalties not to exceed $140 for each day or $30 for each hour the permit holder fails to drive short of the applicable standard for compliance.

In determining the amount of the penalty in an individual case, the Commission shall take into account:

(i) Whether the permit holder has in the past violated the full-time driving requirement, other provisions of Article 16, the Taxi Commission's rules and regulations, or state law relevant to the operation of a taxicab permit;

(ii) Whether the permit holder concealed or attempted to conceal his or her non-compliance with the full-time driving requirement; and

(iii) Such additional factors as the Commission may determine are appropriate.

(Added by Ord. 111-04, File No. 040343, App. 7/1/2004)

SEC. 1187. COMMISSION RULES AND REGULATIONS; VIOLATIONS; ADMINISTRATIVE PENALTIES.

(a) **Administrative Penalties.** The Taxi Commission (the Commission) may impose administrative penalties for violations of the Commission's rules and regulations, in accordance with the procedures established in Section 1188.

(b) **Amount of Penalty.** For regulations classified as Minor under the Commission's Rules, there shall be a penalty not to exceed $25 for the first violation, $50 for a second violation of the regulation within one year of the first violation, and $150 for a third or additional violation of the regulation within one year of the first violation.

For regulations classified as Moderate under the Commission's Rules, there shall be a penalty not to exceed $75 for the first violation, $150 for a second violation of the regulation within one year of the first violation, and $450 for a third or additional violation of the regulation within one year of the first violation.

For regulations classified as Major under the Commission's Rules, there shall be a penalty not to exceed $250 for the first violation, $400 for a second violation of the regulation within one year of the first violation, and $500 for a third or additional violation of the regulation within one year of the first violation.

In determining the amount of the penalty in an individual case, the Commission shall take into account:

(i) Whether the permit holder has in the past violated the full-time driving requirement, other provisions of Article 16, the Taxi Commission's rules and regulations, or state law relevant to the operation of a taxicab permit;

(ii) Whether the permit holder concealed or attempted to conceal his or her non-compliance with the Commission's rules and regulations; and,

(iii) Such additional factors as the Commission may determine are appropriate.

(Added by Ord. 111-04, File No. 040343, App. 7/1/2004)

SEC. 1187.1. OPERATING WITHOUT A PERMIT; VIOLATIONS; ADMINISTRATIVE PENALTIES.

(a) **Permit Required.** Any person operating a motor vehicle as a taxicab or other motor vehicle for hire licensed under this Article must have a permit as required in Section 1078.

(b) **Administrative Penalties.** The Taxi Commission (the Commission) may impose administrative penalties for violations of the permit requirement, in accordance with the procedures established in Section 1188. The penalties may be assessed against the driver or against the vehicle's owner if it is proven that the driver operated the vehicle as a taxicab with the owner's knowledge. These penalties are in addition to any other penalties or methods of enforcement authorized by law.

For purposes of Section 1188, the violator shall be referred to as "the permit holder." If any penalties are not paid to the Taxi Commission within 30 days of the notice, the Commission shall refer the unpaid penalties to the Bureau of Delinquent Revenue.

(c) **Amount of Penalty.** The administrative penalties assessed against the violator by the Commission shall not exceed two thousand five hundred dollars ($2,500) for a first violation or five thousand dollars ($5,000) for a subsequent violation.

In determining the amount of the penalty in an individual case, the Commission shall take into account:

(i) Whether the violator has in the past violated the permit requirement, other provisions of Article 16, the Taxi Commission's rules and regulations, or state law relevant to the operation of a taxicab permit;

(ii) Whether the violator concealed or attempted to conceal his or her non-compliance with the permit requirement; and

(iii) Such additional factors as the Commission may determine are appropriate.

(Added by Ord. 15-06, File No. 051720, App. 1/20/2006)

SEC. 1188. PROCEDURES FOR ADMINISTRATIVE PENALTIES.

(a) **Director's Notice.** Upon a determination that a permit holder has violated the full-time driving requirement or the Commission's rules and regulations, the Executive Director of the Taxi Commission (the Director) shall send a written notice, by first class mail or hand-delivery, to the permit holder, at the address listed in the Taxi Commission's records, identifying and describing the alleged violations and stating the amount of the administrative penalty to be imposed. The notice shall also inform the permit holder that he or she has the right to request a fact-finding hearing on the alleged violations and the proposed penalty by filing such a request within 15 business days of the date of the notice. The Director and the permit holder may modify the Director's proposed decision by mutual consent. If the permit holder does not request a fact-finding hearing within the 15 days, the decision of the Director shall be final.

(b) **Scheduling of Fact-finding Hearing.** Whenever a fact-finding hearing is requested under subsection (a) above, the Director within 10 business days of receiving the request shall notify the permit holder of the date, time, and place of the hearing by first-class mail or hand delivery. Such hearing shall be held no sooner than 20 business days and no later than 40 business days after the Director receives the request for a hearing, unless the time is extended by mutual agreement of the permit holder and the Director. Notice of hearings shall be posted on the Commission's web site at least 72 hours in advance of the hearings.

(c) **Hearing Officers.** The Director shall appoint a hearing officer for the fact-finding hearing from a list approved by the Commission. The hearing officer shall not be an employee of the Taxi Commission or the Police Department.

(d) **Submittals for the Hearing.** At least 5 business days prior to the hearing, the parties to the hearing shall submit written information to the hearing officer including, but not limited to, the following: a statement of the issues to be determined by the hearing officer, a statement of the evidence to be offered at the hearing and the identity of any witnesses to appear at the hearing. The written information shall not exceed 10 double-spaced pages, excluding exhibits.

(e) **Conduct of the Hearing.** The hearing shall be open to the public and tape recorded. Any party to the hearing may, at his or her own expense, cause the hearing to be recorded by a certified court reporter. During the hearing, evidence and testimony may be presented to the hearing officer. Parties may be represented by counsel and have the right to cross-examine witnesses. All testimony shall be given under oath.

The hearing need not be conducted according to formal rules of procedure and evidence, but no decision shall be based solely on hearsay evidence. The hearing officer may make reasonable rulings to ensure a fair and efficient hearing.

(f) **Proposed Decision.** The hearing officer shall, within ten business days after the conclusion of the hearing, present a proposed decision including written findings and recommendations regarding penalties to the Commission. The hearing officer shall at that time transmit his or her decision to the permit holder by certified mail directed to the most recent address on file with the Commission for the permit holder. The Commission shall post at its office a notice that a copy of the proposed decision is available for public inspection during normal business hours.

(g) **Commission Action.** The Executive Director shall place the hearing officer's proposed decision on the Commission's consent calendar for the next scheduled meeting occurring not less than ten calendar days after entry of the Director's decision. The Director shall also submit the recording of the hearing and any written materials submitted in connection with the hearing. The proposed decision shall be a recommendation to the Commission, and the Commission may adopt, modify, or deny such recommendation, or may remand the matter to the hearing officer for further proceedings. The Commission may act on the hearing officer's proposed decision and the record presented; it may not rehear the case. The Commission shall serve its final decision upon the parties to the hearing and post the decision in the same manner as provided for herein with respect to the hearing officer's proposed decision.

(h) **Collection.** If the Commission finds against the permit holder and imposes administrative penalties, the Commission's decision shall state the amount of the penalties and declare that they are due and payable to the City and County of San Francisco within 30 days of the date of the decision, provided that the Executive Director may agree to a reasonable payment schedule not to exceed the permit holder's income on a monthly basis. If the penalties are not paid to the Taxi Commission within 30 days of the notice, the Commission may move to suspend or revoke the permit.

(i) **Other Penalties.** The penalties and methods of enforcement set forth in this Section and in Sections 1186 and 1187 are in addition to those set forth in Sections 1090 and 1185 of this Code and in addition to any other penalties or methods of enforcement authorized by law.

(Added by Ord. 111-04, File No. 040343, App. 7/1/2004)

ARTICLE 17:  
MISCELLANEOUS LICENSE REGULATIONS

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| Sec. 1200. | Sales by Public Outcry Regulated. |
| Sec. 1201. | Permit from Chief of Police – Procedure – Bond. |
| Sec. 1202. | Investigation by Chief of Police. |
| Sec. 1203. | Cancellation of Bond. |
| Sec. 1204. | Permit to be Operative for Stated Address Only; Change of Location; Addition of Unlicensed Persons to Partnership; License to be Nontransferable. |
| Sec. 1205. | Records to be Kept – Quarterly Reports to Police. |
| Sec. 1206. | Acts Prohibited. |
| Sec. 1207. | Grounds for Revocation of Permit. |
| Sec. 1208. | Blanks Furnished by Chief of Police. |
| Sec. 1209. | License Fee. |
| Sec. 1210. | Individuals Merchandising by Public Outcry as Agent, Servant or Employee of Another; Requirements for Such Permit; Effect of Suspension or Termination of Permit of Principal, Master or Employer. |
| Sec. 1211. | Renewal of Permits. |
| Sec. 1212. | Definition of Merchandising by Public Outcry. |
| Sec. 1213. | Exceptions. |
| Sec. 1214. | Penalties for Violations of Sections 1200 through 1212, Inclusive. |
| Sec. 1215 | Commercial Parking Permits. |
| Sec. 1215.1 | Application for Permit. |
| Sec. 1215.2. | Investigation, Hearing and Issuance of Permits. |
| Sec. 1215.3. | Permit Revocation or Suspension. |
| Sec. 1215.4. | Rules; Insurance Requirements. |
| Sec. 1215.5. | Requirements for Permittee. |
| Sec. 1215.6. | Requirements Regarding Permittee's Employees. |
| Sec. 1215.7. | Other Enforcement. |
| Sec. 1216. | Fixed Location Valet Parking and Special Event Valet Parking Permits. |
| Sec. 1217. | Application for Permits. |
| Sec. 1218. | Investigation, Hearing and Issuance of Permits. |
| Sec. 1219. | Permit Revocation. |
| Sec. 1220. | Rules and Regulations; Additional Requirements. |
| Sec. 1221. | Requirements for Permittee's Employees. |
| Sec. 1222. | Conformance With Applicable Laws. |
| Sec. 1223. | Severability. |
| Sec. 1225. | Businesses of Renting or Leasing Motor Vehicles And/or Trailers for a Period of 60 Days or less Without Driver or Operator. |
| Sec. 1226. | Definitions. |
| Sec. 1227. | Permit Required. |
| Sec. 1228. | Records to be Kept; Contents. |
| Sec. 1229. | Driver's License Required. |
| Sec. 1230. | License Fees. |
| Sec. 1235. | Dealers in Secondhand Automobiles or Automobile Accessories Required to Keep Records of Purchases, and Sales and Report to Chief of Police. |
| Sec. 1236. | Blanks Furnished by Chief of Police. |
| Sec. 1237. | Permit by Chief of Police – Revocation. |
| Sec. 1237.1. | Filing Fee. |
| Sec. 1238. | License Fees. |
| Sec. 1239. | Automobile Wreckers. |
| Sec. 1239.1. | Filing Fees. |
| Sec. 1239.2. | License. |
| Sec. 1267. | Closing-Out Sales Regulated. |
| Sec. 1268. | Exceptions. Permit from Chief of Police. Number of Days of Sales Designated. |
| Sec. 1269. | Inventory of Stock to be Submitted to Chief of Police. |
| Sec. 1269.1. | Fees for Permits for Closing-out Sales. |
| Sec. 1270. | Sale of Stock in Bulk. "In Bulk" Defined. |
| Sec. 1279. | Secondhand Dealers; Definitions. |
| Sec. 1279.1. | Permit from Chief of Police; Rules and Regulations; Definitions. |
| Sec. 1279.3. | Trade-In Dealers; Definition; Permit. |
| Sec. 1282. | Licensed Auctioneers Excepted. |
| Sec. 1289. | Discharge of Cannon Prohibited. |
| Sec. 1289.1. | License. |
| Sec. 1290. | Discharge of Fireworks Prohibited. |
| Sec. 1291. | Prohibiting Loitering While Carrying Concealed Weapons. |
| Sec. 1292. | Prohibiting the Sale, Transfer, or Possession of Spring-Blade, Switch-Blade, Snap-Blade Knives, or Other Similar Type Knives; Penalty Therefor. |
| Sec. 1293. | Prohibiting the Sale or Transfer of Knives to Minors Other Than by Parents or Guardians, Except for Table Knives and Knives Currently Prohibited from Sale under State Law; Penalties for Violation of This Section. |
| Sec. 1295. | Guides. |
| Sec. 1298. | Liquor License Conditions. |

SEC. 1200. SALES BY PUBLIC OUTCRY REGULATED.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, expose for sale or solicit offers to purchase any jewelry, watches, clocks, binoculars, optical instruments, cameras, luggage, leather goods, plastic goods, imitation leather goods, cigarette cases, compacts, mechanical pens and pencils, precious stones, semi-precious stones, gold, silver, platinum or plated ware, by public outcry addressed collectively to a group of three or more persons assembled for the purpose of conducting sales of any of the aforesaid articles in any enclosed store or premises in the City and County of San Francisco, without first obtaining a permit from the Chief of Police. It shall be unlawful to merchandise any of the aforesaid articles by means of public outcry on any of the streets or sidewalks of the City and County of San Francisco and the Chief of Police shall not issue a license for such purpose.

(Added by Ord. 547-60, App. 11/30/60)

SEC. 1201. PERMIT FROM CHIEF OF POLICE – PROCEDURE – BOND.

Before receiving or acting upon any application for the granting of a permit to merchandise by means of public outcry any of the personal property described in Section 1200, the Chief of Police shall require:

First, the payment of an application fee.

Second, an application filed by the applicant, showing that the said applicant it to conduct his merchandising by public outcry activities at a fixed address. Said application for a permit must be signed by the applicant. If the applicant is a partnership, it must be signed by all members of the partnership; if application is a corporation, it must be signed by a duly authorized officer on behalf of the corporation. Where the applicant is a corporation or a partnership, the application must contain the names and addresses of all the corporation officers, or the partners, as the case may be. The said application shall be verified by the applicant. If the applicant is a partnership, the application shall be verified by a partner; if the applicant is a corporation, it shall be verified by one of its officers.

Third, the application shall be published one day a week for four consecutive weeks in a newspaper of general circulation in the City and County of San Francisco. The applicant shall cause to be posted a notice of intention to merchandise any or all of the articles mentioned in Section 1200 by means of public outcry on the premises for which application for a permit is sought for a period of 30 days prior to issuance of any said permit. The notice shall be posted in two conspicuous places on said premises so as to be visible from the sidewalk for a distance of at least 50 feet therefrom.

Fourth, every applicant at the time of making said application, and every person, firm or corporation who has heretofore been engaged and hereafter engages in merchandising by public outcry any or all personal property mentioned in Section 1200, shall file, within 30 days hereafter, and thereafter maintain, a bond in the sum of $10,000, which said bond shall run to the City and County of San Francisco and to any person, firm or corporation who shall sustain any injury covered by said bond. Such bond shall be executed by the person, firm or corporation seeking the permit hereunder as principal and by a corporation which is licensed by the Insurance Commissioner of this State to transact the business of fidelity and surety insurance as surety, or in lieu of said surety corporation bond, applicant may deposit either in cash or United States government bonds of the current market value in the sum of $10,000. The bond shall be conditioned that the principal will indemnify any and all persons, firms or corporations for any loss suffered by the misrepresentations of the principal as to the quality or worth of the goods offered for sale, lack of title to any of the said goods, breach of warranty of the merchantability or quality of any of the goods sold, or for falsely representing that the goods sold were part of stock in trade damaged by fire or the closing out of stock in trade of applicant or some other person, firm or corporation. Said bond shall, furthermore, be conditioned that said obligor herein will conform to and abide by the provisions of the San Francisco Municipal Code regulating merchandising by public outcry. Said bond shall not be void on the first recovery, but may be sued and recovered on from time to time by any persons aggrieved until the whole penalty is exhausted. Such bond shall remain in full force and effect until the permit of the principal is revoked or until the bond is canceled by the surety. The surety may cancel said bond and be relieved of further liability for causes of action arising thereafter by giving 15 days' written notice to the Chief of Police of the City and County of San Francisco and to the obligor at his last known place of business. The total aggregate liability on said bond shall be limited to $10,000. Any person, firm or corporation who sustains an injury covered by said bond may, in addition to any other remedy that he may have, bring an action in his own name on the bond for the recovery of any damage sustained by him; provided, however, that no such action may be brought and maintained after the expiration of one year from the time of the occurrence of any such alleged dishonest act or any breach of condition of said bond.

Fifth, such application shall be accompanied by the signature of three resident freeholders, certifying to the good moral character and reputation of the applicant and of the person or persons making said application. At the time of filing such application, the applicant and all persons directly or indirectly interested in the permit if granted, including the members of any firm or copartner and the officers of any corporation, shall be fingerprinted by the Police Department, and if any such person shall be found to have a prior criminal record of committing any felony, theft, obtaining money or property by false pretense, embezzlement or violating any of the provisions of this Article or any other law regulating merchandising by public outcry, the application for such permit shall be denied.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1202. INVESTIGATION BY CHIEF OF POLICE.

Upon receipt of said application, as provided in the preceding section, the Chief of Police shall investigate the character and business of the applicant, and the location at which said applicant proposes to engage in the business as stated in said application. Upon compliance with the requirements set forth in Section 1201, the Chief of Police may issue a permit for expiration one year from the date of issuance; provided, however, that no permit may be issued to any applicant not of good character, good reputation and moral integrity; nor to any applicant proposing to conduct his business within a district not so permitted by the general zoning regulations of the City Planning Code of the City and County of San Francisco. The Chief of Police in his discretion may refuse to issue a permit to any person, firm or corporation who has heretofore violated any provision of this Code regulating merchandising by public outcry or to any applicant under charge thereof. Notwithstanding such discretion in the Chief of Police, where a revocation of permit has occurred, the Chief of Police may not grant a new permit to any such permittee for a period of two years following such revocation. The Chief of Police shall forward said permit to Tax Collector for delivery to the permittee upon the payment of the license fee hereinafter provided.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1203. CANCELLATION OF BOND.

In the event that the bond filed in accordance with Section 1201 of this Article shall be canceled by the surety thereon, at any time, the obligor in whose favor such bond was filed shall, within 10 days after notice of such cancellation, file a new bond, and if such new bond is not filed within such period of 10 days, the permit shall be terminated as of the date of cancellation of said bond and be revoked thereupon without the requirement of action on the part of the Chief of Police or otherwise.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1204. PERMIT TO BE OPERATIVE FOR STATED ADDRESS ONLY; CHANGE OF LOCATION; ADDITION OF UNLICENSED PERSONS TO PARTNERSHIP; LICENSE TO BE NONTRANSFERABLE.

A fee shall be charged for any application for a change of location of the place of business for which a permit has been granted to merchandise by public outcry. A permit granted to any applicant under the provisions of Sections 1200 to 1214 of this Article shall be nontransferable. No unlicensed person shall be admitted as a member of any partnership permitted to engage in business of merchandising by public outcry unless such person shall comply with all of the provisions of Sections 1200 to 1214 of this Article. Any permittee having at least one place of business may secure a permit for any additional location by filing an application in the form heretofore mentioned, furnishing an additional bond for each application for an additional location sought under the provisions of this Section and by complying with all the provisions of Sections 1200 through 1214, inclusive, of this Article. Only one person, firm or corporation may conduct the business of merchandising by public outcry any of the articles mentioned in Section 1200 at any one permitted location.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1205. RECORDS TO BE KEPT – QUARTERLY REPORTS TO POLICE.

The applicant from and after the granting of a permit to merchandise by public outcry shall at all times maintain an inventory of his stock in trade together with an itemization of cost price. On or before the 10th day of each and every third successive month following the granting of said permit, the applicant shall forward to the Chief of Police by registered mail, return receipt requested, or by personal service thereof, an itemized inventory of the stock in trade of said permittee as it existed on the first day of said month, together with an itemization of purchases made by the said permittee for the three month period preceding said inventory, and the cost of the article purchased. This itemized statement shall be subscribed by the permittee himself if permittee is an individual; by a general partner, if permittee is a copartnership, or, by one of its officers if permittee is a corporation. The parties subscribing the itemized statement must make and subscribe an oath to be attached thereto that said itemized statement contains a true and itemized account of the articles, together with their cost, constituting the inventory of permittee as of the date mentioned, and, in addition, a true statement of the purchases and their cost of articles added to permittee's stock in trade for the month preceding the date of inventory.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1206. ACTS PROHIBITED.

It shall be unlawful for anyone merchandising by means of public outcry any of the articles mentioned in Section 1200, to grossly misrepresent the quality or worth of the articles offered for sale, or to falsely represent that the goods offered for sale are part of the stock in trade damaged by fire or closing out stock in trade of permittee of some other person, firm or corporation.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1207. GROUNDS FOR REVOCATION OF PERMIT.

In the event that any person, firm or corporation holding a permit to merchandise by public outcry under provisions of Sections 1200 to 1214, inclusive, of this Article, shall violate or cause or permit to be violated any of the provisions of Sections 1200 to 1214, inclusive, of this Article, or shall conduct or carry on his business in an unlawful manner, or cause or permit fraudulent practices or abuses or fail to comply with the provisions of Section 1205 of this Article, or shall fail to pay within 30 days after the same has become final, any judgment against said permittee arising out of the misrepresentation of any sale covered by the provisions of Section 1200, or out of any fraud committed in connection with any such sale, or shall be guilty of any other conduct, whether of the same or different character hereinabove specified, which constitutes fraud or dishonest dealing or the commission of fraudulent or dishonest practices, or conduct his business in a manner detrimental to the safety and general welfare of the people of the City and County of San Francisco, it shall be the duty of the Chief of Police, in addition to the other penalties provided herein, to suspend or revoke the permit issued for merchandising by public outcry granted any such permittee.

In the event any permit issued to any person, firm or corporation shall be revoked by the Chief of Police, no permit shall be granted to such person, firm or corporation to conduct or carry on such business of merchandising by public outcry within two years from the date of such revocation.

No permit shall be suspended or revoked until a hearing have been held by the Chief of Police relating to such suspension or revocation. Notice of such hearing shall be given to such permittee and served at least five days prior to the date of the hearing thereon. Said notice shall state the ground of a complaint in a form sufficient to give notice thereof and the time and place of hearing. Said notice shall be served upon the holder of such permit by delivering the same to such permittee, the manager or agent thereof, or to any person in charge of, or employed in the place of business of such permittee; or, if such permittee has no such place of business, then at the place of residence of such permittee, if known, or by leaving such notice at either the place of business or the residence of such permittee. In the event the permittee cannot be found and the service of such notice cannot be made in the manner provided herein then a copy of such notice shall be mailed, postage fully prepaid, addressed to such permittee at the place of business or residence set forth in such permit or the application therefor, at least five days prior to the date of such hearing.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1208. BLANKS FURNISHED BY CHIEF OF POLICE.

The Chief of Police shall cause such number of blanks to be provided as may be necessary for that purpose, and from time to time may cause additional blanks to be provided as may be necessary, to carry out the provisions of Sections 1200 to 1214, inclusive, of this Article.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1209. LICENSE FEE.

Every person, firm or corporation engaged in the business of merchandising by public outcry any of the articles listed in Section 1200 of this Article shall pay an annual license fee to the Tax Collector of the City and County of San Francisco. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* License fees paid under the provisions of this Section shall not be prorated or refunded. The provisions of Sections 75 to 81, inclusive, of Article 2, Part III of the San Francisco Municipal Code shall apply except as otherwise provided.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1210. INDIVIDUALS MERCHANDISING BY PUBLIC OUTCRY AS AGENT, SERVANT OR EMPLOYEE OF ANOTHER; REQUIREMENTS FOR SUCH PERMIT; EFFECT OF SUSPENSION OR TERMINATION OF PERMIT OF PRINCIPAL, MASTER OR EMPLOYER.

Any person merchandising by public outcry any of the articles mentioned in Section 1200 as agent, servant or employee of some other person, firm, corporation or other association, shall comply with the provisions of Sections 1200, 1201, 1202, 1203, 1204, 1206, 1207 and 1208 of this Article. A permit shall be required of any such person in addition to the permit required of such person's principal, master or employer as the case may be. In the event that the principal, master or employer of the person seeking a permit hereunder does not possess a permit in full force and effect, duly valid and subsisting, then, in such event, no permit may be granted to any agent, servant or employee thereof.

Whenever the permit of a person, firm or corporation to merchandise by public outcry has been terminated or suspended for any reason, then, the permit of any agent, servant or employee thereof theretofore issued shall likewise terminate or suspend as the case may be without further action by the Chief of Police or otherwise.

Every person seeking a permit to merchandise by public outcry as the agent, servant or employee or another shall make written application to the Chief of Police for said permit and pay to the Chief of Police an application fee at the time of filing such application. Said application shall contain all information deemed relevant by the Chief of Police. If the Chief of Police approves the granting of said permit, he may issue a permit to said applicant hereunder which permit shall expire one year from date of issuance.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1211. RENEWAL OF PERMITS.

Application for the renewal of the permits set forth in Sections 1202 and 1210 of this Article shall be made to the Chief of Police upon forms provided by the Police Department. Said application shall be made not less than 10 days prior to the expiration of the current permit and no application fee shall be charged. If such application for the renewal of the permit is not made within the time specified, the original permit shall be null and void. The procedure set forth in Sections 1201 and 1210 of this Article for obtaining original permits shall then be required.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1212. DEFINITION OF MERCHANDISING BY PUBLIC OUTCRY.

Without limiting the generality of the term "merchandising by public outcry," such activity shall include selling, exposing for sale, offering for sale, or soliciting purchasers by means of audible solicitation addressed collectively to a group of three or more persons, which said group has been assembled for the purpose of merchandising any of the articles set forth in Section 1200.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1213. EXCEPTIONS.

Provisions of Sections 1200 through 1214, inclusive, of this Article shall not apply to duly licensed auctioneers as to sales made pursuant to court order or to any law.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1214. PENALTIES FOR VIOLATIONS OF SECTIONS 1200 THROUGH 1212, INCLUSIVE.

Every person, firm or corporation who, or which, engages in merchandising by public outcry any of the articles mentioned in Section 1200 in violation of any of the provisions of Sections 1200 through 1212, inclusive, of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $500 or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment; or if by a corporation, it shall be punished by a fine of $1,000 for each such violation.

(Added by Ord. 8828, Series of 1939, App. 10/28/54)

SEC. 1215. COMMERCIAL PARKING PERMITS.

(a) **Definitions.** The following definitions shall apply in Police Code Sections 2.9, 2.26 and 1215 through 1215.7 and Business and Tax Regulations Code Section 22.

(1) **Chief of Police.** The Chief of the San Francisco Police Department, or designee.

(2) **Commercial parking permit.** A permit the Chief of Police issues under this Section to operate a parking garage or parking lot.

(3) **Covered crimes.** The crimes of assault, battery, burglary, robbery, theft including identity theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a vehicle identification, tax fraud or evasion, and any offense related to the use of alcohol, narcotics or controlled substances while operating or in connection with a vehicle, committed anywhere in the United States of America.

(4) **Entertainment Establishment.** Any building, space, or structure operating under a "Place of Entertainment" permit issued pursuant to San Francisco Police Code Section 1060 *et seq.* or operating under an "Extended Hours Premises" permit issued pursuant to San Francisco Police Code Section 1070 *et seq*.

(5) **Parking garage.** Any building or structure, or any portion of a building or structure, where members of the public may park or store motor vehicles for a charge. This definition does not include

(A) any parking garage in a residential building or development that provides parking for a charge as a convenience or amenity for residents or their guests only;

(B) any parking garage on San Francisco Unified School District property where a Qualified Nonprofit makes special event parking available to members of the public for a charge, pursuant to a Special School Parking Event Permit under Article 9, Section 608 of the Business and Tax Regulations Code; and

(C) any parking garage in a residential building that rents not more than five spaces to non-residents of the building on a monthly basis and is registered with the Tax Collector pursuant to Article 9, Section 609 of the Business and Tax Regulations Code.

(6) **Parking lot.** Any outdoor or uncovered space, including any plot, place, lot, parcel, yard or enclosure, or any portion of such a space, where members of the public may park or store motor vehicles for a charge. This definition does not include

(A) any outdoor or uncovered space that is part of a residential building or development that provides parking for a charge as a convenience or amenity for residents or their guests only;

(B) any outdoor or uncovered lot on San Francisco Unified School District property where a Qualified Nonprofit makes special event parking available to members of the public for a charge, pursuant to a Special School Parking Event Permit under Article 9, Section 608 of the Business and Tax Regulations Code; and

(C) any outdoor or uncovered space that is part of a residential building that rents not more than five spaces to non-residents of the building on a monthly basis and is registered with the Tax Collector pursuant to Article 9, Section 609 of the Business and Tax Regulations Code.

(7) **Person.** Any individual, firm, company, corporation, partnership, joint venture, association, organization or other legal entity. When Sections 1215 through 1215.6 require a person to provide or list a name, the person must provide or list any prior names and aliases.

(8) **Prevailing Party.** Prevailing Party has the same meaning as set forth in California Code of Civil Procedure Section 1032, or any successor provision. "Prevailing Party" includes the City in actions where the City obtains an injunction and/or civil penalties or other monies under Sections 1215 through 1215.6 or under State law.

(9) **Qualified Nonprofit.** A volunteer led organization having a formally recognized exemption from income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and with a mission of benefitting one or more San Francisco public schools.

(b) **Permit Requirement.** Except as provided in this subsection (b), a person may not operate a parking garage or parking lot, directly or indirectly, unless the person holds a commercial parking permit issued by the Chief of Police. This Section requires a separate commercial parking permit for each parking garage and parking lot. The Chief of Police shall close immediately any parking garage or parking lot operating without the required commercial parking permit. A parking garage or parking lot that is registered with the Tax Collector pursuant to Article 9, Section 609, of the Business and Tax Regulations Code is not required to hold a commercial parking permit under this Section.

Notwithstanding the foregoing paragraph, a governmental entity operating a parking garage or parking lot on that governmental entity's property is not required to obtain a commercial parking permit for that parking garage or parking lot; however, any other person operating a parking garage or parking lot on a governmental entity's property must hold a commercial parking permit issued by the Chief of Police for each such parking garage and parking lot.

(c) **Annual Permit.** Each commercial parking permit shall authorize the permittee to operate the permitted parking garage or parking lot for one year from the date the Chief of Police issues the permit, unless the Chief of Police suspends or revokes the permit. Each commercial parking permit shall expire by operation of law at the end of the one-year period. Notwithstanding Section 2.10 of the Police Code, a permittee wishing to operate beyond the one-year permit term must obtain a new commercial parking permit before the existing permit expires.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010; amended by Ord. 87-12, File No. 111077, App. 5/14/2012, Eff. 6/13/2012; Ord. 189-12, File No. 120407, App. 9/11/2012, Eff. 10/11/2012; Ord. 209-12, File No. 120631, App. 9/28/2012, Eff. 10/28/2012; Ord. 5-13, File No. 121064, App. 1/24/2013, Eff. 2/23/2013)

SEC. 1215.1. APPLICATION FOR PERMIT.

(a) **Application Requirements.** An applicant for a commercial parking permit shall use the application form the Chief of Police provides, and shall supply the following information:

(1) The applicant's business name and address, and the address of the parking garage or parking lot for which the applicant seeks a commercial parking permit;

(2) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the application and any commercial parking permit the Chief of Police issues;

(3) The names and residence addresses of every officer and partner of the applicant and every person with 10 percent or larger ownership interest in the applicant;

(4) The name and residence address of the individual whom the applicant has authorized to manage, direct, or control the operations of the parking garage or parking lot for which the applicant seeks a commercial parking permit;

(5) For all individuals listed in subsections (2) through (4), a list of each conviction of or plea of guilty or no contest to a covered crime in the ten years preceding the application, including the nature of the offense and the place and date of the conviction or plea;

(6) If the applicant does not own the building, structure or space where the parking garage or parking lot for which the applicant seeks a commercial parking permit operates or will operate, the name, business address and contact information of the owner, and documentation demonstrating the nature of the applicant's interest in the building, structure or space;

(7) A copy of a current and valid business registration certificate that the Office of the Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations Code Section 853. The name on the business registration certificate must match the name of the applicant on the application for the commercial parking permit;

(8) A copy of a current and valid certificate of authority for the parking garage or parking lot for which the applicant seeks a commercial parking permit that the Office of the Treasurer and Tax Collector has issued to the applicant under Business and Tax Regulations Code Section 6.6-1, or documentation demonstrating that the applicant has applied to the Office of the Treasurer and Tax Collector for a certificate of authority for the parking garage or parking lot for which the applicant seeks a commercial parking permit and has obtained the bond required for that certificate. The name on the certificate of authority or on the application for a certificate of authority and bond must match the name of the applicant on the application for the commercial parking permit;

(9) A copy of plans for the parking garage or parking lot for which the applicant seeks a commercial parking permit. The plans must include the name and business address of the applicant; the address of the parking garage or parking lot; the name and business address of the owner of the building, structure or space where the garage or lot is located, if the applicant is not the owner; all pedestrian and vehicular entrances and exits to the garage or lot; the dimensions and types of construction of all structures, fences or other improvements; and any features that may affect street traffic;

(10) The total motor vehicle capacity of the parking garage or parking lot for which the applicant seeks a permit, including the number of designed spaces and the motor vehicle capacity of all undesignated areas the applicant could use for overflow parking;

(11) Certificates of insurance and endorsements evidencing insurance in the amounts and coverages the Chief of Police sets under Section 1215.4(b);

(12) A list of all employees or other individuals working at the parking garage or parking lot, or whom the applicant proposes for employment or work at the parking garage or parking lot including hours and duties of employment, and a declaration signed by the applicant under penalty of perjury certifying that the applicant has verified that in the preceding ten years, none of the employees or other individuals has been convicted of or plead guilty or no contest to a covered crime, or for any employee or other individual who has been convicted of or plead guilty or no contest to a covered crime in the preceding ten years, written authorization from the Chief of Police under Section 1215.6(b) allowing the employee or individual to work at the parking garage or parking lot;

(13) The proposed design of the identification badge for employees or other individuals working at the parking garage or parking lot for which the applicant seeks a permit;

(14) A security plan for the parking garage or parking lot. The security plan must specify the hours of operation for the parking garage or parking lot and meet the requirements set in Section 1215.2(c). The security plan shall include a certification from the applicant that the applicant shall operate the parking garage or parking lot in compliance with the security plan for the duration of any commercial parking permit issued by the Chief of Police;

(15) The name and address of the person authorized to accept service of process for the applicant; and

(16) Any other information that the Chief of Police finds reasonably necessary to investigate the application.

(b) **Fees.** The applicant shall submit any filing fee with the application, as well as any fees for inspections or services provided by other City departments in investigating the application.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010; amended by Ord. 87-12, File No. 111077, App. 5/14/2012, Eff. 6/13/2012)

SEC. 1215.2. INVESTIGATION, HEARING AND ISSUANCE OF PERMITS.

(a) **Complete Application.** The Chief of Police may not accept an application for filing until it is complete. An application is not complete until the Chief of Police determines that it includes all information and documentation that Section 1215.1(a) requires. After determining that an application includes all required information and documentation, the Chief of Police shall accept the application for filing.

(b) **Investigation of Application.** Once the Chief of Police accepts an application for filing, the Chief of Police shall conduct an appropriate investigation of the application. As part of the investigation, the Chief of Police shall make any necessary referrals to other City departments, including referrals to the Planning Department, Fire Department and Department of Building Inspection for their determination of compliance with zoning, building, fire and safety requirements. The Chief of Police may refer the application to the Municipal Transportation Authority for review of traffic impacts. The Chief of Police shall conduct a criminal history background check on the persons listed in Sections 1215.1(a)(2) through (4).

(c) **Security Plan.**

(1) The Chief of Police shall review the applicant's security plan to ensure that the plan meets the minimum requirements set in Subsection (c)(2) below and any additional requirements set by the Chief of Police in rules promulgated under Section 1215.4(a), and is reasonably calculated to protect individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot. The Chief's evaluation of the security plan shall consider all relevant factors including, but not limited to, the parking garage's or parking lot's location, size, hours of operation, proximity to an Entertainment Establishment, and history of incidents resulting in Police Department response in the two years before the date of the application. The Chief of Police may approve a security plan, or may specify alternate or additional security measures required for approval of the security plan. The Chief of Police shall disapprove any security plan that the Chief determines does not adequately address the safety of individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot, notwithstanding the compliance of the proposed security plan with the minimum requirements of Subsection (c)(2) below. The Chief of Police shall not issue a commercial parking permit for any parking garage or parking lot unless the Chief approves the security plan for that parking garage or parking lot. The Chief of Police may waive or alter the minimum requirements listed Subsection (c)(2) below if the Chief determines that the parking garage or parking lot has no history of criminal, nuisance, or public safety incidents in the previous two years. If, after the Chief grants a waiver or alteration of the minimum requirements listed in subsection (c)(2) below, a criminal, nuisance or public safety incident occurs, the Chief may revoke that waiver or alteration of the minimum requirements.

(2) The security plan shall meet the following minimum requirements:

(A) If any pedestrian or vehicular entrance or exit to the parking garage or parking lot is within 1000 feet of any entrance or exit to an Entertainment Establishment, provide for an attendant, security guard or other individual retained by the permittee to remain on site for any operating hours between 7:00 p.m. and 3:00 a.m. An attendant, security guard or other individual is not required on site if all vehicular entrances and exits to the parking garage or parking lot are closed and secured so that vehicles may not enter or exit the garage or lot. The phrase "1000 feet" in this Subsection (c)(2)(A) shall mean 1000 feet in all directions, including across a street, from any pedestrian or vehicular entrance or exit to the parking garage or parking lot;

(B) Provide for measures to ensure that when the parking garage or parking lot is not open for business, the vehicular entrances and exits are closed and secured so that vehicles may not enter or exit the garage or lot; and

(C) Identify the number, type, and location of all light sources located on the premises including lighting located within pedestrian stairwells and entrances and provide for at least the minimum lighting specified in Fire Code Section 5003.4.

(3) The security plan may include additional measures to protect the safety of individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot, including, but not limited to, additional personnel, additional lighting, security cameras, emergency call boxes or phones, mirrors, barriers, and other physical improvements, or plans to close and secure one or more pedestrian or vehicular entrances or exits to the parking garage or parking lot for certain hours of operation.

(4) If the parking garage or parking lot leases spaces to either a certified car-share organization as defined by Planning Code Section 166(b)(2) or to patrons who rent spaces on a long-term basis, the security plan must describe how those patrons will retain access during hours when the parking garage or parking lot is not open for business.

(5) The authority of the Chief of Police to review and approve security plans for parking garages and parking lots does not restrict in any way the authority of the Entertainment Commission to place security requirements on any business with a Place of Entertainment or Extended Hours Premises permit.

(d) **Action on Application.** The Chief of Police shall hear and decide the application within a reasonable time after accepting the application for filing. In deciding the application, the Chief of Police may exercise his or her sound discretion as to whether the permit should be granted or denied. The Chief of Police may consider the following:

(1) Whether the parking garage or parking lot complies with applicable zoning, building, fire and safety requirements of the laws of the State of California and the City and County of San Francisco;

(2) Any traffic impacts of the parking garage or parking lot;

(3) Whether in the preceding ten years, the applicant or any person listed in Sections 1215.1(a)(2) through (4) has been convicted of or plead guilty or no contest to a covered crime, or has committed a covered crime. A conviction, plea or commission of a covered crime is not an automatic bar to granting the permit. The Chief of Police shall consider criminal history on a case-by-case basis with due consideration given to the following factors:

(a) the nature and gravity of the offense;

(b) the time elapsed since the offense;

(c) age at the time of the offense;

(d) frequency of covered criminal offenses;

(e) evidence of rehabilitation; and

(f) any other mitigating circumstances;

(4) Whether in the preceding ten years, the applicant or any person listed in Sections 1215.1(a)(2) through (4) has engaged in or committed any fraudulent or misleading business practices;

(5) Whether the security plan, if necessary, meets the minimum requirements in Subsection (2)(c) above and any other requirement imposed by the Chief pursuant to 1215.2(c)(1), and is reasonably calculated to protect individuals and vehicles in the parking garage or parking lot and within 25 feet of any pedestrian or vehicular entrance or exit to the parking garage or parking lot;

(6) Whether the application contains intentionally false or misrepresented information; and

(7) Whether granting the permit is consistent with the public interest, health, safety and welfare.

(e) **Reporting.** The Chief will make an annual report to the Entertainment Commission giving information regarding permits granted where the Chief of Police has waived or altered the minimum requirements listed in Subsection (c)(2) above.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010; amended by Ord. 234-11, File No. 110993, App. 12/1/2011, Eff. 12/31/2011; Ord. 87-12, File No. 111077, App. 5/14/2012, Eff. 6/13/2012)

SEC. 1215.3. PERMIT REVOCATION OR SUSPENSION.

(a) **Discretionary Revocation or Suspension.** The Chief of Police may revoke or suspend a commercial parking permit if, after a hearing on the matter, he or she finds that:

(1) Grounds exist that would have constituted a basis to deny the permit application;

(2) The permittee has failed to operate the parking garage or parking lot in compliance with the security plan approved by the Chief of Police;

(3) The permittee, or any employee or agent of the permittee, has created, caused, or contributed to the creation or maintenance of a public nuisance in the operation of the parking garage or parking lot;

(4) The permittee, or any employee or agent of the permittee, has failed to comply with any requirements imposed by Sections 1215 through 1215.6, or any rules the Chief of Police issued under Section 1215.4(a); or

(5) The permittee, or any employee or agent of the permittee, has operated the parking garage or parking lot in a manner contrary to the public interest, health, safety or welfare.

(b) **Mandatory Revocation or Suspension.** The Chief of Police shall revoke or suspend a commercial parking permit, after a hearing on the matter, promptly upon receiving notice from the Office of the Treasurer and Tax Collector that it has revoked a permittee's business registration certificate or certificate of authority, or has determined that the permittee, or any person listed in Sections 1215.1(a)(2) through (4), is not in compliance with the Business and Tax Regulations Code. If the Chief of Police suspends the permit, the Chief of Police shall continue the permit suspension until the Office of the Treasurer and Tax Collector notifies the Chief of Police that he or she may end the suspension.

(c) **Notice.** The Chief of Police shall serve written notice of a revocation or suspension hearing on the permittee at the business address listed in the permit application, no fewer than 10 days before the hearing. The notice shall include the time and place of the hearing and a brief statement of the reasons for the proposed revocation or suspension.

(d) **Appeal.** Notwithstanding Section 8(i)(5) of the Business and Tax Regulations Code, the filing of an appeal with the Board of Appeals from a decision of the Chief of Police to revoke or suspend a commercial parking permit shall not effect a suspension of the Chief of Police's action.

(e) **Board of Appeal.** On any appeal from a decision of the Chief of Police to revoke or suspend a commercial parking permit under Section 1215.3(b), consistent with the vital City policy regarding advance payment of disputed taxes and the exclusive remedies and procedures available to resolve tax disputes under Article 6 of the Business and Tax Regulations Code, the Board of Appeal shall have no jurisdiction to review any determination of the Office of the Treasurer and Tax Collector that the applicant, or any person listed in Sections 1215.1(a)(2) through (4), is not in compliance with the Business and Tax Regulations Code. Nor shall the Board of Appeal have jurisdiction to review a decision of the Office of the Treasurer and Tax Collector to revoke a permittee's business registration certificate or certificate of authority.

(f) **Three-Year Ban.** If the Chief of Police revokes a commercial parking permit, the permittee, and any person listed in Sections 1215.1(a)(2) through (4), may not apply for a commercial parking permit for three years from the date the Chief of Police revokes the permit.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010; amended by Ord. 87-12, File No. 111077, App. 5/14/2012, Eff. 6/13/2012)

SEC. 1215.4. RULES; INSURANCE REQUIREMENTS.

(a) **Rules.** After a noticed hearing, the Chief of Police may promulgate rules to effectuate the purposes of Sections 1215 through 1215.6 or to facilitate the permit process. The Chief may promulgate rules that set additional requirements for security plans under this Subsection (a), but only after consultation with the Entertainment Commission Executive Director.

(b) **Insurance Requirements.** In consultation with the City Risk Manager, the Chief of Police shall determine the insurance coverages and amounts necessary to protect members of the public using parking garages and parking lots, and the City and County of San Francisco and its officers, agents and employees, against injuries, damages, claims or liabilities arising from or related to the permit or to a permittee's operation of a parking garage or parking lot. The insurance shall include, at a minimum,

(1) workers' compensation, with employer's liability limits not less than $1,000,000 each accident, but only if the permittee has employees as defined by the California Labor Code,

(2) comprehensive general liability insurance with limits not less than $1,000,000 each occurrence,

(3) comprehensive automobile liability insurance with limits not less than $1,000,000 each occurrence, and

(4) garagekeeper's legal liability insurance with limits set based on the motor vehicle capacity of the parking garage or parking lot.

The Chief of Police shall post the current insurance requirements at the location where applicants submit permit applications and on the Police Department website. In consultation with the City Risk Manager, the Chief of Police may review and revise the insurance requirements set under this Section.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010; amended by Ord. 87-12, File No. 111077, App. 5/14/2012, Eff. 6/13/2012)

SEC. 1215.5. REQUIREMENTS FOR PERMITTEE.

(a) **Insurance.** Throughout the term of any commercial parking permit, a permittee shall maintain in force insurance in the coverages and amounts that the Chief of Police sets under Section 1215.4(b).

(b) **Posting.** A permittee shall post a copy of the commercial parking permit at the permitted parking garage or parking lot, in a conspicuous place visible to the public.

(c) **Name and Other Changes.** Within 10 days of any change in the name of a permittee, or any change in any partner or officer of a permittee, in the ownership of 10 percent or larger of a permittee, or in the individual whom a permittee has authorized to manage, direct or control the operations of the permitted parking garage or parking lot, a permittee shall provide written notice to the Police Department specifying the change.

(d) **Change in Ownership.** If during the term of a commercial parking permit a permittee's ownership changes by 25 percent or larger, the permittee's commercial parking permit shall immediately terminate by operation of law. The permittee shall apply for a new commercial parking permit for each parking garage or parking lot the permittee operates, and shall pay any required fees. A permittee may apply for a new commercial parking permit in advance of an ownership change of 25 percent or greater, to preserve continuity of operations at the parking garages and parking lots the permittee operates.

(e) **Records.** A permittee shall maintain records regarding operations of the parking garage or parking lot for which the Chief of Police issued the commercial parking permit at the business address specified in the permit application, and shall make those records available for inspection and copying during business hours on demand of any peace officer.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010)

SEC. 1215.6. REQUIREMENTS REGARDING PERMITTEE'S EMPLOYEES.

(a) **List of Employees.** A permittee shall maintain a continuously updated list of the names, residence addresses and current driver's license numbers of all employees or other individuals working at the parking garage or parking lot for which the Chief of Police issued a commercial parking permit. A permittee shall maintain the list at the business address listed on the permit application, and shall make the list available for inspection and copying during business hours on demand of any peace officer.

(b) **Criminal History.** Except with the prior written authorization of the Chief of Police, a permittee shall not allow any employee or other individual to work at a permitted parking garage or parking lot if, in the preceding ten years, the employee or individual has been convicted of or has plead guilty or no contest to any covered crime. The Chief of Police shall evaluate on a case-by-case basis any request for authorization for an employee or other individual who has been convicted of or has plead guilty or no contest to any covered crime in the preceding ten years to work at the permitted parking garage or parking lot. In determining a request for authorization, the Chief of Police shall give due consideration to the factors in Section 1215.2(c)(3). The term of any written authorization of the Chief of Police may not exceed two years.

(c) **Identification Badge.** Every employee or other individual who works at a parking garage or parking lot shall wear conspicuously upon his or her person an identification badge that the permittee provides, of a type and design that the Chief of Police has approved.

(Added by Ord. 219-10, File No. 100639, App. 8/12/2010)

SEC. 1215.7. OTHER ENFORCEMENT.

(a) In addition to the remedies and enforcement mechanism provided above. the City Attorney may enforce the provisions ofSections 1215 through 1215.6 through a civil action in any court of competent jurisdiction.

(b) The City Attorney may apply to any court of competent jurisdiction for an order seeking injunctive relief to abate any nuisance caused by a failure to comply with Sections 1215 through 1215.6.

(c) In any civil court action brought by the City Attorney to enforce Sections 1215 through 1215.6 in which the City succeeds in obtaining any order from the Court, the City shall be entitled to recover from any and all applicable Persons all of its costs of investigation, enforcement, abatement, and litigation.

(d) The Prevailing Party in any court action to abate a violation pursuant to Sections 1215 through 1215.6 shall be entitled to reasonable attorneys' fees.

(e) Nothing in Sections 1215 through 1215.6 shall be interpreted as restricting or otherwise limiting the enforcement authority conferred upon other City employees, City agencies, or state agencies by other provisions of the Municipal Code or state law.

(Added by Ord. 87-12, File No. 111077, App. 5/14/2012, Eff. 6/13/2012)

SEC. 1216. FIXED LOCATION VALET PARKING AND SPECIAL EVENT VALET PARKING PERMITS.

No corporation, partnership or other business entity or employee thereof may solicit the storage or parking of any motor vehicle for which a parking space may or may not be rented unless the corporation, partnership or business entity holds a valid valet parking permit issued by the Chief of Police; notwithstanding the foregoing provision, a governmental entity that solicits the storage or parking of any motor vehicle for which a parking space mayor may not be rented is not required to obtain a valid valet parking permit issued by the Chief of Police, provided that all persons engaged by the governmental entity to perform said activities are employees of the governmental entity.

(a) A fixed location valet parking permit shall be required for any valet parking operator who performs valet parking services at a restaurant or other place of public assembly which utilizes valet parking services on a daily or regularly scheduled basis. Any location which uses valet parking services more than once each week and more than 52 times per year requires a fixed location permit. Application for location valet parking permits shall include verification by the owner of an off-street parking garage or lot that a specified number of parking spaces will be guaranteed for the use of the applicant.

A holder of a fixed location valet parking permit may assess the owner or operator of a motor vehicle which it accepts for valet parking a reasonable fee for its services; provided, that the person who has hired the permittee has agreed in writing that fees may be charged of such owners and operators, that the permittee meets all applicable parking tax obligations which may be connected with such charges, and further provided, that the permittee shall provide each such owner and operator with advance notice of the applicable fees to be charged.

(b) An annual special event valet parking permit shall be required of any valet parking operator who performs valet parking services at locations other than those defined as fixed locations in Subdivision (a) of this Section.

Special event valet parking permit holders shall provide the appropriate Police Department District Station(s) with seven days' advance written notice of the location, date and hours of each special event valet parking operation for which a permit is requested, or, if seven days' notice is impossible, the permit holders shall notify the District Station(s) as soon after the permit holder's services are engaged for any event as is possible. The District Station Captain shall have the right to prohibit the use of a special event valet parking permit at a given location if he or she finds that there are insufficient on-street parking spaces in the locale and the permit holder has presented no adequate plan to park the vehicles legally.

There shall be no appeal from the Captain's denial unless the notice of an intended event at a particular location has been given at least twenty days before the event, in which case appeal shall lie only to the Chief of Police, or his or her designate.

No holder of a special event valet parking permit may require any payment from vehicle operators for valet parking services.

(Added by Ord. 156-85, App. 3/28/85; amended by Ord. 287-08, File No. 081340, App. 12/5/2008; Ord. 5-13, File No. 121064, App. 1/24/2013, Eff. 2/23/2013)

SEC. 1217. APPLICATION FOR PERMITS.

Applications for fixed location valet parking and special event valet parking permits shall be made upon application forms provided by the Chief of Police, and shall be accompanied by any required filing fee, and shall state: (1) the business name and address of the applicant; (2) the names and residence address of every officer or partner, and of every owner of 10 percent or more of the applicant; (3) all felony criminal offenses for which the persons in Subsection (2) above have been convicted, including the nature of the offense and the place and date of the conviction; (4) the identifying number of the applicant's San Francisco business license; (5) for fixed location permits, the location of the business at which the valet parking services will be performed, the off-street parking location at which vehicles will be parked and the number of parking spaces available at that location; and (6) any other information as the Chief of Police finds reasonably necessary to effectuate the purposes of this ordinance. The applicant shall meet the following insurance requirements throughout the term of any issued under this ordinance:

(a) Workers' Compensation, with Employers Liability limits not less than $1,000,000 each accident, but only if permittees have employees as defined by the California Labor Code.

(b) Comprehensive General Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations Coverages.

(c) Comprehensive Automobile Liability Insurance with limits not less than $1,000,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including owned, nonowned and hired auto coverages, as applicable.

(d) Garagekeepers' Legal Liability Insurance, including coverages for fire and explosion, theft of the entire motor vehicle, riot, civil commotion, malicious mischief and vandalism, collision or upset with coverage limits to be determined by the average number of vehicles an applicant parks on any given day in accordance with the following schedule:

|  |  |
| --- | --- |
| 0-10 vehicles | $100,000 limit of coverage |
| 11-15 vehicles | $150,000 limit of coverage |
| 16-20 vehicles | $200,000 limit of coverage |
| 21-25 vehicles | $250,000 limit of coverage |
| 26-30 vehicles | $300,000 limit of coverage |
| 31-35 vehicles | $350,000 limit of coverage |
| 36-40 vehicles | $400,000 limit of coverage |
| 41-45 vehicles | $450,000 limit of coverage |
| 46+ vehicles | $500,000 limit of coverage |

Comprehensive General Liability, Comprehensive Automobile Liability and Garagekeepers' Legal Liability Insurance policies shall be endorsed to provide the following:

(1) Name as Additional Insureds the City and County of San Francisco, its officers, agents, employees and members of commissions.

(2) That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of activities conducted under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought.

All policies shall be endorsed to provide that 30 days' advance written notice to the City of cancellation, nonrenewal or reduction in coverage, shall be mailed to the following address:

CHIEF OF POLICE  
Hall of Justice  
850 Bryant Street  
San Francisco, CA 94103

Certificates of insurance, satisfactory to the City, evidencing all coverages above shall be furnished to the City prior to issuance of a permit and renewal of a license or before commencing any operations under a permit, with complete copies of policies furnished to the City upon request.

(Added by Ord. 156-85, App. 3/28/85; amended by Ord. 418-87, App. 10/23/87; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1218. INVESTIGATION, HEARING AND ISSUANCE OF PERMITS.

The Chief of Police shall investigate all applications and without unnecessary delay shall thereafter hear the application and then grant the application unless he or she finds:

(a) That any owner, officer or partner of the applicant within four years prior to the date of application, has been convicted of burglary, robbery, theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle, unlawful use or tampering by bailee of a vehicle, altering a vehicle identification, or any offense related to the use of alcohol, narcotics or controlled substances; or

(b) That any owner, officer or partner of the applicant has intentionally falsified any statement contained in the application; or

(c) For fixed location permits, that the number of proposed parking spaces is insufficient to ensure that the valet parking operation will not be required to use on-street parking spaces.

Upon granting the fixed location permit or the annual special event permit, the Chief of Police shall forward the permit(s) to the Tax Collector who shall issue a license or licenses upon payment by the applicant of the license fee(s), as set forth in Section 2.27 of this Code. The license fee for this permit shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 156-85, App. 3/28/85; amended by Ord. 287-08, File No. 081340, App. 12/5/2008; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1219. PERMIT REVOCATION.

The Chief of Police shall revoke a permit issued hereunder if, after a hearing on the matter, he or she finds that grounds exist which would have constituted just cause for refusal to issue such permit, that the permittee has repeatedly parked vehicles under its control in a manner contrary to law, or that the permittee has failed to comply with any requirements imposed by this ordinance or any rules and regulations issued by the Chief to carry out the purposes of this ordinance. Written notice of the revocation hearing, setting forth the time and place of hearing and a brief statement of the reason(s) for the proposed revocation, shall be served on or mailed to the permittee at the business address listed in the permit application no less than 10 days prior to the hearing.

(Added by Ord. 156-85, App. 3/28/85; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1220. RULES AND REGULATIONS; ADDITIONAL REQUIREMENTS.

The Chief of Police is hereby authorized to promulgate rules and regulations after noticed hearing to effectuate the purposes of this ordinance. Failure to comply with such rules and regulations, or with any other requirements imposed by this ordinance, shall constitute grounds for revocation of a permit.

The permittee shall have the permit(s) required by this ordinance in its possession at the place where it is conducting any valet parking activity under the permit(s), and shall exhibit such permit(s) on demand of any peace officer.

Upon the receipt of each motor vehicle accepted for valet parking, the permittee shall give to the vehicle owner or operator a claim check for the vehicle. The claim check shall show the corporation or business name of the permittee and shall explicitly state the terms and conditions under which the vehicle is being accepted. The permittee shall display the corporation or business name of the permittee, and the date and the street address of the event for which valet parking is being conducted in a clearly visible manner on the driver's side of each motor vehicle throughout the time that said vehicle is in the permittee's custody and control.

The permittee shall, within 10 days of the change of the name of the permittee entity or the change in one or more partners or officers or in the ownership of 10 percent or more of the corporate stock, inform the Police Department, in writing, of such change.

(Added by Ord. 156-85, App. 3/28/85; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1221. REQUIREMENTS FOR PERMITTEE'S EMPLOYEES.

(a) Every corporation, partnership or other business entity holding a valid or unrevoked permit under this ordinance shall maintain a continuously updated list of the names, residence addresses and current driver's license numbers of all of its employees who perform valet parking. Such list shall be maintained at the business address listed on the permit application, and shall be available for inspection and copying during business hours on demand of any peace officer.

(b) It shall be unlawful for any employee who has been convicted of any of the offenses listed in Section 1218(a) to perform valet parking.

(c) Every employee who performs valet parking shall wear conspicuously upon their person throughout every valet parking event a numbered badge to be provided by the permittee, of a type and design previously approved by the Chief of Police. The permittee shall maintain a record of the names of such employee issued such a badge and of the badge number assigned to each such employee, as part of the list required to be maintained under Subsection (a) above.

(Added by Ord. 156-85, App. 3/28/85; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1222. CONFORMANCE WITH APPLICABLE LAWS.

Nothing in this ordinance authorizes, the parking of motor vehicles by valet parking operators in a manner contrary to applicable state laws and local parking and traffic regulations.

(Added by Ord. 156-85, App. 3/28/85; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1223. SEVERABILITY.

If any of the provisions of Sections 1216 through 1222 or the application of such provisions to any person or circumstances shall be held invalid, the remainder of those sections or the application of such provisions to the persons or circumstances other than those to which it is held invalid shall not be affected thereby.

(Added by Ord. 156-85, App. 3/28/85; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1225. BUSINESSES OF RENTING OR LEASING MOTOR VEHICLES AND/OR TRAILERS FOR A PERIOD OF 60 DAYS OR LESS WITHOUT DRIVER OR OPERATOR.

The business of renting or leasing motor vehicles and/or trailers in the City and County of San Francisco for a period of 60 days or less without a driver or operator thereof is hereby declared to be subject to police inspection and regulation as in Sections 1225 through 1230, inclusive, of this Article.

(Added by Ord. 562-88, App. 12/27/88; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1226. DEFINITIONS.

For the purpose of the provisions of Sections 1225 through 1230 inclusive of this Article, whenever the following words, terms or phrases are used, the definitions herein given shall be deemed to be the meaning of such words, terms or phrases, except where otherwise expressly stated:

"Motor Vehicle." A vehicle as defined in Section 415 of the California Vehicle Code.

"Trailer." A vehicle as defined in Section 630 of the California Vehicle Code.

"Person." A sole proprietor, partnership, association, business trust or corporation.

"Location." A place where a person or salaried employee of a person executes an agreement for the rental or lease of a motor vehicle and/or trailer for a period of 60 days or less without a driver or operator and makes delivery or arranges for the delivery thereof pursuant to said rental or lease agreement.

"VIN." Vehicle Identification Number.

(Added by Ord. 562-88, App. 12/27/88; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1227. PERMIT REQUIRED.

Every person in said business of renting or leasing motor vehicles and/or trailers for a period of 60 days or less for hire without drivers or operators shall hereafter obtain from the Police Department a separate permit for each such location where such person conducts such business, which permit(s) shall be revocable by said Department for cause and after a hearing. The application for such permit(s) shall state the address of each such location where such person conducts such business, and the name of the owner or owners, manager or officer thereof. After the issuance of such permit, any change of, or addition to such locations shall be reported to the Police Department within five days thereafter and permit issued for each such additional location. Each licensee of a person or independent contractor of a person shall be considered an independent person and shall obtain his own separate permit. Location does not include any place where a person takes or accepts reservations only, or a hotel, motel or inn which provides reservations and/or customer transportation service only.

(Added by Ord. 562-88, App. 12/27/88; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1228. RECORDS TO BE KEPT; CONTENTS.

Every person engaged in the type of business referred to in Sections 1225 and 1227 of this Article shall keep records of all motor vehicles and/or trailers rented or leased for a period of 60 days or less, which records will show:

(a) The name and address of the individual, firm or corporation to whom such motor vehicle and/or trailer is rented or leased;

(b) The date and time thereof and the time when same is returned;

(c) A description of each rented or leased motor vehicle and or trailer to include: Make, year, body style, color, VIN, and license number.

(Added by Ord. 562-88, App. 12/27/88; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1229. DRIVER'S LICENSE REQUIRED.

Every person engaged in the business of renting or leasing motor vehicles and/or trailers for a period of 60 days or less shall not rent or lease to any individual, firm or corporation a motor vehicle and/or trailer unless the driver's license provisions of Section 14608 of the California Vehicle Code are complied with.

(Added by Ord. 562-88, App. 12/27/88; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 1230. LICENSE FEES.

Every person, as defined in Section 1226 shall pay an annual license fee for each such location as defined in said Section 1226; provided, however, every person who operates a repair garage and grants temporary use of a motor vehicle to a customer without charge, while the motor vehicle belonging to said customer is being repaired or serviced in the repair garage, shall pay an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 562-88, App. 12/27/88; amended by Ord. 287-08, File No. 081340, App. 12/5/2008; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1235. DEALERS IN SECOND-HAND AUTOMOBILES OR AUTOMOBILE ACCESSORIES REQUIRED TO KEEP RECORDS OF PURCHASES, AND SALES AND REPORT TO CHIEF OF POLICE.

Every person, firm or corporation within the City and County of San Francisco engaged in the business of buying, selling, exchanging or dealing in used or secondhand magnetos, speedometers, equipment, storage batteries, parts of automobile or other automobile accessories of all kinds and description, shall keep a record of the purchase, sale, exchange or storage of such articles, which shall at all times be open to the inspection of the Chief of Police or any officer detailed by him and shall within 24 hours after the purchase, sale, exchange or acceptance for storage of such articles, make out and deliver to the Chief of Police a full and complete record of the purchase, sale, exchange, or acceptance for storage of such used or secondhand automobile, motor vehicle, motorcycle, equipment or automobile accessory.

The said report shall contain the name and address of the person, firm or corporation from whom purchased, or taken in exchange or for storage or to whom sold, the make, state license number, motor number, body number, generator number, starter number, carburetor number, magneto number, storage battery number, transmission number, radiator number, and speedometer number, or any other mark of identification, make, size and serial number of each tire, including extra tires, style and seating capacity of all secondhand automobiles purchased, sold, exchanged or placed in storage; make, size and number of secondhand automobile tires; make and number of secondhand radiators, magnetos and speedometers, equipment, storage batteries, parts of automobile and all other accessories having a serial number, and such other information concerning said articles as may be necessary to prove ownership and identity of said used or secondhand automobiles, motor vehicles, motorcycles, equipment or automobile accessories.

Said report shall be written in the English language in a clear and legible manner on blanks furnished by the Chief of Police.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1236. BLANKS FURNISHED BY CHIEF OF POLICE.

The Chief of Police shall cause such a number of blanks to be printed as may be necessary for that purpose and shall from time to time cause such additional blanks to be printed as may be required to carry out the provisions of Sections 1235 to 1238 of this Article.

(Added by Ord. 1.075, App. 10/11/38)

SEC. 1237. PERMIT BY CHIEF OF POLICE – REVOCATION.

Before any person, firm or corporation shall engage in the business of buying, selling, exchanging, storing or dealing in used or secondhand automobiles, motor vehicles, motorcycles, equipment, storage batteries and parts of automobiles or automobile accessories, he must make application to the Chief of Police for a permit therefor, which permit may be granted after a noticed public hearing and the payment of the license fee required by Section 1238 of this Article, or any other ordinance. The Chief of Police shall have the power to revoke said permit upon good cause being shown.

(Amended by Ord. 97-81, App. 2/26/81)

SEC. 1237.1. FILING FEE.

Every person desiring a permit pursuant to Section 1237 of this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1238. LICENSE FEES.

Every person, firm or corporation engaged in the business of buying, selling, exchanging, storing or dealing in used or secondhand automobiles or motor vehicle equipment, storage batteries, parts of automobiles or automobile accessories, shall pay an annual license fee to the City and County of San Francisco. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1239. AUTOMOBILE WRECKERS.

It shall be unlawful to engage in the business of buying secondhand automobiles or other vehicles for the exclusive purpose of wrecking the same without first having obtained a permit therefor from the Chief of Police.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1239.1. FILING FEES.

Applications for automobile wreckers permits shall be filed with the Chief of Police on a form provided for said permit together with a nonrefundable fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1239.2. LICENSE.

Every person, firm or corporation engaged in the business of buying secondhand automobiles or other vehicles for the exclusive purpose of wrecking the same shall pay an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1267. CLOSING-OUT SALES REGULATED.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, or expose for sale a stock of merchandise where the owner thereof or the creditors of said owners represent to the public that they are engaged in the closing out of said owner's business.

(Added by Ord. 8032, Series of 1939, App. 7/22/53)

SEC. 1268. EXCEPTIONS. PERMIT FROM CHIEF OF POLICE. NUMBER OF DAYS OF SALES DESIGNATED.

(a) The provisions of Section 1267 shall not apply to any bona fide sale of a stock of merchandise where the owner thereof or the creditors of the owner are engaged in a legitimate and final closing out of the business, and such sale is on the premises where the business has been carried on for not less than one year immediately preceding such sale; provided, however, that no closing-out sale shall be conducted under the provisions of this Section unless a permit is first obtained from the Chief of Police.

(b) If the Chief of Police finds and determines that said sale and the business proposed to be closed out meet all the requirements of Subsection (a) hereof he shall grant the permit applied for.

If the Chief of Police finds that the owner has not carried on the business on the same premises for a period of one year immediately preceding the sale but that the said owner has continuously conducted the same business in the City and County of San Francisco for a period of not less than one year immediately preceding the sale and that the other requirements of Subsection (a) are satisfied, he may, within his discretion, grant the said permit.

(c) The Chief of Police may designate the number of days that the said closing-out sale may be conducted and in no case shall the sale be advertised and represented as a closing-out sale for a period longer than 90 calendar days at any time; provided, that in no event shall any stock of merchandise be offered for sale or sold at said closing-out sale unless the same has been upon the premises of the owner for a period of not less than 90 days prior to filing of the application for the permit.

(d) Any advertising relating to said closing-out sale must include the number of the permit obtained from the Chief of Police.

(Added by Ord. 8032, Series of 1939, App. 7/22/53; amended by Ord. 212-88, App. 5/25/88)

SEC. 1269. INVENTORY OF STOCK TO BE SUBMITTED TO CHIEF OF POLICE.

(a) In all cases where a closing-out sale is held under the provisions of Section 1268 of this Article, an inventory of the stock of merchandise on the premises which is to be sold at said closing-out sale must be made and submitted to the Chief of Police at the time of the filing of the application for a permit to conduct the sale.

The inventory required by this Section must show the items of merchandise contained in the stock to be offered for sale on the premises at said closing-out sale, and the said applicant must make and subscribe an oath to be attached to the inventory that said inventory contains a true and itemized account of all property to be sold at said closing-out sale, that all of said merchandise so inventoried has been located on the premises for not less than 90 days immediately preceding the filing of said application, and that the same is a bona fide closing out of the business. No property or merchandise shall be sold under the provisions of Section 1268 of this Article except those items shown in the inventory provided for herein.

(b) Upon termination of said closing-out sale, whether at or prior to the termination of the permissible period prescribed in the permit issued under the provisions of Section 1268 of this Article, the permittee shall forward to the Chief of Police by mail or otherwise an itemized account of all sales made during said period. This itemized statement shall be subscribed by the permittee, and it shall be unlawful for any permittee to submit any false or fraudulent itemized statement to the Chief of Police.

(Added by Ord. 8032, Series of 1939, App. 7/22/53)

SEC. 1269.1. FEES FOR PERMITS FOR CLOSING-OUT SALES.

A fee will be charged by the Police Department for a permit described in Sections 1246 and 1268 of this Police Code as provided in Section 2.28 of this Code.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1270. SALE OF STOCK IN BULK. "IN BULK" DEFINED.

The provisions of Sections 1267 to 1269, inclusive, shall not apply to the sale of a stock of merchandise in bulk by an assignee or trustee acting under a bona fide assignment for the benefit of creditors. For the purposes of this section a sale "in bulk" is defined as a sale of all or a substantial part of a stock of merchandise to a single purchaser.

(Added by Ord. 8032, Series of 1939, App. 7/22/53)

SEC. 1276.

(Amended by Ord. 288-85, App. 6/6/85; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1279. SECONDHAND DEALERS; DEFINITIONS.

As used in this Article:

(a) "Secondhand Dealer" means a person engaging in, conducting, managing or carrying on the business of buying, selling, or otherwise dealing, in whole or in part, in Covered Secondhand Goods. The term does not include an Antique Dealer.

(b) "Covered Secondhand Goods" means secondhand tangible personal property that falls into one or more of the following categories:

(1) tangible personal property with a serial number or personalized initials or inscription, or which at the time it is acquired by the Secondhand Dealer, bears evidence of having had a serial number or personalized initials or inscription;

(2) electronic personal property, including but not limited to televisions, stereos, radios, digital music players, computers, computer monitors and other accessories, tablet computers and cell phones;

(3) firearms;

(4) jewelry and watches; but excluding jewelry and watches with a fair market value as a secondhand good of $40.00 or less;

(5) precious and semi-precious stones and imitation precious and semi-precious stones;

(6) musical instruments; and

(7) sterling silver flatware, utensils and services, individually or as a set.

(c) "Antique Dealer" means a person engaging in, conducting, managing or carrying on a business where Covered Secondhand Goods are sold at retail, but where at least 90 percent of the Covered Secondhand Goods available for purchase on July 1 of each year are more than 80 years old. A person claiming exemption from the requirement to obtain a Secondhand Dealer permit because the person is an Antique Dealer shall provide records and information as requested by the Chief of Police or designee to establish that the person is an Antique Dealer.

(Amended by Ord. 343-72, App. 11/29/72; Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1279.1. PERMIT FROM CHIEF OF POLICE; RULES AND REGULATIONS; DEFINITIONS.

(a) Before any person shall engage in the business of Secondhand Dealer, that person must apply to the Chief of Police for a permit therefor. The Chief may grant the permit application, and the applicant may receive a license from the Tax Collector upon the payment of the license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(b) The Chief of Police shall have the power to revoke said permit after hearing upon good cause being shown.

(c) The Chief of Police may adopt, after a noticed public hearing, such rules and regulations regarding Secondhand Dealers as will effectuate the purposes of this Article and are not in conflict therewith or in conflict with State laws regulating secondhand dealers. Unless otherwise specified therein, the rules and regulations shall become effective 10 days after adoption by the Chief of Police.

(Amended by Ord. 288-85, App. 6/6/85; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012; Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1279.2.

(Added by Ord. 8570, App. 3/26/70; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1279.3. TRADE-IN DEALERS; DEFINITION; PERMIT.

(a) **Definition.** As used in this Article:

"Trade-In Dealer" means a person who shall as his direct business activity engage in the sale of new items of goods, wares, merchandise or articles of any description and who during the course of the sale of said new items shall take in trade a used item but does not in said business activity engage in the purchase of used items of goods, wares, merchandise or articles of any description. Said "Trade-In Dealer" shall be of the following kind:

(1) Furniture and household goods;

(2) Radio and television and other electronic equipment;

(3) General.

(b) **Permit Required.** A "Trade-In Dealer" may, in lieu of the secondhand dealer's permit required by Section 1279.1 hereof, apply for and obtain a special permit from the Chief of Police to conduct a trade-in dealership in conjunction with his new sale operation. The license fee for a "Trade-In Dealer" permit shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(c) **Compliance with Provisions of Code.** The holder of a trade-in permit shall comply with all the provisions of this Article pertaining to secondhand dealers.

(Added by Ord. 85-70, App. 3/26/70; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1280.

(Added by Ord. 555-81, App. 11/12/81; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1280.1.

(Added by Ord. 555-81, App. 11/12/81; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1281.

(Amended by Ord. 91-62, App. 4/5/62; repealed by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1282. LICENSED AUCTIONEERS EXCEPTED.

Sections 1279 and 1279.1 shall not apply to any licensed and bonded auctioneer.

(Added by Ord. 1.075, App. 10/11/38; amended by Ord. 196-12, File No. 120671, App. 9/24/2012, Eff. 10/24/2012)

SEC. 1289. DISCHARGE OF CANNON PROHIBITED.

Permit from Police Department. It shall be unlawful for any person to discharge or cause to be discharged any cannon, without special permission in writing from the Police Department, which shall designate the time and place of the firing and the number of discharges which are authorized. A copy of the permit shall be filed by the person obtaining the same in the office of the Chief of Police, with payment of the filing fee, at least two hours before the time of such firing, and the person or persons engaged in the discharge of any cannon shall, on demand by any citizen or peace-officer, exhibit the permit by which such firing is authorized.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 1289.1. LICENSE.

Upon granting the permit, the Chief of Police shall forward the permit to the Tax Collector, who shall issue a license upon payment by the applicant of the license fee, payable in advance.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 1290. DISCHARGE OF FIREWORKS PROHIBITED.

No person or persons, firm, company, corporation or association shall fire or discharge any fireworks of any kind or description within the limits of the City and County of San Francisco.

Provided, however, that public displays of fireworks may be given with the joint written consent of the Fire Marshal and the Chief of Police.

(Added by Ord. 1.075, App. 10/11/38; Ord. 50-11, File No. 101120, App. 3/16/2011)

SEC. 1291. PROHIBITING LOITERING WHILE CARRYING CONCEALED WEAPONS.

(a) As used in this Section, but in no wise limited thereto, "dangerous or deadly weapon" shall mean: any knife with a blade three inches or more in length; any spring-blade, switch-blade, or snap-blade or other similar type knife; any knife any blade of which is automatically released by a spring mechanism or other mechanical device; any ice pick, or similar sharp, stabbing tool; any straight edge razor or any razor blade fitted to a handle; any cutting, stabbing, bludgeoning weapon or device capable of inflicting grievous bodily harm.

(b) It shall be unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk, or alley, or to wander about from place to place, with no lawful business thereby to perform, or to hide, lurk, loiter upon or about the premises of another.

(c) It shall be unlawful for any person who has concealed upon his person or who has in his immediate physical possession any dangerous or deadly weapon to engage in any fight or to participate in any other rough or disorderly conduct upon any public place or way or upon the premises of another.

(d) It shall be unlawful for any person who has concealed upon his person any dangerous or deadly weapon to loiter about any place where intoxicating liquors are sold or any other place of public resort.

(e) The foregoing restrictions shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business or for the purpose of legitimate recreation.

(f) Any person who shall violate this Section shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

(g) Any person who shall violate this Section on a Municipal Transportation Agency transit platform or vehicle or within 25 feet of a bus zone shall be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment.

For purposes of this Section, "a Municipal Transportation Agency transit platform" shall include, but not be limited to: an outdoor high-level boarding platform, a street-level boarding island, paid areas of any public transit station (including stations operated by the Bay Area Transit District), and MTA pole stops. "A Municipal Transportation Agency transit vehicle" shall include, but not be limited to: a street car, a cable car, a motor coach, a trolley coach, or other in-service public transit vehicle.

(h) In the event that the Juvenile Court sustains a petition against a minor for conduct violating this Section (or the minor otherwise admits or submits to the petition), the Board of Supervisors urges the Court to favor community service and an in-home or other "noncustodial" placement in disposing of the case.

(Amended by Ord. 9939, Series of 1939, App. 10/17/56; Ord. 227-10, File No. 100879, App. 8/17/2010)

SEC. 1292. PROHIBITING THE SALE, TRANSFER, OR POSSESSION OF SPRING-BLADE, SWITCH-BLADE, SNAP-BLADE KNIVES, OR OTHER SIMILAR TYPE KNIVES; PENALTY THEREFOR.

Notwithstanding any provision of this Article to the contrary, no person shall sell, offer for sale, expose for sale, keep, carry, possess, loan, transfer or give to any other person, any spring-blade, switch-blade, snap-blade knife, or other similar type knife, or any knife any blade of which is automatically released by a spring mechanism or other mechanical device. Violation of this Section shall be punished by fine of not less than $50 nor more than $100, or by imprisonment in the County Jail for a period of not less than 30 days nor more than 60 days.

(Added by Ord. 9938, Series of 1939; App. 10/17/56)

SEC. 1293. PROHIBITING THE SALE OR TRANSFER OF KNIVES TO MINORS OTHER THAN BY PARENTS OR GUARDIANS, EXCEPT FOR TABLE KNIVES AND KNIVES CURRENTLY PROHIBITED FROM SALE UNDER STATE LAW; PENALTIES FOR VIOLATION OF THIS SECTION.

(a) **Definitions.** "Knife" includes, but is not limited to: any instrument with a cutting blade, made of steel or other similar durable cutting surface, capable of inflicting bodily harm.

(b) **Ban on the Sale of Knives to Minors.** Notwithstanding any provision of this Article to the contrary or any type of knife already proscribed under California Penal Code Sections 653(k) and 12020(a), no person shall knowingly sell, offer for sale, expose for sale or transfer to any minor, any type of knife as defined in Subsection (a), other than table knives. This prohibition shall not apply to the sale or transfer of knives defined in Subsection (a) by a parent or guardian to their own child.

(c) **Penalties.** Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $125 or more than $250 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $500 or more than $600 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Article, if the defendant has been previously convicted of a violation of this Article, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Article a second time within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $650 and not more than $750 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Article a third time, and each subsequent time, within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $750 and not more than $1000 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Added by Ord. 239-93, App. 8/4/93)

SEC. 1295. GUIDES.

(a) No person shall for hire, guide or escort people through or about the City and County of San Francisco or any part thereof, unless he shall have paid a license fee in advance; provided, however, that no license shall be issued hereunder unless the applicant therefore shall first have obtained a written permit from the Chief of Police authorizing him to act as such guide. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(b) Every person desiring a permit pursuant to this Section shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(c) Every licensed guide, while soliciting employment or acting as guide, shall wear conspicuously exposed on the outside lapel of his coat a badge, showing thereof his number and the words LICENSED GUIDE. The design, size and arrangement of numbering and lettering thereof shall be fixed by the Tax Collector, but shall be uniform. The badges shall be furnished by the Tax Collector at a cost fixed by the Tax Collector to cover the cost of issuing such badge, and shall be issued at the date of the issuance of the license herein provided for. Only one badge shall be issued to each licensed guide.

(d) The provisions of this Section shall not apply to nonprofit organizations guiding or escorting people through or about the City and County of San Francisco as part of an educational program, or to individuals guiding or escorting people through or about the City and County of San Francisco as part of an educational program sponsored by a nonprofit organization. Upon request of the Police Department, a nonprofit organization claiming exemption under this subsection shall provide verification in a form acceptable to the Chief of Police of (1) its nonprofit organization status, and (2) the educational program of which the tour is a component.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 251-10, File No. 100528, App. 10/22/2010; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1298. LIQUOR LICENSE CONDITIONS.

The Chief of Police is authorized, on behalf of the City and County of San Francisco, to request that the California Department of Alcoholic Beverage Control ("ABC") place conditions on a retail licensee or upon any licensee in the exercise of retail privileges, pursuant to California Business and Professions Code Section 23800. In support of the request, the Chief shall forward to the ABC substantial evidence that the requested conditions will mitigate problems either on the premises or in the immediate vicinity of the premises. The Chief is further authorized, on behalf of the City and County of San Francisco, to file with the ABC written objections to or concurrence with the removal or modification of any conditions on an ABC liquor license, pursuant to California Business and Professions Code Section 23803. The Chief shall provide any such recommendations or objections to the ABC in a timely manner in accordance with ABC rules and regulations.

(Added by Ord. 263-00, File No. 001546, App. 11/17/2000)

ARTICLE 17.1:  
REGULATIONS FOR FORTUNETELLING; PERMIT AND LICENSE PROVISIONS

|  |  |
| --- | --- |
| Sec. 1300. | Purpose. |
| Sec. 1301. | Permit Required for Fortunetelling. |
| Sec. 1302. | Definitions. |
| Sec. 1303. | Exception. |
| Sec. 1304. | Application for Permit for Fortunetelling. |
| Sec. 1305. | Permit Grant or Denial. |
| Sec. 1306. | Suspension, Revocation, or Reinstatement of Fortunetelling Permit. |
| Sec. 1307. | Permit Forwarded to Tax Collector; Payment of License Fees. |
| Sec. 1308. | Renewal of Permit. |
| Sec. 1309. | License Fees. |
| Sec. 1310. | Removal or Transfer of Permit or License Prohibited. |
| Sec. 1311. | Deceptive Acts. |
| Sec. 1312. | Receipts. |
| Sec. 1313. | Identification Cards. |
| Sec. 1314. | Rate Schedule and Complaint Procedure. |
| Sec. 1315. | Advertising. |
| Sec. 1316. | Updated Information. |
| Sec. 1317. | Effective Date. |
| Sec. 1318. | Rules and Regulations to Be Adopted. |
| Sec. 1319. | Ascertainment of Compliance with All Law; Inspections Therefor. |
| Sec. 1319.1. | Penalty. |
| Sec. 1319.2. | Severability Clause. |

SEC. 1300. PURPOSE.

The purpose of this legislation is to regulate fortunetellers, psychics, and other similar businesses so that the City and County of San Francisco can efficiently and thoroughly investigate fraud and deception, protect the public by preventing people who have been charged with deceptive practices from having easy access to persons who may be vulnerable to fraud or confidence games, to ensure that consumers are provided with information regarding services, rates, and complaint procedures, and to foster a positive business environment for legitimate practitioners within this industry.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1301. PERMIT REQUIRED FOR FORTUNETELLING.

It shall be unlawful for any person to advertise or offer or engage in the activity, enterprise, profession, trade, or undertaking of fortunetelling with the object of gain, benefit or advantage, whether direct or indirect, without a valid permit issued by the San Francisco Police Department. Gain, benefit or advantage includes but is not limited to economic remuneration of any kind, including authorization to use credit issued to another, use of another's property or assets, loans, or the provision of tangible items.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1302. DEFINITIONS.

(a) Fortunetelling shall mean the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act. It shall also include effecting spells, charms, or incantations, or placing, or removing curses or advising the taking or administering of what are commonly called love powders or potions in order, for example, to get or recover property, stop bad luck, give good luck, put bad luck on a person or animal, stop or injure the business or health of a person or shorten a person's life, obtain success in business, enterprise, speculation and games of chance, win the affection of a person, make one person marry or divorce another, induce a person to make or alter a will, tell where money or other property is hidden, make a person to dispose of property in favor of another, or other such similar activity.

(b) Fortunetelling shall also include pretending to perform these actions.

(c) Persons as used in Sections 1300 to 1321 shall mean an individual. Corporations and other legal entities shall not be entitled to a fortunetelling permit.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1303. EXCEPTION.

Sections 1300 through 1321 shall not apply:

(a) To persons solely by reason that the person is engaged in the business of entertaining the public by demonstrations of mindreading, mental telepathy, thought conveyance, magic, giving of horoscopic readings or other fortunetelling at public places and in the presence of and within the hearing of other persons, and where any questions answered as part of such entertainment may be heard by all persons present at such public place.

(b) To persons conducting or participating in any religious ceremony as a minister, missionary, medium, healer, or clairvoyant, hereinafter collectively referred to as minister, from any bona fide church or religious association that conducts regular services and has a creed or set of religious principles that is recognized by all groups of like faith, provided that:

(1) The benefit, gain or advantage shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association except that the bona fide church or religious association may pay to its ministers a salary or compensation based upon a percentage only, pursuant to an agreement between the church and the ministers that is embodied in a resolution and transcribed in the minutes of such church or religious association.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1304. APPLICATION FOR PERMIT FOR FORTUNETELLING.

Application shall be on a form provided by the SFPD and shall include:

(a) The full true name under which the business will be conducted.

(b) The applicant's full true name, and other names used, date of birth, California Driver's License or passport or other government-issued identification, present residence address and telephone numbers.

(c) A copy of any fictitious business name statement under which the applicant is or intends to operate.

(d) The name or names under which the permittee will be identifying himself or herself to the public.

(e) The present or proposed address where the business will be conducted. If the business is to be conducted in a street location or other location that is not fixed, the applicant shall so indicate, and provide the applicant's home address.

(f) The applicant's gender, height, weight, color of hair, and color of eyes.

(g) All addresses at which the applicant has resided within five years prior to the application.

(h) The applicant's business, occupation, and employment history for the five years preceding the date of the application.

(i) The occupational permit history of the applicant, including whether such person has ever had a permit or license issued for any fortunetelling or related business, by any agency, board, city, city and county, county, territory or state, the issuing agency, the date of issuance, and whether the permit was suspended or revoked and the reasons therefor.

(j) The address, City and State, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.

(k) All convictions of any crime within the seven years prior to the application other than traffic offenses, whether in California or elsewhere, relating to fraud, theft, burglary, use of violence, deceit or false impersonation.

(l) Information requested by the Chief of Police necessary to ascertain the truth of the matters specified and required on the application.

(m) A full set of fingerprints to be taken by the SFPD.

(n) Photographs to be taken by the SFPD.

(o) The required application fee as set forth in the Administrative Code.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1305. PERMIT GRANT OR DENIAL.

(a) Upon receipt of a completed application, the Chief of Police shall calendar the permit for public hearing within 30 days. The Chief shall grant or deny the application within 15 days of the hearing. The applicant may appeal the denial of the application to the Board of Appeal, or may file a writ of mandamus with the Superior Court.

(b) The Chief of Police shall grant the permit unless the Chief finds:

(1) The applicant has been convicted of a felony or two or more misdemeanors relating to fraud, theft, burglary, use of violence, deceit, or false impersonation within the seven years prior to the date of application.

(2) The applicant has previously had an occupational permit revoked or suspended for violation of permitting conditions related to fraud, theft, burglary, use of violence, deceit or false impersonation, within the seven years prior to the date of application.

(3) The applicant has failed to provide information required by this chapter or has provided false or misleading information required by this chapter to the Police Department or other City agency.

(4) The applicant has failed to pay the required fees.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1306. SUSPENSION, REVOCATION, OR REINSTATEMENT OF FORTUNETELLING PERMIT.

When the Chief of Police determines that the permittee is violating or is attempting to violate (as defined in Penal Code Section 664) any law of the State of California relating to fraud, theft, burglary, use of violence, deceit, false impersonation or is violating or attempting to violate (as defined in Penal Code Section 664) the rules and regulations of the Police Department, permit restrictions or ordinances that are applicable to the business, or has made material misrepresentations on the permit application or other required reports, the Chief of Police, after written notice to the permittee, shall have the power to suspend and, after due and proper hearing, shall have the power to revoke, any permit issued under the provisions of Sections 1300-1321 inclusive. When suspended or revoked, the permittee shall immediately surrender the permit to the Police Department's Permit Bureau.

The Chief of Police shall cause to be forwarded to the Tax Collector written notice of any revocation, suspension or reinstatement of any permit herein provided for.

The permittee shall be prohibited from applying for a fortunetelling permit for one year following denial or revocation of a fortunetelling permit.

The permittee may appeal the revocation to the Board of Appeal.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1307. PERMIT FORWARDED TO TAX COLLECTOR; PAYMENT OF LICENSE FEES.

When the Chief of Police issues a permit under the provisions of this Article, the Chief of Police shall cause such permit to be forwarded to the office of the Tax Collector for delivery to the permittee upon the payment of the license fees.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1308. RENEWAL OF PERMIT.

A permit for fortunetelling shall be renewed as set forth in Sections 2.8 and 2.10 of this Code.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1309. LICENSE FEES.

Every holder of a fortuneteller's permit shall pay at the Office of the Treasurer and Tax Collector an annual license fee, payable in advance. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* The permit is not valid unless the license fee has been paid.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 1310. REMOVAL OR TRANSFER OF PERMIT OR LICENSE PROHIBITED.

Nothing in Section 1300-1321, inclusive, shall permit the removing or transferring of the permit or license to any person other than for whom the permit or license was originally issued.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1311. DECEPTIVE ACTS.

Fortunetellers shall not engage in unfair or deceptive practices, within the meaning of California Business and Professions Code § 17200, during the conduct of any fortunetelling activities.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1312. RECEIPTS.

(a) The fortuneteller shall issue a written receipt that shall include the name of the permittee who provided the services, the permittee's permit number, the services rendered, the amount charged for each service provided, and the amount paid or expected. If payment is made in a method other than cash, check, or credit card, the receipt shall so indicate.

(b) The permittee must keep copies of receipts for five years from date of issuance.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1313. IDENTIFICATION CARDS.

The Chief of Police shall provide each fortuneteller granted a permit with an identification nameplate that shall contain a photograph, right thumbprint, name, and permit number of the permittee. The permittee must post the identification nameplate in a location clearly visible from the place where the fortuneteller tells fortunes or otherwise engages in the activity regulated by this article. The Department shall charge a fee for each identification nameplate issued as set annually by the San Francisco Police Commission.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1314. RATE SCHEDULE AND COMPLAINT PROCEDURE.

(a) When a fortuneteller operates at a roving or unfixed location, the fortuneteller shall provide a written copy of rate information to the customer that shall be printed in plain, legible letters. The rate document shall include a statement that if the customer has complaints, the customer may phone the City and County of San Francisco at 551-9595.

(b) When a fortuneteller operates out of a fixed location, the fortuneteller shall post rate information in a conspicuous place accessible by the patrons at the fixed location on a sign at least 8 × 10 inches in 14 pt. type. The signage shall also include a statement that if the customer has complaints, the customer may phone the City and County of San Francisco at 551-9595.

(c) If the fortuneteller operates by donation or an indirect method of payment, including remuneration that is at the discretion of the customer, the schedule of rates shall so indicate.

(d) The rates published shall be the only rates charged.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1315. ADVERTISING.

All persons who advertise fortunetelling shall include in the advertising the number of the permit issued by the San Francisco Police Department.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1316. UPDATED INFORMATION.

When any of the information required by this Article or provided by the applicant changes, the permit holder shall within 15 days of the change provide to the Police Department's Permit Bureau in writing the updated information.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1317. EFFECTIVE DATE.

Any person operating as a fortuneteller within the City and County of San Francisco when ordinance enacted shall have three months from the effective date of the Article to obtain a permit.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1318. RULES AND REGULATIONS TO BE ADOPTED.

The Chief of Police may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of Sections 1300 to 1321. If the Chief adopts such rules and regulations, the Chief shall mail copies of the rules and regulations to all holders of permits under this Chapter.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1319. ASCERTAINMENT OF COMPLIANCE WITH ALL LAW; INSPECTIONS THEREFOR.

The permittee shall upon request provide to the Police Department for inspection copies of all documents that the permittee is required by Sections 1300 to 1321 and by other laws to keep upon request.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1319.1. PENALTY.

Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney.

If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $100 or more than $500 and/or community service, for each provision violated.

If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $200 or more than $800, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

In any accusatory pleading charging a violation of this section, if the defendant has been previously convicted of a violation of this section, each such previous violation and conviction may be charged in the accusatory pleading. Any person violating any provision of this section a second time shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more than $900, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $1,000, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

SEC. 1319.2. SEVERABILITY CLAUSE.

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this ordinance are declared to be severable.

(Added by Ord. 196-03, File No. 021948, App. 8/1/2003)

ARTICLE 17.2:  
RESERVED

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| --- | --- |
| Secs. 1320-1324. | Reserved. |

Secs. 1320-1324. Reserved.

(Repealed by Ord. 298-10, File No. 101352, App. 12/3/2010)

ARTICLE 17.3:  
RESERVED

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| Secs. 1330-1330.21. | Reserved. |

Secs. 1330-1330.21. Reserved.

(Repealed by Ord. 298-10, File No. 101352, App. 12/3/2010)

ARTICLE 18:  
SAN FRANCISCO POLICE PISTOL RANGE

|  |  |
| --- | --- |
| Sec. 1350. | Location-Jurisdiction. |
| Sec. 1351. | Use. |
| Sec. 1351.1. | Fees, Training Courses. |
| Sec. 1352. | Fees, Range. |
| Sec. 1353. | Fees, Tournament. |
| Sec. 1354. | Tax in Addition to Fees. |
| Sec. 1355. | Exemption from Fees. |
| Sec. 1356. | "Police Range Fund" Established. |
| Sec. 1357. | Membership in National Rifle Association. |
| Sec. 1358. | National Rifle Association Fees. |
| Sec. 1359. | Disbursements from Police Range Fund. |
| Sec. 1360. | Acceptance of Prizes, Etc.. |
| Sec. 1361. | Rules and Regulations to be Adopted. |
| Sec. 1362. | Insurance. |

SEC. 1350. LOCATION-JURISDICTION.

The pistol range located near the Skyline and Lake Merced Boulevards, in the City and County of San Francisco, is hereby placed under the jurisdiction and management of the Police Department.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1351. USE.

The said pistol range may be used for the following purposes:

(a) To instruct, train and qualify regular members of the San Francisco Police Department, auxiliary civilian defense police in good standing, patrol special police officers, and such other law enforcement officers who, in the judgment of the Chief of Police, co-operate or may be called upon to co-operate with the San Francisco Police Department in the apprehension of criminals or the maintenance of peace in the City and County of San Francisco;

(b) To instruct and train individuals and members of clubs, organizations and associations not included in Subdivision (a) of this Section, who may be interested in the proficient use of firearms;

(c) To conduct firearms tournaments by the San Francisco Police Department.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1351.1. FEES, TRAINING COURSES.

The Police Department is hereby authorized to charge a training fee of $101 per person to all persons other than San Francisco police officers and San Francisco police reserves who attend a course in the use of firearms at the Police Pistol Range.

(Amended by Ord. 407-83, App. 8/4/83)

SEC. 1352. FEES, RANGE.

The following range fees, in connection with the use of said pistol range, shall be charged and collected in advance:

(a) For each singular use of the range by an individual in firearm practice with a minimum time allowance of one hour, a range fee of 50¢.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1353. FEES, TOURNAMENT.

The following tournament fees, in connection with the use of said pistol range, shall be charged and collected in advance:

For each Class A tournament a registration fee of 50¢ per person and an entry fee of $1 per person for each match.

For each Class B or Class C tournament a registration fee of 25¢ per person and an entry fee of 50¢ for each match per person.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1354. TAX IN ADDITION TO FEES.

Should the foregoing fees, or any portion thereof, be subject or become subject to tax, the amount of said tax shall be collected in addition to the said fees.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1355. EXEMPTION FROM FEES.

Range fees, provided for in Section 1352 of this Article, shall not be charged nor collected from persons authorized to use the pistol range under the provisions of Subdivisions (a) of Section 1351 of this Article.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1356. "POLICE RANGE FUND" ESTABLISHED.

A "Police Range Fund" is hereby created and all fees collected pursuant to the provisions of this Article shall be handled in conformity with the provisions of Section 82 of the Charter and shall be deposited in the said "Police Range Fund."

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1357. MEMBERSHIP IN NATIONAL RIFLE ASSOCIATION.

The Police Department of the City and County of San Francisco is hereby authorized to hold membership in the National Rifle Association and the cost of the said membership shall be paid from such funds as may be appropriated or set aside for that purpose.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1358. NATIONAL RIFLE ASSOCIATION FEES.

The Chief of Police is also authorized to collect and receive registration fees prescribed by the Rules and Regulations of the National Rifle Association and on behalf of said Association in connection with the holding of the firearms tournaments. The said fees shall be deposited in and paid from the "Police Range Fund."

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1359. DISBURSEMENTS FROM POLICE RANGE FUND.

Money deposited in the Police Range Fund shall be disbursed in the following order:

(a) In the payment of taxes collected pursuant to Section 1354 of this Article.

(b) In the payment to the National Rifle Association or its order, of fees collected pursuant to Section 1358 of this Article.

(c) In the payment of purchases of trophies, medals and prizes and the payment of such incidental tournament costs or purchase of such training equipment as may be authorized by the Police Commission.

(d) In payment of police personnel and maintenance and other costs incurred in training persons in the use of firearms for which a fee is charged pursuant to Section 1351.1.

(Amended by Ord. 422-80, App. 9/5/80)

SEC. 1360. ACCEPTANCE OF PRIZES, ETC.

The acceptance by the Chief of Police, with the approval of the Police Commission, of trophies, medals, gifts and donations for use in connection with the operation of the said pistol range or the conduct of matches or tournaments is hereby authorized.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1361. RULES AND REGULATIONS TO BE ADOPTED.

The Chief of Police, with the approval of the Police Commission, is hereby authorized to adopt, promulgate and enforce such rules and regulations regarding said pistol range, the operation thereof, firing thereon, and the course of said firing as will enable him to enforce and carry out the meaning and intent of this Article.

(Added by Ord. 3263, Series of 1939, App. 5/15/45)

SEC. 1362. INSURANCE.

The Chief of Police, through the Purchaser of Supplies, shall procure such insurance as may be necessary to protect the City and County of San Francisco against claims and suits which may be brought against it because of injury to persons or damage to property arising out of the maintenance, operation or control of said pistol range, out of such funds as may be appropriated or set aside for that purpose.

(Added by Ord. 3263, Series or 1939, App. 5/15/45)

ARTICLE 19:  
DISPOSAL OF UNCLAIMED PROPERTY

|  |  |
| --- | --- |
| Sec. 1400. | Lost Property in Possession of Police Department. |
| Sec. 1401. | Notification of Owner. |
| Sec. 1402. | Claim Procedure. |
| Sec. 1403. | Payment of Costs. |
| Sec. 1404. | Disposal of Property. |
| Sec. 1405. | Notice of Sale. |
| Sec. 1405.1. | Unclaimed Bicycles and Toys. |
| Sec. 1406. | Property Useful in Police Department. |
| Sec. 1407. | Property in Possession of Police Department When Ordinance Effective. |
| Sec. 1408. | Abandoned Property. |
| Sec. 1409. | Hazardous Property. |

SEC. 1400. LOST PROPERTY IN POSSESSION OF POLICE DEPARTMENT.

Whenever lost personal property comes into the possession of the San Francisco Police Department, it shall be retained and disposed of in accordance with the terms of this Article.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1401. NOTIFICATION OF OWNER.

The Police Department shall notify by first class mail the owner of the property, if his or her identity and address are reasonably ascertainable, that it possesses the property and where and when it may be claimed, and of the provisions of Sections 1403 and 1404 hereof.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1402. CLAIM PROCEDURE.

If the owner appears to claim the property, he or she must establish ownership of the property to the satisfaction of the Police Department, and in addition to any other proof of ownership, shall sign a declaration of ownership under penalty of perjury.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1403. PAYMENT OF COSTS.

Before releasing the property to its owner, the owner shall pay to the Police Department the sum of $1 per day for each day the property was in possession of the Police Department, beginning 10 days after the notification required by Section 1401, to defray costs of storage and care of the property. Refusal to pay such costs shall constitute a waiver of any claim to ownership.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1404. DISPOSAL OF PROPERTY.

If the owner of the property does not claim the property in accordance with the provisions of this Article, and pay the costs provided in Section 1403 within four months after the date the Police Department mailed the notice provided for in Section 1400, or if no notice was given, within four months after the property came into possession of the Police Department, the Police Department shall sell the property at public auction or transfer it to the Department of Social Services of the City and County of San Francisco or to the Purchaser of the City and County of San Francisco, as is hereafter provided. The Police Department shall determine whether the property shall be sold at public auction or transferred to the Department of Social Services or to the Purchaser.

(Amended by Ord. 567-82, App. 12/9/82)

SEC. 1405. NOTICE OF SALE.

If the Police Department determines to sell the property at public auction, it shall cause notice of such sale to be published once in a newspaper of general circulation published in the City and County of San Francisco. Such publication shall be at least five days prior to the date of such sale and shall briefly identify the property and set forth the date, time, and place of the sale. If the property is not sold at the auction, it may be retained for a future auction, transferred to the Purchaser, or destroyed, at the option of the Police Department.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1405.1. UNCLAIMED BICYCLES AND TOYS.

If the Police Department determines that the unclaimed lost property is a bicycle or toy, the property may, instead or being sold at public auction pursuant to the terms of this Article, be turned over to the Department of Social Services of the City and County of San Francisco for use in any program of activities designed to prevent juvenile delinquency.

(Added by Ord. 567-82, App. 12/9/82)

SEC. 1406. PROPERTY USEFUL IN POLICE DEPARTMENT.

If the Police Department determines to transfer the property to the Purchaser and also determines that the property is needed for its own use, it shall notify the Purchaser's office to this effect. If the Purchaser concurs that the property is needed for such use, it shall cause the property to be retransferred to the Police Department for its use.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1407. PROPERTY IN POSSESSION OF POLICE DEPARTMENT WHEN ORDINANCE EFFECTIVE.

Notwithstanding any other provisions of this Article, any property which has been in the possession of the Police Department on the effective date of this Article for four months or more may be disposed of in accordance with Section 1405 and 1406 if:

(a) The Police Department first notifies by first class mail, the owner of the property, if his or her identify and address are reasonably ascertainable, that it possesses the property and where and when it may be claimed, and of the provisions of Sections 1403 and 1404 hereof.

(b) The owner fails to claim the property in accordance with Sections 1403 and 1404 within 30 days after the date such notice is mailed.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1408. ABANDONED PROPERTY.

The provisions of Sections 1400-1407 of this Article have no application to things which have been intentionally abandoned by their owner. Any such items may be sold by the Police Department at any time at public auction or transferred to the Purchaser as provided in Sections 1405 and 1406, or destroyed, at the option of the Police Department. No publication of notice of sale shall be required.

(Added by Ord. 216-81, App. 5/4/81)

SEC. 1409. HAZARDOUS PROPERTY.

Any property, whether or not that described in Section 1400, which comes into the possession of the Police Department and which, in the judgment of the person in charge of the property control section of the Police Department, is dangerous to person or property and cannot reasonably be safely stored by the Police Department shall be destroyed or rendered safe upon their coming into possession of the Police Department.

(Added by Ord. 216-81, App. 5/4/81)

ARTICLE 20:  
REPRODUCING AND FURNISHING REPORTS

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| --- | --- |
| Sec. 1450. | Fees for Reproducing and Furnishing Reports, Records and Other Material. |

SEC. 1450. FEES FOR REPRODUCING AND FURNISHING REPORTS, RECORDS AND OTHER MATERIAL.

The Police Commission of the City and County of San Francisco shall, from time to time when necessary, with the concurrence of the Controller, fix the fees to be charged by the Police Department when furnishing reproductions of reports, records, documents, data or other material to the public. Such fees shall be sufficient to adequately cover the cost of reproducing, handling and furnishing all such material. There shall be no charges made to any governmental agencies, whether federal, state, county, municipal, district or other political subdivision, nor shall there be any charges to any public office, board or body acting in its official capacity. There shall be no charges made to any governmental agencies, foreign or domestic, or any persons or institutions affected with a public interest and which, in the opinion of the Chief of Police, are entitled to them by reason of policy or reciprocation.

The Police Commission shall have full authority to adopt such rules and regulations as it deems necessary and proper relating to the furnishing, making and handling of all said reproductions; the fees, if any, to be charged therefor; and the terms and conditions upon which said reproduction shall be made available.

(Added by Ord. 10212, Series of 1939, App. 3/20/57)

ARTICLE 21:  
[REPEALED]

SEC. 1500.

(Added by Ord. 7487, Series of 1939, App. 9/17/52; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

SEC. 1501.

(Added by Ord. 7487, Series of 1939, App. 9/17/52; repealed by Ord. 194-12, File No. 120672, App. 9/17/2012, Eff. 10/17/2012)

ARTICLE 22:  
CITATIONS FOR VIOLATIONS OF CERTAIN PROVISIONS OF THE HEALTH CODE AND POLICE CODE

|  |  |
| --- | --- |
| Sec. 1550. | Citations for Violations of Certain Sections of The Health Code and Police Code. |
| Sec. 1551. | Contents of Citation. |
| Sec. 1552. | Time for Appearance. |
| Sec. 1553. | Appearance Before Judge of Municipal Court. |
| Sec. 1554. | Signing of Promise to Appear. |
| Sec. 1555. | Fixing of Bail by Judge. |
| Sec. 1556. | Deposit and Forfeiture of Bail; Termination of Proceedings; Payment of Forfeited Bail into Treasury. |
| Sec. 1557. | Warrants of Arrest, Nonissuance. |
| Sec. 1558. | Penalty for Failure to Appear in Court. |
| Sec. 1559. | Warrants of Arrest, Issuance for Failure to Appear. |

SEC. 1550. CITATIONS FOR VIOLATIONS OF CERTAIN SECTIONS OF THE HEALTH CODE AND POLICE CODE.

Whenever any person is arrested for a violation of one or more of the following ordinances, to wit: 280, 292, or 308 of Part II, Chapter V (Health Code) or Sections 6, 33, 34, 35(a) or 647 of Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code, and such person is not immediately taken before a magistrate as procedure therefor is prescribed in the Penal Code of the State of California, the arresting officer shall prepare in duplicate a written notice to appear in court.

(Amended by Ord. 263-66, App. 10/28/66)

SEC. 1551. CONTENTS OF CITATION.

Such notice shall contain the name and address of the person so arrested, the offense charged, and the place and time where and when such person shall appear in court.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1552. TIME FOR APPEARANCE.

The time specified in the notice to appear shall be not less than five days after such arrest.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1553. APPEARANCE BEFORE JUDGE OF MUNICIPAL COURT.

The place specified in the notice to appear shall be before the Municipal Court of the City and County of San Francisco.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1554. SIGNING OF PROMISE TO APPEAR.

The arresting officer shall deliver one copy of the notice to appear to the arrested person, and such person, in order to secure release after such arrest, must give his written promise so to appear in court by signing the duplicate notice, which shall be retained by the officer. Thereupon the arresting officer shall immediately release the person arrested from custody.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1555. FIXING OF BAIL BY JUDGE.

As soon as practicable thereafter the arresting officer shall file the duplicate notice with the judge specified therein. Thereupon, the judge shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code of the State of California, will be reasonable and sufficient for the appearance of the defendant, and the judge shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of said Code; provided, however, that where judges of the Municipal Court have adopted a schedule of bail, the bail shall be in the amount as set forth in the said bail schedule which is then in effect.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1556. DEPOSIT AND FORFEITURE OF BAIL; TERMINATION OF PROCEEDINGS; PAYMENT OF FORFEITED BAIL INTO TREASURY.

The defendant may, prior to the date upon which he promised to appear in court, deposit with the judge amount of bail set as provided in Section 1555 above. Thereafter, at the time the case is called for arraignment, if the defendant shall not appear, either in person or by counsel, the judge may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall be paid into the treasury of the City and County of San Francisco.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1557. WARRANTS OF ARREST, NONISSUANCE.

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he had violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1558. PENALTY FOR FAILURE TO APPEAR IN COURT.

Any person who wilfully violates his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the original charge upon which he was arrested, and upon conviction of such misdemeanor, shall be punished by fine not exceeding $25, or by imprisonment in the County Jail for a period not exceeding five days, or by both such fine and imprisonment.

(Added by Ord. 502-60, App. 10/14/60)

SEC. 1559. WARRANTS OF ARREST, ISSUANCE FOR FAILURE TO APPEAR.

Whenever a person signs a written promise to appear in court as provided in this ordinance, he must make such appearance unless he has posted bail as provided herein. If he fails to so appear, the judge shall, within 20 days after the date set for such appearance, issue and have delivered for execution a warrant for arrest of that person.

(Added by Ord. 502-60, App. 10/14/60)

ARTICLE 23:  
REGULATIONS FOR PORT AREA

|  |  |
| --- | --- |
| Sec. 1600. | Definitions. |
| Sec. 1601. | Lien for Charges; Possession of Goods to Secure Payment. |
| Sec. 1602. | Enforcement of Charges; Possession, Storage, Sale of Goods; Obstructions. |
| Sec. 1603. | Discharge or Receipt of Merchandise Without Payment of Wharfage as Misdemeanor. |
| Sec. 1604. | Guaranty of Payment of Wharfage. |
| Sec. 1605. | Depositing Substances in Harbor Without Permission Prohibited; Form and Content of Permission. |
| Sec. 1606. | Obstructions Prohibited. |
| Sec. 1607. | Notice to Remove Obstructions; Service. |
| Sec. 1608. | Penalty for Noncompliance; Removal and Storage; Lien. |
| Sec. 1609. | Unauthorized Collections and Other Activities as Misdemeanor. |
| Sec. 1610. | Avoidance of Tolls; Penalty. |
| Sec. 1611. | Removal at Direction of Wharfinger. |
| Sec. 1612. | Noncompliance with Orders of Commission as Misdemeanor or Infraction. |
| Sec. 1613. | Operation of Motor Vehicles on Wharves. |
| Sec. 1614. | Operation of Vessels. |
| Sec. 1615. | Permission to Board Vessel. |
| Sec. 1616. | Authority of Police to Board Vessel. |
| Sec. 1617. | Moving of Vessel by Commission. |
| Sec. 1618. | Violations; Penalty; Enforcement. |

SEC. 1600. DEFINITIONS.

Whenever the term "Commission" is used in this Article it shall be deemed to mean the San Francisco Port Commission of the City and County of San Francisco.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1601. LIEN FOR CHARGES; POSSESSION OF GOODS TO SECURE PAYMENT.

The charge for wharfage, demurrage and storage is a lien upon all goods landed upon any of the wharves or thoroughfares under the jurisdiction of the Commission, and the Commission, or its agents or lessees, may hold possession of any goods, to secure the payment of wharfage, demurrage or storage. For the purpose of the lien the Commission is deemed to have possession of the goods until the applicable charge is paid.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1602. ENFORCEMENT OF CHARGES; POSSESSION, STORAGE, SALE OF GOODS; OBSTRUCTIONS.

For the purpose of enforcing the charge for wharfage, demurrage and storage on goods landed on any wharf or thoroughfare, or remaining thereon longer than the time prescribed by the regulations of the Commission, the Commission may take possession of the goods. If the charge is not paid within two days thereafter, the Commission may remove and store the goods at the risk and expense of the owner or consignee, or it may sell them at public auction, with or without notice.

For the purpose of keeping the wharves and thoroughfares free of obstructions, the Commission shall cause a written notice to be served on the owner, agent, consignee, or person in possession of any obstructing material or structure, or it may post a notice thereon requiring its removal within 24 hours thereafter; and on failure to comply, the Commission may remove, store, or sell them at public auction. The sale shall be made subject to immediate removal. From the proceeds of any sale, the Commission shall retail all the wharfage and tolls due, plus 10 percent, and in case of obstructions, $25 for each day during which the wharf or thoroughfare has been obstructed, and also all the expenses attending the sale. The surplus, if any, shall be paid to the proper person.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1603. DISCHARGE OR RECEIPT OF MERCHANDISE WITHOUT PAYMENT OF WHARFAGE AS MISDEMEANOR.

Every master, agent, or owner of any vessel, and every owner, agent, or manager of any railroad car, who discharges from or receives on or allows to be discharged from or received on the vessel or car any merchandise or other article, before the wharfage thereon has been paid, is guilty of a misdemeanor.

The warrant of arrest may be discharged at any time before trial by the payment of the wharfage on the goods wrongfully discharged or received, together with the cost of the legal proceedings. A receipt for wharfage, signed by a wharfinger or other proper officer of the Commission, is the only evidence of payment.

(Added Ord. 39-69, App. 1/28/69)

SEC. 1604. GUARANTY OF PAYMENT OF WHARFAGE.

The Commission may, by written permit, release a person from the obligation to pay wharfage before the discharge or receipt of merchandise or other articles as required by this article if, before any part of the goods is discharged or received a proper and sufficient guaranty in writing is given to the Commission for the payment of all wharfage. This guaranty is an original obligation on the part of the guarantor, and no consideration need exist or be expressed other than the acceptance of the permit.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1605. DEPOSITING SUBSTANCES IN HARBOR WITHOUT PERMISSION PROHIBITED; FORM AND CONTENT OF PERMISSION.

Every person, who deposits or causes to be deposited, in the waters of the harbor of San Francisco, which are subject to the jurisdiction of the Commission, any substance which will sink and form an obstruction to navigation, without first obtaining permission, in writing, of the Commission, which permission shall be recorded by the Secretary and shall describe, with an ordinary degree of certainty, the place where the deposit may be made, is guilty of a misdemeanor.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1606. OBSTRUCTIONS PROHIBITED.

A person shall not place, or cause to be placed, any obstruction upon any wharf or thoroughfare under the jurisdiction of the Commission.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1607. NOTICE TO REMOVE OBSTRUCTIONS; SERVICE.

Whenever any wharf or thoroughfare in the harbor of San Francisco is incumbered, or its free use is interfered with, by goods or other substance, whether loose, or built upon, or fixed to any wharf or thoroughfare, the Commission shall notify, in writing, the owner, agent, occupant, or person placing or keeping the obstruction thereon, to remove it within twenty-four hours after service of the notice. The notice may be served by a wharfinger, or the Secretary or Assistant Secretary of the Commission.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1608. PENALTY FOR NONCOMPLIANCE; REMOVAL AND STORAGE; LIEN.

In case of failure to comply with the notice to remove the obstruction, the owner, agent, occupant, or person notified is liable to pay the Commission the sum of $25 for each day during which the obstruction remains upon any wharf or thoroughfare. The Commission may remove any incumbering substance, and store it in a suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner to the Commission, and is a lien on the substance until paid.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1609. UNAUTHORIZED COLLECTIONS AND OTHER ACTIVITIES AS MISDEMEANOR.

Every person who collects any toll, wharfage, or docking, or lands, ships, or removes any property upon or from any portion of the waterfront of San Francisco, or from or upon any of the wharves under the control of the Commission, without being by the Commission authorized so to do, is guilty of a misdemeanor.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1610. AVOIDANCE OF TOLLS; PENALTY.

Every person who, by false returns, or in any manner, avoids the payment of all or any portion of any tolls (wharfage) which may be due to the Commission, from any source or cause, as provided for by law and the rules and regulations of the Commission, is liable for and shall pay to the Commission twice the amount of tolls (wharfage), and in addition the sum of $10.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1611. REMOVAL AT DIRECTION OF WHARFINGER.

Coal screens, donkey engines, stevedores' tools and appliances, merchandise, vehicles, or structures, must be removed from the wharves and other property under the jurisdiction of the Commission when directed by the wharfinger.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1612. NONCOMPLIANCE WITH ORDERS OF COMMISSION AS MISDEMEANOR OR INFRACTION.

**Penalties.** Every master, agent, or owner of any vessel, who does not obey the lawful orders or directions of the Commission in any matter pertaining to the regulations of the harbor, or the removal or stationing of any vessel shall be deemed guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney; provided, however, that whenever a person has been arrested and incarcerated based solely on the violation or violations of this Code, he or she shall retain the right at the time of arraignment or plea to object to the offense being made an infraction, in which event the complaint shall be amended to charge the misdemeanor and the case shall proceed on the misdemeanor complaint.

Upon convictions of a violation charged as an infraction, the person so convicted shall be punished for the first offense by a fine of not less than $50 nor more than $100, and for a second and each additional offense by a fine of not less than $150 nor more than $250.

Upon conviction of a violation charged as a misdemeanor, the person so convicted shall be punished by a fine of not more than $500 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Added by Ord. 39-69, App. 1/28/69; amended by Ord. 206-00, File No. 001229, App. 9/1/2000)

SEC. 1613. OPERATION OF MOTOR VEHICLES ON WHARVES.

(a) No motor vehicles, except those engaged in the transportation of property or passengers, shall be allowed to enter any wharf; provided, however, that nothing in this paragraph is to be construed as prohibiting access to the wharves and piers by emergency vehicles, or motor vehicles owned by or operated under the jurisdiction of the Commission.

(b) No motor vehicles in an unsafe or dangerous condition shall be allowed on any wharf.

(c) No motor vehicle fuel tank shall be refilled on any wharf.

(d) No motor vehicle, when actually engaged in transporting, loading, or unloading freight or passengers, shall be allowed to remain on any wharf or other property for an unreasonable length of time.

(e) No motor vehicle shall be allowed to park on any wharf, without permission of the Commission.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1614. OPERATION OF VESSELS.

All vessels at any wharf or within any slip, channel, basin, or canal must have on board at all times at least one person in charge who has the authority to take such action as may be required by any emergency or as may be ordered or directed by any competent authority.

A vessel must shift or go into the stream at its own expense whenever it is ordered to do so by the Chief Wharfinger, or a duty authorized representative of the Commission, either of whom shall have the power to enforce the removal of the vessel at its own expense at any time.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1615. PERMISSION TO BOARD VESSEL.

As a condition to the use by any vessel, of any slip, channel, basin, canal, wharf, or other port facility, the Chief Wharfinger, Wharfinger, Fire Marshal, or other duly authorized representative of the Commission, must be permitted to go aboard such vessel to ascertain the kind and quantity of cargo thereon, any other necessary information, and whether the rules and regulations of the Commission are being complied with; and no person shall hinder or molest any one so authorized, or refuse to allow him to go aboard any vessel for the purposes specified in this Section.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1616. AUTHORITY OF POLICE TO BOARD VESSEL.

As a condition to the use by any vessel of any property under the jurisdiction of the Commission, the Police must be permitted to board any vessel for police purposes. No person shall hinder or molest any one so authorized, or refuse to allow him to go aboard any vessel for the purposes specified in this Section.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1617. MOVING OF VESSEL BY COMMISSION.

If the master agent or owner of a vessel of 1,000 gross tons or under refuses or fails to move the vessel upon the request of the Commission whenever, in the judgment of the Commission, an emergency or the maintenance or operation of the port necessitates the move, the Commission may move or provide for the moving of, the vessel from any wharf, slip, dock or other place under its jurisdiction to any other suitable place under its jurisdiction. Any removal pursuant to this Section shall be at the expense and risk of the owner of the vessel, and without any liability on the Commission if the Commission acts with due care.

(Added by Ord. 39-69, App. 1/28/69)

SEC. 1618. VIOLATIONS; PENALTY; ENFORCEMENT.

Violators of any provision of this Article may be denied the use of any wharf by the Commission. The Commission is further given the right to remove from any wharf, at the expense of, and warehouse for the account of, the owner, any motor or other vehicle violating any of the provisions of this Article.

All wharfingers and the Police are authorized to strictly enforce the provisions of this Article and all motor and other vehicles must comply at all times with orders or directions given by either the wharfingers or the Police.

(Added by Ord. 39-69, App. 1/28/69)

ARTICLE 24:  
REGULATING STREET ARTISTS\*

|  |  |
| --- | --- |
| Sec. 2400. | Statement of Purpose and Text of Street Artist Ordinance. |
| Sec. 2401. | Additional Definitions. |
| Sec. 2402. | Compensation of Advisory Committee. |
| Sec. 2403. | Age Eligibility for Street Artists. |
| Sec. 2404. | Street Artist Certificate: Disclaimer, Transfer, and Display. |
| Sec. 2404.1. | Street Artist Certificate: Fee. |
| Sec. 2404.1.1. | Street Artist Application/Examination Fee. |
| Sec. 2404.2. | Fee Setting Procedure. |
| Sec. 2405. | Regulations for Street Artists. |
| Sec. 2406. | Lottery. |
| Sec. 2407. | Director of Public Works to Provide Markings. |
| Sec. 2408. | Issuance, Denial, Suspension or Revocation of Certificate: Appeals. |
| Sec. 2409. | Appeals to Board of Permit Appeals. |
| Sec. 2410. | Criminal Violations: Penalties. |
| Sec. 2411. | Severability. |

SEC. 2400. STATEMENT OF PURPOSE AND TEXT OF STREET ARTIST ORDINANCE.

This ordinance is enacted to implement an initiative ordinance approved by the electors of San Francisco as Proposition "L" at the election held on November 4, 1975. The provisions of Proposition "L" are set forth herein for convenience and may only be amended by the electors of San Francisco. Proposition "L" reads as follows:

REGULATING STREET ARTISTS AND CRAFTSPERSONS.

|  |  |
| --- | --- |
| **SEC. 1** | Definitions |
| **SEC. 2** | Advisory Committee of Street Artists and Crafts Examiners; Establishment; Appointments; Compensation; Terms; Chairperson; Secretary |
| **SEC. 3** | Application |
| **SEC. 4** | Examination |
| **SEC. 5** | Issuance of Certificate |
| **SEC. 6** | Certificate Fee; Period |
| **SEC. 7** | Regulating Street Artists and Craftspersons |
| **SEC. 8** | Designation of Sales Areas |
| **SEC. 9** | Repeal |

"SEC. 1. DEFINITIONS.

For the purposes of this ordinance the following words or phrases shall mean or include:

(a) "Art Commission." The Art Commission of the City and County.

(b) "Advisory Committee." The Advisory Committee of Street Artists and Crafts Examiners of the City and County.

(c) "City and County." The City and County of San Francisco.

(d) "Family Unit." Two or more persons jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members thereof, or, two or more physically or mentally handicapped persons participating in a formal rehabilitation program a part of which includes activities for the creation of arts and crafts by said persons.

(e) "Person." Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character; provided, however, that whenever a right, privilege, or power is conferred upon a person by the provisions of this ordinance, the term "person" shall mean an individual natural person.

"SEC. 2. ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTS EXAMINERS; ESTABLISHMENT; APPOINTMENTS; COMPENSATION; TERMS; CHAIRPERSON; SECRETARY.

There is hereby established an Advisory Committee of Street Artists and Crafts Examiners, who shall advise the Art Commission on matters relating to the wares produced by street artists and to perform such other functions as shall from time to time be deemed appropriate by the Commission. The Advisory Committee shall consist of five members to be appointed by the Mayor. Four of said members shall be experienced artists or craftspersons and each such member shall be appointed from among three persons whose names shall have been submitted to the Mayor for appointment by the Art Commission, and one of the members shall be an art educator. Each member shall be compensated for the time he or she spends in this capacity as assigned by the Chairperson at a rate of pay to be established from time to time by the Board of Supervisors. The term of each member shall be two years, provided that the five members first appointed by the Mayor shall, by lot, classify their terms so that the terms of two members shall be for a period of one year and the terms of three members shall be for a period of two years, and upon the expiration of these and successive terms, the Mayor shall appoint their successors for a two-year term in a manner similar to that described herein for the initial members. In the event a vacancy occurs during the term of office of any member, the Mayor shall appoint for the unexpired term of the office vacated, a successor in a manner similar to that described herein for the initial members. The Advisory Committee shall elect from its members a Chairperson and a Secretary to hold office for one year, or until their successors are duly elected and qualified. The Secretary shall keep an accurate record of all proceedings of the Advisory Committee which shall be open to inspection by the public at all times.

"SEC. 3. APPLICATION.

Every person desiring certification as a street artist or craftsperson pursuant to this ordinance shall file an application with the Art Commission upon a form provided by said Commission. Except as otherwise provided herein, said application shall specify:

(a) The applicant's residence address, place of employment where the work of art is produced and the mailing address of a person through whom the applicant may always be reached shall appear on the application.

(b) A description of the art or craft item for which the applicant seeks certification.

(c) A declaration under penalty of perjury that the art or craft item for which applicant seeks certification is of the applicant's own creation or the creation of the applicant's family unit, and that the applicant neither employs other persons nor is employed by another person in the production of the art or craft item for which applicant seeks certification.

"SEC. 4. EXAMINATION.

Upon receipt of an application filed pursuant to this ordinance, the Executive Director of the Art Commission shall fix a date for Advisory Committee consideration and action upon said application and shall notify the applicant of said date. In its consideration of an application, the Art Commission shall examine representative samples of the applicant's work for the purposes of verifying the information set forth in the application. After such examination, and for the purposes of further investigation, the Art Commission may designate one or more of its members to visit the studio or workshop of the applicant to view the applicant's facilities and to further verify that the art or craft item for which the applicant seeks certification is his or her own creation or those of his or her family unit.

"SEC. 5. ISSUANCE OF CERTIFICATE.

If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Commission, upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate to the applicant, duly signed, and shall show therein that the person named therein passed the examination and is entitled to engage in the display and sale of the specific art or craft item set forth in said certificate in accordance with the provisions of this ordinance.

"SEC. 6. CERTIFICATE FEE; PERIOD.

The fee for any certificate issued pursuant to the provisions of this ordinance shall be $20 and said certificate shall be valid for a period of three months from the date of issuance; except that any person certified pursuant to the provisions of this ordinance shall have the option of purchasing for $80.00 a certificate valid for a period of one year from the date of issuance. The Board of Supervisors may increase the certificate fee when necessary in order to finance the costs of the Art Commission in administering and enforcing the provisions of this ordinance.

"SEC. 7. REGULATING STREET ARTISTS AND CRAFTSPERSONS.

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of the person's own creation on any public street or public place where such activities are permitted, unless duly certified as a street artist or craftsperson pursuant to the provisions of this ordinance, or duly licensed as a peddler pursuant to the provisions of Section 869 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code).

(b) It shall be unlawful for any person certified as a street artist or craftsperson pursuant to the provisions of this ordinance to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of the person's own creation on any public street or public place where such activities are not permitted, unless duly licensed as a peddler pursuant to the provisions of Section 869 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code).

(c) All or part of funds derived from the fees paid by street artists and craftspersons may be assigned by the Board of Supervisors to the Art Commission for use in paying members of the Advisory Committee as set forth in Section 2 above and to the San Francisco Police Department for enforcement of this proposition.

"SEC. 8. DESIGNATION OF SALES AREAS.

The Board of Supervisors, by resolution after public hearings thereon, may designate areas in or on any public street or public place where any street artist or craftsperson certified pursuant to the provisions of this ordinance may sell, offer for sale, expose for sale, or solicit offers to purchase any art or craft item of his or her own creation, provided, however, that any designation of an area in a public place under the jurisdiction of an officer, board or commission of the City and County shall be subject to the approval of such officer, board or commission. In designating such areas, the Board of Supervisors may impose such conditions and limitations as, in its discretion, are necessary to prevent any undue interference with normal pedestrian or vehicular traffic, or any damage to surrounding property, including interference with use, view or enjoyment of public parks.

"SEC. 9. REPEAL.

The initiative ordinance relative to permits and licenses for street artists, approved by the electorate as proposition "L," on the ballot for the election held in the City and County of San Francisco on June 4, 1974, is hereby repealed."

(Amended by Ord. 41-83, App. 2/4/83; Prop. K 1983)

SEC. 2401. ADDITIONAL DEFINITIONS.

For the purpose of administering Proposition "L," the following words or phrases shall mean or include:

(a) "Art" or "Craft." The terms "art" or "craft" do not include any item intended or suitable for human consumption.

(b) "Handcrafted Item." An item predominantly created or significantly altered in form by the street artist.

(c) "Proposition 'L'." Proposition "L" on the November 4, 1975 ballot in San Francisco, an initiative ordinance.

(d) "Street Artist." Any person who has been certified as a street artist or craftsperson pursuant to the provisions of Proposition "L."

(e) "Street Artist Certificate." A certificate issued by the Art Commission pursuant to the provisions of Proposition "L" and this Article.

(f) "Street Artist Program." A program of the Art Commission which implements the provisions of Proposition "L" and this Article.

(g) "Street Artist Program Committee." A committee appointed by the Art Commission and consisting solely of Commission members. The Committee shall have responsibility for oversight of the Street Artist Program.

(h) "Program Director." The director of the Street Artist Program, responsible for administering the provisions of Proposition "L" and this Article, on behalf of the Executive Director of the Art Commission.

(Amended by Ord. 41-83, App. 2/4/83; Ord. 291-94, App. 8/4/94)

SEC. 2402. COMPENSATION OF ADVISORY COMMITTEE.

Pursuant to the provisions of Section 2 of Proposition "L," the compensation of the appointive members of the Advisory Committee of Street Artists and Crafts Examiners shall be as follows:

(a) A member shall receive $100.00 plus reasonable travel expenses for each meeting of the Advisory Committee actually attended by said member for 50 percent of each meeting of four or more hours.

(b) A member shall receive $100.00 plus reasonable travel expenses for each visit to the studio or workshop of a certified street artist or an applicant for a Street Artist Certificate for the purpose of viewing the applicant's facilities and verifying that the art or craft item for which the applicant seeks certification is his or her own creation or those of his or her family unit, for an assignment of monitoring or inspecting street artist wares being sold in public locations, or for the performance of such other function as shall from time to time be deemed appropriate by the Arts Commission.

(c) In no event shall the aggregate amount paid each member exceed 35 meetings/studio visits or $3,500.00 per year excluding reimbursement for reasonable travel expenses. For the purposes of this section, the term "reasonable travel expenses" shall include travel to and from a member's office or home.

(Amended by Ord. 418-84, App. 10/5/84; Ord. 345-90, App. 10/12/90; Ord. 451-94, App. 12/30/94; Ord. 63-02, File No. 011788, App. 5/10/2002; Ord. 260-06, File No. 061030, App. 10/13/2006; Ord. 103-08, File No. 080514, App. 6/18/2008)

SEC. 2403. AGE ELIGIBILITY FOR STREET ARTISTS.

No person under the age of 16 is eligible for certification as a street artist.

(Amended by Ord. 41-83, App. 2/4/83)

SEC. 2404. STREET ARTIST CERTIFICATE: DISCLAIMER, TRANSFER, AND DISPLAY.

(a) Disclaimer. On each Street Artist Certificate the following words shall appear:

"The issuance of this Certificate does not constitute an endorsement by the City and County of San Francisco or the Article sold pursuant to the terms of this Certificate."

(b) Transfer. Any Street Artist Certificate issued pursuant to the terms of this Article cannot be transferred to any other person as defined in Proposition "L."

(c) Display. The Art Commission shall issue to each Street Artist a Certification Card which shall contain a photograph of the Street Artist, the certificate number of all members of the family unit and the number of the certificate in figures plainly discernible. The Art Commission, or its designee, shall determine the manner and form of any other information that may be placed upon this Certification Card. The Certification Card shall be displayed by the Street Artist at all times when said Street Artist is selling or soliciting offers to purchase any art or craft work. The photograph shall be furnished by the Street Artist.

(Amended by Ord. 41-83, App. 2/4/83)

SEC. 2404.1. STREET ARTIST CERTIFICATE: FEE.

Pursuant to the provisions of Proposition K, adopted by the voters at an election held on November 8, 1983, the Board of Supervisors hereby establishes the fee for a Street Artist Certificate to be as follows: Beginning July 1, 2010, the fee for a quarterly Street Artist Certificate shall be $166.02 and said certificate shall be valid for a period of three months from the date of issuance; except that any person certified as a street artist pursuant to the provisions of this Article shall have the option of purchasing for $664.08 an annual certificate valid for a period of one year from the date of issuance.

(Added by Ord. 511-84, App. 12/21/84; amended by Ord. 295-88, App. 6/29/88; Ord. 216-91, App. 6/12/91; Ord. 240-03, File No. 031333, App. 10/10/2003; Ord. 103-08, File No. 080514, App. 6/18/2008; Ord. 189-10, File No. 100710, App. 7/23/2010)

SEC. 2404.1.1. STREET ARTIST APPLICATION/EXAMINATION FEE.

Every person applying for street artist certification, whether for the first time or for reissuance of certification after a lapse in payment of the certificate fee, shall pay a nonrefundable application/examination fee. The fee shall initially be set at $20 and shall be paid upon filing of an application for certification. The application/examination fee collected shall be equal to, but shall not exceed, the fee necessary to support the costs of processing applications and examinations under the Street Artists Ordinance. As part of the report required by Section 2404.2 of this Article, each year the Arts Commission shall report to the Controller the costs incurred in administering the application and examination process.

The funds credited to the Arts Commission pursuant to this Section, in combination with funds derived from Sections 2404.1 and 2410 of this ordinance, shall not exceed the actual cost to the Arts Commission of administering and enforcing Proposition "L" and this Article.

(Added by Ord. 383-96, App. 10/15/96)

SEC. 2404.2. FEE SETTING PROCEDURE.

Each year the Arts Commission shall cause a report to be made of the revenues collected for Street Artist Certificates, the costs incurred in administering and enforcing the provisions of the Street Artist Ordinance (Proposition "L" adopted by the electors of San Francisco at the election held on November 4, 1975), the anticipated costs for the ensuing year, and the fee which would be necessary to support such costs. Said report shall be filed with the Controller no later than April 1st of each year pursuant to the provisions of Section 3.17-2 of the San Francisco Administrative Code. The Controller shall file said report with the Board of Supervisors no later than May 15th of each year and the Board of Supervisors shall, by ordinance, establish or readjust the fee for a Street Artist Certificate. The fee set shall be equal to, but not greater than, the fees necessary to support the costs of administering and enforcing the provisions of the Street Artist Ordinance.

(Added by Ord. 511-84, App. 12/21/84; amended by Ord. 240-03, File No. 031333, App. 10/10/2003)

SEC. 2404.3. RESERVED.

(Amended by Ord. 415-86, App. 10/10/86)

**Editor's Note:** Former Sec. 2404.3 ("Street Artist Certificate: Priority to Veterans") expired on 12/1/1986.

SEC. 2405. REGULATIONS FOR STREET ARTISTS.

(a) Street artists shall sell, offer for sale or solicit offers to purchase only for those specific handcrafted art or craft items created personally by the street artist or the street artist's family unit for which the street artist has been certified.

(b) Street artists shall sell, offer for sale or solicit offers to purchase only in those areas designated by the Board of Supervisors by Resolution.

The designation of any area in a public place under the jurisdiction of an officer, board or commission of the City and County is subject to the approval of, and to rule or regulations imposed by, such officer, board or commission.

(c) In areas designated by the Board of Supervisors which are not under the jurisdiction of an officer, board or commission of the City and County, street artists shall sell, offer for sale or solicit offers to purchase subject to the following regulations:

(1) No more than 4½ feet from the curb line of any sidewalk.

(2) Not within 18 inches of the curb line of any sidewalk.

(3) No more than five feet above any sidewalk.

(4) In an area not more than four feet long.

(5) Sprinkler inlets, standpipe inlets (both wet and dry) are to be kept clear for 7½ feet on each side, measured from the outer edge of standpipe bank from the building line to the sidewalk edge.

(6) Not within 10 feet from the outer edge of any entrance to any building including, but not limited to, doors, driveways, emergency exits measured in each direction parallel to the building line and thence at a 90-degree angle to the curb.

(7) Fire escapes be unobstructed underneath and perpendicular from building to the street five feet from both ends of fire escape.

(8) Not on any sidewalk adjacent to curb which has been duly designated pursuant to local ordinance or regulation as one of the following:

1. White zone

2. Yellow zone

3. Bus zone

(9) Not within five feet of any crosswalk.

(10) Inflammable liquid vents and fill pipes to be kept clear for five feet in both directions on the sidewalk when tanks are not being filled or within 25 feet while tank is being filled.

(11) Not within five feet of the display of any other street artist.

(12) Fire hydrants to have five feet sidewalk clearance.

(13) No street artist shall sell, offer to sell, or solicit offers to purchase between the hours of 12:00 a.m. (midnight) and 6:00 a.m. of the following day.

(14) All displays and objects placed in those areas designated by the Board of Supervisors shall be removed by 12:00 a.m. (midnight) and shall not be placed prior to 6:00 a.m. of the following day.

(15) No street artist shall sell, offer for sale, or solicit offers to purchase, from any vehicle.

(16) Street artists shall engage in their activities on the public sidewalks of the City and County of San Francisco in such a manner that at all times there shall remain open for the passage of pedestrians a space of at least 8 feet in width, as measured on a line perpendicular to the curb line, between the edge of the sidewalk farthest from the curb and the edge of the street artists' activities. No portion of a street artist's activities shall be included in measuring the 8-foot clear pedestrian passageway. Notwithstanding the foregoing, the Board of Supervisors, by resolution, may temporarily permit street artists to engage in their activities in specified locations where 8 feet of clear pedestrian passageway cannot be maintained. Such temporary permission may not be granted by the Board of Supervisors for any period exceeding 18 months.

(d) In the Resolution designating or redesignating an area where street artists may sell, offer for sale or solicit offers to purchase, the Board of Supervisors may exempt the area from one or more of the regulations set forth in Subsection (c) above if the Board finds that the exemption will not be inconsistent with or interfere with the purposes of the regulation from which the area is exempted.

(Amended by Ord. 388-83, App. 7/14/83; Ord. 199-03, File No. 030909, App. 8/1/2003)

SEC. 2406. LOTTERY.

(a) The Art Commission shall establish and supervise a lottery system whereby those persons certified by the Art Commission as street artists and possessing a valid State Board of Equalization Resale Permit shall be chosen by lot for the available selling areas as designated by the Board of Supervisors by resolution.

(b) The Art Commission shall specify three days in each week for the holding of a lottery for selling areas which are designated by the Board of Supervisors.

(c) The Art Commission, at its discretion, may postpone any lottery if sufficient volunteers to conduct the lottery are not available. No fees shall be paid to the volunteers conducting the lottery or collected by the Art Commission to establish or supervise the lottery. Each volunteer conducting the lottery shall be compensated for his or her service with a single sales space of the volunteer's choice selected prior to and from the lottery the volunteer conducts and for the duration of the day in which the volunteer conducts the lottery.

(d) The Art Commission shall not be liable for any damage, injury or loss occasioned by the lottery.

(e) The Art Commission may make such reasonable rules and regulations as are necessary to effectuate the lottery.

(f) The Art Commission shall design and distribute to those chosen in the lottery on each day a lottery is held, a document identifying the person chosen, the craft of the person chosen and the location where the person chosen will be allowed to sell, offer for sale, or solicit offers to purchase.

(g) The lottery document shall be in the possession of the street artist at all times and shall be displayed to a police officer upon request.

(h) It shall be unlawful to sell, offer for sale, or solicit offers to purchase goods and crafts in those areas subject to the lottery without first obtaining a document from the Art Commission indicating the seller has been chosen for the area or a document from the Art Commission indicating that no lottery document is necessary for that area.

(Amended by Ord. 41-83, App. 2/4/83)

SEC. 2407. DIRECTOR OF PUBLIC WORKS TO PROVIDE MARKINGS.

The Director of Public Works shall place identifying markings in public streets or curbs designated as sales areas by the Board of Supervisors. Said markings shall be consistent with the regulations contained in this Article.

(Amended by Ord. 41-83, App. 2/4/83)

SEC. 2408. ISSUANCE, DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE: APPEALS.

(a) The issuance of Street Artist Certificates is governed by Section 5 of Proposition "L." The violation by a street artist of any provision of Proposition "L," this Article or any rules or regulations issued pursuant to this Article of which the person has been given notice, shall be grounds for denial, suspension or revocation, after a public hearing and for good cause shown, of the Street Artist Certificate.

(b) The Art Commission shall adopt rules and regulations governing appeals from a denial, suspension or revocation of a Street Artist Certificate. A public hearing on the suspension or revocation of a Street Artist Certificate shall be conducted by the Street Artist Program Committee. The findings and recommendations of the Street Artist Program Committee shall be submitted directly to the Program Director, who shall approve or disapprove such findings and recommendations. The Program Director shall not amend such findings and recommendations. The Program Director may disapprove the findings and recommendations of the Street Artist Program Committee and order a rehearing only if: (1) the Program Director finds that a fair and public hearing has not occurred; (2) evidence critical to the street artist's case was not introduced except that a street artist shall not be relieved of his or her failure to put on evidence unless it was improperly excluded, or it constitutes new evidence which the street artist using reasonable diligence could not have obtained until after the hearing; or (3) the artist failed to appear at the hearing and has, for good cause, subsequently requested another hearing. A street artist shall have five business days following his or her hearing before the Street Artist Program Committee in which to request a rehearing, after which time the Program Director shall render his or her decision on the Program Committee's findings. The decision of the Program Director shall be made in writing, and may only be appealed in accordance with Section 2409. The Program Director's decision concerning the suspension or revocation of a Street Artist Certificate shall not be appealable to any level of the Art Commission.

(Added by Ord. 41-83, App. 2/4/83; amended by Ord. 291-94, App. 8/4/94)

SEC. 2409. APPEALS TO BOARD OF PERMIT APPEALS.

Appeals to the Board of Permit Appeals from the final decision of the Art Commission to grant or deny a Street Artist Certificate shall be governed by Article 1, Section 30 of Part III of the Municipal Code and shall be filed not later than 15 days after the final decision of the Art Commission. Appeals to the Board of Permit Appeals from the final decision of the Program Director to suspend or revoke a Street Artist Certificate shall be governed by Article 1, Section 30 of Part III of the Municipal Code and shall be filed not later than 15 days after the Program Director's decision approving or disapproving the Program Committee's findings and recommendations.

(Added by Ord. 41-83, App. 2/4/83; amended by Ord. 255-88, App. 6/22/88; Ord. 291-94, App. 8/4/94)

SEC. 2410. CRIMINAL VIOLATIONS: PENALTIES.

(a) Except as provided in Subsection (b), any person violating any provision of Proposition "L," this Article or any rules or regulations issued pursuant to this Article of which the person has been given notice, shall be guilty of an infraction and subject to a fine of not in excess of $100.

(b) The violation of any provision of Proposition "L" or this Article which would otherwise be an infraction shall be a misdemeanor if the person who has violated such provision has previously been convicted of two or more violations within the 12-month period immediately preceding the current offense and the prior convictions are admitted by the person charged with the violations or are alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged. A person convicted of a misdemeanor pursuant to this subsection shall be subject to imprisonment in the County Jail for a period not exceeding 30 days or a fine not exceeding $500, or both.

(Added by Ord. 41-83, App. 2/4/83)

SEC. 2411. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or ineffective.

(Added by Ord. 41-83, App. 2/4/83)

ARTICLE 25:  
REGULATIONS FOR PRIVATE PROTECTION AND SECURITY SERVICES\*

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| Sec. 1750. | Registration of Fixed Patrols, Street Patrols and Private Watchman. |
| Sec. 1750.1. | Fixed Patrol Defined. |
| Sec. 1750.2. | Street Patrol Defined. |
| Sec. 1750.3. | Private Watchman Defined. |
| Sec. 1750.3.1. | Person. |
| Sec. 1750.4. | Method of Registration of Street Patrol and Fixed Patrol Services. |
| Sec. 1750.5. | Review of Registration Application. |
| Sec. 1750.6. | Registration of Employees of Street Patrol Business. |
| Sec. 1750.7. | Registration of Employees of Fixed Patrol Business. |
| Sec. 1750.8. | Registration of Private Watchman. |
| Sec. 1750.9. | Issuance of Identification Card. |
| Sec. 1750.10. | Notice of Termination of Employee. |
| Sec. 1750.11. | Use of Official Police or Sheriff Titles and Similar Subterfuges. |
| Sec. 1750.12. | Revocation or Refusal of Registration. |
| Sec. 1750.13. | Matters to be Considered by Chief of Police. |
| Sec. 1750.14. | Insurance Coverage. |
| Sec. 1750.15. | Registration Fee. |
| Sec. 1750.16. | Exemptions. |
| Sec. 1750.17. | Severability. |
| Sec. 1750.18. | Effective Dates. |
| Sec. 1750.19. | Drawing of Handguns. |
| Sec. 1750.20. | Permitting Drawing of Handguns. |

SEC. 1750. REGISTRATION OF FIXED PATROLS, STREET PATROLS AND PRIVATE WATCHMAN.

Unless registered as hereinafter provided, it shall be unlawful for any person, either for himself or for any other person, firm or corporation, to manage, conduct or carry on the business of a fixed patrol, street patrol, or serve as a private watchman service in the City and County of San Francisco, or willfully to hire the services of a private watchman, fixed patrol, or street patrol, unless said private watchman, fixed patrol, or street patrol is registered as hereinafter defined.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.1. FIXED PATROL DEFINED.

For the purpose of this Article, the term "Fixed Patrol" shall mean a person, firm or corporation licensed by the State of California, who or which agrees to furnish, or furnishes, a watchman, guard, patrolman or other person to protect persons or property or to prevent theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind, remains at a fixed location and does not utilize the public streets during the course and scope of such employment, except for incidental use of the streets by a fixed patrol operator, or his employee, solely for the purpose of traveling from one location owned or operated by a client to another location owned or operated by the same client, or for the purpose of supervising employees of a fixed patrol operator, or for incidental use of the streets reasonably necessary to accomplish the purpose of the fixed patrol service.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.2. STREET PATROL DEFINED.

For the purpose of this Article the term "Street Patrol" shall mean any person, firm or corporation who furnishes or agrees to furnish, for any consideration whatsoever, any of the services enumerated in Section 1750.1 of this Article and utilizes the public streets to perform such services and is licensed by the State of California to perform such services or is employed by a person so licensed.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.3. PRIVATE WATCHMAN DEFINED.

For the purpose of this Article the term "Private Watchman" shall mean a person who is appointed a Special Police Officer pursuant to the provisions of Section 3.535 of the Chapter, and is directly employed by one person, firm or corporation to perform any of the services enumerated in Section 1750.1 of this Article, and who shall, in the performance of his duties, remain on or immediately adjacent to the property of his employer.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.3.1. PERSON.

For the purpose of this Article the term "Person" shall mean any individual, corporation, copartnership, firm, association, joint stock company or combination of individuals of whatever form or character acting as a unit.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.4. METHOD OF REGISTRATION OF STREET PATROL AND FIXED PATROL SERVICES.

Persons required to register by Sections 1750.6 and 1750.7 of this Article for Street Patrol or Fixed Patrol Services shall do so with the Chief of Police on application forms provided therefor. The application shall be verified and shall contain the following information:

(a) The true name and address of the applicant and of all persons financially interested in the operation of the fixed patrol or street patrol business.

(b) The date, place of birth and citizenship of all such persons.

(c) The past criminal record, if any, of all such persons.

(d) The fingerprints of all such persons.

(e) The area of the City and County of San Francisco, or the portion thereof, in which the applicant proposes to provide street patrol service.

(f) The number and description of motor vehicles proposed to be used by applicant.

(g) The description and serial number of the firearms to be used by applicant and his employees.

(h) Proof of insurance coverage as provided in Section 1750.14 of this Article.

(i) Whether the applicant requests a street patrol registration, a fixed patrol, or private watchman registration.

(j) If the applicant is a corporation, the application shall set forth the name of the corporation exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers, directors, and each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply.

(k) Subsection (d) of this Section shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or in the City of New York, State of New York.

(2) A bank, trust company, financial institution, or title company to which application is made or to whom a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

Upon receipt of an application, the Chief of Police shall conduct such investigation as he may deem necessary and proper as to the character and morals of the applicant and persons financially interested in the fixed patrol service or street patrol service for which registration is sought and as to the proposed territory of the City and County of San Francisco, or portions thereof, within which the street patrol service is to be conducted.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.5. REVIEW OF REGISTRATION APPLICATION.

The Chief of Police may refuse registration if it is found that the applicant or any person financially interested in the operation of the fixed patrol business or street patrol business is a person of bad moral character. For this purpose the Chief of Police may, in his discretion, consider any facts or evidence which he believes is relevant and will reflect on the moral fitness and reputation of those who will be in charge of such fixed patrol or street patrol business.

Should the Chief of Police refuse registration, the applicant for a street patrol business or private patrol business may appeal in the same manner as provided for revocation in Section 1750.12 of this Article.

Upon granting the registration application, the Chief of Police, or the Police Commission on appeal, shall designate the portion or portions of the City and County of San Francisco within which such street patrol business may be carried on, and shall specify therein such other reasonable additional requirements imposed upon applicant as are necessary to meet local needs and are not inconsistent with the provisions of the California Business and Professions Code; provided, however, that no person shall be allowed to register as a fixed patrol business or a street patrol business who is not licensed under the provisions of said Code. Such registration shall be disapproved where the territory sought has been allocated to a patrol special officer appointed pursuant to Section 3.536 of the Charter of the City and County of San Francisco; provided, however, such patrol special officer shall not be licensed as a fixed patrol operator.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.6. REGISTRATION OF EMPLOYEES OF STREET PATROL BUSINESS.

Upon granting the registration application, the registrant shall furnish the Chief of Police with the names of those who are or will be engaged in street patrol, on a form provided therefor. The form shall contain the following information:

(a) The true name and address of the employee.

(b) The date of birth and citizenship of such person.

(c) The past criminal record, if any, of such person as stated by the employee, including a signed statement of the employee that the information in (a), (b) and (c) is true and correct.

(d) The fingerprints of such person.

(e) The serial number and description of each firearm owned by such employee and carried in the course and scope of his duties.

(f) Such other information as may be deemed relevant by the Chief of Police or Police Commission.

(g) Recent photograph of such employee.

Upon receipt of the names of the employees who will be engaged in street patrol service, the Chief of Police shall conduct such investigation as he may deem necessary and proper as to the character and morals of the employee. Should the Chief of Police, after a noticed hearing, find that the character and morals of such employee are such as to constitute a danger to the public if said employee were to be utilized in street patrol services, the registrant shall not thereafter utilize such employee for street patrol service.

Any applicant for registration under this Section who is dissatisfied with the decision of the Chief of Police may file an appeal with the Secretary of the Police Commission within five days. The Police Commission shall thereupon fix a date for hearing the appeal which date shall not be more than 10 days from the date of filing said appeal. The Police Commission may affirm, modify or reverse the decision of the Chief of Police.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.7. REGISTRATION OF EMPLOYEES OF FIXED PATROL BUSINESS.

Upon granting the registration application, the Chief of Police shall require the registrant to furnish the names of employees of the registrant who are or will be engaged in fixed patrol on a form provided therefor and shall contain the same information as required in Section 1750.6 of this Article.

Upon receipt of the names of the employees who will engage in fixed patrol services, the Chief of Police shall conduct such investigation as he may deem necessary and proper as to the character and morals of the employee. Should the Chief of Police, after a duly noticed hearing, find that the character and morals of such employee would constitute a danger to the public if said employee were to be utilized in fixed patrol services, the registrant shall not thereafter utilize such employee for fixed patrol service.

Any applicant for registration as a fixed patrol employee who is dissatisfied with the decision of the Chief of Police may appeal as provided in Section 1750.6 of this Article.

A fixed patrol business registered under this Article may utilize an employee without complying with Section 1750.7 of this Article for a period not exceeding two weeks where, because of any event described in Section 409.5 of the Penal Code of the State of California or because of an extensive public gathering, the services required of the fixed patrol business cannot be performed without an immediate increase of personnel. Such fixed patrol business shall, not later than completion of the employee's first tour of duty, notify the Chief of Police in writing of the names of the employees so utilized and justification of their use without complying with Section 1750.7 of this Article.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.8. REGISTRATION OF PRIVATE WATCHMAN.

Private Watchman as defined in Section 1750.3 of this Article shall register with the Chief of Police and shall furnish the Chief of Police, in writing, the name, address and telephone number of his employer and his hours of duty. Each private watchman shall immediately notify the Chief of Police, in writing, of the termination of his employment. No person, firm, corporation or partnership shall hire a private watchman unless such watchman is appointed by the Chief of Police under authority of Section 3.535 of the Charter.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.9. ISSUANCE OF IDENTIFICATION CARD.

Should the Chief of Police or Police Commission have no objection to the employment of an employee of a street patrol business, a fixed patrol business, or as a private watchman, the Chief of Police shall furnish the employer within 15 calendar days of approval of the application, Sundays and holidays excluded, an employee's identification card, which shall contain a photograph of the employee, with the registration number in figures plainly discernible. The Chief of Police shall determine the manner and form of any other information that may be placed upon such identification card, which must be in the possession of the employee at all times during his hours of employment, and shall be produced for inspection upon request of the Chief of Police or his duly authorized representative.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.10. NOTICE OF TERMINATION OF EMPLOYEE.

The registrant, within 10 days after the termination of any employee engaged in street patrol services or fixed patrol services, shall notify the Chief of Police in writing of such termination and the employee shall immediately deliver his identification card to the Chief of Police.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.11. USE OF OFFICIAL POLICE OR SHERIFF TITLES AND SIMILAR SUBTERFUGES.

No person shall, in connection with the operation of a fixed patrol business, street patrol business, or any private watchman, either as a registrant or employee:

(a) **Titles.** Knowingly use the title, "S.F. Police Officer," "Police Officer," "Special Police or Special Officer," "Sheriff," "Deputy Sheriff," or any other title or designation whatever, which is calculated to indicate an official connection with the Police Department or Sheriff's Office of the City and County of San Francisco, or with the police force of any other government or governmental agency.

(b) **Operation.** Knowingly represent himself, or falsely represent another, to be a member of the Police Department or the Sheriff's Office of the City and County of San Francisco or use any sign, word, language or device, which is calculated to induce a false or mistaken belief that he is acting or purporting to act on behalf of said department or office of the City and County within the scope or any real or purported duty thereof.

(c) **Collections.** Knowingly use any sign, badge, title or designation, or make any express or implied representation, which is calculated to induce the belief that he is a member of the Police Department or the Sheriff's Office of the City and County, or connected therewith in any way, in connection with any activity directed toward the collection of any money or debt, or the repossession, recovery or taking of anything of value, or for any purpose of private gain whatsoever.

(d) **Uniforms.** Knowingly wear any uniform designed to resemble so closely the uniform worn by the Police Department, Sheriff's Office or the California Highway Patrol as reasonably to induce the belief that he represents or is employed by the Police Department, the Sheriff's Office or the California Highway Patrol.

(e) **Vehicles.** Knowingly use any vehicle which is colored or has affixed thereon any sign, badge, title or device that would reasonably induce the belief said vehicle was being operated by the Police Department, Sheriff's Office, California Highway Patrol, or any agency or local, State or Federal government.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.12. REVOCATION OR REFUSAL OF REGISTRATION.

The Chief of Police may revoke any registration issued hereunder after a notice of hearing when the applicant or registrant is in violation of any of the provisions of this Article, or of the Business and Professions Code of the State of California, or any rules promulgated by the Chief of Police regulating fixed patrol business, street patrol business or private watchmen.

In the event that any registration is revoked, or is refused by the Chief of Police, an appeal may be filed with the Police Commission within 30 days after date of said decision. Notice of said revocation or refusal shall be served upon the registrant or applicant by depositing a true copy thereof, with postage fully paid, in the United States mail addressed to the registrant at his last known address, within three days from the date of action of the Chief of Police. Any appeal must be in writing filed with the Secretary of the Police Commission and served personally or by mail upon the Chief of Police, or his duly authorized representative appointed for said purpose, by the registrant or applicant.

The Police Commission shall by resolution fix a date for hearing said appeal and designate the time and place where such hearing is to be held, which date shall be not more than 14 days from the date of the filing of the appeal. The Secretary of the Police Commission shall give notice of said hearing to the registrant or applicant in the same manner as required for notice of revocation or refusal of registration, but not less than 10 days prior to the date of said hearing.

The registrant so notified of the revocation hearing may continue to operate the fixed patrol or street patrol business pending the revocation hearing before the Police Commission, unless in the judgment of the Chief of Police such operation would adversely affect the public interest, in which event the order of the Chief of Police will be effective five days from the date of service of such order.

At any such hearing, the registrant or applicant shall be given the opportunity to defend himself, and may call witnesses, be represented by counsel and present evidence in his behalf. The Chief of Police or his representative shall attend the hearing.

It shall require a majority vote of the membership of the Police Commission to overrule the decision of the Chief of Police.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.13. MATTERS TO BE CONSIDERED BY CHIEF OF POLICE.

The Chief of Police may disregard any conviction for which the applicant was required to register pursuant to Section 290 of the Penal Code of the State of California if he finds that the applicant has fully completed any sentence imposed because of such conviction and complied with any conditions imposed because of such conviction, that the completion of said sentence, probation, parole, or any conditions whatsoever as a result of such conviction, has occurred at least three years prior to the date of application and that the applicant has not subsequently been convicted of any of the crimes herein mentioned or suffered any subsequent felony convictions of any nature whatsoever.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.14. INSURANCE COVERAGE.

The applicant, prior to registering as a fixed patrol business, or a street patrol business, or any firm, person, partnership or corporation hiring more than two private watchmen as defined in Section 1750.3 of this Article, must present evidence of insurance in the following amounts:

(1) Workmen's Compensation and Employers' Liability Insurance to cover the applicant's employees, as required by the Labor Code of the State of California.

(2) Comprehensive bodily injury and property damage liability insurance, including automobile liability and including liability for assault and battery, false arrest, false imprisonment, malicious prosecution, libel and slander, and invasion of privacy. This insurance shall provide limits of liability of not less than $200,000 for injury to each person and $300,000 for each occurrence and $50,000 for property damage. Any comprehensive bodily injury and property damage liability insurance policy or policies shall include the City and County of San Francisco, its officers and employees as an additional named insured, in the event any person shall charge or allege that the City and County of San Francisco, its officers or employees are liable or responsible for any act or conduct of the fixed or street patrol business whether by respondent superior or any other legal theory, and shall contain the following endorsement:

"Notwithstanding any other provision in this policy, the insurance afforded hereunder to the City of San Francisco shall be primary as to any other insurance or reinsurance covering or available to the City of San Francisco, and such other insurance or reinsurance shall not be required to contribute to any liability or loss until and unless the appropriate limit of liability afforded hereunder is exhausted."

Each of said policies of insurance shall contain a clause substantially in the following words:

"It is hereby understood and agreed that this policy may not be canceled, nor the amount of the coverage reduced, until ten days after receipt by the City Attorney of the City and County of San Francisco of a written notice of such cancellation or reduction of coverage, as evidenced by receipt of a registered letter."

All certificates of insurance must be approved as to form by the City Attorney of the City of San Francisco.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.15. REGISTRATION FEE.

Every person, firm, or corporation registering as a fixed patrol business or as a street patrol business shall pay to the Tax Collector a registration fee of $100 annually, payable in advance.

The registration fee prescribed in this Article is due and payable on a yearly basis, starting January 1, 1973. Fees for new registrations issued after the first day of January, 1973, or in any subsequent calendar year, shall be prorated with regard to the calendar year on a monthly basis.

For each employee registered, a fee of $6 shall be paid to the San Francisco Police Department to cover costs of investigation; provided, however, that the Chief of Police may waive the provisions of Sections 1750.6 and 1750.7, of this Article for employees previously registered.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.16. EXEMPTIONS.

This Article does not apply to private investigators as defined in Section 7521(a) of the Business and Professions Code of the State of California, to insurance adjusters as defined in Section 7521(d) of the Business and Professions Code of the State of California, or to repossessors as defined in Section 7521(e) of the Business and Professions Code of the State of California.

(Added by Ord. 31-272, App. 11/2/72)

SEC. 1750.17. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.18. EFFECTIVE DATES.

The provisions of Section 1750 of this Article shall not be effective for 60 days from the effective date of this Article as it relates to registration of a fixed patrol business or street patrol business.

(Added by Ord. 312-72, App. 11/2/72)

SEC. 1750.19. DRAWING OF HANDGUNS.

It shall be unlawful for any armed guard, while in any place in the City and County of San Francisco, to draw or exhibit other than in a holster any handgun except in lawful response to an actual and specific threat to person and/or property.

(Added by Ord. 582-81, App. 12/10/81)

SEC. 1750.20. PERMITTING DRAWING OF HANDGUNS.

It shall be unlawful for any person, corporation, partnership, or association which employs or utilizes armed guards to require, allow or permit any such guard, while in any place in the City and County of San Francisco, to draw or exhibit other than in a holster any handgun except in lawful response to an actual and specific threat to person and/or property. In any prosecution for violation of this Section proof that such person, corporation, partnership, or association did not, at the time a guard unlawfully drew or exhibited a handgun, have a written rule prohibiting such acts, shall be prima facie evidence that such person, corporation, partnership or association required, allowed or permitted such conduct.

(Added by Ord. 582-81, App. 12/10/81)

ARTICLE 26:  
REGULATIONS FOR PUBLIC BATH HOUSES

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| --- | --- |
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SEC. 2600. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean or include:

(a) **"Bath House."** Any place open to the public including private clubs or organizations except as provided in Section 2600(f) wherein any person, firm, association, corporation or partnership engages in, conducts or carries on, or permits to be engaged in, conducted or carried on Russian, Turkish, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, fomentation, alcohol or baths of any kind whatsoever are given or furnished, provided that such term shall not include ordinary tub baths where an attendant is not required.

(b) **"Person."** Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

(c) **"Employee."** Shall include all persons paid by the permittee on a monthly, weekly or hourly basis and render a service directly to the client or customer; provided, however, the word "Employee" shall not include janitorial, laundry or engineering personnel.

(d) **"Director."** Director of Public Health or his authorized representative.

(e) **"Permittee."** The operator of a public bath house.

(f) **"Bona Fide Nonprofit Club or Organization."** Any fraternal, charitable, religious, benevolent or any other nonprofit organization having a regular membership association primarily for mutual social, mental, political and civic welfare, to which admission is limited to the members and guests and revenue accruing therefrom is to be used exclusively for the benevolent purposes of said organization and which organization or agency is exempt from taxation, under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit organization.

This Article shall not include hospitals, nursing homes, sanitaria, or persons holding an unrevoked certificate to practice the healing arts under the laws of the State of California, or persons working under the direction of any such persons. Nor shall this Article apply to any bona fide nonprofit club or organization as defined by this Article.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2601. PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City and County of San Francisco, the operation of a public bath house as herein defined without first having obtained a permit from the Police Department.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2602. FILING AND FEE PROVISION.

Every applicant for a permit to maintain, operate, or conduct a public bath house shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee which shall not be refundable. A percentage of said permit application fee, as determined by the Controller pursuant to the provisions of Section 2.21 of this Code, shall be credited to the Department of Public Health.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 2603. APPLICATION FOR A PUBLIC BATH HOUSE PERMIT.

The application for a permit to operate a public bath house shall set forth the exact nature of the baths to be administered, the proposed place of business and facilities therefor, and the name and address of each applicant.

In addition to the foregoing, any applicant for a permit shall furnish the following information:

(a) The two previous addresses immediately prior to the present address of applicant.

(b) Written proof that the applicant is over the age of 18 years.

(c) Applicant's height, weight, color of eyes and hair.

(d) Two portrait photographs at least 2" x 2".

(e) Business, occupation, or employment of the applicant for the three years immediately preceding the date of the application.

(f) The bath house or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(g) All criminal convictions except minor traffic violations.

(h) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application.

(i) Nothing contained herein shall be construed to deny to the Chief of Police the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of said Chief of Police to confirm the height and weight of the applicant.

(j) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers, directors and each stockholder owning more than 10 percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2604. CORPORATE APPLICANTS; EXEMPTION.

The provisions of Section 2603(a), (b), (c), and (d), entitled "Application for Permit" relating to requirements for corporate applicants shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or in the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company by which application is made or to whom a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2607. FACILITIES NECESSARY.

No permit to conduct a public bath house shall be issued unless an inspection by the Director reveals that the establishment complies with each of the following minimum requirements:

(a) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the San Francisco Building Code. Plumbing fixtures shall be installed in accordance with the San Francisco Plumbing Code.

(1) For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least six inches. Floor shall be covered up on base with at least ¾ inch cover. The walls of all toilet rooms and rooms containing bathtubs shall be finished to a height of six feet from a smooth, nonabsorbent finish surface of Keene cement, tile, or similar material.

(2) Steam rooms and shower compartments shall have approved waterproof floors, walls and ceilings.

(3) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer.

(Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.)

(4) A source of hot water shall be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(b) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate facilities shall be provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided when five or more employees and patrons of different sexes are on the premises. All toilet rooms shall be equipped with selfclosing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.

(c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(d) All portions of public bath house establishments and baths shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilating system. When windows or skylights are used for ventilation, at least ½ of the total required total window area shall be operable.

To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons' use not served directly by a required window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed 75 percent of the floor-to-ceiling height of the area in which they are located.

(e) All electrical equipment shall be installed in accordance with the requirements of the San Francisco Electrical Code.

(f) Nothing contained herein shall be construed to impose new requirements to existing public bath house establishments under the City's Building, Health and Fire Codes.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2608. OPERATING REQUIREMENTS.

The following operating requirements are to be enforced:

(a) Every portion of a public bath house, including appliances, apparatus, and personnel, shall be kept clean and operated in a sanitary condition.

(b) All employees shall be clean and wear clean outer garments, whose use is restricted to the public bath house. Provision for separate dressing rooms for each sex must be available on the premises, with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(c) All public bath houses shall be provided with clean laundered sheets and towels in sufficient quantities and shall be laundered between consecutive uses thereof and stored in an approved sanitary manner. No towels or sheets shall be laundered or dried in any public bath house unless such establishment is provided with approved laundry facilities for such laundering and drying. Approved receptacles shall be provided for the storage of soiled linens and paper towels.

(d) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2609. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the California Code of Civil Procedure for the verification of pleadings.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2610. NOTICE OF HEARING.

When an application is filed for a new permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed public bath house is to be operated. Such posting of notice shall be carried out by the Police Department, and the applicant shall maintain said notice as posted the required number of days.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2611. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.

The Chief of Police upon receiving an application for a public bath house permit shall refer the applications to the Bureau of Building Inspection, the Fire Department, the Health Department and the City Planning Department, which departments shall inspect the premises proposed to be devoted to a public bath house and shall make separate written recommendations to the Chief of Police concerning compliance with the codes that they administer.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2612. ISSUANCE OF PERMIT FOR PUBLIC BATH HOUSE.

The Chief of Police shall issue a Public Bath House Permit within 14 days following a hearing if all the requirements for a public bath house described in this Article are met and shall issue a permit to any person who has applied for a permit to operate a public bath house unless he finds:

(1) That the operation as proposed by the applicant if permitted would not comply with all applicable laws including, but not limited to, the City's Building, Health, City Planning and Fire Codes, or regulations adopted by the Chief of Police.

(2) That the applicant or any other person who will be directly engaged in the management and operation of a public bath house has been convicted of:

(a) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code.

(b) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(c) An offense involving sexual misconduct with children.

(d) An offense as defined under Sections 311, 647(a), 647a, 315, 316, or 318 of the Penal Code of the State of California.

(e) The Chief of Police shall disregard any conviction mentioned in Subsections (a), (b), (c) or (d) of this Section if he finds that the applicant has fully completed any sentence imposed because of such conviction and has fully complied with any conditions imposed because of such conviction, which conviction has occurred at least three years prior to the date of application and the applicant has not subsequently been convicted of any of the crimes herein mentioned nor has suffered any subsequent felony convictions involving the use of force or violence on the person of another.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2615. REGISTER TO BE MAINTAINED.

The operator of a public bath house must maintain a register of all persons employed as an employee of a public bath house as herein defined which register shall be available for inspection at all times during regular business hours. The register shall contain the following information for each employee:

(a) Name and residence address.

(b) Social Security number and driver's license number, if any.

(c) Employee's height, weight, color of eyes and hair.

(d) Written evidence that the employee is over the age of 18 years.

(e) Business, occupation or employment of the employee for the three years immediately preceding the date of beginning employment with the public bath house.

(f) The Chief of Police shall have the right to take fingerprints and photographs of an employee and the right to confirm the information contained in the register.

(Amended by Ord. 35-82, App. 1/29/82)

SEC. 2616. REVOCATION OR SUSPENSION OF PERMIT TO OPERATE A PUBLIC BATH HOUSE.

Any permit issued for a public bath house may be revoked or suspended by the Chief of Police, after a hearing, for good cause, in any case where any of the provisions of this Article are knowingly violated, or where any employee of the permittee is engaging in any conduct which violates any state or local laws or ordinances at permittee's place of business where permittee has actual or constructive knowledge or by due diligence should have actual or constructive knowledge of such violations, or in any case where the permittee refuses to permit any duly authorized officer of the City to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing, upon the representation of the Director of Public Health that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers, or without due regard to proper sanitation or hygiene.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2618. EMPLOYMENT OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS PROHIBITED.

It shall be unlawful for the owner, proprietor, manager or any other person in charge of any public bath house to employ any person under the age of 18 years.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2619. ADVERTISING.

No public bath house granted a permit under the provisions of this Article shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in Section 2600 of this Article, nor shall any public bath house indicate in the text of such advertising that any service is available other than those services as described in Section 2600 of this Article.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2620. SALE OR TRANSFER.

Upon sale, transfer or relocation of a public bath house, the permit and license therefor shall be null and void unless approved as provided in Section 2627 herein.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2621. NAME AND PLACE OF BUSINESS-CHANGE OF LOCATION.

No person granted a permit pursuant to this Article shall operate under any name or conduct his business under any designation or in any location not specified in his permit.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2622. DAILY REGISTER.

Every person who engages in or conducts a public bath house as herein defined shall keep a daily register, approved in form by the Police Department, of all patrons by name, address, and hour of arrival, and the room or cubicle assigned, if any. Said daily register shall at all times during business hours be subject to inspection by the Health Department and by the Police Department and shall be kept on file for one year.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2623. LOCKED CUBICLE, ROOM, BOOTH, ETC.

No service enumerated in Section 2600 of this Article may be carried on within any cubicle, room, or booth, or in any area within a public bath house by whatever designation whatsoever which is fixed with a door capable of being locked.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2624. DISPLAY OF PERMIT.

Every person to whom or for whom a permit shall have been granted pursuant to the provisions of this Article shall display said permit in a conspicuous place in a public bath house so that the same may be readily seen by persons entering the premises.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2625. INSPECTIONS.

The Police Department and the Department of Public Health shall from time to time, and at least twice a year, make an inspection of each public bath house in the City and County of San Francisco for the purpose of determining that the provisions of this Article are complied with.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2626. LICENSE FEES.

Every permittee who conducts, permits or assists in conducting or permitting any public bath house as defined herein shall pay to the Tax Collector an annual license fee, payable in advance. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\* In calculating the fees earned herein, a percentage of the license fee as set by the Controller pursuant to Section 2.21 of this Code shall be credited to the Department of Public Health pursuant to the provisions of Section 6.402 of the Charter of the City and County of San Francisco.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 2627. TRANSFER OF PERMIT.

No permit shall be transferred to new owners except with the written consent of the Chief of Police and the approval of the Director of Public Health.

An application for such a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial application. The written application for such transfer shall contain the same information as requested herein for an initial application for such a permit. The same percentage of said filing fee for a transfer of license shall be credited to the Department of Public Health pursuant to the provisions of Section 6.402 of the Charter of the City and County of San Francisco as for an initial application.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 2628. UNLAWFUL ACTIVITIES.

It shall be unlawful for any person to give or administer any bath or baths as defined herein, or to give or administer any of the other things mentioned in this Article which violate the provisions of this Article or which violate any state or local laws or ordinances. Any violation of this provision shall be deemed grounds for revocation of the permit granted hereunder.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2630. TIME LIMIT FOR FILING APPLICATION FOR PUBLIC BATH HOUSE PERMIT.

All persons who possess an outstanding permit heretofore issued by the Police Department as an operator of a public bath house must file for a new permit within 90 days of the effective date of this Article; failure to do so shall constitute continued operation of said place of business a violation of Section 2634 thereof.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2632. APPLICABILITY TO EXISTING PUBLIC BATH HOUSES.

Any place or premises where a permit to operate is sought must conform to all existing Building, Health, City Planning and Fire Codes of the City and County of San Francisco. Nothing contained herein shall be construed to impose new requirements on existing public bath houses under the City's Building, Health, City Planning and Fire Codes. The Chief of Police shall grant a permit to operate a bath house to those bath houses holding valid permits to operate under the provisions of former Section 1301 of Chapter VIII, Part II, of the San Francisco Municipal Code.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2633. RULES AND REGULATIONS.

The Chief of Police may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this Article.

(Added by Ord. 23-73, App. 1/19/73)

SEC. 2634. VIOLATION AND PENALTY.

(a) Every person who violates any provision of this Article shall be guilty of a misdemeanor.

(Amended by Ord. 35-82, App. 1/29/82)

SEC. 2635. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 23-73, App. 1/19/73)

ARTICLE 27:  
REGULATIONS FOR MORTGAGE MODIFICATION CONSULTANTS

|  |  |
| --- | --- |
| Sec. 2700. | Definitions. |
| Sec. 2701. | Contract Requirements. |
| Sec. 2702. | Right of Cancellation. |
| Sec. 2703. | Violations. |
| Sec. 2704. | Waiver. |
| Sec. 2705. | Enforcement and Penalties. |
| Sec. 2706. | Mortgage Modification Consultant's Liability for Statements or Acts of a Representative. |
| Sec. 2707. | Severability. |

SEC. 2700. DEFINITIONS.

(a) "Contract" means any agreement, or any term thereof, between a Mortgage Modification Consultant and an Owner for any Service as defined in subsection (g).

(b) "Mortgage Modification Consultant" means any Person who makes any solicitation, representation, or offer to any Owner to perform for compensation or who, for compensation, performs any service that the Person in any manner represents will in any manner do any of the following:

(1) Contact or negotiate with any beneficiary or mortgagee for the purposes of modifying the interest rate, principal balance, or terms of any loan prior to the recording of a Notice of Default.

(2) Prevent the recording of a Notice of Default.

(3) Obtain any forbearance from any beneficiary or mortgagee prior to the recording of a Notice of Default.

(4) Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained that deed of trust or mortgage prior to the recording of a Notice of Default.

(5) Assist an Owner to obtain a loan or advance of funds to cure a mortgage default where the property is not the subject of a recorded Notice of Default.

(6) Avoid or ameliorate the impairment of the Owner's credit resulting from the threatened recording of a Notice of Default.

(7) Save an Owner's residence from a threatened foreclosure prior to the recording of a Notice of Default.

Mortgage Modification Consultant does not include any Person identified as exempt from the definition of "Foreclosure consultant" by Section 2945.1(b) of the California Civil Code.

(c) "Notice of Default" means a notice that is recorded pursuant to California Civil Code Section 2924.

(d) "Owner" means the record title owner of residential real property located in the City and County of San Francisco.

(e) "Person" means any individual, partnership, corporation, limited liability company, association, or other entity, however organized, but does not include the City and County of San Francisco.

(f) "Residence" means residential real property consisting of one or more dwelling units, one of which the Owner occupies as his or her principal place of residence, encumbered by a loan secured by a deed of trust the terms of which the Owner wishes to modify in order to reduce or fix the payments thereon, but is not the subject of a recorded Notice of Default.

(g) "Service" means and includes, but is not limited to, any of the following:

(1) Debt, budget, or financial counseling of any type.

(2) Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a Residence but prior to the recording of a Notice of Default on the Residence.

(3) Contacting creditors on behalf of an Owner of a Residence prior to the recording of a Notice of Default on the Residence.

(4) Arranging or attempting to arrange for an extension of the period within which the Owner of a Residence may cure his or her default prior to the recording o a Notice of Default.

(5) Advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court on behalf of an Owner of a Residence.

(6) Giving any advice, explanation, assistance, or instruction to an Owner of a Residence relating to the cure of an existing or threatened default in, or in an obligation secured by a lien on the Owner's Residence, or the postponement or avoidance of the recording of a Notice of Default for the Owner's Residence.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2701. CONTRACT REQUIREMENTS.

(a) Every Contract shall be in writing and shall fully disclose the exact nature of the Mortgage Modification Consultant's services and the total amount and terms of compensation.

(b) Every Contract shall contain on the first page, in a type size no smaller than that generally used in the body of the Contract, (1) the name, mailing address, email address, and facsimile number of the Mortgage Modification Consultant to which notice of cancellation is to be mailed, and (2) the date the Owner signed the Contract.

(c) Every Contract shall be dated and signed by the Owner, and shall contain next to the space reserved for the Owner's signature, in not less than 14-point bold type, the following statement:

NOTICE REQUIRED BY THE CITY AND COUNTY OF SAN FRANCISCO

You, the owner, may cancel this transaction at any time prior to midnight of the fourteenth calendar day after you sign this contract. Cancellation occurs when you give written notice of cancellation to the other party to this contract at the party's address identified in this contract, or by facsimile or email at the number or address identified in this contract.

It is not necessary to pay a third party to arrange for a loan modification from your mortgage lender or servicer. You may call your lender directly to ask for a change in your loan terms. Nonprofit housing counseling agencies also offer borrower assistance free of charge. A list of nonprofit housing counseling agencies approved by the United States Department of Housing and Urban Development (HUD) is available by calling 888-995-HOPE (4673) or by visiting www.hud.gov/offices/hsg/sfh/hcc/hccprof14.cfm

(d) **Foreign Languages.** If Services are offered or negotiated primarily in one of the foreign languages set forth in subdivision (b) of Section 1632 of the California Civil Code, the Mortgage Modification Consultant shall provide the Owner, before the Owner signs the Contract, with a translated copy of the completed Contract in the language in which the Contract was negotiated. If English is the language principally used by the Mortgage Modification Consultant to describe the Services or to negotiate the Contract, the Mortgage Modification Consultant shall notify the Owner orally and in writing before the Owner signs the Contract that the Owner has the right to ask for a completed copy of the Contract in a language described in Civil Code Section 1632.

(e) **Notice of Cancellation.** The Contract shall be accompanied by a completed form in duplicate, titled "Notice of Cancellation," which shall be attached to the Contract, shall be easily detachable, and shall contain in not less than 14-point bold type the following statement written in the same language that was used in the Contract: "NOTICE OF CANCELLATION."

(f) The Mortgage Modification Consultant shall provide the Owner with a copy of the Contract and the attached Notice of Cancellation. An Owner's use of the Notice of Cancellation is optional. This section is in no way intended to limit the application of Section 2702.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2702. RIGHT OF CANCELLATION.

(a) In addition to any other right under law to rescind a contract, an Owner has the right to cancel a Contract until midnight of the fourteenth calendar day after the day on which the Owner signs a Contract.

(b) Cancellation occurs when the Owner gives written notice of cancellation to the Mortgage Modification Consultant by mail at the address specified in the Contract, or by facsimile or email at the number or address identified in the Contract. If given by mail, notice of cancellation is effective when deposited in the mail properly addressed with the postage prepaid. If given by facsimile or email, notice of cancellation is effective when successfully transmitted. Notice of cancellation given by the Owner need not take the particular form as provided with the Contract and, however expressed, is effective if it indicates the Owner's intent not to be bound by the Contract.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2703. VIOLATIONS.

It shall be a violation of this Section for a Mortgage Modification Consultant to do any of the following:

(a) Perform any Service without a written Contract.

(b) Claim, demand, charge, collect, or receive any fee for performing any Service in connection with the modification of the terms of a loan secured directly or collaterally by a lien on a Residence until the Mortgage Modification Consultant has obtained from the Owner's lender or loan servicer a written offer of a loan modification for the Owner that accomplishes one or both of the following through an interest rate reduction, principal reduction or forbearance, term extension, or some combination thereof:

(1) Reduces the Owner's monthly loan payment (principal and interest) by at least 20% for a minimum of five years; or

(2) Reduces the Owner's monthly payment for housing expenses for the Residence, including principal and interest payment, property taxes, homeowners insurance, and any applicable homeowner's association fees, to no more than 31% of the Owner's monthly gross income for a minimum of five years.

(c) Take any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation. That security shall be void and unenforceable.

(d) Receive any consideration from any third party in connection with Services rendered to an Owner unless that consideration is fully disclosed to the Owner at the time the Contract is entered into.

(e) Acquire any interest in the Residence of the Owner with whom the Mortgage Modification Consultant has contracted. Any interest acquired in violation of this subsection shall be voidable, provided that nothing herein shall affect or defeat the title of a bona fide purchaser or encumbrancer for value and without notice of a violation of this Section. Knowledge that the property was a Residence does not constitute notice of a violation of this Section. This subsection may not be deemed to abrogate any duty of inquiry which exists as to rights or interests of persons in possession of a Residence.

(f) Take any power of attorney from an Owner for any purpose.

(g) Induce or attempt to induce any Owner to enter into a Contract that does not comply in all respects with Sections 2701 and 2702.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2704. WAIVER.

Any waiver by an Owner of any or all of the provisions of this Article shall be deemed void and unenforceable as contrary to public policy. Any attempt by a Mortgage Modification Consultant to induce an Owner to waive his or her rights shall be deemed a violation of this Article.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2705. ENFORCEMENT AND PENALTIES.

(a) **Criminal.** Any person who violates any of the provisions of this Article is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Each violation of a provision of this Article shall constitute a separate offense.

(b) **Civil.** In addition to all remedies allowed by law, an Owner may bring an action against a Mortgage Modification Consultant for any violation of this Article. A Mortgage Modification Consultant may be liable in a civil action for damages up to three times the amount of actual damages, reasonable attorneys' fees, and costs of litigation.

(c) **Cumulative Remedies.** The remedies or penalties provided under this Article are cumulative and are not intended to be exclusive of any other available remedies or penalties, including those provided under state or federal law.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2706. MORTGAGE MODIFICATION CONSULTANT'S LIABILITY FOR STATEMENTS OR ACTS OF A REPRESENTATIVE.

(a) A Mortgage Modification Consultant is liable for all damages resulting from any statement made or act committed by the Consultant's representative in any manner connected with the Consultant's (1) performance, offer to perform, or contract to perform any of Service, (2) receipt of any consideration or property from or on behalf of an Owner, or (3) performance of any act prohibited by this Section.

(b) "Representative" for the purposes of this subsection means a Person who in any manner solicits, induces, or causes (1) any Owner to contract with a Mortgage Modification Consultant, (2) any Owner to pay any consideration or transfer title to the Residence threatened with foreclosure to the Mortgage Modification Consultant, or (3) any member of the Owner's family or household to induce or cause any Owner to pay any consideration or transfer title to the Residence to the Mortgage Modification Consultant.

(c) Any provision in a Contract that attempts or purports to limit the liability of the Mortgage Modification Consultant under this subsection shall be void and shall at the option of the Owner render the Contract void.

(Added by 203-09, File No. 090889, App. 8/28/2009)

SEC. 2707. SEVERABILITY.

In the event that a court or agency of competent jurisdiction holds that federal or state law, rule, or regulation invalidates any clause, sentence, paragraph or section of this Article or the application thereof to any person or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Article shall remain in effect.

(Added by 203-09, File No. 090889, App. 8/28/2009)

ARTICLE 28:  
REGULATIONS FOR PAWNBROKERS PERMIT AND LICENSE PROVISIONS

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| --- | --- |
| Sec. 2800. | Definitions. |
| Sec. 2801. | Permit Required. |
| Sec. 2802. | Filing and Fee Provision. |
| Sec. 2803. | Application Form. |
| Sec. 2804. | Corporate Applicant; Exemption. |
| Sec. 2805. | Verification of Application. |
| Sec. 2806. | Notice of Hearing. |
| Sec. 2807. | Issuance of Permit. |
| Sec. 2808. | Pawnbroking Permits; Limitation. |
| Sec. 2809. | Hours of Business. |
| Sec. 2810. | Requirement to Keep Records of Purchases and Sales. |
| Sec. 2811. | Report Forms to be Furnished by Chief of Police. |
| Sec. 2812. | Delivery of Blanks-Filing Reports-Open to Inspection. |
| Sec. 2813. | Articles to be Kept on Premises Twenty Days. |
| Sec. 2814. | Restriction as to the Location of Business. |
| Sec. 2815. | Rules and Regulations by Chief of Police. |
| Sec. 2816. | Display of Permit. |
| Sec. 2817. | Suspension and Revocation of Permit. |
| Sec. 2818. | License Fees. |
| Sec. 2819. | Transfer of Permit. |
| Sec. 2820. | Forfeiture of License Fee. |
| Sec. 2821. | Time Limit for Filing Application and Permit; Nonretroactive Application to Existing Permit. |
| Sec. 2822. | Penalties. |
| Sec. 2824. | Severability. |

SEC. 2800. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Pawnbroker.** Any person who or which loans money on the delivery or deposit of personal property as security for the repayment of said loan; provided, however, that any bank or other institution authorized to conduct its business under the banking laws of the State of California, or under the laws of the United States, that loans money on stocks, bonds, securities or other contracts, shall not be deemed to be a pawnbroker.

(b) **Person.** An individual, firm, partnership, joint adventurer, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either thereof.

(c) **Tax Collector.** Tax Collector of the City and County of San Francisco.

(d) **Chief of Police.** The Chief of Police of the City and County of San Francisco or his designated representative.

(e) **City.** City and County of San Francisco.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2801. PERMIT REQUIRED.

It shall be unlawful for any person to operate or to cause or permit to be operated any pawnbroking business without first having obtained a permit from the Chief of Police.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2802. FILING AND FEE PROVISION.

Every person desiring a permit pursuant to this Article shall file an application with the Chief of Police upon a form provided by the Chief of Police and pay a filing fee which shall not be refundable.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 2803. APPLICATION FORM.

Except as otherwise provided herein, an application for a permit pursuant to the provisions of this Article shall specify:

(a) The address of the location for which the permit is required, together with the business name of such location.

(b) The name and proposed business address of the applicant; if the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; and the applicant shall also set forth the date and place of incorporation; the names and residence addresses of each of the officers, directors, and each stockholder owning more than 10 per cent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

(c) Whether or not the applicant has ever been convicted of any crime except misdemeanor traffic violations and if so convicted, the place and court in which the conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as the result of said conviction.

(d) The names and addresses of the persons who have authority or control over the place for which the permit is requested, and a brief statement of the nature and extent of such authority and control.

(e) Such information pertinent to the operation of the proposed activity, including information as to management and authority control, as the Chief of Police may require of an applicant in addition to the other requirements of this Section.

(f) The address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept service of process, if not otherwise set forth herein.

(g) Whether the application is for a new permit or for the renewal of an existing permit.

(h) The Chief of Police shall require fingerprint identification of the permit applicant if a sole proprietor, the general partner or partners of a partnership if filing for an application, and all those having control and authority over the pawnbroking business for which the permit is to be issued.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2804. CORPORATE APPLICANT; EXEMPTION.

The provisions of Section 2803 (h) entitled "Application Form" relating to requirements for corporate applicants shall not apply to any of the following:

(1) A corporation, the stock of which is listed on a stock exchange in the State of California or in the City of New York, State of New York.

(2) A bank, trust company, financial institution or the company to which application is made or to whom a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2805. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the California Code of Civil Procedure for the verification of pleadings.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2806. NOTICE OF HEARING.

When an application is filed for a new permit, or in the case of a change of location of an existing permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon within 40 days from the date of filing said application. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed pawnbroking business is to be operated and the applicant shall maintain said notice as posted the required number of days.

(Amended by Ord. 209-73, App. 6/6/73)

SEC. 2807. ISSUANCE OF PERMIT.

The Chief of Police may issue a permit within 14 days following the hearing as provided in Section 2806 herein, based upon his investigation and subsequent to the public hearing provided for above, if he finds:

(1) That the operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including but not limited to, the City's building, health, zoning and fire ordinances.

(2) That the applicant and any other person who will be directly engaged in the management and operation of a pawnbroking business has not been convicted in a court of competent jurisdiction, by final judgment of:

(a) An offense involving the use of force and violence upon the person of another that amounts to a felony, or if committed without the State of California would amount to a felony if committed within the State of California;

(b) An offense involving the use of force and violence upon the person of another, provided that such person committed three separate offenses within the past five years.

(3) That the applicant has not knowingly made any false, misleading, or fraudulent statement of facts in the permit application or any other document required by the Chief of Police in conjunction therewith.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2808. PAWNBROKING PERMITS; LIMITATION.

Only one permit for operation of the business of pawnbroking may be issued to any person or combination of persons, corporations or co-partnerships. Any person, corporation or co-partnership who presently holds more than one permit to operate the business of pawnbroking shall be exempt from this provision when filing for new permits under this Article.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2809. HOURS OF BUSINESS.

No person, firm, corporation, co-partnership or association shall engage in the business of pawnbroking or keep its place of business open or transact any business therein on any day except Monday through Friday between the hours of 8:00 a.m. and 6:30 p.m., and Saturday and Sunday between the hours of 8:00 a.m. and 7:30 p.m. No person, firm, corporation, co-partnership or association shall engage in the business of pawnbroking or keep its place of business open or transact business on any of the following days, New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(Added by Ord. 299-72, App. 10/19/72; Ord. 103-06, File No. 060013, App. 5/19/2006; Ord. 111-06, File No. 060672, App. 5/19/2006)

***Editor's note:***

*Ordinances 103-06 and 111-06 should be considered in tandem. Ordinance 103-06 amended Section 2809 to allow pawnbrokers to operate on Mondays following a holiday. Ordinance 111-06 amended Section 2809 to allow pawnbrokers to operate on Sundays. The Board of Supervisors consecutively passed both ordinances at the same session. The Mayor approved both ordinances on May 19, 2006.*

SEC. 2810. REQUIREMENT TO KEEP RECORDS OF PURCHASES AND SALES.

Every person in the business of pawnbroking shall keep a record of all such articles sold or purchased, including the signature of the person selling the same, which shall be open to the inspection of the Chief of Police or, of any police officer, at all times during business hours.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2811. REPORT FORMS TO BE FURNISHED BY CHIEF OF POLICE.

The Chief of Police shall cause blanks to be printed which shall be so subdivided that they shall have space for writing the following:

Description of the article purchased, description of the article sold, description of article otherwise dealt with, name and residence of person, firm or corporation from whom purchased, name and place of residence of person, firm or corporation to whom sold, name and place of residence of person, firm or corporation with whom otherwise dealt, showing true name as nearly as known, age, sex, complexion, color of mustache or beard, or where both are worn, style of dress, height, also the time when the articles were purchased, sold, or otherwise dealt with.

Said blanks shall also bear a caption providing blank spaces in which to fill in dates of said report, the name and place of residence of the person making the sale, and the hour of day when made.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2812. DELIVERY OF BLANKS-FILING REPORTS-OPEN TO INSPECTION.

The Chief of Police shall cause said blanks to be delivered to the person from whom said reports are required, from time to time without charge, and shall upon receipt of said report file the same in some secure place in his office, and the same shall be open to inspection only to the Police Department of said City and County, or upon the order of some court of competent jurisdiction.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2813. ARTICLES TO BE KEPT ON PREMISES TWENTY DAYS.

Any person buying or receiving in pledge, or otherwise, any goods, wares, merchandise, or articles of any description, other than furniture and household goods, shall not in any way dispose of the same, but keep it on the premises for 20 days, for the inspection of the Chief of Police, or any other police officer except in cases of transactions when the true owner shall have redeemed, repurchased or recovered the article.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2814. RESTRICTION AS TO THE LOCATION OF BUSINESS.

Permits issued by the Chief of Police for the business of pawnbroking shall be limited by the following restrictions:

(a) One to an Assessor's Block.

(b) Two hundred feet from the property line of any church or school, as mentioned by a public thoroughfare.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2815. RULES AND REGULATIONS BY CHIEF OF POLICE.

The Chief of Police may adopt after a noticed public hearing, rules and regulations supplemental to this Article and not in conflict therewith. The rules and regulations shall become effective 10 days after publication by the Chief of Police.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2816. DISPLAY OF PERMIT.

Every permittee under the provisions of this Article shall display the permit issued in a prominent place within the premises.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2817. SUSPENSION AND REVOCATION OF PERMIT.

The Chief of Police may suspend or revoke any permit issued hereunder if he finds, after a noticed public hearing, that any of the following conditions exist:

(a) Fraud, misrepresentation, or false statement contained in the application or permit.

(b) Violation of provisions of this Article, the San Francisco Municipal Code, Charter Section 3.537, or any of the laws of the State of California regulating the business of pawnbroking.

(c) Conviction of a felony.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2818. LICENSE FEES.

Every person who has received a permit to operate the business of pawnbroking shall pay to the Tax Collector an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 2819. TRANSFER OF PERMIT.

No permit shall be transferable except with the written consent of the Chief of Police. The application for such transfer shall contain the same information as requested herein for an initial application for such permit and shall be accompanied by the same filing fee as for an initial application. No permit shall be transferred, unless the revenue fee as provided in Section 2.29 of this Code shall have been paid to the Tax Collector.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 2820. FORFEITURE OF LICENSE FEE.

On revocation of the permit no part of the annual license fee shall be returned and the said license fee shall be forfeited to the City.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2821. TIME LIMIT FOR FILING APPLICATION AND PERMIT; NONRETROACTIVE APPLICATION TO EXISTING PERMIT.

All persons who possess an outstanding permit to operate the business of pawnbroking heretofore issued by the Police Department must file for a new permit within 90 days of the effective date of this Article. Failure so to do shall make continued operation of said place of business a violation of Section 2822 hereof. The Chief of Police shall issue new permits to all persons presently holding outstanding permits to operate a business of pawnbroking.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2822. PENALTIES.

Any person who violates any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof such person shall be punished by a fine not to exceed $500 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2824. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 299-72, App. 10/19/72)

SEC. 2825. RESERVED.

(Added by Ord. 66-91, App. 2/28/91; amended by Ord. 65-96, App. 2/9/96)

**Editor's Note:** Former Sec. 2825 ("Moratorium on the Granting of Permits in the Mission and Ingleside Police Districts") expired by operation of its sunset provision on 1/15/2001.

ARTICLE 29:  
REGULATION OF NOISE

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SEC. 2900. DECLARATION OF POLICY.

(a) Building on decades of scientific research, the World Health Organization and the U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems including, but not limited to: compromised speech, persistent annoyance, sleep disturbance, physiological and psychological stress, heart disease, high blood pressure, colitis, ulcers, depression, and feelings of helplessness.

(b) The General Plan for San Francisco identifies noise as a serious environmental pollutant that must be managed and mitigated through the planning and development process. But given our dense urban environment. San Francisco has a significant challenge in protecting public health from the adverse effects of community noise arising from diverse sources such as transportation, construction, mechanical equipment, entertainment, and human and animal behavior.

(c) In order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise and to reduce noise levels, through all practicable means, in those areas of San Francisco where noise levels are above acceptable levels as defined by the World Health Organization's Guidelines on Community Noise.

(d) It shall be the goal of the noise task force described in this Article to determine if there are additional adverse and avoidable noise sources not covered in this statute that warrant regulation and to report to the Board of Supervisors and recommend amendments to this Article over the next three years. In addition, the noise task force shall develop interdepartmental mechanisms for the efficient disposition and any enforcement required in response to noise complaints.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2901. DEFINITIONS.

(a) "Ambient" means the lowest sound level repeating itself during a minimum ten-minute period as measured with a type 1, precision sound level meter, using slow response and "A " weighting. The minimum sound level shall be determined with the noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the ambient be considered or determined to be less than: (1) Thirty-five dBA for interior residential noise, and (2) Forty-five dBA in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources of noise that contribute cumulatively to the sound level and may be operating continuously during the minimum ten-minute measurement period, determination of the ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound level.

(b) "Director" means the Director or department head of any City department having administrative or enforcement responsibilities under this Article or any other provision of the Municipal Code regarding noise control, as well as his or her designee.

(c) "Dwelling Unit" means

(1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping;

(2) a room in group housing, even if such room lacks private cooking facilities and private plumbing facilities, such as rooms in senior citizen housing, single room occupancy or residential hotels, dorms, hostels, or shelters; or,

(3) a housekeeping room as defined in the Housing Code.

(d) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or work by private or public utilities when restoring utility service. This term shall not include testing of emergency equipment.

(e) "Fixed source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including but not limited to: industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus or refrigeration machines.

(f) "Low frequency ambient" means the lowest sound level repeating itself during a ten-minute period as measured with a sound level meter, using slow response and "C" weighting. The minimum sound level shall be determined with the music or entertainment noise source at issue silent, and in the same location as the measurement of the noise level of the source or sources at issue. However, for purposes of this chapter, in no case shall the local ambient be considered or determined to be less than: (1) Forty-five dBC for interior residential noise, and (2) Fifty-five dBC in all other locations. If a significant portion of the ambient is produced by one or more individual identifiable sources that would otherwise be operating continuously during the minimum ten-minute measurement period, determination of the low-frequency ambient shall be accomplished with these separate identifiable noise sources silent or otherwise removed or subtracted from the measured ambient sound.

(g) "Noise level" means the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter. In order to measure a noise level, the controls of the sound level meter should be arranged to the setting appropriate to the type of noise being measured. For example, the settings should be slow response for continuous noise sources and fast response for noises with rapid onset and decline.

(h) "Person" means a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature, but shall not include the City and County of San Francisco.

(i) "Place of Entertainment" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(j) "Powered construction equipment" means any tools, machinery, or equipment used in connection with construction operations which can be driven by energy in any form other than manpower, including all types of motor vehicles when used in the construction process of any construction site, regardless of whether such construction site be located on-highway or off-highway, and further including all helicopters or other aircraft when used in the construction process except as may be preempted for regulation by State or Federal law.

(k) "Property plane" means a vertical plane including the property line that determines the property boundaries in space.

(l) "Public Property " means property leased or owned by a governmental entity, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground located within the City and County of San Francisco.

(m) "Residential Property" means any property that has at least one dwelling unit and has been approved for human habitation by the City and County of San Francisco.

(n) "Sound level," expressed in decibels (dB), means a logarithmic indication of the ratio between the acoustic energy present at a given location and the lowest amount of acoustic energy audible to sensitive human ears and weighted by frequency to account for characteristics of human hearing, as given in the American National Standards Institute Standard S1.1, "Acoustic Terminology," paragraph 2.9, or successor reference. All references to dB in this chapter refer to the A-level or C-level weighting scale, abbreviated dBA or dBC, measured as set forth in this section.

(o) "Limited Live Performance Locale" has the same meaning as the term is defined in San Francisco Police Code Section 1060.

(Amended by Ord. 309-73, App. 8/10/73; Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SECS. 2901.1-2901.14. RESERVED.

(Repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2902. NOISE LEVEL MEASUREMENT.

A person measuring the outside noise level shall take measurements with the microphone not less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and protected from the effects of wind noises and other extraneous sounds by the use of appropriate windscreens. A person measuring the inside noise level measurements shall take measurements with the microphone at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be used to determine the inside noise level measurement.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2903. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2904. WASTE DISPOSAL SERVICES.

It shall be unlawful for any person authorized to engage in waste removal, collection, or disposal services or recycling removal or collection services to provide such services so as to create an unnecessary amount of noise, in the judgment of the Director of Public Health. For the purpose of this Section, noise emitted by equipment shall not be deemed unnecessary or without justification if the person engaged in such services hast to the extent the Director of Public Health has Judged reasonably feasible, incorporated available sound-deadening devices into equipment used in rendering those services.

Notwithstanding the foregoing, it shall be unlawful for any person authorized to engage in waste removal, collection, or disposal services, or recycling removal or garbage-collection services to operate hydraulic compaction or mechanical processing systems on any truck-mounted waste, recycling, or garbage loading and/or compacting equipment or similar mechanical device so as to create mechanical or hydraulic noise exceeding 75 dBA when measured at a distance of 50 feet from the equipments. This maximum noise level does not apply to the noise associated with crushing, impacting, dropping, or moving garbage on the truck, but only to the truck's mechanical processing system. All other waste disposal or collection noises are subject to the Director of Public Health's judgment as described in this Section.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2905. VEHICLE AND NONSTATIONARY SOURCE REPAIRS.

It shall be unlawful for any person within any residential area of the City and County to repair, rebuild, or test any motor vehicle or nonstationary source in such a manner as to cause unnecessary, excessive or offensive noise.

(Added by Ord. 274-72, App. 9/20/72)

SEC. 2906. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2907. CONSTRUCTION EQUIPMENT.

(a) Except as provided for in Subsections (b), (c), and (d) hereof, it shall be unlawful for any person to operate any powered construction equipment if the operation of such equipment emits noise at a level in excess of 80 dBA when measured at a distance of 100 feet from such equipment, or an equivalent sound level at some other convenient distance.

(b) The provisions of Subsections (a) of this Section shall not be applicable to impact tools and equipment, provided that such impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, and that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation.

(c) The provisions of Subsection (a) of this Section shall not be applicable to construction equipment used in connection with emergency work.

(d) Helicopters shall not be used for construction purposes for more than two hours in any single day or more than four hours in any single week.

(Amended by Ord. 309-73, App. 8/10/73; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2908. CONSTRUCTION WORK AT NIGHT.

It shall be unlawful for any person, between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day to erect, construct, demolish, excavate for, alter or repair any building or structure if the noise level created thereby is in excess of the ambient noise level by 5 dBA at the nearest property plane, unless a special permit therefor has been applied for and granted by the Director of Public Works or the Director of Building Inspection. In granting such special permit the Director of Public Works or the Director of Building Inspection shall consider: if construction noise in the vicinity of the proposed work site would be less objectionable at night than during daytime because of different population levels or different neighboring activities if obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during daytime; if the kind of work to be performed emits noises at such a low level as to not cause significant disturbance in the vicinity of the work site, if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed: if great economic hardship would occur if the work were spread over a longer timers if the work will abate or prevent hazard to life or property; and if the proposed night work is in the general public interest. The Director of Public Works or the Director of Building Inspection shall prescribe such conditions, working times, types of construction equipment to be used, and permissible noise emissions, as required in the public interest.

The provisions of this Section shall not be applicable to emergency work.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2909. NOISE LIMITS.

(a) **Residential Property Noise Limits.**

(1) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on residential property over which the person has ownership or control, a noise level more than five dBA above the ambient at any point outside of the property plane.

(2) No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on multi-unit residential property over which the person has ownership or control, a noise level more than five dBA above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.

(b) **Commercial And Industrial Property Noise Limits.** No person shall produce or allow to be produced by any machine, or device, music or entertainment or any combination of same, on commercial or industrial property over which the person has ownership or control, a noise level more than eight dBA above the local ambient at any point outside of the property plane. With respect to noise generated from a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, in addition to the above dBA criteria a secondary low frequency dBC criteria shall apply to the definition above. No noise or music associated with a licensed Place of Entertainment, licensed Limited Live Performance Locale, or other location subject to regulation by the Entertainment Commission or its Director, shall exceed the low frequency ambient noise level defined in Section 2901(f) by more than 8 dBC.

(c) **Public Property Noise Limits.** No person shall produce or allow to be produced by any machine or device, or any combination of same, on public property, a noise level more than ten dBA above the local ambient at a distance of twenty-five feet or more, unless the machine or device is being operated to serve or maintain the property or as otherwise provided in this Article.

(d) **Fixed Residential Interior Noise Limits.** In order to prevent sleep disturbance, protect public health and prevent the acoustical environment from progressive deterioration due to the increasing use and influence of mechanical equipment, no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.

(e) **Noise Caused By Activities Subject To Permits From the City and County of San Francisco.** None of the noise limits set forth in this Section apply to activity for which the City and County of San Francisco has issued a permit that contains noise limit provisions that are different from those set forth in this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2910. VARIANCES.

The Directors of Public Health, Public Works, Building Inspection, or the Entertainment Commission, or the Chief of Police may grant variances to noise regulations, over which they have jurisdiction pursuant to Section 2916. All administrative decisions granting or denying variances are appealable to the San Francisco Board of Appeals.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2911. RESERVED.

(Added by Ord. 274-72, App. 9/20/72; repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2912. ADDITIONAL RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT OF BUILDING INSPECTION.

(a) The Department of Public Health shall designate a Noise Prevention and Control Officer to coordinate the responsibilities of the Department of Public Health under this Article and the Health Code with respect to noise.

(b) The Department of Public Health may monitor the noise complaint response by all City agencies charged with regulating noise under this Article. City Departments and Agencies charged with responsibility for responding to noise complaints shall cooperate and share information with the Department of Public Health in tracking and monitoring complaint responses.

(c) At least every two years the Department of Public Health shall make recommendations to the Planning Commission for noise assessment and prevention in land use planning or environmental review.

(d) The Department of Public Health may investigate and take enforcement action on any noise complaint resulting in human health impacts. The Director of the Department of Public Health shall be the sole determiner of what constitutes a human health impact with respect to noise.

(e) The Department of Building Inspection shall send acoustical reports submitted with each building permit to the Department of Public Health within 15 days of the date the building permit applicant submits the acoustical report to the Department of Building Inspection.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2913. USE OF AMPLIFIED SOUND ON UNENCLOSED TOUR BUSES.

(a) For purposes of this Section, "Unenclosed Tour Bus" shall mean a privately-owned passenger vehicle for hire with a capacity of nine or more passengers, including the driver, that:

(1) is used primarily for the conveyance of passengers over the public streets, for the purpose of visiting or viewing places of interest; and

(2) lacks either a permanently attached solid roof covering all seating areas of the vehicle or permanently attached side panels, which with any doors or windows closed, fully enclose the sides of the vehicle.

(b) Effective October 1, 2012, it shall be a violation of this Section for any Person to operate an Unenclosed Tour Bus using electronically amplified sound to communicate with passengers without having received authorization from the Director of the Department of Public Health or his or her designee ("Director of Public Health") that the sound system is in compliance with the requirements of this Section.

(c) The Director of Public Health may approve the electronically amplified sound system on an Unenclosed Tour Bus and issue a Certificate of Authorization to Operate Electronically Amplified Sound on Unenclosed Tour Buses ("Certificate") where the Director of Public Health determines that either:

(1) At maximum volume and without modification, the sound system is not audible at a distance of 50 or more feet outside the vehicle with the vehicle windows open and any operable or removable roof or side panels opened or removed; or

(2) The sound system includes volume limiting technology, which in its default mode prevents the sound system from being heard at a distance of 50 or more feet outside the vehicle. Such a system may include an override mode for use in emergencies.

(d) Following a hearing, the Director of Public Health may suspend or revoke a Certificate for any violation of this Section. The Director of Public Health may base such action on 1) the Director of Public Health's determination that the Certificate holder has violated this Section; or 2) a citation from the San Francisco Police Department for any violation of this Section or California Vehicle Code Section 27007, or any successor provisions. A Certificate holder may appeal the suspension or revocation of a Certificate to the Board of Appeals.

(e) The Owner or Operator of the Unenclosed Tour Bus shall post the Certificate in a clearly visible location on the exterior of the vehicle.

(f) The Director of Public Health shall review the compliance history of each approved Unenclosed Tour Bus and reinspect the Unenclosed Tour Bus annually, and upon any change in ownership, and if found in compliance with this Section and any implementing regulations, the Director of Public Health may reissue the Certificate.

(g) The Director of Public Health shall report to the Board of Supervisors one year from the effective date of this ordinance and every two years thereafter:

(1) the number of Certificates issued to Unenclosed Tour Buses;

(2) the number of complaints received by the Director of Public Health regarding Unenclosed Tour Buses; and

(3) the effectiveness of the Department of Public Health's program to regulate amplified sound from Unenclosed Tour Buses and any suggested changes to the program.

(h) Decisions by the Director of Public Health regarding the issuance or reissuance of Certificates may be appealed to the Board of Appeals.

(i) The fee for the initial application to obtain a Certificate and for each yearly renewal shall be $394, payable to the Director of Public Health. The initial application fee shall be due at the time of application. The annual fee to renew the Certificate shall be due on July 1.

Beginning with fiscal year 2013-2014, fees set forth in this Section may be adjusted each year, without further action by the Board of Supervisors, as set forth in this Section.

Not later than April 1, the Director of Public Health shall report to the Controller the revenues generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that the Controller determines appropriate to the performance of the duties set forth in this Section.

Not later than May 15, the Controller shall determine whether the current fees have produced or are projected to produce revenues sufficient to support the costs of providing the services for which the fees are assessed and that the fees will not produce revenue that is significantly more than the costs of providing the services for which the fees are assessed.

The Controller shall, if necessary, adjust the fees upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers the costs of operation without producing revenue which is significantly more than such costs. The adjusted rates shall become operative on July 1.

(j) The requirements of this Section shall not apply to an Unenclosed Tour Bus equipped with and using electronically amplified sound to communicate with passengers where all non-emergency communications through the system are audible to passengers only through technology designed to make such communications audible only to the individual listener, such as individual headsets or headphones.

(k) The noise standards set forth in Section 2909 shall not apply to Unenclosed Tour Buses.

(Added by Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

(Former Sec. 2913 repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SECS. 2914-2915. RESERVED.

(Repealed by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2916. ENFORCEMENT.

The Director of Public Health may enforce the provisions of Section 2904, 2909, and 2912 of this Article.

The Department of Building Inspection may enforce the provisions of Sections 2907 and 2908 of this Article insofar as said provisions relate to construction operations conducted on private property under appropriate permits issued pursuant to the San Francisco Building Code, Housing Code, Electrical Code and Plumbing Code. Insofar as these provisions relate to construction operations conducted on publicly-owned property subject to the police power of the City and County of San Francisco, the Department of Public Worlds may enforce the provisions of Sections 2907 and 2908 of this Article.

The Executive Director of the Entertainment Commission may enforce noise standards associated with licensed Places of Entertainment, licensed Limited Live Performance Locales, or other location subject to regulation by the Entertainment Commission or its Director.

The Chief of Police or his or her designee ("Chief of Police") shall also enforce the provisions of Section 2913 of this Article. The Chief of Police shall make law enforcement activities related to Unenclosed Tour Buses under Section 2913 a priority for one year after the effective date of the ordinance enacting that Section.

The Chief of Police may enforce the provisions of this Article that relate to noise created by humans or any other noise source not specifically assigned or designated to another Department or Agency.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2917. VIOLATIONS.

(a) **Criminal Penalties.** Any person violating any of the provisions of this Article shall be deemed guilty of an infraction and upon conviction thereof, shall be fined in an amount not exceeding (1) $100 for a first violation of this Article; (2) $200 for a second violation of this Article; and (3) up to $300 for each additional violation of this Article within one year of the date of a second or subsequent violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) **Administrative Penalties.** Administrative penalties shall be assessed and collected by the Departments specified in Section 2916 of this Article in accordance with San Francisco Administrative Code Chapter 100.

(c) **Civil Penalties.**

(1) **Presumption of Noncompliance with Order.** In addition to any other penalties provided in this Article, any person or entity served with a notice or order by the Director setting forth the nature of the violation of this Article, demanding correction of such violation, and specifying the time within which such violation must be corrected, shall be presumed, in subsequent civil proceedings, to have failed to comply with that notice or order at and after the time given in that notice or order for correction of such violation, after the time period specified in the notice or order has expired without correction of that violation.

(2) **Penalty Amounts.** Any person or entity violating this Article shall be liable for a civil penalty of up to $500 per violation for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction.

(3) **Setting Civil Penalty.** In assessing the amount of the civil penalty, the Court shall consider anyone or more of the relevant circumstances presented by any of the parties to the case, including but not limited to the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred, the willfulness of the defendant's misconduct, and the defendant's assets, liabilities, and net worth. In addition, such violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs and fees awarded to the City under this Article or any applicable State law.

(4) **Cost Recovery.** In any civil proceeding filed by the City Attorney to collect civil penalties, the Court may award the Department the costs and fees, including but not limited to attorneys' fees, and costs of investigation, enforcement, abatement, and litigation, authorized under this Article.

(Added by Ord. 274-72, App. 9/20/72; amended by Ord. 278-08, File No. 081119, App. 11/25/2008; Ord. 100-13, File No. 130182, App. 6/6/2013, Eff. 7/6/2013)

SEC. 2918. CITY AGENCY NOISE TASK FORCE.

(a) **Membership.**

(1) **Voting Members.** The Director of Public Health shall convene and coordinate an interdepartmental task force for the purpose of coordinating and evaluating enforcement of this Article and recommending to the Planning Department necessary changes in the General Plan to address, maintain, and improve the acoustical quality of the San Francisco environment. The task force shall be comprised of one representative from each of the following City departments: the Department of Public Health, the Department of Public Works, the Department of Building Inspection, the Planning Department, the Police Department, the Entertainment Commission, and Animal Care and Control. The members of the task force shall be appointed by their respective Department Directors.

(2) **Non-Voting Members.** The Task Force shall invite other City departments, such as the Fire Department, the 311 Customer Service Center, and the Municipal Railway, to send a representative to sit as a non-voting member of the task force with respect to vehicle noise, and community representatives when the Director of Public Health deems necessary additional expertise, resources, or other assistance.

(b) **Meetings.** The task force shall meet on a regular basis and exchange information regarding noise abatement matters including but not limited to: motor vehicle noise control, coordination of complaint response, animal noise control, implementation of building codes related to acoustical insulation of new residential construction, oversight of complaints regarding entertainment noise, implementation of General Plan Policies related to noise, environmental review, maintenance and upgrades to noise control ordinance as needed, and coordination of noise abatement activities that involve more than one department. Upon the Director of Public Health's request, the Task Force shall provide consultation services and assistance to the Director of Public Health for the purpose of facilitating coordinated implementation of the duties imposed on the Director of Public Health by this ordinance.

(c) **Reporting.** The Director of Public Health shall report to the Board of Supervisors every year for three years with respect to progress and findings of the Task Force and any necessary changes in the Regulation of Noise Ordinance, Article 29, San Francisco Police Code, that may be required to maintain and improve the acoustical environment of San Francisco. At the end of three years, the task force shall sunset unless continued by the Board of Supervisors.

(Added by Ord. 274-72, App. 9/20/72; Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2920. AUTHORITY TO ADOPT RULES AND REGULATIONS.

The Director of Public Health may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Article.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2922. PREEMPTION.

In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights or authority of the State to do those things that are required, directed, or expressly authorized by Federal or State law. Further, in adopting this Article, the Board of Supervisors does not intend to prohibit that which is prohibited by Federal or State law. This Article shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Article shall authorize any City agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such agency or department action is taken.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008; amended by Ord. 100-12, File No. 120405, App. 6/8/2012, Eff. 7/8/2012)

SEC. 2924. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Article, the City is assuming an undertaking only to promote the general welfare. The City does not intend to impose the type of obligation that would allow a person to sue for money damages for an injury that the person claims to suffer as a result of a City officer or employee taking or failing to take an action with respect to any matter covered by this Article.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

SEC. 2926. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

(Added by Ord. 278-08, File No. 081119, App. 11/25/2008)

ARTICLE 30:  
PERMITS FOR TOW CAR DRIVERS

|  |  |
| --- | --- |
| Sec. 3000. | Permit Required. |
| Sec. 3001. | Tow Car; Definition. |
| Sec. 3002. | Application for Permit. |
| Sec. 3003. | Application Fee. |
| Sec. 3004. | Investigation, Hearing and Issuance of Permit. |
| Sec. 3005. | Interim Permit. |
| Sec. 3006. | Permit; Contents. |
| Sec. 3007. | Permit; in Possession of Driver. |
| Sec. 3008. | Permit Expiration. |
| Sec. 3011. | Permit; Revocation. |
| Sec. 3012. | Violation; Misdemeanor. |
| Sec. 3013. | Severability. |

SEC. 3000. PERMIT REQUIRED.

No person shall drive or operate a tow car within the City and County of San Francisco without first obtaining a permit from the Chief of Police hereinafter provided.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3001. TOW CAR; DEFINITION.

As used in this Article, the term "tow car" is defined as that term is defined in the Vehicle Code of the State of California.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3002. APPLICATION FOR PERMIT.

Application for permit hereunder shall be made upon blank forms prepared and made available by the Chief of Police, and shall state:

(1) Name and residence address of applicant;

(2) Applicant's height, weight, eye color, hair color and date of birth;

(3) Name and address of applicant's employer;

(4) California license number, class and restrictions appearing on the applicant's driver's license;

(5) All criminal offenses for which applicant has been arrested including nature of offense, and place and date of arrests;

(6) Such other information as the Chief of Police shall find reasonably necessary to effectuate the purpose of this ordinance and to arrive at a fair determination as to whether the terms of the ordinance have been complied with.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3003. APPLICATION FEE.

An application shall be accompanied by:

(a) Fingerprinting fee, in the amount specified in Section 8.23 of the San Francisco Administrative Code to cover the cost of fingerprinting, classifying and searching of the records;

(b) A complete set of applicant's fingerprints to be taken by the Police Department;

(c) Two front view clear and legible photographs, approximately 2" x 2", taken within one month of application, to be furnished by applicant;

(d) Letter of request from the employer written on the employer's business letterhead and stating an intent to employ the applicant;

(e) The filing fee.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 3004. INVESTIGATION, HEARING AND ISSUANCE OF PERMIT.

The Chief of Police shall, upon receipt of an original or renewal application, make an investigation without unnecessary delay, hear the application and grant such application unless he finds that the applicant:

(a) Within four years prior to the date of application, has been convicted of burglary, robbery, theft, receipt of stolen property, breaking or removing parts from a vehicle, malicious mischief to a vehicle; unlawful use or tampering by bailee of a vehicle, or altering a vehicle identification number; or

(b) Within four years prior to the date of application, has acted in violation of the criminal statutes referred to in Subsection (a) above; or

(c) Has intentionally falsified any statement contained in his application.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3005. INTERIM PERMIT.

During the period between filing of the application and the hearing, the Chief may issue an interim permit if preliminary investigation discloses no fact which would disqualify applicant under the provisions of Section 3004 of this Article. In the event that after the aforementioned "Interim Permit" has been issued by the Chief of Police, any fact is discovered which would disqualify the applicant under the provisions of Section 3004 of this Article the Chief may suspend said "Interim Permit."

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3006. PERMIT; CONTENTS.

The permit shall contain:

(a) Name and residence address of permittee;

(b) Name and address of permittee's employer;

(c) Permittee's height, weight, eye color, hair color, date of birth;

(d) A copy of the photograph required in Section 3003, except that upon renewal of permit, if the picture on the permit last expired has been taken more than two years prior to renewal, a new photograph not more than one month old shall be submitted to the Police Department and affixed to the renewed permit.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3007. PERMIT; IN POSSESSION OF DRIVER.

Each permittee shall have the permit required by this Article in his immediate possession at all times while driving or operating a tow car and shall exhibit such permit on demand of any peace officer.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3008. PERMIT EXPIRATION.

The permit shall expire one year from the date of issuance and shall be renewable thereafter upon an annual basis upon the filing with the Tax Collector of a statement by the permittee providing his or her current address and current employer and upon payment of the annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3011. PERMIT; REVOCATION.

The Chief of Police shall revoke a permit issued hereunder if after a hearing on the matter he finds that grounds exist which would have constituted just cause for refusal to issue such permit. Written notice of the revocation hearing, setting forth the time and place of hearing and a brief statement of the reason for the proposed revocation, shall be served on or mailed to the permittee at his residence or place of business as listed on his permit application.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3012. VIOLATION; MISDEMEANOR.

Violation of Sections 3000 or 3007 herein shall be a misdemeanor, punishable by a fine not to exceed $500, or by imprisonment in the County Jail for a term of not more than six months, or both such fine and such imprisonment.

(Added by Ord. 16-73, App. 1/5/73)

SEC. 3013. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 16-73, App. 1/5/73)

ARTICLE 30.1:  
PERMITS FOR TOW CAR FIRMS

|  |  |
| --- | --- |
| Sec. 3050. | Permit Required. |
| Sec. 3051. | Definitions. |
| Sec. 3052. | Application for Permit. |
| Sec. 3053. | Application Fees. |
| Sec. 3054. | Investigation, Hearing and Issuance of Permit. |
| Sec. 3055. | Display of Permit. |
| Sec. 3055.1. | Applicability to Existing Tow Car Firms; Time Limit for Filing Application. |
| Sec. 3055.2. | Public Right to Know Private Property Towing Laws. |
| Sec. 3056. | Grounds for Suspension or Revocation of Permit. |
| Sec. 3057. | Removal of Vehicles from Private Property. |
| Sec. 3058. | Submission of Proof of Insurance and Other Information. |
| Sec. 3059. | Inspection of Vehicles. |
| Sec. 3060. | Business Records. |
| Sec. 3061. | Chief of Police Authority to Issue Rules and Regulations. |
| Sec. 3062. | Permit Expiration. |
| Sec. 3063. | Hearing on Permit Suspension or Revocation. |
| Sec. 3064. | Violation: Misdemeanor. |
| Sec. 3065. | Severability. |

SEC. 3050. PERMIT REQUIRED.

No person shall engage in or conduct business as a tow car firm within the City and County of San Francisco without first obtaining a permit from the Chief of Police as hereinafter provided. This Section will become effective when the Board of Supervisors approves a fee schedule for issuance of tow car firm permits.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3051. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(1) **Tow Car Firm or Towing Firm.** Any person, firm, partnership, association, corporation, or any other group or combination acting as a unit, excepting the United States, the State of California, and any political subdivision of either thereof, engaged in the business of transporting, removing, or storage of motor vehicles, including the owner/operator of any tow car as herein defined.

(2) **Tow Car.** A motor vehicle which has been altered or designed and equipped for, and exclusively used in, the business of towing vehicles by means of a crane, hoist, tow bar, tow lines, or dolly, or is otherwise exclusively used to render assistance to other vehicles, and as defined in Section 615 of the California Vehicle Code.

(3) **Applicant.** If a sole proprietorship, any person. If a partnership, at least two of the partners. If a corporation, at least two corporate officers.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3052. APPLICATION FOR PERMIT.

Application for a permit hereunder shall be made upon blank forms prepared and made available by the Chief of Police, or his designee, and shall state the following:

(1) The name, signature, residence, telephone number, social security number and State of California driver's license number of the applicant. Post office box numbers are not acceptable;

(2) The business's name, business address and telephone number;

(3) The make, year, model, color, license number, registered owner, and legal owner, of every tow car that will be operated by the tow car firm;

(4) A description of the applicant's business plan, and proposed services to be provided, including, but not limited to, days and hours of operation, all storage locations of towed vehicles, and a system for handling complaints that is acceptable to the Chief of Police;

(5) The name and permit number of all employees who shall operate a tow car for applicant's business;

(6) Evidence of insurance at least equal to the minimum established in the Chief of Police rules;

(7) A record of all crimes of which the applicant has been convicted, plead guilty, or plead no contest;

(8) If a partnership, or a corporation, a list of all stockholders holding more than 10 percent, including their names, addresses, dates of birth, and social security numbers.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3053. APPLICATION FEES.

An application shall be accompanied by:

(1) A fingerprinting fee in the amount specified pursuant to Section 8.23 of the San Francisco Administrative Code to cover the cost of fingerprinting, classifying and searching of the records;

(2) A complete set of applicant's fingerprints to be taken by the San Francisco Police Department;

(3) Two front view, clear color photographs, approximately one inch by one inch, taken within one month of application, to be furnished by applicant;

(4) The filing fee.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3054. INVESTIGATION, HEARING AND ISSUANCE OF PERMIT.

The Chief of Police, upon receipt of an original or renewal application, shall make an investigation without unnecessary delay, hear the application and grant such application unless he finds:

(1) Applicant does not possess or cannot obtain the minimum amount of bodily injury and/or property damage insurance as required by the Chief of Police rules; or

(2) The applicant does not possess the requisite tow car equipment or facilities reasonably necessary to operate a tow car business in such a manner as to adequately protect vehicles of the public that are towed and stored from damage or theft; or

(3) The applicant has been convicted of theft, petty theft, theft of a vehicle, breaking or removing vehicle parts, malicious mischief to vehicle, check fraud, credit card fraud, driving under the influence of alcohol or drugs, vehicular manslaughter, reckless driving bodily injury, any sex offense which would cause the applicant to be registered as a sex offender, any unlawful carrying, use or possession of a firearm, any assault or battery (misdemeanor or felony), kidnapping, arson, extortion, murder, possession of alcoholic beverage, opened alcohol container, marijuana, or narcotic drug while driving, bailee tampering; or

(4) The applicant has knowingly falsified any statement contained in his application, or has knowingly omitted information in his application which could result in a denial of the permit; or

(5) The applicant does not possess or cannot obtain an FDIC-authorized bank credit card machine.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3055. DISPLAY OF PERMIT.

Every towing firm, or person to whom or for whom a permit to operate a tow car firm has been granted pursuant to the provisions of this Article, shall display said permit in a conspicuous place within the tow car firm business address, so that the same may be readily seen by persons entering the premises.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3055.1. APPLICABILITY TO EXISTING TOW CAR FIRMS; TIME LIMIT FOR FILING APPLICATION.

All tow car firms operating on the effective date of this Article must file an application for a permit within 90 days of the effective date of this Article; failure to do so shall make continued operation of said tow car firm a violation of the permit requirements of this Article.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3055.2. PUBLIC RIGHT TO KNOW PRIVATE PROPERTY TOWING LAWS.

(a) **Findings.** The Board of Supervisors finds:

(i) that there are frequent incidents of illegal towing from private property in San Francisco; and

(ii) that there is a significant risk to the safety of residents and visitors when illegal towing from private property occurs at night; and

(iii) that there is a risk to public health and safety when the vehicles of senior citizens and persons with disabilities are illegally towed from private property; and

(iv) that illegal towing from private property affects vulnerable populations when people of limited economic means are required to pay hundreds of dollars to recover their vehicle, or are subjected to deficiency claims by collection agencies if they could not afford to pick up their vehicle even though the vehicle was illegally towed; and

(v) that the rights of vehicle owners when their vehicle is towed from private property, as described in the California Vehicle Code, are extremely difficult for citizens and visitors to find and understand, especially for non-English speakers or those who speak English as a foreign language; and

(vi) that there are no accessible resources for people to research their rights and responsibilities with respect to private property tows; and

(vii) that requiring tow car firms to provide information on the legal rights of vehicle owners at the time they reclaim their vehicle would be an effective way of informing vehicle owners of their rights under California law when their vehicle is towed from private property; and

(viii) that preventing illegal conduct by tow car operators when towing from private property would reduce the economic burden on residents and visitors by eliminating the need to go to small claims court after a vehicle owner has already paid to reclaim the vehicle; and

(ix) that consistent adherence to legal towing practices will substantially increase the quality of life for residents and the experience of visitors to San Francisco.

(b) **Definitions.** For the purposes of this Article, "Brochure" shall mean a concise summary of California law, including the maximum rate that can be legally charged for a private property tow and the rights and responsibilities of all parties who participate in towing from private property: real property owners, vehicle owners, tow car operators and tow car firms.

(c) **Duties of tow car firm permittees.** Every towing firm, or person to whom or for whom a permit to operate a tow car firm has been granted pursuant to the provisions of this Article shall display the Brochure in Chinese, Spanish and English in a conspicuous place in the location where a vehicle owner must come to reclaim their towed vehicle so that the Brochure may be easily seen by any person who is reclaiming their vehicle. A vehicle owner reclaiming their vehicle must also be able to take a copy of the Brochure in any language without assistance from any employee of the tow car firm and before they have paid to reclaim their vehicle. The tow car firm must maintain at least 50 copies of the brochure in each language on the premises at all times.

(d) **Duties of the Police Department.** The Police Department shall:

(i) Develop the Brochure within 30 days of the effective date of this ordinance; and

(ii) Arrange for translation of the Brochure into Chinese and Spanish; and

(iii) With the assistance of the City Attorney's Office, review the Brochure after July 1 of each year, and revise any provisions that are changed by state legislation or changes in public towing contract prices; and

(iv) Arrange for production of the Brochure in sufficient quantities for all tow car firm permittees and any City department that wishes to display the Brochure; and

(v) Provide copies of the Brochure and display stands that are adequate to display the Brochure in all of the required languages to any tow car firm permittee in sufficient quantities to ensure the tow car firm's compliance with this Section, and to City departments upon request; and

(vi) Post the Brochure, contact information for the San Francisco Small Claims Court and the District Attorney's Office Consumer Protection Unit, and a list of current tow car firm permittees on the Police Department's website.

(e) **Funding.** All costs of production, translation and distribution of the Brochure and display stands shall be recovered by the Police Department from the permit fees assessed for tow car firm and tow car operator permits.

(f) **Penalties and Enforcement.** Any tow car firm that fails to comply with the requirements of subsection (c) of this Section may be assessed an administrative penalty by the Police Department in accordance with San Francisco Administrative Code Chapter 100, a copy of which is on file in Board of Supervisors File No. 081452 and which is hereby incorporated by reference. The penalty for a violation shall be $500.

(Added by Ord. 11-09, File No. 081452, App. 1/16/2009)

SEC. 3056. GROUNDS FOR SUSPENSION OR REVOCATION OF PERMIT.

The Chief of Police may suspend or revoke any tow car business permit for any of the following reasons or the reasons listed in Section 3054 for denial of a permit:

(1) Within five years prior to the date of application the applicant has been convicted of any of the following crimes:

Theft, petty theft, theft of a vehicle, breaking or removing vehicle parts, malicious mischief to vehicle, check fraud, credit card fraud, driving under the influence of alcohol or drugs, vehicular manslaughter, reckless driving bodily injury, any sex offense which would cause the applicant to be registered as a sex offender, any unlawful carrying, use or possession of a firearm, any assault or battery (misdemeanor or felony), kidnapping, arson, extortion, murder, possession of alcoholic beverage, opened alcohol container, marijuana, or narcotic drug while driving, or bailee tampering;

(2) The imposition of towing, storage or other charges in excess of the maximum rate established by the City and County of San Francisco for its contracted tow car firms;

(3) Unauthorized charges added to the tow fee, including use of special equipment, release fees, administrative fees or other charges added to the tow fee;

(4) The towing or removal of any vehicle from public or private storage in other than a duly authorized manner;

(5) Failure to maintain in full force and effect the required bodily injury and property damage insurance;

(6) Employing any person as a tow car operator who has not been issued a valid tow car operator's permit by the San Francisco Police Department;

(7) Knowingly falsifying a tow car firm application or insurance certificate, or intentionally omitting from an application facts which could have resulted in a denial of the permit;

(8) Failure to report towed vehicles as required by law and Chief of Police rules;

(9) Falsification of any document used in the course of business as a tow car firm;

(10) Failure to take reasonable steps to prevent violations of the law by employees in the course and scope of their employment;

(11) Failure to permit peace officers the ability to inspect the tow car firm premises or operations thereof.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3057. REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

Each tow car firm shall contact the Municipal Transportation Agency Tow Desk within 30 minutes after departing private property with the towed vehicle. The tow car operator shall report the license number of the vehicle towed, the vehicle identification number if the license number is not available, the name of the tow car firm towing the vehicle, the tow car operator's name and permit number, the location the vehicle has been towed from, the time the vehicle was towed, the year, make and color of the vehicle and the location where the vehicle is being stored, the telephone number where the tow car firm can be reached, and the name of the person authorizing the tow.

(Added by Ord. 21-97, App. 1/24/97; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 3058. SUBMISSION OF PROOF OF INSURANCE AND OTHER INFORMATION.

(a) Permit holders shall submit, semiannually, evidence of insurance for all vehicles utilized in the course of the tow car business.

(b) Permittee shall, annually, provide evidence of registration for all vehicles.

(c) Permittee shall notify the Police Department of changes in the number of tow vehicles.

(d) Permittee shall notify the Police Department of changes in tow car drivers' employment status and permit number.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3059. INSPECTION OF VEHICLES.

Tow car firm vehicles may be inspected for code and safety violations by any peace officer.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3060. BUSINESS RECORDS.

Each tow car firm shall maintain a record of each vehicle towed, and shall retain such record for three years and shall make those records available for inspection by any peace officer.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3061. CHIEF OF POLICE AUTHORITY TO ISSUE RULES AND REGULATIONS.

The Chief of Police may, after a noticed public hearing, adopt such rules and regulations to effect the purposes of this Article as are not in conflict therewith.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3062. PERMIT EXPIRATION.

The permit shall expire one year from the date of issuance, and shall be renewable thereafter upon an annual basis, and upon payment of the annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 21-97, App. 1/24/97; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3063. HEARING ON PERMIT SUSPENSION OR REVOCATION.

The Chief of Police may suspend or revoke a permit issued hereunder if after hearing on the matter he or she finds that grounds exist which would have constituted just cause for refusal to issue such permit or the existence of any basis for suspension or revocation listed in Section 3056. Written notice of the hearing, setting forth the time and place of hearing, and a brief statement of the reason for the proposed suspension or revocation, shall be served on or mailed to the permittee at his or her residence, or place of business, as listed on his permit application, at least 10 days in advance of hearing. Any permit which is revoked shall not be renewed less than one year from the date of revocation.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3064. VIOLATION: MISDEMEANOR.

Violation of Sections 3050 or 3055 herein shall be a misdemeanor, punishable by a fine not to exceed $1,000, or by imprisonment in the County Jail for a term of not more than six months, or by both such fine and imprisonment.

(Added by Ord. 21-97, App. 1/24/97)

SEC. 3065. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 21-97, App. 1/24/97)

ARTICLE 31:  
REGULATIONS FOR TEMPORARY HELIPORTS AND PERMIT PROVISIONS

|  |  |
| --- | --- |
| Sec. 3100. | Definitions. |
| Sec. 3101. | Permit Required. |
| Sec. 3102. | Filing. |
| Sec. 3103. | Application Form. |
| Sec. 3104. | Issuance of Permit. |
| Sec. 3105. | Permission to Divert Traffic. |
| Sec. 3106. | Suspension or Revocation of Permit. |
| Sec. 3107. | Automatic Suspension of Permit. |
| Sec. 3108. | Forfeiture of Permit Fee. |
| Sec. 3109. | Permit Fees. |
| Sec. 3110. | Transfer of Permit. |
| Sec. 3111. | Exception for Government Operations. |
| Sec. 3112. | Penalty. |

SEC. 3100. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Helicopter.** A rotary wing aircraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes. It can hover, fly backward and sideways, in addition to forward flight.

(b) **Heliport.** An area, either at ground level or elevated on a structure, that is used for the landing and take-offs of helicopters, and includes some or all of the various facilities useful to helicopter operations.

(c) **Off-Heliport Landing Site.** A take-off and landing area intended for temporary or occasional helicopter use but not formally designed as a heliport.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3101. PERMIT REQUIRED.

It shall be unlawful for any person to operate, or cause to be operated, any helicopter to or from any off-heliport landing site, or to or from any property other than a State-approved permanent heliport (except in cases of any emergency situation) within the City and County of San Francisco without first obtaining a permit from the Police Department designating the site and limiting the use. Said permits shall only be valid for a period of time not to exceed thirty days, or a specific job time.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3102. FILING.

Every person desiring a permit pursuant to this Article shall file an application with the Police Department upon a form provided by said department.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3103. APPLICATION FORM.

Except as otherwise provided herein, an application for a temporary site permit pursuant to the provisions of this Article shall be made in writing and shall specify:

(a) The name and address of the applicant whether a firm, association or corporation.

(b) The address of the location for which the permit is required, together with the business name of such location, if any.

(c) A copy of the applicant's application for State Department of Aeronautics approval, or verification of telephone permission by same (to be followed by approval in writing).

(d) A copy of a no-objection letter from the Federal Aviation Administration.

(e) Written approval of the landing site's landowner or duly authorized agent.

(f) Description of the proposed operation, including the exact flight routes, times of operation, load to be lifted and duration of the job time.

(g) Certificate of insurance in favor of City providing for public liability and property damage coverage consistent with the requirements of this State's Public Utilities Commission for helicopter operations. Said certificate may be retained in Police Department files for future temporary heliport landing permit requests.

Upon receipt of the proper application, the Police Department shall coordinate and obtain the concurrence of all appropriate City departments. The temporary site or sites will be evaluated on the basis of recommended Federal Aviation Administration and State Department of Aeronautics criteria.

Any permit issued pursuant to this Article shall have endorsed thereon the exact flight route, time of operation, location of off-helicopter landing site and duration of the job time.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3104. ISSUANCE OF PERMIT.

The appropriate permit for temporary operations shall be issued and a copy thereof shall be properly forwarded to the State Department of Aeronautics.

Every permit which is issued pursuant to this Article shall be conditional pending receipt by the City and County of San Francisco of evidence of approval in writing by the State Department of Aeronautics and no-objection letter from the Federal Aviation Administration and said permit shall not be deemed unconditionally approved until such evidence is received by the Police Department. In the event either or both the Department of Aeronautics and Federal Aviation Administration disapprove permittees' applications, then said permit shall be deemed revoked by operation of law without the requirement of notice by City. This section shall not be construed as authority to operate helicopters to or from off-heliport landing sites within the City and County of San Francisco until the permit granted pursuant to this Article is unconditionally approved. The Chief of Police may further restrict the permit as necessary to protect the interests of the general public.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3105. PERMISSION TO DIVERT TRAFFIC.

Should the operation of the permittee create a danger to pedestrian or vehicular traffic, the permittee shall apply to the Police Commission pursuant to the provisions of Section 18 of Part II, Chapter XI, of the San Francisco Municipal Code for permission to divert traffic from the area of operation.

The diversion of said traffic shall be at the expense of the permittee.

No permit shall issue unless and until permission to divert traffic is granted by the Police Commission if in the opinion of the Chief of Police such diversion is necessary to protect the general interests of the public.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3106. SUSPENSION OR REVOCATION OF PERMIT.

The Police Department may suspend or revoke a permit issued hereunder whenever:

(a) There is a violation of any of these sections or of any State or Federal law or regulation pertaining to the operations permitted hereunder.

(b) State Department of Aeronautics or Federal Aviation Administration approval of the operations permitted hereunder is suspended or withdrawn for any reason.

(c) There has been a material change in circumstances since the granting of the permit which would have precluded issuance of the permit if such changed circumstances had been in existence at the time of the application.

(d) Conditions of the permit have been violated.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3107. AUTOMATIC SUSPENSION OF PERMIT.

A permit granted pursuant to this Article shall be deemed automatically suspended if the required approval of the permit given by the State Department of Aeronautics or the Federal Aviation Administration is terminated or withdrawn for any reason. Such suspension shall remain in effect until the permittee delivers evidence of reinstatement of the approval of the State Department of Aeronautics and the Federal Aviation Administration to the Police Department.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3108. FORFEITURE OF PERMIT FEE.

On revocation of the permit, no part of the permit fee shall be returned, but the said fee shall be forfeited to the City and County of San Francisco.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3109. PERMIT FEES.

The applicant for a permit shall pay a nonrefundable application fee upon application to the San Francisco Police Department.

Payment of a license fee shall be made to the Tax Collector of the City and County of San Francisco upon issuance of the permit by the Police Department and shall be a condition thereof.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 3110. TRANSFER OF PERMIT.

No permit issued hereunder shall be transferable.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3111. EXCEPTION FOR GOVERNMENT OPERATIONS.

The provisions of this Article shall not apply to helicopters owned or operated by any agency of the City and County of San Francisco, the State of California, or the United States.

(Added by Ord. 392-73, App. 10/19/73)

SEC. 3112. PENALTY.

Any person who knowingly violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction such person shall be punished by a fine not to exceed $200.

(Added by Ord. 392-73, App. 10/19/73)

ARTICLE 32:  
REGULATIONS FOR CONDUCTING BINGO GAMES

|  |  |
| --- | --- |
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| Sec. 3201. | Restrictions Upon the Conducting of Bingo Games. |
| Sec. 3202. | Permit Required. |
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SEC. 3200. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) **Bingo.** A game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random; including instant bingo cards having numbers or symbols which are pre-marked in such a fashion as to provide a distribution of monetary prizes. Instant bingo games shall consist of the sale and distribution of instant bingo cards from a prepackaged set having winning bingo cards distributed throughout such prepackaged set on a random basis.

(b) **Bingo Game.** A single bingo game.

(c) **Bingo Games.**

(1) A series of consecutive single bingo games which are conducted at one location, at one time, during one unbroken time period of six or fewer hours' duration.

(2) A series of consecutive single bingo games as described in Subparagraph (1) above which are conducted at separate times.

(d) **Nonprofit Charitable Organization.** Any organization exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701f, 23701g and 23701 l of the Revenue and Taxation Code and by mobile home park associations and senior citizens organizations.

(e) **Member.** An individual who qualified for membership in a nonprofit charitable organization, pursuant to its bylaws, articles of incorporation, charter rules or other written statement.

(f) **Person.** An individual, firm, partnership, joint association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit excepting the United States of America, the State of California, and any political subdivision of either thereof.

(g) **Minor.** Any person under the age of 18 years.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3201. RESTRICTIONS UPON THE CONDUCTING OF BINGO GAMES.

The conducting of bingo games authorized by this Article shall be subject to the following restrictions.

(a) Such games shall only be conducted by a nonprofit charitable organization licensed under the provisions of this Article.

(b) Such games shall only be conducted for the benefit of a nonprofit charitable organization.

(c) A nonprofit charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this Subparagraph (c) shall be construed to require that the property owned or leased by such organization be used or leased exclusively by such organization.

(d) Each prepackaged set of instant bingo cards must be sold or distributed and the prizes awarded from said set must be distributed within a period of not more than two hours at a location specified in Section 3201(c).

(e) A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. Such members shall not receive a profit, wage or salary from any bingo game.

(f) No individual corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold financial interest in the conduct of such bingo game.

(g) Nonprofit charitable organizations licensed to conduct bingo games shall comply with the following requirements:

(1) Each nonprofit charitable organization which is exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code shall establish a trust account in which all profits derived from bingo games shall be deposited. Such profits shall not be commingled with any other fund or account. The trust account shall be established at an office of a bank located in the City and County of San Francisco and the account number and branch identification of the trust account shall be filed with the Chief of Police of the City and County of San Francisco within 10 days of the establishment thereof. Such profits shall be used only for charitable purposes.

(2) Each nonprofit charitable organization as defined in Section 3200(c) herein which is not exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code shall establish a trust account in which all funds derived from bingo games shall be deposited. Such funds shall not be commingled with any other fund or account. The trust account shall be established at an office of a bank located in the City and County of San Francisco and the account number and branch identification of the trust account shall be filed with the Chief of Police of the City and County of San Francisco within 10 days of the establishment thereof. Such funds shall be used only for charitable purposes, except as follows:

(A) Such funds may be used for prizes;

(B) A portion of such funds, not to exceed 10 percent of the funds after the deduction for prizes, or $500 per month, whichever is less, may be used for rental of property, overhead and administrative expenses.

(h) The total value of prizes awarded during the conduct of any bingo game shall not exceed $500 in cash or kind, or both, for each separate game which is held. Monetary prizes for instant bingo games will be not less than 35 percent of all of the fees paid for the purchase of said cards in any given instant bingo game.

(i) All bingo games shall be open to the public, not just to the members of the nonprofit charitable organization.

(j) No minors shall be allowed to participate in any bingo game.

(k) No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

(l) Any nonprofit charitable organization granted a permit pursuant to this Article which places, publishes or distributes or causes to be placed, published or distributed any advertising matter or announcement of bingo games must include the number of the permit issued to such organization in such advertising matter or announcement.

(m) No organization which holds a permit pursuant to this Article shall conduct bingo games as defined in Section 3200(c)(1) for more than six hours on any day. Except as provided by a special permit issued pursuant to Section 3209, no organization which holds a permit pursuant to this Article shall conduct bingo games as defined in Section 3200(c)(2) on more than one day in any calendar week.

(Amended by Ord. 270-78, App. 6/9/78; Ord. 185-09, File No. 090419, App. 8/6/2009)

SEC. 3202. PERMIT REQUIRED.

It shall be unlawful for any person to conduct, or to cause or permit to be conducted, a bingo game in the City and County of San Francisco without first having obtained a permit from the Chief of Police.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3203. FILING.

Every person desiring a permit pursuant to this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 3204. APPLICATION FORM.

Except as otherwise provided herein, an application for a permit pursuant to the provisions of this Article shall specify:

(a) The name and address of the applicant organization.

(b) The names and residence addresses of each of its officers.

(c) The address of the location or locations at which the applicant intends to conduct bingo games.

(d) The days of the week and the time or times when the applicant intends to conduct bingo games.

(e) The active member or members of the applicant organization who will supervise the conducting of bingo games.

(f) Whether or not the members who will supervise the games have ever been convicted of any crime except misdemeanor traffic violations.

(g) Sufficient facts relating to the applicant organization to enable the Chief of Police to determine whether it is a nonprofit charitable organization as defined by this Article.

(h) The address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept services of process.

(i) Whether the application is for a new permit or for the renewal of an existing permit.

(j) Such other information as the Chief of Police may require of an applicant in addition to the other requirements of this Section.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3205. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the California Code of Civil Procedure for the verification of pleadings.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3206. NOTICE OF HEARING.

When an application is filed for a new permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon within 40 days from the date of filing of said application. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property where the applicant intends to conduct bingo games, and the applicant shall maintain said notice as posted the required number of days. Such notice shall set forth the following:

(a) The name of the applicant organization.

(b) The days of the week and the time or times when the applicant intends to conduct bingo games.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3207. ISSUANCE OF PERMIT.

The Chief of Police shall issue a permit within 14 days following a hearing as provided in Section 3206 herein, based upon his investigation and subsequent to the public hearing provided for above, if he finds:

(a) That the operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances.

(b) That the member or members who will supervise the conducting of the games have not been convicted in a court of competent jurisdiction, by final judgment, of:

(i) An offense involving violation of California Penal Code Sections 319 through 337;

(ii) An offense involving the use of force and violence upon the person of another that amounts to a felony, or if committed without the State of California would amount to a felony if committed within the State of California; and

(iii) An offense involving the use of force and violence upon the person of another provided that such person committed three separate offenses within the past five years.

(c) That the applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application or any other document required by the Chief of Police in conjunction therewith.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3208. DURATION OF PERMIT.

The permit shall be effective for not more than one year from the date of issue.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3209. AMENDMENT OF PERMIT.

Upon special application submitted by an organization which holds a permit pursuant to this Article and upon payment of a fee, the Chief of Police may issue a special permit authorizing bingo games at locations, and on days of the week, and at times other than those set forth in the organization's annual permit; provided, however, that no such special permit may authorize more than 12 additional bingo games as defined in Section 3200(c)(2) to be conducted during that period for which the organization's permit is applicable.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 3210. RULES AND REGULATIONS BY CHIEF OF POLICE.

The Chief of Police may adopt, after a noticed public hearing, rules and regulations supplemental to this Article and not in conflict therewith. The rules and regulations shall become effective 10 days after adoption by the Chief of Police.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3211. POLICE-INSPECTION.

The Police Department, in addition to its several other duties, shall inspect any and all establishments which have been licensed pursuant to this Article.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3212. REQUIREMENT TO KEEP RECORDS.

Each licensee shall keep records of all bingo games conducted within the previous calendar year. Such records shall include the following information:

(a) The number of participants present at each series of bingo games as defined by Section 3200(c)(1);

(b) The number of bingo cards and instant bingo cards sold in each price category established therefor for each series of bingo games as defined by Section 3200(c)(1);

(c) The amount of prizes awarded during each bingo game as defined by Section 3200(b);

(d) The total amount of fees collected for the purchase of bingo cards and instant bingo cards and any admission fees collected for each series of bingo games as defined in Section 3200(c)(1).

(e) The total amount of prizes awarded during each series of bingo games as defined in Section 3200(c)(1).

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3213. EXAMINATION OF RECORDS.

Each licensee shall keep all records required by Section 3212 for a period of time not less than one calendar year.

The Chief of Police shall have the power to examine or cause to be examined the books and records of any licensed organization so far as they may relate to bingo games and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game.

Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this Article.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3214. REPORTS TO BE FILED WITH CHIEF OF POLICE.

Every nonprofit charitable organization licensed pursuant to this Article must file with the Chief of Police a report containing:

(a) The total amount of money received from the operation of each series of bingo games as defined in Section 3200(c)(1);

(b) The total amount paid out in prizes for each bingo game as defined in Section 3200(b);

(c) All expenses connected with the operation of each series of bingo games as defined in Section 3200(c)(1);

(d) Such other information as the Chief of Police may require in addition to the other requirements of this Section.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3215. FREQUENCY OF FILING REPORTS.

A report must be filed within 30 days after any bingo game is held, or, if the licensee conducts more than one bingo game each month, the licensee may file the report specified in Section 3215 once every six months.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3216. FORMS PRESCRIBED BY CHIEF OF POLICE.

The report required by Section 3214 of this Article shall be made on standard forms prescribed and furnished by the Chief of Police.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3217. LICENSE FEES.

Every organization granted a bingo game permit by the Chief of Police shall obtain either a special license or an annual license by paying the required license fee to the Tax Collector. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 571-77, App. 12/29/77; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3218. SPECIAL LICENSE.

Each organization proposing to conduct 10 bingo games or less a year shall obtain a special license for each bingo game. Said special license shall be valid only for the bingo game specified thereon. The fee for a special license shall be payable at the time of issuance thereof.

(Amended by Ord. 555-81, App. 11/12/81)

SEC. 3219. ANNUAL LICENSE.

Each organization proposing to conduct more than 10 bingo games a year shall obtain an annual license. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

Any amount paid as a filing fee by the organization pursuant to Section 3203 shall be credited against the fees prescribed in the second paragraph of this Section.

(Amended by Ord. 555-81, App. 11/12/81; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3219.1. WAIVER OF FEES.

Nonprofit charitable organizations that are duly certified to be senior citizen organizations by the Commission on the Aging of the City and County of San Francisco shall not be required to pay those fees established by Sections 3203, 3209, 3217, 3218 and 3219 of this Article.

(Added by Ord. 269-78, App. 6/9/78)

SEC. 3220. SUSPENSION AND REVOCATION OF PERMIT.

The Chief of Police shall suspend or revoke any permit issued hereunder, if he finds after a noticed public hearing that any of the following conditions exist:

(a) The operation, as conducted by the permittee, does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances; or

(b) A member or members who will be supervising the conducting of the games have been convicted in a court of competent jurisdiction, by final judgment, of:

(i) An offense involving violation of California Penal Code Sections 319 through 337;

(ii) An offense involving the use of force and violence upon the person of another that amounts to a felony, or if committed without the State of California would amount to a felony if committed within the State of California; and

(iii) An offense involving the use of force and violence upon the person of another provided that such person committed three separate offenses within the past five years.

(c) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3221. LIMITED SUSPENSION.

Any permit issued under the terms of this Article may be suspended for a period of 30 days by the Chief of Police if the Chief of Police determines after a noticed hearing that violation of any provision of this Article has occurred or any applicable building, health, zoning and fire ordinances has occurred.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3222. TRANSFER OF PERMIT.

No permit issued under the terms of this Article shall be transferable.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3223. FORFEITURE OF LICENSE FEE.

On revocation of the permit, no part of the annual license fee shall be returned, but the said license fee shall be forfeited to the City and County of San Francisco.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3224. PENALTIES.

The following penalties shall be imposed for violations of this Article.

(a) Any person who receives a profit, wage or salary from any bingo game authorized by this Article shall be guilty of a misdemeanor and upon conviction thereof such person shall be punished by a fine not to exceed $10,000, which fine shall be deposited in the general fund of the City and County of San Francisco.

(b) Any person violating any provision of this Article other than set forth in Section 3224(a) shall be guilty of an infraction and upon conviction thereof shall be punished for the first offense by a fine not to exceed $50 and for the second and each additional offense committed within one year from the date of the first offense by a fine not to exceed $500 or by imprisonment in the County Jail for a period not to exceed six months.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3225. INJUNCTION.

The City and County of San Francisco may bring an action to enjoin the violation of this Article.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3226. INAPPLICABILITY OF OTHER LAWS.

Articles 3 and 9.6 of Part II of the San Francisco Municipal Code (Police Code) shall not apply to any bingo game conducted within the territorial limits of the City and County of San Francisco pursuant to the provision of this Article.

(Added by Ord. 571-77, App. 12/29/77)

SEC. 3227. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 571-77, App. 12/29/77)

ARTICLE 32A:  
REGULATIONS FOR CONDUCTING POKER GAMES

|  |  |
| --- | --- |
| Sec. 3200A. | Definitions. |
| Sec. 3201A. | Restrictions Upon the Conducting of Poker Games. |
| Sec. 3202A. | Permit Required. |
| Sec. 3203A. | Filing. |
| Sec. 3204A. | Application Form. |
| Sec. 3205A. | Verification of Application. |
| Sec. 3206A. | Notice of Hearing. |
| Sec. 3207A. | Issuance of Permit. |
| Sec. 3208A. | Amendment of Permit. |
| Sec. 3209A. | Rules and Regulations by Chief of Police. |
| Sec. 3210A. | Access – Inspection. |
| Sec. 3211A. | Requirement to Keep Records. |
| Sec. 3212A. | Examination of Records. |
| Sec. 3213A. | Reports to be Filed with Chief of Police. |
| Sec. 3214A. | Frequency of Filing Reports. |
| Sec. 3215A. | Forms Prescribed by the Chief of Police. |
| Sec. 3216A. | Annual License. |
| Sec. 3217A. | Suspension and Revocation of Permit. |
| Sec. 3218A. | Limited Suspension. |
| Sec. 3219A. | Transfer of Permit. |
| Sec. 3220A. | Forfeiture of License Fee. |
| Sec. 3221A. | Penalties. |
| Sec. 3222A. | Injunction. |
| Sec. 3223A. | Inapplicability of other Laws. |
| Sec. 3224A. | Severability. |

SEC. 3200A. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) Poker. The games of high and low draw poker without variation and without wild cards, wherein five cards are originally dealt to each player and each player shall draw the same number of cards as originally discarded prior to the draw.

(b) Table. An area in which a single game or series of games is played, not exceeding eight players plus a supervisor.

(c) Nonprofit Charitable Organization. Any organization exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701f, 23701g, and 23701 l of the Revenue and Taxation Code and including mobile home park associations and senior citizens organizations.

(d) Member. Any individual who qualified for membership in a nonprofit charitable organization, pursuant to its bylaws, articles of incorporation, charter rules or other written statement.

(e) Person. An individual, firm, partnership, joint association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit except the United States of America, the State of California, and any political subdivision of either thereof.

(f) Minor. Any person under the age of 18 years.

(g) Licensee. The active member or members of the license-holding organization who will supervise the poker games, or the license-holding organization itself, or both, as applicable.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3201A. RESTRICTIONS UPON THE CONDUCTING OF POKER GAMES.

The conducting of poker games authorized by this Article shall be subject to the following restrictions:

(a) Such games may only be conducted by a nonprofit charitable organization licensed under the provisions of this Article.

(b) Such games may only be conducted for the benefit of a nonprofit charitable organization.

(c) No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a poker game may hold financial interest in the conduct of such poker game. No licensee or agent thereof may permit the farming out, assigning or subletting of any games or tables lawfully permitted pursuant to the provisions of this Article.

(d) A poker game may be operated and staffed only by members of the nonprofit charitable organization which organized it. Such members may not receive a profit, wage or salary from any poker game, provided, however, that with permission of the Chief of Police, paid personnel who are not members of such organization may be employed.

(e) Each poker table shall have assigned to it a person whose duty shall be to supervise the game, and see to it that it is played strictly in accordance with the terms of this Article and with the provisions of the Penal Code of the State of California. The table supervisor shall be the dealer for all games, but shall not otherwise participate in the play. It shall be illegal for any licensee, manager, supervisor, or employee of any organization holding a license under the provisions of this Article, to be physically present upon said premises without an identification card identifying them with the licensee. Such identification card is to be prominently displayed on the outermost garment at approximately chest height, and such identification card shall, at all times, be readable, legible and in good condition.

(f) A nonprofit charitable organization may conduct a poker game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which such organization is organized. Nothing in this Subparagraph (f) shall be construed to require that the property owned or leased by such organization be used or leased exclusively by such organization. Only one organization may conduct a licensed poker game or series of games at a single location at any one time.

(g) Each nonprofit charitable organization which is exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code shall establish a trust account in which all profits derived from poker games shall be deposited. Such profits may not be commingled with any other fund or account. The trust account shall be established at the office of a bank located in the City and County of San Francisco and the account number and branch identification of the trust account shall be filed with the Chief of Police of the City and County of San Francisco within 10 days of the establishment thereof. Such profits shall be used only for charitable purposes.

Each nonprofit charitable organization as defined in 3200A (c) herein which is not exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code shall establish a trust account in which all funds derived from poker games shall be deposited. Such funds may not be commingled with any other fund or account. The trust account shall be established at an office of a bank located in the City and County of San Francisco and the account number and branch identification of the trust account shall be filed with the Chief of Police of the City and County of San Francisco within 10 days of the establishment thereof. Such funds shall be used only for charitable purpose, except a portion of such funds, not to exceed 10 percent of $750 per month, whichever is less, may be used for rental of property, overhead and administrative expenses.

(h) Any nonprofit charitable organization granted a permit pursuant to this Article which places, publishes or distributes or caused to be placed, published or distributed any advertising matter or announcement of poker games must include the number of the permit issued to such organization in such advertising matter or announcement.

(i) All bets or wagers shall be made in United States currency and in cash.

(j) No organization holding a poker permit may operate more than 12 tables.

(k) No organization which holds a permit pursuant to this Article may conduct poker games for more than six hours on any day; or between the hours of midnight and 6 a.m. Except as provided by an amended permit issued pursuant to Section 3208A, no organization which holds a permit pursuant to this Article may conduct poker games on more than one day in any calendar week.

(l) No charge less than $1 or in excess of $5 per hour may be collected from any player for the privilege of participating in any game. This section shall not prohibit any organization licensed pursuant to this Article from charging an admission fee for entry upon the location where a poker game or series of games is being conducted.

(m) No licensee or other person in charge or in control of any poker game operating under any permit held or issued pursuant to the provisions of this Article may permit any person playing in any of the games subject to license by this Article to make any single bet or wager in excess of $10 or at any time during any game to permit an ante in excess of $10 total sum anted by players participating in the game. There shall be a limit of three raises per round of betting in any poker game or series of games licensed pursuant to this Article. "Razz games," i.e., games where the winner of the pot leaves in an amount for the next game, are prohibited.

(n) There shall be posted in every premises licensed for the operation of poker games under this Article in letters visible from all parts thereof, signs stating that only high and low draw poker are permitted to be played and stating the charge per hour exacted from each player for the privilege of playing.

(o) All poker games shall be open to the public and not just to the members of the nonprofit charitable organization.

(p) No person may be allowed to participate in a poker game unless the person is physically present at the time and place in which the poker game is being conducted.

(q) No minors may be allowed to participate in any poker game.

(r) No alcoholic beverages may be served, sold, given away, or consumed on any premises licensed for the operation of poker games pursuant to the provisions of this Article, nor may any such premises have an entrance leading to any establishment which serves or sells intoxicating liquor.

(s) No licensee may permit or otherwise allow any conduct, activity or condition upon the premises which singly or collectively are so noisy or otherwise offensive as to disturb the quiet and good order of the premises or of the neighborhood.

(t) No licensee may harbor, admit or permit to enter or remain on the premises any lewd or dissolute person, or any person under the influence of narcotics, or any intoxicated person; and no such person may enter upon or remain upon such premises.

(u) The licensee shall have the right to refuse admission to anyone. Those to whom admission is refused shall leave the premises immediately and shall not return for a period of at least 24 hours.

(v) No licensee, nor any other person required to disclose information under this Article, may loan money or any other thing of value or representing value to any player at any poker game licensed under this Article.

(w) No licensee may furnish any gratuity or incentive to any player in a poker game licensed under this Article, or to any person, as an inducement to play or to continue playing. Such gratuities or incentives include, but are not limited to, food, coffee, or any other thing of value. The term "gratuity or incentive" means at a price or other consideration below that normally charged by the establishment for such item.

(x) No licensee or agent thereof may operate, maintain, or purport to maintain, or allowed to be operated, maintained or purported to be maintained, any house bank, players' bank, employee bank, or any system similar thereto, whereby a person may deposit, draw or maintain any account or credit of money, chips, or other item of value.

(y) It shall be unlawful for any licensee or other person operating, managing, or conducting any poker game under any license issued pursuant to the provisions of this Article, or any of their agents, servants, representatives, associates or employees, for the purpose or intention of directly or indirectly offering, furnishing, providing, affording, showing, exhibiting, or distributing, or permitting the offering, to any person in, upon or near such poker game premises any money, merchandise, show, entertainment, dancing, vaudeville, circus, or other theatrical or terpsichorean or histrionic act, fortune-telling, magic or sleight-of-hand exhibition, or amusement, or any combination thereof, whether vocal, physical, mechanical, or otherwise, or any representative thereof or of value, or the use of any amusement device as a free gift premium, attraction, enticement, or reward to enter or remain in or about such place or premises or to attend or participate in any game or activity conducted therein, whether the same is distributed by lot, hazard or chance or for a direct or indirect charge or fee or in any other manner, or is offered, furnished, provided, afforded, shown, exhibited, tendered, or distributed free of any fee or charge as a gift. It is provided, however, that the playing of standard radio broadcast programs, or the showing or playing of regular standard television broadcasts, or the playing of standard recorded musical or audio programs shall not be deemed a violation hereof.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3202A. PERMIT REQUIRED.

It shall be unlawful for any person to conduct, or to cause or permit to be conducted, a poker game in the City and County of San Francisco without first having obtained a permit from the Chief of Police.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3203A. FILING.

Every person desiring a permit pursuant to this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee in the amount set forth in Section 2.26 of the Police Code.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3204A. APPLICATION FORM.

Except as otherwise provided herein, an application for a permit pursuant to the provisions of this Article shall specify:

(a) The name and address of the applicant organization.

(b) The name and residence addresses of each of its officers.

(c) The address of the location or locations at which the applicant intends to conduct poker games.

(d) The day of the week and the time or times when the applicant intends to conduct poker games.

(e) The active member or members of the applicant organization who will conduct the poker games.

(f) Whether the members who will supervise the games have been convicted of any crime except misdemeanor traffic violations.

(g) Whether any permit or license previously applied for or issued pursuant to the provisions of this Article in regards to the applicant has been denied or revoked.

(h) Sufficient facts relating to the applicant organization to enable the Chief of Police to determine whether it is a nonprofit charitable organization as defined by this Article.

(i) The address to which notice, when required, is to be sent or mailed, and the name and address of a person authorized to accept service of process.

(j) Such other information as the Chief of Police may require of an applicant in addition to the other requirements of this Section.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3205A. VERIFICATION OF APPLICATION.

Every application for a permit under this Article shall be verified as provided in the California Code of Civil Procedure for the verification of pleadings.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3206A. NOTICE OF HEARING.

When an application is filed for a permit under this Article, the Chief of Police shall fix a time and place for a public hearing thereon within 60 days from the date of filing said application. Not less than 10 days before the date of such hearing, the Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property where the applicant intends to conduct poker games, and the applicant shall maintain said notice as posted the required number of days. Such notice shall set forth the following:

(a) The name of the applicant organization.

(b) The day of the week and the time or times when the applicant intends to conduct poker games.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3207A. ISSUANCE OF PERMIT.

The Chief of Police shall issue a permit within 14 days following a hearing as provided in Section 3206A herein, based upon his investigation and subsequent to the public hearing provided for above, if he finds:

(a) That the operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances.

(b) That the member or members who will supervise the conducting of the games have not been convicted in a court of competent jurisdiction by final judgment of:

(i) An offense involving violation of California Penal Code Sections 319 through 337;

(ii) An offense involving the use of force and violence upon the person of another that amounts to a felony, or if committed without the State of California would amount to a felony if committed within the State of California; and

(iii) An offense involving the use of force and violence upon the person of another; provided, that such person committed three separate offenses within the past five years.

(c) That the applicant has not knowingly made any false, misleading or fraudulent statement of facts in the permit application or any other document required by the Chief of Police in conjunction therewith.

(d) The operation of the proposed poker permit is not likely to be, or the actual operation of the poker permit or the conduct of the permittee is, not injurious to the health, safety, welfare and interest of the people of the City.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3208A. AMENDMENT OF PERMIT.

Upon application submitted by an organization which holds a permit pursuant to this Article and upon payment of a fee in the amount set forth in Section 2.26 of the Police Code, the Chief of Police may issue an amended permit authorizing poker games on days of the week, and at times other than those set forth in the organization's permit; provided, however, that no such amended permit may authorize more than 12 additional poker games to be conducted during that period for which the organization's license is applicable.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3209A. RULES AND REGULATIONS BY CHIEF OF POLICE.

The Chief of Police may adopt, after a noticed public hearing, rules and regulations supplemental to this Article and not in conflict therewith. The rules and regulations shall become effective 10 days after adoption by the Chief of Police.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3210A. ACCESS – INSPECTION.

The Police Department, in addition to its several other duties, shall inspect any and all establishments which have been licensed pursuant to this Article. No licensee, or any other person, may prevent any city, county, state or federal peace or fire prevention officer, or building official or inspector, charged with the duty of enforcing the laws of their respective jurisdiction, from having free access to the premises at all times it is open to the public, and at all other reasonable times.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3211A. REQUIREMENT TO KEEP RECORDS.

Each licensee shall keep records of all poker games conducted within the preceding 12-month period. Such records shall include the following information:

(a) The number of participants present at each series of poker games;

(b) The total amount of fees collected, including admission fees, for each series of poker games;

(c) The total amount of expenses incurred in relation to each series of poker games;

(d) Such other information as the Chief of Police may require in addition to the other requirements of this Section.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3212A. EXAMINATION OF RECORDS.

Each licensee shall keep all records required by Section 3211A for a period of time not less than 12 months.

The Chief of Police shall have the power to examine or cause to be examined the books and records of any licensed organization so far as they may relate to poker games and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game.

Any information received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this Article.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3213A. REPORTS TO BE FILED WITH CHIEF OF POLICE.

Every nonprofit charitable organization licensed pursuant to this Article must file with the Chief of Police a report containing:

(a) The total amount of money received from the operation of each series of poker games.

(b) All expenses connected with the operation of each series of poker games.

(c) Such other information as the Chief of Police may require in addition to the other requirements of this Section.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3214A. FREQUENCY OF FILING REPORTS.

A report must be filed within 30 days after any poker game is held, or, if the licensee conducts more than one poker game each month, the licensee may file the report specified in Section 3213A once every six months.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3215A. FORMS PRESCRIBED BY THE CHIEF OF POLICE.

The report required by Section 3213A of this Article shall be made on standard forms prescribed and furnished by the Chief of Police.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3216A. ANNUAL LICENSE.

Each organization proposing to conduct poker games pursuant to this Article shall obtain an annual license. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

Nonprofit charitable organizations that are duly certified to be senior citizen organizations by the Commission on the Aging of the City and County of San Francisco shall not be required to pay those fees established by Sections 3203A, 3208A and 3216A of this Article.

(Added by Ord. 437-82, App. 9/3/82; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3217A. SUSPENSION AND REVOCATION OF PERMIT.

The Chief of Police may suspend or revoke any permit issued pursuant to this Article if he finds after a noticed public hearing that any of the following conditions exist:

(a) The operation, as conducted by the licensee, does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances; or

(b) A member or members who will be conducting the games have been convicted in a court of competent jurisdiction, by final judgment, of:

(i) An offense involving violation of California Penal Code Sections 319 through 337;

(ii) An offense involving the use of force and violence upon the person of another that amounts to a felony, or if committed without the State of California would amount to a felony if committed within the State of California; and

(iii) An offense involving the use of force and violence upon the person of another provided that such person committed three separate offenses within the past five years;

(c) The licensee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit.

(d) The operation of the proposed poker license is likely to be, or the actual operation of the poker license or the conduct of the licensee is, injurious to the health, safety, welfare and interest of the people of the City.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3218A. LIMITED SUSPENSION.

Any permit issued under the terms of this Article may be suspended for a period of 30 days by the Chief of Police if the Chief of Police determines after a noticed public hearing that violation of any provision of this Article or of any applicable building, health, zoning and fire ordinances has occurred.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3219A. TRANSFER OF PERMIT.

No permit under the terms of this Article may be sold, transferred or assigned by the licensee, or by operation of law, to any other person or persons or any legal entity; any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit which thereafter shall be deemed terminated and void.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3220A. FORFEITURE OF LICENSE FEE.

On revocation of the permit, no part of the annual license fee shall be returned, but the said license fee shall be forfeited to the City and County of San Francisco.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3221A. PENALTIES.

The following penalties shall be imposed for violations of this Article:

(a) Any person who receives a profit, wage or salary from any poker game authorized by this Article shall be guilty of a misdemeanor and upon conviction thereof such person shall be punished by a fine not to exceed $10,000, which fine shall be deposited in the general fund of the City and County of San Francisco. This section shall not apply to the fees provided for in this Article and collected by the licensed organization conducting a poker game or series of games, or to the winnings of any player of said game or games.

(b) Any person violating any provision of this Article other than set forth in Section 3221A (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine not to exceed $1000 and for the second and each additional offense committed within one year from the date of the first offense by a fine not to exceed $2000 or imprisonment in the County Jail for a period not to exceed six months.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3222A. INJUNCTION.

The City and County of San Francisco may bring an action to enjoin the violations of this Article.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3223A. INAPPLICABILITY OF OTHER LAWS.

Articles 3 and 9.6 of Part II, Chapter VIII, of the San Francisco Municipal Code (Police Code) shall not apply to any poker game conducted within the territorial limits of the City and County of San Francisco pursuant to the provisions of this Article.

(Added by Ord. 437-82, App. 9/3/82)

SEC. 3224A. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Article or any part thereof, is for any reason to be held unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 437-82, App. 9/3/82)

ARTICLE 33:  
PROHIBITING DISCRIMINATION BASED ON RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, PLACE OF BIRTH, SEX, AGE, RELIGION, CREED, DISABILITY, SEXUAL ORIENTATION, GENDER IDENTITY, WEIGHT, OR HEIGHT

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| Sec. 3301. | Policy. |
| Sec. 3302. | Findings. |
| Sec. 3303. | Employment. |
| Sec. 3304. | Housing. |
| Sec. 3305. | Business Establishments and Public Accommodations. |
| Sec. 3305.1. | Home Delivery Services. |
| Sec. 3305.2. | Association and Retaliation. |
| Sec. 3306. | Liability. |
| Sec. 3307. | Enforcement. |
| Sec. 3308. | Criminal Penalty. |
| Sec. 3309. | Limitation on Actions. |
| Sec. 3310. | Definition. |
| Sec. 3311. | Severability. |
| Sec. 3312. | City Liability Limited. |

SEC. 3301. POLICY.

It is the policy of the City and County of San Francisco to eliminate discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight or height within the City and County.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 433-94, App. 12/30/94; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3302. FINDINGS.

After public hearings and consideration of testimony and documentary evidence, the Board of Supervisors finds that discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight or height exists in the City and County of San Francisco. The Board finds further that such discrimination poses a substantial threat to the health, safety and general welfare of this community. Such discrimination foments strife and unrest, and it deprives the City and County of the fullest utilization of its capacities for development and advancement. The Board finds further that existing State and federal restraints on arbitrary discrimination are not adequate to meet the particular problems of this community, and that it is necessary and proper to enact local regulations adapted to the special circumstances which exist in this City and County.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 433-94, App. 12/30/94; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3303. EMPLOYMENT.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts wholly or partially because of an employee's, independent contractor's or an applicant for employment's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight or height:

(1) By an employer: To fail or refuse to hire, or to discharge any individual; to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion; or to limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his/her status as an employee;

(2) By an employment agency: To fail or refuse to refer for employment of for consideration as an independent contractor any individual; or otherwise to discriminate against any individual;

(3) By a labor organization: To exclude or expel from its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his/her status as an employee or as an applicant for employment;

(4) By a person engaging the services of an independent contractor: To fail or refuse to engage the services of, or to terminate the services of, any independent contractor; to discriminate against any independent contractor with respect to the terms or conditions under which the contracted for work is performed or evaluated or otherwise to deprive or tend to deprive such individual of a fair opportunity to perform the contracted for work;

(5) By an employer, employment agency or labor organization:

(i) To discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program,

(ii) To print, publish, advertise or disseminate in any way, or cause to be printed, published, advertised or disseminated in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which indicates an unlawful discriminatory preference.

(b) **Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.**

(1) Nothing contained in this Section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification;

(2) In any action brought under Section 3307 of this Article (Enforcement), if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (1) that the discrimination is in fact a necessary result of a bona fide occupational qualification; and (2) that there exists no less discriminatory means of satisfying the occupational qualification.

(c) **Exceptions.**

(1) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system, provided such systems or plans are not a subterfuge to evade the purposes of this Article; provided, further, that no such system shall provide a pretext to discriminate against an individual because of his or her actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height;

(2) Nothing in this Section shall be construed to apply to employment by any business which employs five or fewer employees including the owner and any management and supervisorial employees.

(d) **Notice.** All employers with a business tax registration certificate from the City shall post in conspicuous places, available to employees and independent contractors, a non-discrimination in employment notice in such form and content as shall be created and approved by the Human Rights Commission. The notice shall inform employees and independent contractors that employers and persons engaging the services of an independent contractor are prohibited from discriminating in the recruitment, selection, training, promotion and termination of employees, or in the recruitment, engagement, utilization or termination of independent contractors based on any of the categories specified in this Section. The notice shall measure at least 8 1/2 by 11 inches and be in ten-point type or larger. The notice shall be distributed by the Human Rights Commission to all businesses with a business tax registration certificate issued by the Tax Collector and annually to all new such businesses.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 433-94, App. 12/30/94; Ord. 255-99, File No. 991146,App. 10/8/99;Ord. 101-00, FileNo. 000476, App. 5/26/2000; Ord. 59-01, File No. 010141, App. 4/13/2001; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3304. HOUSING.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts wholly or partially because of a person's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, source of income, weight, or height:

(1) To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different terms for such transaction; or falsely to represent that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property any clause, condition or restriction;

(3) To refuse to lend money, guarantee the loan of money, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, services, repairs or improvements for any tenant or lessee;

(5) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preference, limitation or discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, source of income, weight, or height. For purposes of this Subsection (a), "source of income" means all lawful sources of income or rental assistance from any federal, State, local, or nonprofit-administered benefit or subsidy program. "Source of income" also means a rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program. "Source of income" includes any requirement of any such program or source of income, or rental assistance.

(b) **Prohibited Economic Discrimination.** It shall be unlawful for any person to use a financial or income standard for the rental of housing that does either of the following:

(1) Fails to account for any rental payments or portions of rental payments that will be made by other individuals or organizations on the same basis as rental payments to be made directly by the tenant or prospective tenant;

(2) Fails to account for the aggregate income of persons residing together or proposing to reside together, or aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners, on the same basis as the aggregate income of married persons residing together or proposing to reside together.

(c) **Exceptions.**

(1) Nothing in this Article shall be construed to apply to the rental or leasing of any housing unit in which the owner or any member of his or her family occupies one of the living units and: (1) it is necessary for the owner to use either a bathroom or kitchen facility in common with the prospective tenant; or (2) the structure contains less than three dwelling units;

(2) Nothing in this Article shall be deemed to permit any rental or occupancy of any dwell- ing unit or commercial space otherwise prohib- ited by law.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 433-94, App. 12/30/94; Ord. 251-98, App. 7/31/98; Ord. 255-99, File No. 991146, App. 10/8/99; Ord. 101-00, File No. 000476, App. 5/26/ 2000; Ord. 222-02, File No. 021462, App. 11/15/ 2002)

SEC. 3305. BUSINESS ESTABLISHMENTS AND PUBLIC ACCOMMODATIONS.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts wholly or partially because of a person's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height:

(1) To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any business establishment or public accommodation;

(2) Except as otherwise permitted by law, to deny, directly or indirectly, any person admittance to the premises of the business establishment or public accommodation. No business establishment or public accommodation requesting or requiring identification documents to demonstrate or confirm a person's proof of age may deny admittance to any person displaying one valid identification document as proof of age. For purposes of Section 3305(a)(2), the term "valid identification document"means a documentwhich contains the name, date of birth and picture of the person presenting the document, and is issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license or identification card issued to a member of the Armed Forces;

(3) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed, published, advertised or disseminated in any way, any notice, statement or advertisement with respect to any business establishment or public accommodation which indicates that the full enjoyment of such business establishment or public accommodation will be unlawfully refused an individual;

(4) For business establishments and public accommodations to discriminate in any manner described in Subsections (a)(1), (a)(2), or (a)(3) between patrons with domestic partners and patrons with spouses, and/or between the domestic partners and spouses of such patrons, where the domestic partnership has been registered with a governmental entity pursuant to State or local law authorizing such registration;

(5) For any business establishment or public accommodation to boycott or blacklist, to surcharge, or to refuse to buy from, contract with, sell to, or trade with any person.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 17-92, App. 1/21/92; Ord. 433-94, App. 12/30/94; Ord. 265-98, App. 8/21/98; Ord. 255-99, File No. 991146, App. 10/8/99; Ord. 101-00, File No. 000476, App. 5/26/ 2000; Ord. 222-02, File No. 021462, App. 11/15/ 2002)

SEC. 3305.1. HOME DELIVERY SERVICES.

(a) It shall be unlawful for any person or business entity to refuse to provide home delivery services to any residential address within the City and County of San Francisco falling within that person's or business entity's normal service range.Aperson or business entity may not set its normal service range to exclude a neighborhood or location based upon the race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight or height, of the residents of that neighborhood or location. Where a person or business entity regularly advertises home delivery services to the entire City and County, that person or business entity's "normal service range" shall be defined by the geographic boundaries of the City and County.

(b) For purposes of this Section, "home delivery services" shall mean the delivery of mer- chandise to residential addresses, when such services are regularly advertised or provided by any person or business entity.

(c) Notwithstanding any other provision of this Section, it shall not be unlawful for a person or business entity to refuse to provide home delivery services to a residential address if (i) the occupants at that address have previously refused to pay in full for services provided to them by that person or business entity; or (ii) such refusal is necessary for the employer to comply with any applicable State or federal occupational safety and health requirements or existing union contract; or (iii) the person or business entity has a reasonable good faith belief that providing delivery services to that address would expose delivery personnel to an unreasonable risk of harm.

(Added by Ord. 217-96, App. 5/30/96; amended by Ord. 295-96, App. 7/17/96; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3305.2. ASSOCIATION AND RETALIATION.

(a) **Association.** It shall be unlawful for any person to do any of the acts described in Sections 3303(a), 3304(a), 3305(a), or 3305.1(a) wholly or partially because a person associates with a person or persons who are protected by this Article from discrimination based on their actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed disability, sexual orientation, gender identity, weight or height.

(b) **Retaliation.** It shall be unlawful for any person to do any of the acts described in Sections 3303(a), 3304(a), 3305(a), or 3305.1(a) wholly or partially in retaliation against a person because that person: (i) Has opposed any act or practice made unlawful by this Article; (ii) Has supported this Article and its enforcement; (iii) Has filed a complaint under this Article with the San Francisco Human Rights Commission or any court; or (iv) Has testified, assisted or participated in any investigation, proceeding, or litigation under this Article.

(Added by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3306. LIABILITY.

Any person who violates any of the provisions of this Article or who aids in the violation of any provisions of this Article shall be liable for, and the court must award to the individual whose rights are violated, three times the amount of special and general damages, or, in the case of unlawful discrimination in the rental of a unit, three times the amount of one month's rent that the landlord charges for the unit in question. In all cases, the courtmay award in addition thereto, not less than $200 but not more than $400, together with attorney's fees, costs of action, and punitive damages.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 400-87, App. 9/25/87; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3307. ENFORCEMENT.

(a) **Human Rights Commission.** Any person who believes that he or she has been discriminated against in violation of Sections 3303, 3305, and/or 3305.2 of this Article relating to employment or business establishments and public accommodations may file with the Human Rights Commission a request to have the Commission investigate and mediate his or her complaint under the provisions of Chapter 12A of the Administrative Code of the City and County of San Francisco.

(b) **Human Rights Commission.**

(1) Any person or organization who believes that a violation of Sections 3304 and/or 3305.2 of this Article relating to housing has occurred may file with the Human Rights Commission a verified complaint in writing.

(2) Upon the filing with the Commission of a verified written complaint, the Director of the Human Rights Commission or a designated member of the Commission staff, shall make, within 10 days, a full and prompt investigation in connection therewith. If, upon such investigation, the Director finds that the person charged in the complaint has not engaged in or is not engaging in such unlawful practice, such finding, in writing, shall be filed with the Commission and the complaint shall be dismissed. In addition to the other action the Director may or shall take, if, upon such investigation, the Director determines that probable cause exists for the allegations made in the complaint, the Director in his or her discretion may endeavor to eliminate the unlawful practice charged in the com- plaint by means of conciliation and persuasion.

(3) If the Director determines there is probable cause to conclude that an unlawful act of discrimination has occurred, the Director shall ask the respondent to withhold the housing accommodation that is the subject of the complaint from the housing market. If the respondent does not agree to withhold the housing accommodation, the Director shall post on the door of the housing accommodation a notice stating that the housing accommodations are the subject of a complaint before the Commission. The notice shall remain posted until a final decision by the hearing officer. Any destruction, defacement, alteration or removal of the notice by the respondent or his or her agents shall be an infraction and upon conviction thereof shall be punished by a fine of not less than $250 nor more than $500.

(4) If, at any time after a complaint has been filed, the Director determines that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Director shall refer the matter to the City Attorney for appropriate legal action. Appropriate legal action includes the seeking of injunctive relief to enjoin the owner of the property from taking further action with respect to the rental, lease, or sale of the property until the Commission has completed its investigation and made its determination. The Director shall notify the parties of such referral to the City Attorney and notify the complainant that he or she may initiate independently appropriate civil action to seek injunctive relief.

(5) If the unlawful practice is not eliminated within 20 days after the filing of the complaint, the Director shall designate a person, other than a member of the Commission, to serve as a hearing officer. This person shall preside over a hearing at which the parties may offer such documents, testimony, written declarations or other evidence as may be pertinent to the proceedings. The hearing shall be recorded and all evidence preserved for the record. The hearing shall be held within 45 days of the filing of the complaint.

(6) The hearing officer shall render a decision which shall include written findings of fact. The decision and findings shall be mailed within 30 days of the hearing.

(7) If the hearing officer finds that the respondent has engaged in a discriminatory practice in violation of this Article, the hearing officer shall issue an order requiring the respondent to cease and desist from the practice and to offer the housing accommodation to the complainant under the terms for which the unit was offered to the public. The respondent shall not be required to offer the housing accommodation to the complainant if the unit has already been rented by a tenant who has occupied the unit in good faith without knowledge of the pending complaint but the respondent shall be required to offer a comparable unit, if available, to the complainant.

(8) The decision of the hearing officer shall be final unless the Commission vacates his or her decision on appeal.

(9) Either party may file an appeal of the hearing officer's decision with the Commission. Such an appeal to the Commission from the determination of the hearing officer must be made within 15 days of the mailing of the decision and findings of fact. The appeal shall be in writing andmust state the grounds for appellant's claim that there was either error or abuse of discretion on the part of the hearing officer. Each appeal shall be accompanied by a $15 filing fee; provided, however, the fee shall be waived for an individual who files an affidavit under penalty of perjury stating that he or she is an indigent person who does not have and cannot obtain the money to pay the filing fee without using money needed for the necessities of life. The filing of an appeal will not stay the effect of the hearing officer's decision.

(10) Upon receipt of an appeal, the entire administrative record of the matter, including the appeal, shall be filed with the Commission.

(11) The Commission may in its discretion determine to hear an appeal. In deciding whether to hear an appeal, the Commission shall consider, among other things, fairness to the parties, hardship to either party and promotion of the policies and purposes of this Article. In determining whether to hear an appeal the Commission may also review material from the administrative record of the matter as it deems necessary. A vote of the majority of the Commission shall be required for an appeal to be heard.

(12) In those cases where the Commission is able to determine on the basis of the documents before it that the hearing officer has erred, the Commission may without determining whether to hear the appeal remand the case for further hearing in accordance with its instructions without conducting an appeal hearing. Both parties shall be notified as to the time of the re-hearing, which shall be conducted within 30 days of the remand by the Commission. In those cases where the Commission is able to determine on the basis of the documents before it that the hearing officer's findings contain numerical or clerical inaccuracies, or require clarification, the Commission may continue the hearing for purposes of referring the case back to said hearing officer in order to correct the findings.

(13) Appeals accepted by the Commission shall be heard within 45 days of the filing of an appeal. Within 30 days of the filing of an appeal, both parties shall be notified in writing as to whether the appeal has been accepted. If the appeal has been accepted, the notice shall state the time of the hearing and the nature of the hearing. Such notice must be mailed at least 10 days prior to the hearing.

(14) At the appeal hearing, the parties shall have an opportunity to present oral and written argument in support of their positions. The Commission may in its discretion allow the parties to present additional evidence that was not considered by the hearing officer. After such hearing and after any further investigation which the Commission may deem necessary, the Commission may, upon hearing the appeal, affirm, reverse or modify the hearing officer's decision or may remand the case for further hearing in accordance with its findings. The Commission's decision must be rendered within 45 days of the completion of the hearing and the parties must be notified of such decision.

(15) In accordance with the above subsection, the Commission shall give the parties written notice of the decision. The notice shall state that the decision is final.

(16) The Commission shall adopt reasonable procedures to carry out the purposes of Section 3307(b).

(c) **Civil Action.** Any aggrieved person may enforce the provisions of this Article by means of a civil action.

(d) **Injunction.**

(1) Any person who commits, or proposes to commit, an act in violation of this Article may be enjoined therefrom by any court of competent jurisdiction.

(2) Action for injunction under this subsection may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

(e) **Bar.** A complaint to the Human Rights Commission is not a prerequisite to the filing of a civil action under this Section. The pendency of a complaint before the Human Rights Commission shall not bar any civil action under this Section, but a final judgment in any civil action shall bar any further proceedings by the Human Rights Commission.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 400-87, App. 9/25/87; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3308. CRIMINAL PENALTY.

Any person who violates any provision of Section 3304 of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $2,000 or by imprisonment in the County Jail for a period of not more than six months, or both. Any person believing that a violation of said Section has been committed may file a complaint with the District Attorney.

(Added by Ord. 400- 87, App. 9/25/87)

SEC. 3309. LIMITATION ON ACTIONS.

Judicial actions or requests to the Human Rights Commission under this Article must be filed within one year of the alleged discriminatory acts.

(Amended by Ord. 184-81, App. 4/20/ 81; Ord. 400-87, App. 9/25/87)

SEC. 3310. DEFINITION.

The word "person" as used in this Article shall mean any individual, person, firm, corporation, business or other organization or group of persons however organized. For the purposes of Section 3305(a)(5), "person" shall also mean, and include the partners, managers, employees, agents, business associates, suppliers or customers of a firm, corporation, business or other organization.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 400-87, App. 9/25/87; Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3311. SEVERABILITY.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

(Amended by Ord. 184-81, App. 4/20/81; Ord. 400-87, App. 9/25/87)

SEC. 3312. CITY LIABILITY LIMITED.

The addition of "gender identity" to this ordinance shall not be construed to interfere with the City's duty to protect the health and safety of incarcerated persons. To this end, the prohibition on gender identity discrimination in this ordinance shall not be construed to impose any duty on the City, its officers or its employees for breach of which they are liable to any incarcerated person who claims that such breach proximately caused an injury which arose, while such person was in the custody of the City, from actions of its officers or employees intended to protect the health and safety of the person.

(Added by Ord. 433-94, App. 12/30/94)

ARTICLE 33A:  
PROHIBITION OF EMPLOYER INTERFERENCE WITH EMPLOYEE RELATIONSHIPS AND ACTIVITIES AND REGULATIONS OF EMPLOYER DRUG TESTING OF EMPLOYEES

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| Sec. 3300A.1. | Policy. |
| Sec. 3300A.2. | Definitions. |
| Sec. 3300A.3. | Employer Interference in Personal Relationships of Employees Prohibited. |
| Sec. 3300A.4. | Conflicts of Interest. |
| Sec. 3300A.5. | Employer Prohibited from Testing of Employees. |
| Sec. 3300A.6. | Medical Screening for Exposure to Toxic Substances. |
| Sec. 3300A.7. | Prohibiting Use of Intoxicating Substances During Working Hours; Discipline for Being Under the Influence of Intoxicating Substances During Working Hours. |
| Sec. 3300A.8. | Enforcement. |
| Sec. 3300A.9. | City Undertaking Limited to Promotion of General Welfare. |
| Sec. 3300A.10. | Preemption. |
| Sec. 3300A.11. | Severability. |

SEC. 3300A.1. POLICY.

It is the public policy of the City and County of San Francisco that all citizens enjoy the full benefit of the right to privacy in the workplace guaranteed to them by Article 1, Section 1 of the California Constitution. It is the purpose of this Article to protect employees against unreasonable inquiry and investigation into off-the-job conduct, associations, and activities not directly related to the actual performance of job responsibilities.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.2. DEFINITIONS.

(1) **Employee** shall mean any person working for salary or wages within the City and County of San Francisco, other than members of the uniformed ranks of the police, sheriff's and fire departments, police department communication dispatchers, and any persons operating emergency service vehicles for the City and County of San Francisco.

(2) **Employee labor organization** shall mean any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(3) **Employer** shall mean the City and County of San Francisco, any individual, firm, corporation, partnership, or other organization or group of persons however organized, located or doing business within the City and County of San Francisco, that employs personnel for salary or wages, or any person acting as an agent of such an organization.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.3. EMPLOYER INTERFERENCE IN PERSONAL RELATIONSHIPS OF EMPLOYEES PROHIBITED.

No employer may make, adopt, or enforce any rule or policy forbidding or preventing employees from engaging or participating in personal relationships, organizations, activities, or otherwise restricting their freedom of association, unless said relationships, activities, or associations have a direct and actual impact on the employees' ability to perform their assigned responsibilities.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.4. CONFLICTS OF INTEREST.

It is not the intention of the Board of Supervisors in adopting this Article to prohibit an employer from promulgating or enforcing rules or policies prohibiting conflicts of interest, which prohibit employees from making, participating in making, influencing or in tempting to influence decisions in which they have a financial interest, as such would be defined under Government Code Section 81000 et seq. were they public officials, or which prohibit employees from being financially interested, within the meaning of Government Code Section 1090, et seq. were they public employees, in any contract made by them in their capacity as employees.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.5. EMPLOYER PROHIBITED FROM TESTING EMPLOYEES.

No employer may demand, require, or request employees to submit to, to take or to undergo any blood, urine, or encephalographic test in the body as a condition of continued employment. Nothing herein shall prohibit an employer from requiring a specific employee to submit to blood or urine testing if:

(a) The employer has reasonable grounds to believe that an employee's faculties are impaired on the job; and

(b) The employee is in a position where such impairment presents a clear and present danger to the physical safety of the employee, another employee or to a member of the public; and

(c) The employer provides the employee, at the employer's expense, the opportunity to have the sample tested or evaluated by State licensed independent laboratory/testing facility and provides the employee with a reasonable opportunity to rebut or explain the results.

In conducting those tests designed to identify the presence of chemical substances in the body, and not prohibited by this Section, the employer shall ensure to the extent feasible that the test only measures and that its records only show or make use of information regarding chemical substances in the body which are likely to affect the ability of the employee to perform safely his or her duties while on the job.

Under no circumstances may employers request, require or conduct random or company-wide blood, urine or encephalographic testing.

In any action brought under this Article alleging that the employer had violated this Section, the employer shall have the burden of providing that the requirements of Subsections (a), (b) and (c) as stated above have been satisfied.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.6. MEDICAL SCREENING FOR EXPOSURE TO TOXIC SUBSTANCES.

Nothing in this Article shall prevent any employer from conducting medical screening, with the express written consent of the employees, to monitor exposure to toxic or other unhealthy substances in the workplace or in the performance of their job responsibilities. Any such screenings or tests must be limited to the specified substances expressly identified in the employee consent form.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.7. PROHIBITING USE OF INTOXICATING SUBSTANCES DURING WORKING HOURS; DISCIPLINE FOR BEING UNDER THE INFLUENCE OF INTOXICATING SUBSTANCES DURING WORKING HOURS.

Nothing in this Article shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours, or restrict an employer's ability to discipline employees for being under the influence of intoxicating substances during work hours.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.8. ENFORCEMENT.

(a) Any aggrieved person may enforce the provisions of this Article by means of a civil action. Any person who violates any of the provisions of this Article or who aids in the violation of this Article shall be liable to the person aggrieved for special and general damages, together with attorney's fees and the costs of action.

(b) Injunction.

(1) Any person who commits, or proposes to commit, an act in violation of this Article may be enjoined therefrom by any court of competent jurisdiction.

(2) An action for injunctive relief under this subsection may be brought by any aggrieved person, by the District Attorney, or by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.9. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this ordinance, the City and County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.10. PREEMPTION.

In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights or authority of an employer to do those things that are required, directed, or expressly authorized by federal or state law or administrative regulation or by a collective bargaining agreement between an employer and an employer labor organization. Further, in adopting this Article, the Board of Supervisors does not intend to prohibit that which is prohibited by federal or state law or administrative regulation or by a collective bargaining agreement between an employer and an employee labor organization.

(Added by Ord. 527-85, App. 12/2/85)

SEC. 3300A.11. SEVERABILITY.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of this Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

(Added by Ord. 527-85, App. 12/2/85)

ARTICLE 33B:  
PROHIBITION AGAINST DISCRIMINATION BY CLUBS OR ORGANIZATIONS WHICH ARE NOT DISTINCTLY PRIVATE

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| Sec. 3300B.1. | Findings and Purpose. |
| Sec. 3300B.2. | Definitions. |
| Sec. 3300B.3. | Prohibition Against Discrimination. |
| Sec. 3300B.4. | Prohibited Practices: City Meetings. |
| Sec. 3300B.5. | Enforcement and Penalties. |
| Sec. 3300B.6. | No Criminal Penalties. |
| Sec. 3300B.7. | Severability. |

SEC. 3300B.1. FINDINGS AND PURPOSE.

After public hearing and receipt of testimony, the Board of Supervisors finds and declares that:

(1) Discriminatory practices of certain clubs or organizations where business is frequently conducted and personal contacts valuable for business purposes, employment and professional advancement are formed are a significant barrier to the advancement of women and minorities in the business and professional life of the City and County of San Francisco.

(2) While such clubs or organizations avowedly may have been formed for social or civic purposes, the commercial nature of many of their activities and the extent to which these activities have had a prejudicial impact on the business, professional and employment opportunities of women and minorities are of significant magnitude.

(3) Business activity most frequently occurs in clubs or organizations which have more than four hundred members and which provide regular meal services facilitating the conduct of such business.

(4) Employers often pay their employees' membership dues and expenses at such clubs or organizations because the employees' activities at said clubs or organizations serve to develop and enhance the employer's business. Such clubs or organizations also rent their facilities for use as conference rooms for business meetings attended by nonmembers.

(5) Clubs or organizations where the above practices occur provide benefits to business entities and persons other than members and thus are not in fact "distinctly private" in their nature.

(6) The City has a compelling interest in eradicating discrimination based on race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height in order to assure all of its citizens a fair and equal opportunity to participate in the business and professional life of the City. Conduct and practices which exclude persons from entry to, consideration for membership in, or the full advantages and privileges of such membership on these bases are discriminatory and unacceptable, and are injurious to the body politic, the business community and the City. Accordingly, the City's interest in eliminating such conduct and practices in clubs or organizations covered by this Article outweighs the interest of their members in private association.

(7) While the Board of Supervisors recognizes the interest in private association asserted by club members, it finds that this interest does not overcome the public interest in equal opportunity. It is not the Board's purpose to dictate the manner in which certain private clubs conduct their activities or select their members, except insofar as is necessary to ensure that clubs do not automatically exclude persons from consideration for membership or unreasonably prevent enjoyment of club accommodations and facilities on account of invidious discrimination. Furthermore, it is not the Board's purpose to interfere in club activities or subject club operations to scrutiny beyond what is necessary in good faith to enforce this Article.

(Added by Ord. 451-87, App. 11/17/87; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3300B.2. DEFINITIONS.

(A) For purposes of this Article, a club or organization (hereinafter "club") which is not "distinctly private" is any organization, institution, club or place of accommodation which:

(1) Has membership of whatever kind totaling 400 or more; and

(2) Provides regular meal service by providing, either directly or indirectly under a contract with another person, any meals on three or more days per week during two or more weeks per month during six or more months per year; and

(3) Regularly accepts payments:

(a) From nonmembers for dues or expenses incurred at the club by members or nonmembers in the furtherance of trade or business; or

(b) On behalf of nonmembers for expenses incurred at the club by nonmembers in the furtherance of trade or business.

(B) "Regularly accepts payment" as used in this Article shall mean a club accepting as many payments during the course of a year as the number of weeks any part of which the club is available for use by members or nonmembers per year; the payments may be for dues, fees, use of space, facilities, services, meals or beverages.

(C) "Furtherance of trade or business" as used in this Article shall mean: (1) payment made by or on behalf of a trade or business organization; (2) payment made by an individual from an account which the individual uses primarily for trade or business purposes; (3) payment made by an individual who is reimbursed for the payment by the individual's employer or by a trade or business organization, or other payment made in connection with an individual's trade or business, including entertaining clients or business associates, holding meetings or other business-related events; or (4) payment made by an individual which is deducted from the individual's federal or state tax returns as a business expense.

(Added by Ord. 451-87, App. 11/17/87)

SEC. 3300B.3. PROHIBITION AGAINST DISCRIMINATION.

(A) It shall be unlawful for a club which is not distinctly private to deny to any person entry to or use of facilities at, membership in, or unreasonably prevent the full enjoyment of said club wholly or partially on the basis of the person's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height.

(B) The provisions of this Article shall not apply to an institution organized and operated exclusively for religious purposes as defined in 26 U.S.C. Section 501(c)(3).

(Added by Ord. 451-87, App. 11/17/87; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3300B.4. PROHIBITED PRACTICES: CITY MEETINGS.

(A) No City official or employee shall sponsor, organize, attend or participate in any meeting or other activity, the purpose of which is related to City business, in any establishment or facility which does not afford full membership rights and privileges to any person wholly or partially because of the person's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height, except for City officials or employees acting in the course of ongoing law enforcement, code enforcement or other required investigations and inspections.

(B) No City funds shall be expended in connection with any meeting or other activities held at any establishment or facility which does not afford full membership rights and privileges to any person wholly or partially because of the person's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height, except for City funds expended during the course of ongoing law enforcement, code enforcement or other required investigations and inspections.

(C) No City official or employee shall be reimbursed for any dues or any other expense incurred at an establishment or facility which does not afford full membership rights and privileges to any person wholly or partially because of the person's actual or perceived race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height, except for expenditures incurred by a City official or employee acting in the course of ongoing law enforcement, code enforcement or other required investigations and inspections. Any request by a City official or employee for payment or reimbursement from City monies shall include a signed statement that the request for payment or reimbursement is not for any expenses incurred at such a private establishment or any other activity, or was incurred in the course of an ongoing law enforcement, code enforcement or other required investigation or inspection.

(Added by Ord. 451-87, App. 11/17/87; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3300B.5. ENFORCEMENT AND PENALTIES.

(A) **Civil Action.** Any person denied membership in violation of this ordinance may enforce the provisions of this Article by means of a civil action. Any person who violates any of the provisions of this Article shall be liable to the person so denied membership for the actual damages, and such amount as may be determined by a jury, or a court sitting without a jury, but in no case less than $250, and such attorney's fees and court costs as may be determined by the affected party so denied membership. The City may also enforce the provisions of this Article by means of a civil action.

(B) **Injunction.**

(1) Any person who commits an act or engages in any pattern and practice of discrimination in violation of this Article may be enjoined therefrom by any court of competent jurisdiction.

(2) Action for injunction under this subsection may be brought by any person so denied membership, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

(C) **Nonexclusive Remedies and Penalties.** Nothing in this Article shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

(Added by Ord. 451-87, App. 11/17/87)

SEC. 3300B.6. NO CRIMINAL PENALTIES.

Notwithstanding any provisions of this code to the contrary, no criminal penalties shall attach for any violation of the provisions of this Article.

(Added by Ord. 451-87, App. 11/17/87)

SEC. 3300B.7. SEVERABILITY.

If any part or provision of this Article, or the application thereof to any person or circumstances, is held invalid, the remainder of this Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

(Added by Ord. 451-87, App. 11/17/87)

ARTICLE 33C:  
DISPLACED WORKER PROTECTION

|  |  |
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| Sec. 3300C.1. | Definitions. |
| Sec. 3300C.2. | Transition Employment Period. |
| Sec. 3300C.3. | Enforcement. |
| Sec. 3300C.4. | Successor's Prior Employees. |
| Sec. 3300C.5. | Applicability to Existing Contracts. |
| Sec. 3300C.6. | Severability. |

SEC. 3300C.1. DEFINITIONS.

The following definitions shall apply throughout this Article:

(a) "Awarding authority" means any person that awards or otherwise enters into contracts for security and janitorial or building maintenance services performed within the City and County of San Francisco, except that the City and County of San Francisco is not an "awarding authority" under this Section with respect to City contracts for janitorial services as defined in Administrative Code Section 21C.2, because the worker retention requirements for those City contracts are governed by Section 21C.2 and 21C.7 of the Administrative Code.

(b) "Contractor" means any person that enters into a service contract with the awarding authority and who employs 25 or more persons.

(c) "Employee" means any person employed as a service employee of a contractor or subcontractor who works at least 15 hours per week and whose primary place of employment is in the City and County of San Francisco under a contract to provide security services, janitorial services, or building maintenance services for the awarding authority. "Employee" does not include a person who is (1) a managerial, supervisory, or confidential employee, including those employees who would be so defined under the Fair Labor Standards Act; or (2) does not possess or has not maintained a required occupational license; or (3) is employed less than 15 hours per week.

(d) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts.

(e) "Public sector contractor" means any person or persons, firm, partnership, corporation, or combination thereof, who enters into a contract with officers or employees empowered by law to enter into contracts for the City and County of San Francisco for the services governed by this Article.

(f) "Service contract" means a contract let to a contractor by the awarding authority for the furnishing of service (as opposed to the purchase of goods or other property) and that involves an expenditure or receipt in excess of $25,000 per contract and a contract term of at least three months.

(g) "Subcontractor" means any person not an employee who enters into a contract with the contractor to assist the contractor in performing a service contract and that employs employees for such person.

(h) "Successor service contract" means a service contract with the awarding authority where the services to be performed have previously been rendered to the awarding authority as part of the same program or at the same facility under another substantially similar service contract that recently has been terminated or has ended.

(Added by Ord. 165-98, App. 5/21/98; amended by Ord. 12-12, File No. 111190, App. 2/2/12, Eff. 3/3/12)

SEC. 3300C.2. TRANSITION EMPLOYMENT PERIOD.

All service contracts covered by this Article shall impose the following obligations on the contractor.

(a) Where the awarding authority has given notice that a service contract has been terminated or ended, or where a service contractor has given notice of such termination, upon giving or receiving such notice, as the case may be, the terminated or ending contractor shall, within 10 days thereafter, provide to the successor contractor, the name, date of hire, and employment occupation classification of each employee employed at the site or sites covered by the prospective contractor at the time of contract termination. This provision shall also apply to the subcontractors of the terminated contractor.

If the terminated contractor has not learned the identity of the successor contractor, if any, by the time that notice was given of the contract termination, the terminated contractor shall obtain such information from the awarding authority. If a successor service contractor has not been awarded by the end of the 10 day period, the employment information referred to earlier in this subsection shall be provided to the awarding authority at such time. Where a subcontractor of a service contractor has been terminated prior to the termination of the service contract, the terminated subcontractor shall for purposes of this Article be deemed a terminated contractor.

(b) A successor contractor shall retain, for a 90 day transition employment period, employees who have been employed by the terminated contractor or its subcontractors, if any, for the preceding eight months or longer at the site or sites covered by the contract. This requirement shall be stated by the City in all initial bid packages which are governed by this Article.

(c) If at any time a successor public sector contractor determines that fewer employees are required to perform the new service contract than were required by the terminated public sector contractor (and subcontractors, if any), the successor public sector contractor shall retain employees by seniority within job classification.

(d) During such 90 day period, the successor contractor (or subcontractor, where applicable) shall maintain a preferential hiring list of eligible covered employees not retained by the successor contractor (or subcontractor) from which the successor contractor (or subcontractor) shall hire additional employees.

(e) Except as provided in Subsection (c) of this Section, during such 90 day period, the successor contractor (or subcontractor, where applicable) shall not discharge without cause an employee retained pursuant to this Article. "Cause," for this purpose, shall include, but not be limited to, the employee's conduct while in the employ of the terminated contractor or subcontractor that contributed to any decision to terminate the contract or subcontract for fraud or poor performance, excluding permissible union-related activity.

(f) At the end of such 90 day period, a successor public sector contractor (or subcontractor, where applicable) shall perform a written performance evaluation for each employee retained pursuant to this Article. If the employee's performance during such 90 day period is satisfactory, the successor public sector contractor (or subcontractor) shall offer the employee continued employment under the terms and conditions established by the public sector successor contractor (or subcontractor) or as required by law.

(g) All contracts subject to this Article shall include a provision in which the contractor agrees to require subcontractors to comply with the obligations imposed by this Article.

(Added by Ord. 165-98, App. 5/21/98)

SEC. 3300C.3. ENFORCEMENT.

(a) An employee who has been discharged in violation of this Article by a successor contractor or its subcontractor may bring an action in the Municipal Court or Superior Court of the State of California, as appropriate, against the successor contractor and, where applicable, its subcontractor, and may be awarded back pay, including the value of benefits, for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the higher of:

(1) The average regular rate of pay received by the employee during the last three years of the employee's employment in the same occupation classification; or

(2) The final regular rate received by the employee.

(b) If the employee is the prevailing party in any such legal action, the Court shall award reasonable attorneys' fees and costs as part of the costs recoverable.

(c) This Article is not intended to create a private right of action against the awarding authority.

(Added by Ord. 165-98, App. 5/21/98)

SEC. 3300C.4. SUCCESSOR'S PRIOR EMPLOYEES.

Notwithstanding the provisions of Section 3300C.2, a successor contractor or subcontractor may replace an employee retained pursuant to this Article with a person employed by the contractor or subcontractor continuously for eight months prior to the commencement of the successor service contract or subcontract in a capacity similar to that proposed under the successor service contract or subcontract. This Section shall apply only where the existing employee of the successor contractor or subcontractor would otherwise be laid off work as a result of the award of the successor contract.

(Added by Ord. 165-98, App. 5/21/98)

SEC. 3300C.5. APPLICABILITY TO EXISTING CONTRACTS.

This Article shall only apply to contracts entered into on or after the effective date of this Article.

(Added by Ord. 165-98, App. 5/21/98)

SEC. 3300C.6. SEVERABILITY.

If any severable provision or provisions of this Article or any application thereof is held invalid, such invalidity shall not affect any other provisions or applications of the Article that can be given effect notwithstanding such invalidity.

(Added by Ord. 165-98, App. 5/21/98)

ARTICLE 33D:  
GROCERY WORKER RETENTION

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| Sec. 3300D.1. | Purpose. |
| Sec. 3300D.2. | Definitions. |

SEC. 3300D.1. PURPOSE.

Supermarkets and other grocery retailers are the main points of distribution for food and daily necessities for the residents of San Francisco and are essential to the vitality of the community. The City has a strong interest in ensuring the welfare of the residents of San Francisco through the maintenance of health and safety standards in grocery establishments. Experienced grocery workers with knowledge of proper sanitation procedures and health regulations and an understanding of the clientele and communities they serve are instrumental in furthering this interest. A transitional retention period upon change in ownership, control, or operation of grocery stores ensures stabilization of this vital workforce, which results in preservation of health and safety standards. Through this ordinance, the City seeks to sustain the stability of this vital workforce.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.2. DEFINITIONS.

For purposes of this Article, the following definitions apply:

(a) "Change in Control" shall mean any sale, assignment, transfer, contribution, or other disposition (including by consolidation, merger, or reorganization) of all or substantially all of the assets of, or a controlling interest in, the Incumbent Grocery Employer or IGE Parent or any Grocery Establishment under the operation or control of either such Incumbent Grocery Employer or IGE Parent.

(b) "City" shall mean the City and County of San Francisco.

(c) "Eligible Grocery Worker" shall mean any individual whose primary place of employment is at the Grocery Establishment subject to a Change in Control, and who has worked for the Incumbent Grocery Employer for at least six months prior to the execution of the Transfer Document. "Eligible Grocery Worker" does not include a managerial, supervisory, or confidential employee.

(d) "Employment Commencement Date" shall mean the date on which an Eligible Grocery Worker retained by the Successor Grocery Employer pursuant to this Article commences work for the Successor Grocery Employer in exchange for compensation and benefits under the terms and conditions established by the Successor Grocery Employer and as required by law and any applicable collective bargaining agreement, if any.

(e) "Grocery Establishment" shall mean a retail store in the City that is over 15,000 square feet in size and sells primarily household foodstuffs for offsite consumption, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, and/or prepared foods. Other household supplies or other products sold by the "Grocery Establishment" shall be secondary to the primary purpose of food sales.

(f) "Incumbent Grocery Employer" shall mean the Person that owns, controls, and/or operates the Grocery Establishment prior to the Change in Control.

(g) "IGE Parent" shall mean any Person who controls the Incumbent Grocery Employer.

(h) "Person" shall mean an individual, proprietorship, corporation, partnership, limited partnership, limited liability partnership or company, trust, business trust, estate, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

(i) "Successor Grocery Employer" shall mean the Person that owns, controls, and/or operates the Grocery Establishment after the Change in Control.

(j) "Transfer Document" shall mean the purchase agreement or other document(s) effecting the Change in Control.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.3. CONTINUED EMPLOYMENT OF ELIGIBLE GROCERY WORKERS.

(a) The Incumbent Grocery Employer shall, within 15 days after the execution of the Transfer Document, provide to the Successor Grocery Employer the name, address, date of hire, and employment occupation classification of each Eligible Grocery Worker.

(b) The Successor Grocery Employer shall maintain a preferential hiring list of Eligible Grocery Workers identified by the Incumbent Grocery Employer as set forth in subsection (a) of this section and shall be required to hire from that list for a period beginning upon the execution of the Transfer Document and continuing for 90 days after the Grocery Establishment is fully operational and open to the public under the Successor Grocery Employer.

(c) If the Successor Grocery Employer extends an offer of employment to an Eligible Grocery Worker, the Successor Grocery Employer shall retain written verification of that offer for no less than three years from the date the offer was made. The verification shall include the name, address, date of hire, and employment occupation classification of each Eligible Grocery Worker to whom the offer was made.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.4. TRANSITION EMPLOYMENT PERIOD.

(a) A Successor Grocery Employer shall retain each Eligible Grocery Worker hired pursuant to this Article for no less than 90 days following the Eligible Grocery Worker's Employment Commencement Date. During this 90-day transition employment period, Eligible Grocery Workers shall be employed under the terms and conditions established by the Successor Grocery Employer, as required by law and pursuant to the terms of an applicable collective bargaining agreement, if any.

(b) If within the period established in Section 3300D.3(b) the Successor Grocery Employer determines that it requires fewer Eligible Grocery Workers than were required by the Incumbent Grocery Employer, the Successor Grocery Employer shall retain Eligible Grocery Workers by seniority within each job classification to the extent that comparable job classifications exist or pursuant to an applicable collective bargaining agreement, if any. Nonclassified Eligible Grocery Workers shall be retained by seniority and according to experience or pursuant to the terms of an applicable collective bargaining agreement, if any.

(c) During the 90-day transition employment period, the Successor Grocery Employer shall not discharge without cause an Eligible Grocery Worker retained pursuant to this Article.

(d) At the end of the 90-day transition employment period, the Successor Grocery Employer shall do a written performance evaluation for each Eligible Grocery Worker retained pursuant to this Article. If the Eligible Grocery Worker's performance during the 90-day transition employment period is satisfactory, the Successor Grocery Employer shall consider offering the Eligible Grocery Worker continued employment under the terms and conditions established by the Successor Grocery Employer and as required by law. The Successor Grocery Employer shall retain a record of the written performance evaluation for a period of no less than three years.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.5. PUBLIC NOTICE OF CHANGE IN CONTROL.

(a) The Incumbent Grocery Employer shall post public notice of the Change in Control at the location of the affected Grocery Establishment within five business days after the execution of the Transfer Document. Notice shall remain posted during any closure of the Grocery Establishment and until the Grocery Establishment is fully operational and open to the public under the Successor Grocery Employer.

(b) Notice shall include, but is not limited to, the name of the Incumbent Grocery Employer and its contact information, the name of the Successor Grocery Employer and its contact information, and the effective date of the Change in Control.

(c) Notice shall be posted in a conspicuous place or places at the Grocery Establishment so as to be readily viewed by Eligible Grocery Workers, other employees, customers, and other members of the public.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.6. REMEDIES FOR VIOLATION.

(a) An Eligible Grocery Worker or Workers may bring an action in the Superior Court of the State of California against the Incumbent Grocery Employer and/or the Successor Grocery Employer for violations of this Article, and may be awarded the following relief:

(1) Hiring and reinstatement rights, whereupon the 90-day transition employment period shall not commence until the Eligible Grocery Worker's Employment Commencement Date with the Successor Grocery Employer.

(2) Back pay for each day of the violation and/or front pay for each day during which the violation will continue. Back pay and front pay shall be calculated at a rate of compensation not less than the higher of (i) the average regular rate of pay received by the Eligible Grocery Worker during the last three years of the Eligible Grocery Worker's employment in the same occupation classification. or (ii) the most recent regular rate received by the Eligible Grocery Worker while employed by either the Incumbent Grocery Employer or the Successor Grocery Employer.

(3) Value of the benefits the Eligible Grocery Worker would have received under the Successor Grocery Employer's benefit plan had the violation(s) not occurred.

(b) If the Eligible Grocery Worker or Workers is the prevailing party in any legal action taken pursuant to this Section, the court shall award reasonable attorneys' fees and costs as part of the costs recoverable.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.7. EXEMPTION FOR COLLECTIVE BARGAINING AGREEMENT.

Parties subject to this Article may by collective bargaining agreement provide that the agreement supersedes the requirements of this Article.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.8. NO LIMITATION OF OTHER RIGHTS AND REMEDIES.

This Article does not in any way limit the rights and remedies that the law otherwise provides to Eligible Grocery Workers, including but not limited to the rights to be free from wrongful termination and unlawful discrimination.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

SEC. 3300D.9. SEVERABILITY.

If any part or provision of this Article, or the application of this Article in any circumstance, is enjoined or held invalid by a court of competent jurisdiction, the remainder of this Article, including the application of such part or provision in other circumstances, shall not be affected by such action and shall continue in full force and effect. To this end, the parts and provisions of this Article, and their application in particular circumstances, are severable.

(Added by Ord. 90-06, File No. 060395, App. 5/12/2006)

ARTICLE 34:  
REGULATIONS FOR PHOTOGRAPHERS – PERMIT AND LICENSE PROVISIONS

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| Sec. 3400. | Definitions. |
| Sec. 3401. | Permit Required. |
| Sec. 3402. | Application for Permit. |
| Sec. 3403. | Investigation – Issuance or Denial of Permit – Expiration Date. |
| Sec. 3404. | License. |
| Sec. 3405. | License Fee. |
| Sec. 3406. | Renewal of Permit. |
| Sec. 3407. | Revocation of Permit – Rules and Regulations. |
| Sec. 3408. | Permit and License not Exemption from any other Provisions of Code. |
| Sec. 3410. | Street Photographer. |
| Sec. 3411. | Application for Permit – Bond. |
| Sec. 3412. | Investigation of Application of Principal of Permit. |
| Sec. 3413. | Application for Street Permit – Issuance of Permit. |
| Sec. 3414. | Filing Application and Fee. |
| Sec. 3415. | License Fee. |
| Sec. 3416. | Issuance of "Street Photographer" Badge. |
| Sec. 3417. | Penalty. |
| Sec. 3420. | Photographic Solicitors. |
| Sec. 3421. | Application for Permit Bond. |
| Sec. 3422. | Investigation of Application of Principal – Issuance of Permit. |
| Sec. 3423. | Application for Street Permit – Investigation – Issuance of Permit. |
| Sec. 3424. | Filing Application and Fee. |
| Sec. 3425. | License Fee. |
| Sec. 3426. | Badge. |
| Sec. 3427. | Penalty. |

SEC. 3400. DEFINITIONS.

As used in Sections 3400 through 3408 the following words shall have the following respective meanings:

(a) "Photographer" shall mean every person, firm or corporation engaged in the business of taking photographs of human beings in a public place or any place open to the public for any purpose, except as an established photographic studio upon an agreement or understanding that money or other lawful consideration will be paid for the said taking.

(b) "Solicitor" shall mean every person acting as servant, agent or employee of a photographer, as defined herein, who solicits the taking or actually takes photographs of human beings in a public place or any place open to the public for any purpose, except as an established photographic studio, upon an agreement or understanding that money or other lawful consideration will be paid for the said taking.

The aforesaid definitions shall not include a "Street Photographer" as defined in this Article, nor photographers employed by newspapers or other similar publications while engaged in the scope of their employment.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3401. PERMIT REQUIRED.

It shall be unlawful for any person, firm or corporation to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, the business of photographer in public places or to act as a solicitor without having first secured a permit to do so from the Chief of Police and a license therefor from the Tax Collector.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3402. APPLICATION FOR PERMIT.

Every person requiring a permit as provided for in Section 3401 shall make written application to the Chief of Police for such a permit on forms provided by the Police Department together with a filing fee. Said application shall be accompanied by fingerprints of the applicant, shall contain all information deemed relevant by the Chief of Police, and for a permit as photographer, shall contain in addition thereto the name, business or occupation, and resident address of each person financially interested in such business. For a permit as solicitor, such application shall be first authorized in writing by the photographer engaging, employing or hiring such person.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3403. INVESTIGATION – ISSUANCE OR DENIAL OF PERMIT – EXPIRATION DATE.

Upon receipt of said application the Chief of Police shall conduct such investigation as he may deem proper as to the character and morals of the applicant and the character of the business to be conducted. The Chief of Police may deny said application when, in his opinion, good cause exists therefor. If the Chief of Police approves the granting of said permit, he may issue a permit to said applicant which permit shall be serially numbered and shall expire on the last day of the calendar year in which issued.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3404. LICENSE.

When any permit is issued under the provisions of Sections 3400 to 3408, the Chief of Police shall cause said permit to be forwarded to the Office of the Treasurer and Tax Collector for delivery to the permittee upon the payment of the license fee.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3405. LICENSE FEE.

Every holder of a permit as herein provided shall pay to the Tax Collector an annual license fee. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

The licensee shall issue to each solicitor employed a badge of such wording, design and material as the Chief of Police shall authorize. Said badge shall be worn on the person by the solicitor for whom it was issued, in a conspicuous place for the public to see, at all times when said person is engaged in taking such photographs or soliciting the same. It shall be unlawful for any other person to wear or otherwise display said badge.

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3406. RENEWAL OF PERMIT.

Renewal of the permit shall be in accordance with the provisions set forth in Section 23 of Article I, Part III, of the San Francisco Municipal Code.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3407. REVOCATION OF PERMIT – RULES AND REGULATIONS.

The Chief of Police may revoke any permit issued hereunder when the permittee is violating, attempting to violate, any law of the State of California, any ordinance of the City and County of San Francisco, any provisions of Sections 3400 to 3408, or the rules and regulations issued by the Chief of Police governing the conduct or operations of the permittee. Written notice of such revocation shall be forwarded by the Chief of Police to the Tax Collector.

The Chief of Police is hereby authorized to adopt, promulgate and enforce such rules and regulations, consistent with the provisions of Sections 3400 to 3408, as he may deem necessary to govern the conduct or operations of photographers or solicitors, as herein defined.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3408. PERMIT AND LICENSE NOT EXEMPTION FROM ANY OTHER PROVISIONS OF CODE.

The issuance of a permit or license under the provisions of Sections 3400 to 3408 shall not exempt the permittee or licensee from any other provisions of the San Francisco Municipal Code or any ordinance of the City and County of San Francisco requiring a permit or license or otherwise regulating the taking, or soliciting the taking, of photographs.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3410. STREET PHOTOGRAPHER.

**Definition.** As used in Sections 3410 to 3417, inclusive, of this Article, "Street Photographer" shall mean every person, firm or corporation engaged in the business of photography and carrying on said business or any portion thereof in any public street, alley, park or other public place in the City and County of San Francisco, and who in the course of such business issues or causes to be issued a coupon or other means of identification to any person who is the subject of the photograph, which means of identification upon presentation to a designated address entitles the holder thereof, upon the payment of a fee or charge, to receive a copy of the photograph so taken.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3411. APPLICATION FOR PERMIT – BOND.

Each person, firm or corporation engaging in the business of photography as described in Section 3410 shall make written application to the Chief of Police for a permit to engage in such business and shall, at the time of making such application file with the Chief of Police a bond in the sum of $500 which shall run to the City and County of San Francisco and to any person, firm or corporation who shall sustain any injury or loss covered by the bond. Such bond shall be executed by the applicant as principal, and by a corporation which is licensed by the Insurance Commissioner of this State to transact the business of fidelity and surety insurance, as surety. The bond shall be conditioned that the principal will indemnify any and all persons, firms or corporations for any direct loss suffered by any unlawful act on the part of the principal or any agent or agents of the principal in the conduct of such business. Such bond shall remain in force and effect until the permit of the principal is revoked or until the bond is cancelled by the surety. The surety may cancel said bond and be relieved of further liability thereunder by giving 15 days written notice to the Chief of Police of the City and County of San Francisco. The aggregate liability of the surety for any and all claims which may arise under such bond shall in no event exceed the amount of the penalty of such bond regardless as to the length of time it shall remain in force or the number of renewal licenses issued thereunder. Any person, firm or corporation who sustains any injury or loss covered by this bond may, in addition to any other remedy that he may have, bring an action in his own name upon the bond for the recovery of any damage sustained by him, provided, however, that no such action may be brought and maintained after the expiration of one year from and after the time of the alleged unlawful act complained of may have occurred.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3412. INVESTIGATION OF APPLICATION OF PRINCIPAL OF PERMIT.

Upon receipt of said application as provided in Section 3411, the Chief of Police shall cause to be investigated the character and business of the applicant, the designated address at which such applicant proposes to engage in business as specified in said application, and, after a hearing thereon, may issue or deny the permit applied for.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3413. APPLICATION FOR STREET PERMIT – ISSUANCE OF PERMIT.

Each person or each individual member of said firm or corporation who desires to take such photographs is such business in any public street, alley, park or other public place, and each person engaged, employed or hired by such licensed person, firm or corporation to take such photographs in any public street, alley, park or other public place, shall make written application to the Chief of Police for a permit to engage in such occupation, which application shall be first authorized in writing by the person, firm or corporation engaging, employing or hiring such person or authorizing a member of said firm or corporation to take such photographs as provided in Sections 3410 to 3417. The Chief of Police, after a hearing thereon, may issue or deny the permit applied for, and may, at his discretion, limit the operation of the permit holder to certain specified public streets, alleys, parks or other public places.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3414. FILING APPLICATION AND FEE.

Every person desiring a permit pursuant to Sections 3410 to 3417 shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3415. LICENSE FEE.

Every street photographer shall pay a license fee for each such designated address, and, in addition thereto a license fee for each and every person engaged, employed or hired by said person, firm or corporation to take such photograph in any public street, alley, park or other public place, or for each person or each individual member or said firm or corporation who desires to take such photograph in such business in any public street, alley, park or other public place.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3416. ISSUANCE OF "STREET PHOTOGRAPHER" BADGE.

The Tax Collector shall, upon receipt of the permit provided for in Section 3413 of this Article and the payment of the license fee, issue to the permittee a serially numbered metallic badge having imprinted thereon the words "Street Photographer" and the year for which the license was issued. Said badge shall be worn on the person for whom it was issued, in a conspicuous place for the public to see, at all times when said person is engaged in taking photographs as provided in this section. A badge fee shall be charged to cover the costs of the badge.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3417. PENALTY.

Every person, firm or corporation, violating any of the provisions of Sections 3410 through 3416 of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $500, or imprisonment in the County jail for a period of not more than 30 days, or by both such fine and imprisonment.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3420. PHOTOGRAPHIC SOLICITORS.

**Definition.** As used in Sections 3420 to 3427, inclusive, "Photographic Solicitor" shall mean every person, firm or corporation engaged in the business of photography and who solicits said business or any portion thereof in any public street, alley, park or other public place in the City and County of San Francisco, and who, upon payment of a fee or charge in the course of such said business as is conducted in any public street, alley, park or other public place, issues or causes to be issued a coupon or other means of identification which, upon presentation at a designated address entitles the holder to be photographed and to have a copy of such photograph transmitted in accordance with his directions.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3421. APPLICATION FOR PERMIT BOND.

Each person, firm or corporation engaging in the business of soliciting photography as described in Section 3420 shall make written application to the Chief of Police for a permit to engage in such business and shall at the time of making such application, file with the Chief of Police, a bond in the sum of $500 which shall run to the City and County of San Francisco and to any person, firm or corporation who shall sustain injury or loss covered by the bond. Such bond shall be executed by the applicant as principal, and by a corporation which is licensed by the Insurance Commissioner of this State to transact the business of fidelity and surety insurance, as surety. The bond shall be conditioned that the principal will indemnify any and all persons, firms or corporations for any direct loss suffered by any unlawful act on the part of the principal or any agent or agents of the principal in the conduct of such business. Such bond shall remain in full force and effect until the permit of the principal is revoked or until the bond is canceled by the surety. The surety may cancel said bond and be relieved of further liability thereunder by giving 15 days written notice to the Chief of Police of the City and County of San Francisco. The aggregate liability of the surety for any and all claims which may arise under such bond shall in no event exceed the amount of the penalty of such bond regardless as to length of time it shall remain in force or the number of renewal licenses issued thereunder. Any person, firm or corporation who sustains any injury or loss covered by this bond may, in addition to any other remedy that he may have, bring an action in his own name upon the bond for the recovery of any damage sustained by him provided, however, that no such action may be brought and maintained after the expiration of one year from and after the time of the alleged unlawful act complained of may have occurred.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3422. INVESTIGATION OF APPLICATION OF PRINCIPAL – ISSUANCE OF PERMIT.

Upon the receipt of said application as provided in Section 3423, the Chief of Police shall cause to be investigated the character and business of the applicant, the designated address at which such applicant proposes to engage in business as specified in said application and after a hearing thereon, may issue or deny the permit applied for.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3423. APPLICATION FOR STREET PERMIT – INVESTIGATION – ISSUANCE OF PERMIT.

Each person or each individual member of such firm or corporation who desires to solicit such photographic business in any public street, alley, park or other public place, and each person engaged, employed or hired by such licensed person, firm or corporation to solicit such photographic business in any public street, alley, park or other public place, shall make written application to the Chief of Police for a permit to engage in such occupation, which application shall be first authorized in writing by the person, firm or corporation engaging, employing or hiring such person or authorizing a member of said firm or corporation to solicit such photographic business. The Chief of Police, after a hearing thereon, shall issue the permit applied for upon proof of good moral character of the applicant, and shall in his discretion limit soliciting of photographic business to certain specified public streets, alleys, parks or other public places, in the interest of public safety. Any authorized permittee may solicit business at any public place within such area as may be so limited.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3424. FILING APPLICATION AND FEE.

Every person desiring a permit pursuant to Section 3423 of this Article shall file an application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing fee.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3425. LICENSE FEE.

Every photographic solicitor shall pay a license fee for each such designated address and, in addition thereto, a license fee for each and every person engaged, employed or hired by said person, firm or corporation to solicit such business in any public street, alley, park or other public place. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 555-81, App. 11/12/81; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3426. BADGE.

The Tax Collector shall, upon the receipt of the permit provided for in Section 3423 of this Article and the payment of the required license fee, issue to the permittee a serially numbered metallic badge having imprinted thereon the words "Photographic Solicitor" and the year for which the license was issued. Said badge shall be worn on the person for whom it was issued, in a conspicuous place for the public to see at all times when said person is engaged in soliciting photographic business as provided in Sections 3420 to 3427. A badge fee shall be charged to cover the costs of the badge.

(Added by Ord. 555-81, App. 11/12/81)

SEC. 3427. PENALTY.

Every person, firm or corporation violating any of the provisions of Sections 3420 through 3426 shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $500 or by imprisonment in the County Jail for a period of not more than 30 days, or by both such fine and imprisonment.

(Added by Ord. 555-81, App. 11/12/81)

ARTICLE 35: FIREARM STRICT LIABILITY ACT

|  |  |
| --- | --- |
| Sec. 3500. | Findings. |
| Sec. 3501. | Definitions. |
| Sec. 3502. | Imposition of Strict Liability. |
| Sec. 3503. | Saving Clause; Invalidity of Part of Article not to Affect Remainder. |

**Editor's Note:** See also the following Police Code provisions:  
 ****Art. 9, Secs. 613 et seq., Miscellaneous Conduct Regulations (relating to firearms and ammunition).  
 ****Art. 14, Secs. 840 et seq., Miscellaneous Regulations for Professions and Trades (relating to carrying firearms).  
 ****Art. 36, Prohibiting the Carrying of a Firearm While under the Influence of an Alcoholic Beverage or Drug, or Possession of a Firearm While upon Public Premises Selling or Serving Alcoholic Beverages.  
 ****Art. 36A, Sale, Manufacture and Distribution of Firearms and Ammunition; Possession of Handguns.  
 ****Art. 45, Firearms and Weapons Violence Prevention Ordinance.

SEC. 3500. FINDINGS.

The Board of Supervisors finds as follows:

(a) The unauthorized use of firearms in the City and County of San Francisco is responsible for approximately two hundred injuries and approximately sixty deaths each year.

(b) The cost of these needless deaths and injuries is generally borne by the injured parties and their families or by the public through the provision of police, emergency and medical services, even in those instances where the person using the firearm is convicted of a crime. The average cost of hospitalization for each person injured as a result of a shooting in San Francisco was approximately $12,128 as of 1996. The total monetary costs to the citizens of San Francisco each year due to these injuries and deaths as a result of hospital expenditures alone exceeds approximately three million dollars.

(c) The manufacturers, importers and dealers of these firearms profit handsomely from the sales of firearms, but bear virtually no responsibility for the costs incurred as a result of the deaths and injuries caused by the use of their products in San Francisco

(d) In order to promote and to protect the health, safety and welfare of the citizens of San Francisco, it is necessary and appropriate to reallocate the cost of injuries and deaths arising from the discharge of firearms by imposing strict liability upon the manufacturers, importers and dealers of those firearms, who are most able financially to accept these costs due to their ability to pass the costs on to consumers of firearms.

(e) Imposing strict liability upon manufacturers, importers and dealers of these firearms for injuries and deaths caused by the firearms is appropriate because these firearms are designed to inflict serious injuries and death.

(Added by Ord. 288-00, File No. 001490, App. 12/22/2000. Former Section 3500 was added by Ord. 311-82, App. 6/28/82; repealed by Ord. 288-00)

SEC. 3501. DEFINITIONS.

(a) "Firearm" shall have the same meaning as in San Francisco Police Code Section 613.1(a).

(b) "Dealer" means any person engaged in the business of selling firearms at wholesale or retail and specifically includes pawnbrokers who take or receive firearms as security for the payment or repayment of money.

(c) "Importer" means any person engaged in the business of importing or bringing firearms into the United States for sale or distribution.

(d) "Manufacturer" means any person in business to manufacture or assemble a firearm or ammunition for sale or distribution.

(e) "Law enforcement agency" means a federal, state or local law enforcement agency, state militia or an agency of the United States government.

(f) "Law enforcement official" means any officer or agent of an agency defined in paragraph (e) of this section who is authorized to use a firearm in the course of his or her work.

(g) "Internal personalized safety feature" means any internal locking device or other mechanical or electrical device integral to the frame of the firearm that prevents any unauthorized use of the firearm. Such mechanical or electrical devices can include but are not limited to devices that use computer microchips, radio signals or user fingerprints as a means to "recognize" an authorized user. A trigger lock or other external device shall not be considered an internal personalized safety feature.

(Added by Ord. 288-00, File No. 001490, App. 12/22/2000. Former Section 3501 was added by Ord. 311-82, App. 6/28/82; repealed by Ord. 288-00)

SEC. 3502. IMPOSITION OF STRICT LIABILITY.

(a) Each manufacturer, importer and/or dealer of a firearm shall be held strictly liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from bodily injury or death where the bodily injury or death results from the discharge within the jurisdiction of the City and County of San Francisco of any firearm manufactured, imported, distributed, sold, leased or otherwise transferred by the manufacturer, importer and/or dealer, except that no liability shall be imposed pursuant to this subsection for a discharge that occurs prior to the effective date of this section.

(b) **Exemptions and Limitations.**

(1) No action may be commenced pursuant to this section by any person who is injured or killed by the discharge of a firearm while such person is committing or attempting to commit a crime (whether or not such crime is actually charged), or while such person is attempting to evade arrest by a law enforcement official. This exemption shall be in the nature of an affirmative defense, and shall be proven by a preponderance of the evidence.

(2) No action may be commenced pursuant to this section by any person injured or killed by the discharge of a firearm by a law enforcement official.

(3) This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a firearm.

(4) Nothing in this section shall prevent a manufacturer, importer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.

(5) No action may be commenced pursuant to this section by any person for a self-inflicted injury.

(6) No action may be commenced pursuant to this section where the firearm was equipped with an internal personalized safety feature at that time of its first retail sale.

(7) If any manufacturer, importer or dealer has purchased and has in effect at the time of the injury an insurance policy that covers any and all damages, including but not limited to bodily injury or death, resulting from the discharge of the specific firearm involved in the incident, the liability imposed under this section as to that manufacturer, importer or dealer shall not exceed the total amount of coverage available under said policy provided that the total coverage available under the policy shall not be less than $100,000 per incident.

(8) No action may be commenced pursuant to this section where the firearm involved is either (a) a shotgun without a magazine or having a fixed magazine of four or less rounds or (b) a rifle without a magazine or having a fixed magazine of four or less rounds.

(Added by Ord. 288-00, File No. 001490, App. 12/22/2000. Former Section 3502 was added by Ord. 311-82, App. 6/28/82; repealed by Ord. 288-00)

SEC. 3503. SAVING CLAUSE; INVALIDITY OF PART OF ARTICLE NOT TO AFFECT REMAINDER.

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, or invalid, such decision shall not affect the validity of the remaining portions of this Article. The Board of Supervisors hereby declares that it would have passed this Article and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(Added by Ord. 288-00, File No. 001490, App. 12/22/2000. Former Section 3503 was added by Ord. 311-82, App. 6/28/82; repealed by Ord. 288-00)

Secs. 3504 through 3512.

(Added by Ord. 311-82, App. 6/28/82; repealed by Ord. 288-00)

ARTICLE 35A:  
REPEALED

Sec. 3500A.1.

(Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

Sec. 3500A.2.

Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

Sec. 3500A.3.

Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

Sec. 3500A.4.

Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

Sec. 3500A.5.

(Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

Sec. 3500A.6.

Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

Sec. 3500A.7.

Added by Ord. 170-89, App. 5/25/89; repealed by Ord. 238-02, File No. 021814, App. 12/20/2002)

ARTICLE 36:  
PROHIBITING THE CARRYING OF A FIREARM WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE OR DRUG, OR POSSESSION OF A FIREARM WHILE UPON PUBLIC PREMISES SELLING OR SERVING ALCOHOLIC BEVERAGES

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| Sec. 3600. | Findings. |
| Sec. 3601. | Definitions. |
| Sec. 3602. | Carrying of Firearms Prohibited while under the Influence of an Alcoholic Beverage or Drug. |
| Sec. 3603. | Possession of Firearms Prohibited while upon Public Premises Selling or Serving Alcoholic Beverages. |
| Sec. 3604. | Presumption Raised by Blood Alcohol Level. |
| Sec. 3605. | Chemical Blood, Breath, or Urine Tests; Obligation of Officer to Advise Regarding Legal Rights and Consequences; Confiscation of Firearm for Refusal to Submit to Test; Hearing. |
| Sec. 3606. | Administration of Tests. |
| Sec. 3607. | Authorized Use of Drugs. |
| Sec. 3608. | Participation in Treatment Program not Grounds for Suspending or Dismissing Proceedings. |
| Sec. 3609. | Penalty. |
| Sec. 3610. | Proscribed Firearms as Nuisance; Surrender and Destruction; Restoration of Stolen Firearms to Owner. |
| Sec. 3611. | Severability. |

**Editor's Note:** See also the following Police Code provisions:  
 ****Art. 9, Secs. 613 et seq., Miscellaneous Conduct Regulations (relating to firearms and ammunition).  
 ****Art. 14, Secs. 840 et seq., Miscellaneous Regulations for Professions and Trades (relating to carrying firearms).  
 ****Art. 35, Firearm Strict Liability Act.  
 ****Art. 36A, Sale, Manufacture and Distribution of Firearms and Ammunition; Possession of Handguns.  
 ****Art. 45, Firearms and Weapons Violence Prevention Ordinance.

SEC. 3600. FINDINGS.

(a) Persons under the influence of an alcoholic beverage or drug frequently lack the normal restraint and judgment that would ordinarily prevent them from initiating or escalating criminal or domestic violence.

(b) Carrying or possession of firearms by persons under the influence of an alcoholic beverage or drug exacerbates the problems associated with the irresponsible or unlawful use of such weapons.

(c) It has been determined that in order to promote and to protect the health and safety and welfare of the public, it is necessary to regulate the carrying or possession of firearms by persons under the influence of an alcoholic beverage or drug.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3601. DEFINITIONS.

Unless the provision or context otherwise requires, the following definitions shall govern the construction of this Article:

(a) "Alcoholic beverage" includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in Section 23004 of the California Business and Professions Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. For purposes of this Article, alcoholic beverage includes a mixture of one or more alcoholic beverages ingested separately or as a mixture.

(b) "Firearm"means (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. Such term does not include an antique firearm.

(c) "Drug" as used herein shall include, but is not limited to, all narcotics, drugs, or controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code.

(d) "Public premises" includes (1) premises licensed with any type of licenses other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages; (2) premises licensed with an on-sale beer license, in which food shall not be served or sold to the public as in a bona fide public eating place, and in which sandwiches, salads, desserts, and similar short orders shall not be sold or served.

(e) "Carrying" a firearm means to hold or bear said firearm upon one's person.

(f) "Possessing" a firearm means to own, have or keep said firearm.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3602. CARRYING OF FIREARMS PROHIBITED WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE OR DRUG.

(a) It shall be unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, to have upon his or her person a firearm.

(b) It shall be unlawful for any person who has 0.10 percent or more, by weight, of alcohol in his or her blood to have upon his or her person a firearm.

For the purposes of this Article, percent, by weight, of alcohol shall be based upon grams of alcohol per 100 milliliters of blood.

(c) It shall be unlawful for any person who is addicted to the use of any drug to have upon his or her person a firearm. This provision shall not apply to a person who is participating in a methadone maintenance treatment program approved pursuant to Article 3 (commencing with Section 4350) of Chapter 1 of Part 1 of Division 4 of the California Welfare and Institutions Code.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3603. POSSESSION OF FIREARMS PROHIBITED WHILE UPON PUBLIC PREMISES SELLING OR SERVING ALCOHOLIC BEVERAGES.

(a) It shall be unlawful for any person present upon public premises selling or serving alcoholic beverages to possess upon those premises a firearm.

(b) Subsection (a) shall not apply to any of the following:

(1) Peace officers listed in Sections 830.1, 830.2, 830.3, 830.31, 830.4, 830.5, and 830.6 of the California Penal Code, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while such person is actually engaged in assisting such officer;

(2) Any person owning, operating or managing said public premises, or any officer, employee, or agent authorized by such person to possess a firearm upon said public premises for lawful purposes connected therewith.

(c) Nothing in this Section shall be interpreted or applied so as to conflict with the preemptive effect of any State law prohibiting the carrying of a loaded firearm in a public place.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3604. PRESUMPTION RAISED BY BLOOD ALCOHOL LEVEL.

(a) Upon the trial of any criminal action, or preliminary proceeding in a criminal action, pursuant to Section 3602, the amount of alcohol in a person's blood at the time of the test as shown by chemical analysis of that person's blood, breath or urine shall give rise to the following presumptions affecting the burden of proof:

(1) If there was at that time less than 0.05 percent by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of an alcoholic beverage at the time of the alleged offense.

(2) If there was at that time 0.05 percent or more but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of an alcoholic beverage, but such fact may be considered with other competent evidence in determining whether the person was under the influence of an alcoholic beverage at the time of the alleged offense.

(b) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.

(c) This Section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person ingested any alcoholic beverage or was under the influence of an alcoholic beverage at the time of the alleged offense.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3605. CHEMICAL BLOOD, BREATH, OR URINE TESTS; OBLIGATION OF OFFICER TO ADVISE REGARDING LEGAL RIGHTS AND CONSEQUENCES; CONFISCATION OF FIREARM FOR REFUSAL TO SUBMIT TO TEST; HEARING.

(a) (1) Any person who has upon his or her person a firearm while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, shall be deemed to have given his or her consent to a chemical test of his or her blood, breath, or urine for the purpose of determining the alcoholic content of his or her blood if lawfully arrested for any offense allegedly committed in violation of Section 3602. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe the person had upon his or her person a firearm in violation of Section 3602. The person shall be told that his or her failure to submit to, or the noncompletion of, a chemical test will result in the confiscation of the person's firearm for a period of six months.

(2) The person arrested shall have the choice of whether the test shall be of his or her blood, breath, or urine, and the person shall be advised by the officer that he or she has such a choice. If the person arrested either is incapable, or states that he or she is incapable, of completing any chosen test, the person shall then have the choice of submitting to and completing any of the remaining tests or test, and the person shall be advised by the officer that the person has that choice.

(3) If the person is lawfully arrested for having upon his or her person a firearm while under the influence of an alcoholic beverage or under the combined influence of an alcoholic beverage and any drug, and, because of the need for medical treatment, the person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath, or urine, the person shall have the choice of those tests which are available at the facility to which that person has been transported. In such an event, the officer shall advise the person of those tests which are available at the medical facility and that the person's choice is limited to those tests which are available.

(4) The person shall also be advised by the officer that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test, before deciding which test to take, or during administration of the test chosen, and shall also be advised by the officer that, in the event of refusal to submit to a test, the refusal may be used against him or her in a court of law.

(5) Any person who is unconscious or otherwise in a condition rendering him or her incapable of refusal shall be deemed not to have withdrawn his or her consent and such a test may be administered whether or not the person is told that his or her failure to submit to, or the noncompletion of, the test will result in the confiscation of his or her firearm. Any person who is dead shall be deemed not to have withdrawn his or her consent and such a test may be administered at the direction of a peace officer.

(b) If any person refuses the officer's request to submit to, or fails to complete, a chemical test, the officer shall confiscate the person's firearm for a period of six months.

(c) (1) Upon the person's request in writing and within 15 days from the date of receipt of that request, the law enforcement agency confiscating a weapon under this Article shall afford the person whose firearm has been confiscated an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of the California Vehicle Code. For the purposes of this Section, the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had upon his or her person a firearm in violation of Section 3602, whether the person was placed under arrest, whether the person refused to submit to, or did not complete, the test after being requested by a peace officer, and whether, except for the persons described in Subdivision (a) who are incapable of refusing, the person had been told that his or her firearm would be confiscated if he or she refused to submit to, or did not complete, the test.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this Section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and surgeon shall be exempt from the blood test required by this Section.

(f) A person lawfully arrested for any offense allegedly committed while the person had upon his or her person a firearm in violation of Section 3602 may request the arresting officer to have a chemical testmade of the arrested person's blood, breath, or urine for the purpose of determining the alcoholic content of that person's blood, and, if so requested, the arresting officer shall have the test performed.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3606. ADMINISTRATION OF TESTS.

(a) Only a physician, registered nurse, licensed vocational clinical laboratory technologist or clinical laboratory bioanalyst, or certified paramedic acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens. An emergency call for paramedic services shall take precedence over a peace officer's request for a paramedic to withdraw blood for determining its alcoholic content.Acertified paramedic shall not withdraw blood for this purpose unless authorized by his or her employer to do so.

(b) The person tested may, at his own expense, have a physician, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or any other person of his or her own choosing administer a test in addition to any test administered at the direction of a peace officer for the purpose of determining the amount of alcohol in his or her blood at the time alleged as shown by chemical analysis of his blood, breath, or urine. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a peace officer.

(c) Upon the request of the person tested, full information concerning the test taken at the direction of the peace officer shall be made available to the person or the person's attorney.

(d) No physician, registered nurse, licensed vocational nurse, duly licensed clinical laboratory technologist or clinical laboratory bioanalyst, or certified paramedic, or hospital, laboratory, or clinic employing or utilizing the services of the physician, registered nurse, licensed vocational nurse, duly licensed laboratory technologist or clinical laboratory bioanalyst, or certified paramedic, owning or leasing the premises on which such tests are performed, shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

(e) If the test given under Section 3605 is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(f) The appropriate law enforcement agencies, in cooperation with the State Department of Health Services or any other appropriate agency, shall adopt uniform standards for the withdrawal, handling, and preservation of blood samples prior to analysis.

(g) As used in this Section, "certified paramedic" does not include any employee of a fire department.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3607. AUTHORIZED USE OF DRUGS.

The fact that any person charged with carrying upon his or her person a firearm while under the influence of any drug or the combined influence of alcoholic beverages and any drug in violation of Section 3602 is or has been entitled to use the drug under the laws of this state shall not constitute a defense against any violation of the section.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3608. PARTICIPATION IN TREATMENT PROGRAM NOT GROUNDS FOR SUSPENDING OR DISMISSING PROCEEDINGS.

(a) In any case in which a person is charged with a violation of Section 3602, prior to acquittal or conviction, the court shall not suspend or stay the proceedings for the purpose of allowing the accused person to attend or participate, nor shall the court consider dismissal of or entertain a motion to dismiss the proceedings because the accused person attends or participates during that suspension, in a treatment program for persons who are habitual users of alcohol or other alcoholism program, or a treatment program for persons who are habitual users of drugs or other drug-related program.

(b) This Section shall not apply to any attendance or participation in any treatment programs after conviction and sentencing, including attendance or participation in any of those programs as a condition of probation granted after conviction when permitted pursuant to this Article.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3609. PENALTY.

Any person who shall violate any of the provisions of Sections 3602 or 3603 of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the County Jail for not less than 30 days nor more than six months.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3610. PROSCRIBED FIREARMS AS NUISANCE; SURRENDER AND DESTRUCTION; RESTORATION OF STOLEN FIREARMS TO OWNER.

(a) The unlawful carrying upon the person of a firearm in violation of Section 3602, or unlawful possession in violation of Section 3603, is a nuisance.

(b) Any firearm described in Subdivision (a) shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the firearms shall be surrendered to the head of the Police or Sheriff's Department. The officers to whom the firearms are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy the firearms or cause them to be destroyed to such extent that they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any firearm has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, in the event that owner is not prohibited from possessing the gun by Article 35 of the Police Code, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

(Added by Ord. 399-82, App. 8/12/82)

SEC. 3611. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Article or any part thereof, is for any reason to be held unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(Added by Ord. 399-82, App. 8/12/82)

ARTICLE 36A:  
[SALE, MANUFACTURE AND DISTRIBUTION OF FIREARMS AND AMMUNITION; POSSESSION OF HANDGUNS]

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| Sec. 3600A. | Statement of Findings and Text of Ordinance Prohibiting the Sale, Manufacture and Distribution of Firearms and Ammunition in the City and County of San Francisco and Limiting the Possession of Handguns in the City and County of San Francisco. |
| Sec. 3601A. | Penalty for Sale, Distribution, Transfer, and Manufacture of Firearms and Ammunition or Possession of Handguns Within City and County of San Francisco. |

**Editor's Note:** See also the following Police Code provisions:  
 ****Art. 9, Secs. 613 et seq., Miscellaneous Conduct Regulations (relating to firearms and ammunition).  
 ****Art. 14, Secs. 840 et seq., Miscellaneous Regulations for Professions and Trades (relating to carrying firearms).  
 ****Art. 35, Firearm Strict Liability Act.  
 ****Art. 36, Prohibiting the Carrying of a Firearm While under the Influence of an Alcoholic Beverage or Drug, or Possession of a Firearm While upon Public Premises Selling or Serving Alcoholic Beverages.  
 ****Art. 45, Firearms and Weapons Violence Prevention Ordinance.

SEC. 3600A. STATEMENT OF FINDINGS AND TEXT OF ORDINANCE PROHIBITING THE SALE, MANUFACTURE AND DISTRIBUTION OF FIREARMS AND AMMUNITION IN THE CITY AND COUNTY OF SAN FRANCISCO AND LIMITING THE POSSESSION OF HANDGUNS IN THE CITY AND COUNTY OF SAN FRANCISCO.

This ordinance is enacted to implement an initiative ordinance approved by the electors of San Francisco as Proposition "H" at the election held on November 8, 2005. The provisions of Proposition "H" are set forth herein for convenience and may only be amended as provided by law. Proposition "H" reads as follows:

"Section 1. Findings

The people of the City and County of San Francisco hereby find and declare:

1. Handgun violence is a serious problem in San Francisco. According to a San Francisco Department of Public Health report published in 2002, 176 handgun incidents in San Francisco affected 213 victims in 1999, the last year for which data is available. Only 26.8% of firearms were recovered. Of all firearms used to cause injury or death, 67% were handguns.

2. San Franciscans have a right to live in a safe and secure City. The presence of handguns poses a significant threat to the safety of San Franciscans.

3. It is not the intent of the people of the City and County of San Francisco to affect any resident of other jurisdictions with regard to handgun possession, including those who may temporarily be within the boundaries of the City and County.

4. Article XI of the California Constitution provides Charter created counties with the "home rule" power. This power allows counties to enact laws that exclusively apply to residents within their borders, even when such a law conflicts with state law or when state law is silent. San Francisco adopted its most recent comprehensive Charter revision in 1996.

5. Since it is not the intent of the people of the City and County of San Francisco to impose an undue burden on inter-county commerce and transit, the provisions of Section 3 apply exclusively to residents of the City and County of San Francisco.

"Section 2. Ban on Sale, Manufacture, Transfer or Distribution of Firearms in the City and County of San Francisco

Within the limits of the City and County of San Francisco, the sale, distribution, transfer and manufacture of all firearms and ammunition shall be prohibited.

"Section 3. Limiting Handgun Possession in the City and County of San Francisco

Within the limits of the City and County of San Francisco, no resident of the City and County of San Francisco shall possess any handgun unless required for professional purposes, as enumerated herein. Specifically, any City, state or federal employee carrying out the functions of his or her government employment, including but not limited to peace officers as defined by California Penal Code Section 830 et. seq. and animal control officers may possess a handgun. Active members of the United States armed forces or the National Guard and security guards, regularly employed and compensated by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment, may also possess handguns. Within 90 days from the effective date of this Section, any resident of the City and County of San Francisco may surrender his or her handgun at any district station of the San Francisco Police Department, or to the San Francisco Sheriff's Department without penalty under this section.

"Section 4. Effective Date

This ordinance shall become effective January 1, 2006.

"Section 5. Penalties

Within 90 days of the effective date of this Section, the Board of Supervisors shall enact penalties for violations of this ordinance. The Mayor, after consultation with the District Attorney, Sheriff and Chief of Police shall, within 30 days from the effective date, provide recommendations about penalties to the Board.

"Section 6. State Law

Nothing in this ordinance is designed to duplicate or conflict with California State Law. Accordingly, any person currently denied the privilege of possessing a handgun under state law shall not be covered by this ordinance, but shall be covered by the California state law which denies that privilege. Nothing in this ordinance shall be construed to create or require any local license or registration for any firearm, or create an additional class of citizens who must seek licensing or registration.

"Section 7. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications or this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

"Section 8. Amendment

By a two-thirds vote and upon making findings, the Board of Supervisors may amend this ordinance in the furtherance of reducing handgun violence."

(Added by Ord. 55-06, File No. 060151, App. 3/31/2006)

SEC. 3601A. PENALTY FOR SALE, DISTRIBUTION, TRANSFER, AND MANUFACTURE OF FIREARMS AND AMMUNITION OR POSSESSION OF HANDGUNS WITHIN CITY AND COUNTY OF SAN FRANCISCO.

(a) In enacting Proposition "H" the voters required the Board of Supervisors to enact penalties for its violation. The following sections set forth the penalties for violation of Proposition H.

(b) Any person who shall violate the provisions of Police Code Section 3600A that prohibit the sale, distribution, transfer and manufacture of all firearms and ammunition within the limits of the City and County of San Francisco or that prohibit the possession of any handgun within the limits of the City and County of San Francisco shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000 and by imprisonment in the County Jail not to exceed six months, or by both.

(c) Any firearm or ammunition sold, distributed, transferred, or manufactured or any handgun possessed within the City and County of San Francisco in violation of the provisions of Police Code Section 3600A is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco. The Chief of Police is authorized to seize such firearms, ammunition and handguns and shall destroy or cause to be destroyed such firearms, ammunition and handguns, except upon the certificate of a judge of a court of record, or of the District Attorney that the preservation thereof is necessary or proper to the ends of justice.

(d) This Section shall be enforced to the full extent of the authority of the City and County of San Francisco. If any subsection, sentence, clause, phrase, or word of this Section or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Section which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this section shall be deemed severable.

(Added by Ord. 55-06, File No. 060151, App. 3/31/2006)

ARTICLE 37:  
POLICE EMERGENCY ALARM ORDINANCE

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| Sec. 3700. | Short Title. |
| Sec. 3701. | Findings and Statement of Purpose. |
| Sec. 3702. | Definitions. |
| Sec. 3703. | Motor Vehicle Alarm System. |
| Sec. 3704. | Limitations on Audible Alarm Systems. |
| Sec. 3705. | Back-up Power Supply. |
| Sec. 3706. | Prohibition Against Alarm Systems Which Emit False Alarms. |
| Sec. 3707. | License Required; Application; Fee; False Statements; Transferability. |
| Sec. 3708. | Alarm License Duration and Renewal. |
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| Sec. 3710.1. | Additional Duties of Alarm Installation Company. |
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| Sec. 3710.7. | Refunds. |
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| Sec. 3711. | License or Licensing. |
| Sec. 3712. | Duties and Authority of the Director of Emergency Communications and the Tax Collector. |
| Sec. 3713. | License Administration, Suspension and Revocation. |
| Sec. 3714. | Penalties. |
| Sec. 3715. | Notification. |
| Sec. 3716. | Appeals. |
| Sec. 3717. | Reinstatement. |
| Sec. 3718. | Enforcement. |
| Sec. 3719. | Government Immunity. |
| Sec. 3720. | Licenses. |
| Sec. 3721. | Initial Implementation. |
| Sec. 3722. | Severability. |

SEC. 3700. SHORT TITLE.

This ordinance shall be known as "The Police Emergency Alarm Ordinance."

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002. Former Sec. 3700 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3701. FINDINGS AND STATEMENT OF PURPOSE.

The Board of Supervisors of the City and County of San Francisco finds and declares that:

(a) The vast majority of emergency alarms to which law enforcement officials respond are false alarms. Most false alarms are the result of improper maintenance or improper or careless use of an alarm system.

(b) The public and the police are subjected to needless danger when the police are called to respond to false alarms. In addition, police officers responding to false alarms are not available to carry out other police duties. In the interest of using limited law enforcement resources most effectively and efficiently, the number of false alarms can and must be reduced.

(c) The purpose of this Article is to reduce the dangers and annoyances associated with the use of particular types of alarm systems and to encourage property owners to maintain their systems in good working condition and to use them properly.

(d) A prolonged sound from an audible alarm system fixed to a motor vehicle is a public nuisance.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002. Former Sec. 3701 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3702. DEFINITIONS.

In this Article the following terms and phrases shall have the following meanings:

(a) "Police" or "Police Department" means the San Francisco Police Department.

(b) "Chief of Police" means the Chief of the San Francisco Police Department or his or her designee.

(c) "Alarm installation company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an alarm system in an alarm site.

(d) "Alarm dispatch request" means a notification to the Police Department that an alarm, either manual or automatic. has been activated at a particular alarm site.

(e) "Alarm license" means authorization granted by the Chief of Police to an alarm user to operate an alarm system.

(f) "Alarm monitoring company" means a person in the business of providing monitoring services.

(g) "Alarm site" means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

(h) "Alarm system" means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. Except as otherwise specifically provided in this Article "alarm system" does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site. Independently controlled alarm systems within the same premises shall constitute separate alarm systems. Alarm devices installed on a temporary basis by the Police Department shall not constitute alarm systems. The Director of Emergency Communications may by regulation exclude low-end local alarm systems that are not intended to summon law enforcement response from some or all of the requirements of this Article.

(i) "Alarm user" means any person, who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm system which is not monitored, maintained or repaired under contract.

(j) "Arming station" means a device that allows control of an alarm system.

(k) "Automatic voice dialer" means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

(l) "Cancellation" means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement officer that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

(m) "Conversion" means the transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

(n) "Duress alarm" means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

(o) "False alarm" means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

(p) "Holder alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(q) "Premises" means any land and building located within the City and County of San Francisco except land or buildings owned, rented, or leased to the federal government, the State of California or any political subdivision or agency thereof, or the City and County of San Francisco, including the public schools.

(r) "Local alarm system" means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

(s) "Monitoring" means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

(t) "One-plus duress alarm" means the manual activation of a silent alarm signal by entering at an arming station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code: 1234, one-plus duress code: 1235).

(u) "Panic alarm" means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(v) "Person" means an individual, corporation, partnership, association, organization or similar entity.

(w) "Responder" means an individual capable of reaching the alarm site within 45 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

(x) "SIA Control Panel Standard CP-01" means the ANSI-American National Standard Institute approved Security Industry Association-SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

(y) "Takeover" means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

(z) "Tax Collector" means the Treasurer-Tax Collector of the City and County of San Francisco.

(aa) "Verify" means an attempt by the monitoring company, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made to determine whether an alarm signal is valid before requesting law enforcement dispatch in an attempt to avoid an unnecessary alarm dispatch request.

(bb) "Zones" means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

(cc) "Department of Emergency Communications" and "Director of Emergency Communications" or "Director" mean the Department of Emergency Communications and Director of Emergency Communications of the City and County of San Francisco, respectively.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003. Former Sec. 3702 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3703. MOTOR VEHICLE ALARM SYSTEM.

(a) No person shall install, cause to be installed, use, or operate an audible alarm system affixed to a motor vehicle unless the alarm system is equipped with an automatic shutoff which shuts off the alarm within a maximum of five minutes from the time of activation. Such alarm may not emit a sound similar to the sound emitted by sirens in use on emergency vehicles or to those used for civil defense purposes. For purposes of this Section, any variable tone, as opposed to one steady pitch, shall be considered similar to the sound emitted by an emergency vehicle siren.

(b) The Police Department is authorized to abate the nuisance of an audible alarm system affixed to a motor vehicle which sounds beyond five minutes by using any means necessary to disconnect the vehicle alarm; provided, however, that a police officer shall attempt to contact the vehicle's owner, by telephone or otherwise, before disconnecting the alarm. The expense of disconnecting the alarm shall be a lien against the motor vehicle and shall be the personal obligation of the owner thereof.

(c) Except as provided in this Section, the provisions of this Article are otherwise not applicable to alarm systems affixed to motor vehicles. Audible vehicle alarms are, however, subject to the requirements of Article 29 which prohibits unnecessary, excessive and offensive noise from all sources.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002. Former Sec. 3703 amended by Ord. 325-84, App. 7/6/84; Ord. 126-96, App. 4/3/96; repealed by Ord. 154-02)

SEC. 3704. LIMITATIONS ON AUDIBLE ALARM SYSTEMS.

(a) It shall be unlawful to install or sell an audible alarm system which upon activation emits a sound similar to the sound emitted by sirens in use on emergency vehicles or for civil defense purposes. This does not apply to sirens mounted inside a building which cannot be heard outside the building For purposes of this Section, any variable siren, as opposed to one steady pitch, shall be considered to emit a sound similar to the sound emitted by an emergency vehicle.

(b) It shall be unlawful to operate an audible alarm system which does not shut off within a maximum time of 15 minutes from the time activation. This may be accomplished with either an automatic shutoff or by manual operation. If the alarm has an automatic shutoff with a re-arming phase, the re-arming phase must be able to distinguish between an open and closed circuit, and if the circuit is broken the system shall not re-arm.

(c) For the purposes of administering Article 29, "regulation of noise," an alarm which does not shut off within the prescribed time is deemed to be unnecessary, excessive and offensive.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002. Former Sec. 3704 amended by Ord. 325-84, App. 7/6/84; repealed by Ord. 154-02)

SEC. 3705. BACK-UP POWER SUPPLY.

Any alarm system installed in San Francisco after January 30, 1984, shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of the normal electric utility service will not activate the alarm system. The power supply must be capable of at least four hours of operation.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002. Former Sec. 3705 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3706. PROHIBITION AGAINST ALARM SYSTEMS WHICH EMIT FALSE ALARMS.

No alarm user shall operate or maintain an alarm system which emits false alarms.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002. Former Sec. 3706 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3707. LICENSE REQUIRED; APPLICATION; FEE; FALSE STATEMENTS; TRANSFERABILITY.

(a) No alarm user shall operate or cause to be operated, an alarm system at its alarm site without a valid alarm license. A separate alarm license is required for each alarm site.

(b) There shall be a fee, to be paid by the alarm user, for an alarm license or an alarm license renewal. There shall be separate license fees for residential and commercial premises, and the fees shall be non-refundable. The initial alarm license fee must be paid to the alarm installation company at the time the alarm system is installed or to the alarm monitoring company at the time the alarm user contracts with the company for monitoring services. If the alarm user does not use an alarm installation or monitoring company, the fee must be submitted to the Tax Collector within five (5) days after the alarm system installation or alarm system takeover.

(c) Upon receipt of a completed alarm license application form and the alarm license fee, the Tax Collector shall assign a license number to the applicant unless the applicant has:

(1) Failed to pay a penalty assessed under Section 3714; or

(2) Had an alarm license for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(d) Each alarm license application must include information in a form and fashion specified by the Tax Collector. The application shall be signed by the applicant under penalty of perjury.

(e) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm license shall be sufficient cause for refusal to issue a license.

(f) An alarm license cannot be transferred to another person or alarm site. An alarm user shall inform the Tax Collector of any change that alters any of the information listed on the alarm license application within five (5) business days of such change.

(g) All fees owed by an applicant must be paid before an alarm license may be issued or renewed.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003. Former Sec. 3707 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3708. ALARM LICENSE DURATION AND RENEWAL.

An alarm license shall expire at 12:01 a.m. on January 1 of each year, and must be renewed every year by submitting an updated application and a license renewal fee to the Tax Collector, directly or through an alarm company. It is the responsibility of the alarm user to submit an application prior to the license expiration date. Failure to renew will be classified as use of a non-licensed alarm system and citations and penalties, including penalties provided in Sections 3710.5 and 3714, shall be assessed without waiver.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003. Former Sec. 3708 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3709. DUTIES OF THE ALARM USER.

(a) An alarm user shall:

(1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

(2) Make every reasonable effort to have a responder to the alarm system's location within 45 minutes when requested by the Police Department in order to:

(A) Deactivate an alarm system;

(B) Provide access to the alarm site; and/or

(C) Provide alternative security for the alarm site.

(3) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

(b) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than fifteen (15) minutes after being activated.

(c) An alarm user shall not use automatic voice dialers.

(d) An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system.

(e) In order to reduce false alarms due to initial equipment problems, alarm users may agree with their alarm installation company and/or monitoring company to go through an "acclimation period" for the first seven (7) days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to and will not respond to an alarm signal from the alarm site and will not make an alarm dispatch request to the Department of Emergency Communications, even if the alarm signal is the result of an actual alarm event.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003. Former Sec. 3709 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3710. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY.

(a) The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. The instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

(b) Upon the effective date of this Article, alarm installation companies shall not program alarm systems so that they are capable of sending one-plus duress alarms. Monitoring companies may continue to report one-plus duress alarms received from alarm systems programmed with one-plus duress alarms prior to enactment of this Article. However, upon the effective date of this Article, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification pursuant to Section 3709(c) of this Article, an alarm installation company must remove the one-plus duress alarm capability from such alarm systems.

(c) Upon the effective date of this Article, alarm installation companies shall not install a device to activate a false alarm, which is a single action, non-recessed button.

(d) Ninety (90) days after enactment of this Article, and conditioned upon reasonable availability, the alarm installation companies shall on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(e) An alarm company shall not use automatic voice dialers.

(f) After completion of the installation of an alarm system, an alarm installation company employee shall review with the alarm user a Customer False Alarm Prevention Checklist approved by the Director of Emergency Communications.

(g) In order to reduce false alarms due to initial equipment problems, the monitoring company may agree with the alarm user not to make an alarm dispatch request of the Department of Emergency Communications in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven (7) days following an alarm system installation.

(h) A monitoring company shall:

(1) Report alarm signals y using telephone numbers designated by the Director of Emergency Communications;

(2) Verify every alarm signal, except a panic, duress or holdup signal, before requesting a law enforcement response;

(3) Communicate alarm dispatch requests to the Department of Emergency Communications in a manner and form determined by the Director of Emergency Communications;

(4) Communicate cancellations to the Department of Emergency Communications in a manner and form determined by the Director of Emergency Communications;

(5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the alarm;

(6) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;

(7) Communicate type of alarm activation (silent or audible, interior or perimeter);

(8) Provide an alarm user license number when requesting Department of Emergency Communications dispatch;

(9) After an alarm dispatch request, promptly advise the Department of Emergency Communications if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;

(10) Attempt to contact the alarm user or responder within 24 hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and

(11) Upon the effective date of this Article, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm license number, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The Director of Emergency Communications may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

(i) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the Tax Collector of such purchase and provide details as may be reasonably requested by the Tax Collector.

(j) Each alarm installation and alarm monitoring company shall, upon request, provide a copy of this Article to any new customer with whom it contracts to install and/or monitor an alarm system.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003. Former Sec. 3710 added by Ord. 524-83, App. 11/4/83; repealed by Ord. 154-02)

SEC. 3710.1. ADDITIONAL DUTIES OF ALARM INSTALLATION COMPANY.

(a) An alarm installation company shall not install an alarm for a customer who does not have a current valid license under this Article, provided, however, that the installation company may provide the customer with a license application form, and shall accept from the customer the completed form and the applicable license fee on behalf of the Tax Collector, after which the company may install the alarm system.

(b) No later than last day of each month following the month of collection or receipt, the installation company shall remit to the Tax Collector as a single check all license fees collected and completed license applications received. Remittance reports shall be in a format approved by the Tax Collector and shall include the name, license number, and alarm system location of each alarm user who has paid the fee and any other information required by the Tax Collector.

(c) The alarm installation company shall maintain its records in such a manner so as to be able to cross-reference the alarm user's name, the alarm system's location, and the license number assigned by the Tax Collector.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003; amended by Ord. 297-04, File No. 041336, App. 12/24/2004)

SEC. 3710.2. ADDITIONAL DUTIES OF ALARM MONITORING COMPANY.

(a) An alarm monitoring company shall not service a new customer who does not have a current valid license under this Article, provided that the monitoring company may provide the customer with a license application form and shall accept from the customer the completed form and the applicable license fee on behalf of the Tax Collector, after which the company may service the alarm system.

(b) No later than December 1 of each year, and beginning in 2005, no later than November 1 of each year, an alarm monitoring company doing business in San Francisco shall notify each of its customers of the license renewal for the following year and shall bill such customers for the license fee required under this Article. Such bill shall be due and payable in not more than 30 days. The notification may be part of the company's regular billing or a separate notice, and shall be in a form approved by the Tax Collector. The company shall also provide the customer with a copy of the license renewal form. The alarm monitoring company shall be responsible for collecting the license renewal fee from the customer.

(c) No later than last day of each month following the month of collection or receipt, the monitoring company shall remit to the Tax Collector as a single check all license fees collected, completed license applications received, and a list of customers who have not paid the fee. Remittance reports shall be in a format approved by the Tax Collector and shall include the name, license number, and alarm system location of each alarm user who has paid the fee, and any other information required by the Tax Collector.

(d) The alarm monitoring company shall maintain its records in such a manner so as to be able to cross-reference the alarm user's name, the alarm system's location, and the license number assigned by the Tax Collector.

(e) The billing and remittance provisions of this Section shall only apply to a monitoring company that has a direct contractual relationship with the alarm user. If a monitoring company has no such direct contractual relationship, and instead provides monitoring services pursuant to a subcontract with the alarm installation company or any other person or company, then the installation or other such person or company shall be responsible for meeting the billing and remittance requirements of this Section. However, the monitoring company shall continue to be responsible for complying with all other applicable provisions of this Article, including, but not limited to, the requirements of Section 3710.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003; amended by Ord. 297-04, File No. 041336, App. 12/24/2004)

SEC. 3710.3. COLLECTION OF LICENSE FEE BY ALARM COMPANIES.

(a) Alarm installation and monitoring companies shall hold fee revenues in trust for the City and shall remit the revenues collected as the fee to the Tax Collector as provided in this Article.

(b) The fees collected by alarm companies under this Article shall be stated separately in the alarm companies' billings to their customers.

(c) If the amount paid by a customer is less than the full amount of the charges for service and the license or license renewal fee which have accrued for the billing period, and if the customer remitting has not indicated how to allocate the payment as between alarm company service charges and alarm license fees, then a proportionate share of both the charges for service and the fee shall be deemed to have been paid.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3710.4. LIABILITY FOR FEE.

(a) Any fee required to be paid by an alarm user under the provisions of this Article shall be deemed a debt owed by the alarm user to the City until it has been paid to the City, except that proof of actual payment to an alarm company is sufficient to relieve the alarm user from further liability for the fee.

(b) Any fee required to be collected by an alarm company under the provisions of this Article shall be deemed a debt owed to the City and County of San Francisco by the company required to collect and remit such fee, if the alarm company has failed to take reasonable steps to collect the fee. A company will be deemed to have taken reasonable steps if, at a minimum, it bills the alarm user, waits 30 days, timely bills the user a second time, and then informs the City of the user's continued nonpayment.

(c) Whenever an alarm company remits funds collected as a license or license renewal fee to the City, the alarm company shall also provide the City with the name and address of any customer refusing or failing to pay the fee for a period of one or more billing periods and shall state the amount of such fee remaining unpaid, and such other information as the Tax Collector may require. The Tax Collector may assume responsibility for collection of any fees due and payable for the stated periods and demand payment of such fees, plus administrative costs, interest, and penalties, if any.

(d) Any person owing money to the City under the provisions of this Article shall be liable in an action brought in the name of the City and County for the recovery of such amount.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003; amended by Ord. 297-04, File No. 041336, App. 12/24/2004)

SEC. 3710.5. INTEREST AND PENALTIES.

(a) Any fee or false alarm penalty not paid by the due date is delinquent.

(b) **Alarm User.** Failure by an alarm user to pay any fee or false alarm penalty herein imposed shall result in the following interest and penalties on the alarm user:

(i) If a license fee or false alarm penalty is not paid within 30 days after the same becomes due, the Tax Collector shall add 50 percent to the amount of the stated fee or penalty as a penalty for non-payment.

(ii) In addition to the penalties imposed in this Subsection (b), any alarm user who fails to pay any fee or false alarm penalty imposed by this Article, shall pay interest on the amount of the fee or penalty, exclusive of late payment penalties, plus an additional collection charge for each delinquent account in an amount to be determined by rules and regulations of the Tax Collector. The Tax Collector shall establish collection charges sufficient to reimburse the costs incurred by the City for collecting delinquent fees or penalties. Interest shall be paid at the rate of one percent per month, or fraction thereof. Interest and collection charges shall accrue 90 days after the original due date.

(iii) The penalties, interest and collection charges imposed in this Subsection (b) shall not be collected by the alarm company, but shall be determined and collected by the City and County as set forth hereinafter.

(c) **Alarm Companies.** Interest and penalties for delinquency in remittance of any fee not remitted shall be assessed as follows:

(i) Any alarm company who fails to remit any fee imposed by this Article within 10 days after receipt of written notice from the Tax Collector of such failure shall pay a penalty of 10 percent of the amount of the fee.

(ii) If the Tax Collector determines that the nonpayment of any remittance due hereunder is due to fraud or an intentional disregard of the provisions of this Article or of any applicable rule or regulation of the Tax Collector, a penalty of 100 percent of the amount of the fee shall be added thereto in addition to the penalty stated in subparagraph (i) of this Subsection.

(iii) In addition to the penalties imposed in this Subsection (c), any alarm company who fails to remit any fee imposed by this Article shall pay interest on the amount of the fee, exclusive of penalties, from the date on which the remittance first became delinquent until paid. Interest shall be paid at the rate of one percent per month, or fraction thereof.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3710.6. ALARM COMPANIES; FAILURE TO REPORT AND REMIT FEE; DETERMINATION OF FEE BY TAX COLLECTOR.

(a) If any alarm company shall fail or refuse to make, within the time provided in this Article, any report and remittance of said fee or any portion thereof required by this Article, the Tax Collector may make a determination based upon an estimate of the total liability of the alarm company. The estimate shall be made for the period or periods in respect to which the alarm company failed to timely make a return or failed to timely remit any fees, and may be based upon any information which is in the Tax Collector's possession or may come into his or her possession. Upon the basis of this estimate, the Tax Collector shall compute and determine the amount required to be paid to the City and County, adding to the sum interest and penalties provided by this Article.

(b) In case such determination is made, the Tax Collector shall give a notice of the amount so assessed by serving the determination personally or by depositing it in the United States mail, postage prepaid, addressed to the alarm company so addressed at its last known place of address. Such alarm company may within 10 days after the serving or mailing of such notice make application in writing to the Tax Collector for a hearing to protest the determination.

(c) If application by the alarm company for a hearing is not made within the time prescribed, the fee, interest and penalties, if any, determined by the Tax Collector shall become final and conclusive and immediately due and payable. If such application is made, the Tax Collector shall forward such application to a hearing officer designated by the Director of Emergency Communications, giving not less than five days' written notice in the manner prescribed herein to the alarm company to show cause at a time and place fixed in said notice why the amount specified in the determination should not be fixed for such fee, interest and penalties. At such hearing, the alarm company may appear and offer evidence why such specified fee, interest and penalties should not be so fixed. After such hearing, and in accordance with the decision reached by the hearing officer therein, the Tax Collector shall determine the proper fee to be remitted and shall thereafter give written notice to the alarm company in the manner prescribed herein of such determination and the amount of such fee, interest and penalties. The amount determined to be due shall be payable within 15 days.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3710.7. REFUNDS.

(a) An alarm company may claim a refund or claim a credit a against fees to be collected and remitted of the amount overpaid or paid more than once or erroneously or illegally collected or received by filing a claim in the manner provided in Sections 6.15-1 et seq. of the Business and Tax Regulations Code; provided, however, that neither a refund or a credit shall be allowed unless the amount of the fee so collected has either been refunded to the person entitled thereto or credited to the charges subsequently payable by such person to the alarm company.

(b) An alarm user may obtain a refund of fees overpaid or paid more than once or erroneously or illegally collected or received by the City and County by filing a claim in the manner provided in Sections 6.15-1 et seq. of the Business and Tax Regulations Code, but only when the fee was paid by the alarm user directly to the Tax Collector, or when the alarm user, having paid the fee to the alarm company, establishes to the satisfaction of the Tax Collector that the alarm user has been unable to obtain a refund from the alarm company who collected the fee.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3710.8. FAILURE TO PAY FEE; ADMINISTRATIVE REMEDY.

(a) If the Tax Collector determines that alarm user has deliberately withheld the amount of the fee to be remitted to an alarm company or that an alarm user has failed to pay the amount of the fee for a period of one or more billing periods, or if the Tax Collector deems it in the best interest of the City and County, he or she may assume responsibility for collection of fees due under this Article from certain named alarm users for specified billing periods. The Tax Collector shall notify the alarm user that the Tax Collector has assumed responsibility for collection of the fees due and payable for the stated periods and demand payment of such fees. The notice shall be served on the alarm user by handing it to him or her personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the alarm user at the address to which billing was made by the alarm company, or, should the alarm user have changed his or her address, to his or her last known address.

(b) If an alarm user fails to remit the fee to the Tax Collector, the alarm user shall be subject to the interest and penalties provided in Section 3710.5, in addition to any other penalty imposed by this Article.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3710.9. ADMINISTRATIVE AGREEMENTS.

The Tax Collector may make administrative agreements with alarm companies to vary the strict requirements of this Article so that collection and/or remittance of any fee imposed herein may be made in conformance with the billing procedures of a particular alarm company so long as the overall result of said agreements results in the timely collection and remittance of the fee in conformance with the general purpose and scope of this Article. A copy of each such agreement shall be on file and available for public examination in the Tax Collector's office.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3711. LICENSE OR LICENSING.

All alarm installation companies and monitoring companies shall maintain any license required under state or local law.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002)

SEC. 3712. DUTIES AND AUTHORITY OF THE DIRECTOR OF EMERGENCY COMMUNICATIONS AND THE TAX COLLECTOR.

(a) The Director of Emergency Communications shall have general responsibility for publicizing the existence and requirements of this Article. In addition, the Director shall:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and

(2) Establish a procedure to accept cancellation of alarm dispatch requests.

(b) The Director of Emergency Communications shall establish a procedure to record information on alarm dispatch requests including, but not limited to, the information listed below.

(1) Identification of the license number for the alarm site;

(2) Identification of the alarm site;

(3) Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator name or number;

(4) Date and time of police officer arrival at the alarm site;

(5) Zone and zone description, if available;

(6) Name of alarm user's representative at alarm site, if any;

(7) Whether responding police officer was unable to locate the address of the alarm site; and

(8) Cause of alarm signal, if known.

(c) The Tax Collector shall establish a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:

(1) The date and time of Police Department response to the false alarm;

(2) The identification number of the responding police officer; and

(3) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting penalties.

(d) The Director of Emergency Communications may require an alarm user to remove an alarm device that is a single action, non-recessed button, if a false alarm has occurred.

(e) The Tax Collector and the Director of Emergency Communications will provide a copy of this Article and/or an Article summary sheet to the alarm user upon request.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3713. LICENSE ADMINISTRATION, SUSPENSION AND REVOCATION.

(a) Except where this Article or a rule or regulation of the Tax Collector provides to the contrary, all alarm licenses issued under the provisions of this Article shall be administered under the applicable provisions of Article 1 of the San Francisco Business and Tax Regulations Code, except as otherwise provided in this Article.

(b) The Department of Emergency Communications and the Tax Collector may adopt such rules, regulations, and procedures as he or she determines necessary for his or her department to administer the functions assigned to his or her department under this Article.

(c) Any license issued under this Article may be suspended or revoked for good cause by the Director.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3714. PENALTIES.

(a) No penalty shall be assessed for the first false alarm from an alarm system during the calendar year. Thereafter, the alarm user shall pay a penalty for each subsequent false alarm from the same alarm system during the calendar year, based upon the following schedule:

|  |  |
| --- | --- |
| **Number of False Alarms** | Penalties |
| 1 | no penalty |
| 2 | $100 |
| 3 | $150 per alarm |
| 4 | $200 per alarm |
| 5 | $250 per alarm |

(b) In addition to the penalties provided in subsection (a), any person operating a non-licensed alarm system will be subject to a penalty of $100, as well as a penalty of $250 for each false alarm, including the first false alarm during the calendar year. A non-licensed alarm system includes a system for which a license has not been obtained or for which a license has been suspended or revoked. The Director of Emergency Communications and/or the Tax Collector may waive the first $100 penalty for a non-licensed system if the alarm user submits an application for alarm license (or for reinstatement of a license) within ten (10) days after notification of such violation.

(c) If cancellation occurs prior to the Police Department arriving at the scene, the Director may determine that the cancellation will not be counted as a false alarm for the purpose of assessing penalties.

(d) The alarm installation company will be subject to a penalty of $250 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

(e) The monitoring company will be issued a penalty of $250 for each failure to verify alarm system signals as specified in Section 3710(h)(2).

(f) The alarm installation or monitoring company will be issued a penalty of $500 if the Director or the Tax Collector determines that an alarm installation or monitoring company employee knowingly made a false statement relating to its duties and obligations under this Article, including but not limited to statements concerning the inspection of an alarm site or the performance of an alarm system.

(g) Any penalty imposed under this Section shall be subject to the collection and enforcement provisions of Sections 3710.5 and 3718, including late payment penalties and accrual of interest. The Tax Collector may enforce the provisions of this Article by administrative citation, as provided in Sections 6.19-3 et seq. of the Business and Tax Regulations Code.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3715. NOTIFICATION.

The Tax Collector shall notify the alarm user in writing after each false alarm. The notification shall include: the amount of the penalty for the false alarm, and a description of the appeals procedure available to the alarm user.

The Director of Emergency Communications will notify the alarm user and the alarm installation company or monitoring company in writing after an alarm license has been suspended or revoked. This notice will include the reason(s) for the suspension or revocation, any outstanding fees or penalties, any outstanding corrective actions required by the Director, and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

Notice shall be by first class mail to the alarm user within fifteen (15) days of police response to a false alarm or to the alarm user and the alarm installation company or monitoring company within fifteen (15) days after an alarm license has been suspended or revoked.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3716. APPEALS.

(a) If the Director of Emergency Communications revokes or suspends an alarm license, assesses a penalty, or denies the issuance, renewal or reinstatement of an alarm license, the Director shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.

(b) The alarm user, alarm installation company or monitoring company may appeal the decision of the Director as follows:

(1) The applicant, alarm user, alarm installation company or the monitoring company may file a written request for a review by paying an appeal fee of $35 and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Director. The person filing the appeal must also deposit with the Tax Collector the full amount of any penalty imposed, plus any accrued interest and costs. Appeal fees, and any other amount deposited with the Tax Collector, will be returned to the appealing alarm user, alarm installation company or monitoring company if the appeal is upheld.

(2) The Director may grant, but not deny, the appeal based upon an initial review of the appellant's written submission, in addition to any other information which is in the Director's possession or may come into his or her possession.

(3) If, after his or her initial review, the Director does not grant the appeal or determines that a hearing is appropriate or necessary, the Director shall appoint a hearing officer to conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence submitted by any interested person(s). The hearing officer shall not be a employee whose regular duties include administration or enforcement of this Article. The hearing officer shall make his or her decision affirming or reversing the decision of the Director on the basis of the preponderance of evidence presented at the hearing, and must render the decision within thirty (30) days after the date of the hearing.

(c) Filing of a request for appeal shall stay the action by the Director revoking or suspending an alarm license or requiring payment of a penalty, until the completion of the appeal. If a request for appeal is not made within the twenty (20) business day period, the action of the Director is final.

(d) The Director or the hearing officer may adjust the count of false alarms based on:

(1) Evidence that a false alarm was caused by an Act of God;

(2) Evidence that a false alarm was caused by action of the telephone company;

(3) Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;

(4) Evidence that the alarm dispatch request was not a false alarm;

(5) Evidence that the police officer response was not completed in a timely fashion; and/or

(6) In determining the number of false alarms, multiple alarms occurring in any twenty-four (24) hour period may, in the Director's or the hearing officer's discretion, be counted as one false alarm, to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

(e) With respect to penalties imposed against an alarm installation company or monitoring company, the Director or the hearing officer may take into consideration whether the alarm company had engaged in a pattern of violations.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3717. REINSTATEMENT.

(a) A person whose alarm license has been revoked or suspended may, at the discretion of the Director, have the alarm license reinstated if the person:

(1) In the case of revocation, submits a new application and pays a reinstatement fee equal to one-half of the license renewal fee;

(2) Pays, or otherwise resolves, all outstanding fees and penalties; and

(3) Submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company.

(b) In addition, the Director may require one or more of the following as a condition to reinstatement:

(1) Proof that an employee of the alarm installation company or monitoring company caused the false alarm;

(2) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;

(3) A written statement from an independent inspector designated by the Director that the alarm has been inspected and is in good working order;

(4) Confirmation that all motion detectors are "dual technology" type;

(5) Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company;

(6) Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company;

(7) Certification that the monitoring company will confirm the need for police response by a listening device;

(8) Certification that the monitoring company will confirm the need for police response by a camera device; or

(9) Certification that the monitoring company will confirm the need for police response by a person at the alarm site.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3718. ENFORCEMENT.

(a) Any fee or penalty imposed under this article shall be delinquent 30 days after the same becomes due or a decision has been issued in an appeal under the Article, whichever occurs later. Penalties for late payment, in part or in full, shall accrue at the rate of one (1) percent each month, compounded.

(b) Any fee or penalty imposed under this Article shall be deemed a debt to the City and County of San Francisco. An action may be commenced in the name of the City and County of San Francisco in any court of competent jurisdiction for the amount of any delinquent fees or penalties and court costs as deemed reasonable.

(c) The City and County of San Francisco may create and impose liens against any property owned or operated by a person who fails to pay any fee or penalty imposed under this Article. Liens shall be imposed and collection pursuant to the procedures provided in Article XX of Chapter 10 of the San Francisco Administrative Code.

(d) In addition to any other penalties provided by the law, the City Attorney may bring a civil action and/or seek injunctive relief to enforce the provisions of this Article.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3719. GOVERNMENT IMMUNITY.

Issuance of an alarm license is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm license, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003)

SEC. 3720. LICENSES.

(a) The alarm license fee (original or annual renewal) for a commercial premises shall be $60. The alarm license fee (original or annual renewal) for a residential premises shall be $40. The license shall be pro-rated, on a quarterly basis, for new licenses obtained after February 1.

(b) Beginning with fiscal year 2003-2004, the fees set in this Section may be adjusted, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each pear, the Tax Collector shall submit the current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year; provided, however, that the fees shall only be adjusted in five-dollar increments, when cumulative changes in the Consumer Price Index since the last fee adjustment justify an increase or decrease of at least five dollars.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; amended by Ord. 30-03, File No. 021995, App. 2/28/2003; Ord. 297-04, File No. 041336, App. 12/24/2004)

SEC. 3721. INITIAL IMPLEMENTATION.

(a) On the effective date of this ordinance, every alarm monitoring company doing business in San Francisco shall send to the Tax Collector a complete list of its customers with alarm systems located in San Francisco; the list shall be in a format acceptable to the Tax Collector. The list shall include: the name of each customer, the customer's billing address, the location(s) of the alarm system(s), and such other information as the Tax Collector may request. The customer lists shall be kept confidential to the full extent allowed by law.

(b) No later than March 1, 2003, every alarm monitoring company doing business in San Francisco shall notify and bill each of its customers for the license fee required under this Article. This bill shall be due and payable within 30 days. The bill may be part of the company's regular billing or a separate billing, and shall be in a form approved by the Tax Collector. The company shall also provide the customer with a copy of the license application form. No later than April 1, 2003, the company shall send a follow-up notice to its customers who have not yet paid the fee in full. The company shall be responsible for collection of the license fee from the customer.

(c) No later than May 1, 2003, the alarm monitoring companies shall remit to the Tax Collector all license fees collected, all completed license applications received, as well as a list of customers who have not paid the fee in full and a list of customers who paid after April 1, 2003.

(d) Notwithstanding the provisions of Section 3720(a), license fees for existing customers of alarm monitoring companies as of March 1, 2003 shall not be prorated for calendar year 2003.

(Added by Ord. 30-03, File No. 021995, App. 2/28/2003. Former Section 3721 was added by Ord. 154-02, File No. 021078, App. 7/12/2002; renumbered as Section 3722 by Ord. 30-03)

SEC. 3722. SEVERABILITY.

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(Added by Ord. 154-02, File No. 021078, App. 7/12/2002; renumbered by Ord. 30-03, File No. 021995, App. 2/28/2003)

ARTICLE 38:  
PROHIBITING DISCRIMINATION ON THE BASIS OF AIDS AND ASSOCIATED CONDITIONS

|  |  |
| --- | --- |
| Sec. 3801. | Policy. |
| Sec. 3802. | Findings. |
| Sec. 3803. | Employment. |
| Sec. 3804. | Housing. |
| Sec. 3805. | Business Establishments and Public Accommodations. |
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| Sec. 3860. | Application to the City and County of San Francisco. |

SEC. 3801. POLICY.

It is the policy of the City and County of San Francisco to eliminate discrimination based on the fact that a person has AIDS or any medical signs or symptoms related thereto. In adopting this ordinance, the Board of Supervisors does not intend to proscribe any activity the proscription of which would constitute an infringement of the free exercise of religion as guaranteed by the United States and California constitutions.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3802. FINDINGS.

After public hearings and consideration of testimony and documentary evidence, the Board of Supervisors finds and declares that the medical condition described as acquired immune deficiency syndrome, and commonly known as AIDS, is a deadly disease which has the potential to affect every segment of the City's population. AIDS was first recognized in 1981. It is now seen as the top priority of the United States Public Health Service.

AIDS is the most severe manifestation of a spectrum of clinical disease caused by a virus, variously known as human T-lymphotropic virus type III, lymphadenopathy-associated virus, or AIDS-associated retrovirus, which attacks and cripples the body's immune system by killing T-helper lymphocytes, thereby leaving the body vulnerable to opportunistic infections and malignancies. A person afflicted with AIDS can suffer a variety of viral, bacterial, fungal, and protozoal infections and malignancies which eventually lead to death, usually within one year after diagnosis.

The spread of the virus has occurred only through the exchange of body fluids, that is blood, blood products, or semen, between individuals. No evidence exists to indicate that the virus can be spread by casual person-to-person contact. Medical studies of families in which one or more members have been infected with HTLV-III/LAV/ARV show no spread of the virus other than through sexual intercourse or from mother to fetus in utero. Medical studies of hospital personnel caring for AIDS patients show no spread of the virus other than through needle sticks. The public health of the danger presented by the virus and its subsequent manifestations of AIDS-related complex and AIDS is caused by a lengthy asymptomatic period of infection during which an apparently healthy individual may unknowingly spread the disease to other persons through the exchange of blood, blood products, or semen. AIDS is concentrated primarily in urban areas, with the City and County of San Francisco having the largest incidence of the disease in the country. In the opinion of the scientific, medical, and public health communities, AIDS will continue to increase at a high rate within our City for the foreseeable future.

AIDS and AIDS-related complex by their nature have created a minority of our citizens who are afflicted with a seriously disabling condition whose ultimate outcome is fatal. Individuals infected with the virus represent a significant segment of our population particularly victimized due to the nature of their infection and to the present climate of misinformation, ignorance, and fear in the general population. Discrimination against victims of AIDS and AIDS-related conditions exists in the City and County of San Francisco. Persons with AIDS or AIDS-related conditions are faced with discrimination in employment, housing, business establishments, city facilities, city services, and other public accommodations. This discrimination poses a substantial threat to the health, safety, and welfare of the community. Existing state and federal restraints on such arbitrary discrimination are inadequate to meet the particular problems of this City and County.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3803. EMPLOYMENT.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts as a result of the fact, in whole or in part, that a person has AIDS or any of the associated conditions covered by this Article:

(1) By an employer: To fail or refuse to hire, or to discharge any individual; to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion; or to limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his/her status as an employee;

(2) By an employment agency: To fail or refuse to refer for employment or for consideration as an independent contractor any individual; or otherwise to discriminate against any individual;

(3) By a labor organization: To exclude or expel from its membership or to otherwise discriminate against any individual; or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his/her status as an employee or as an applicant for employment;

(4) By any person engaging the services of an independent contractor: To fail or refuse to engage the services of, or to terminate the services of, any independent contractor; to discriminate against any independent contractor with respect to the terms or conditions under which the contracted for work is performed or evaluated or otherwise to deprive or tend to deprive such individual of a fair opportunity to perform the contracted for work;

(5) By an employer, employment agency or labor organization;

(i) To discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program;

(ii) To print, publish, advertise or disseminate in any way, or cause to be printed, published, advertised or disseminated in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which indicates an unlawful discriminatory act or preference.

(b) **Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.**

(1) Nothing contained in this Section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.

(2) In any action brought under Section 3811 of this Article (Enforcement), if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving:

(i) That the discrimination is in fact a necessary result of a bona fide occupational qualification; and

(ii) That there exists no less discriminatory means of satisfying the occupational qualification.

(3) The capacity of an individual to perform his or her duties without endangering his or her health or safety, or the health or safety of others is a bona fide occupational qualification.

(c) **Exceptions.** Nothing in this Section shall be construed to prohibit any act specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health.

(Added by Ord. 499-85, App. 11/20/85; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3804. HOUSING.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts as a result of the fact, in whole or in part, that a person has AIDS or any of the associated conditions covered by this Article:

(1) To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof; to require different terms for such transaction; or falsely to represent that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property and clause, condition or restriction;

(3) To refuse to lend money, guarantee the loan of money, accept a deed of trust or mortgage, or otherwise refuse to make available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, services, repairs or improvements for any tenant or lessee;

(5) To make, print, publish, advertise or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement or advertisement with respect to a transaction or proposed transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preference, limitation or discrimination based on AIDS.

(b) **Exceptions.**

(1) Nothing in this Article shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

(2) Nothing in this Section shall be construed to prohibit any act specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3805. BUSINESS ESTABLISHMENTS AND PUBLIC ACCOMMODATIONS.

(a) **Prohibited Activity.** It shall be an unlawful practice for any person to do any of the following acts as a result of the fact, in whole or in part, that a person has AIDS or any of the associated conditions covered by this Article:

(1) To deny any individual the full and equal enjoyment of the foods, services, facilities, privileges, advantages and accommodations of any business establishment or public accommodation;

(2) For any business establishment or public accommodation to boycott or blacklist, to surcharge, or to refuse to buy from, contract with, sell to, or trade with any person.

(b) **Advertising.** No person shall make, print, publish, advertise or disseminate in any way any notice, statement or advertisement with respect to any business establishment or public accommodation which indicates that a person is doing or will do anything which this Section prohibits.

(c) **Exceptions.** Nothing in this Section shall be construed to prohibit any act specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health.

(Added by Ord. 499-85, App. 11/20/85; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3806. EDUCATIONAL INSTITUTIONS.

(a) **Prohibited Activity.** It shall be an unlawful educational practice for any person to do any of the following:

(1) To deny admission, or to impose different terms or conditions on admission, as a result of the fact, in whole or in part, that a person has AIDS or any of the associated-conditions covered by this Article.

(2) To deny any individual the full and equal enjoyment of, or to impose different terms or conditions upon the availability of, any facility owned or operated by or any service or program offered by an educational institution as a result of the fact, in whole or in part, that a person has AIDS or any of the associated conditions covered by this Article.

(b) **Exceptions.**

(1) It shall not be an unlawful discriminatory practice for a religious or denominational institution to limit admission, or give other preference to applicants of the same religion.

(2) Nothing in this Section shall be construed to prohibit any act specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3807. CITY FACILITIES AND SERVICES.

(a) **Prohibited Activity.** It shall be an unlawful practice for any person to deny any person the full and equal enjoyment, or to impose different terms and conditions on the availability, of any of the following:

(1) Use of any City facility or City service as a result of the fact, in whole or in part, that a person has AIDS or any of the associated conditions covered by this Article.

(2) Any service, program or facility wholly or partially funded or otherwise supported by the City and County of San Francisco, as a result of the fact, in whole or in part, that a person has AIDS or any of the associated conditions covered by this Article.

(b) **Exceptions.** Nothing in this Section shall be construed to prohibit any act which is specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3808. ASSOCIATION AND RETALIATION.

(a) **Association.** It shall be unlawful for any person to do any of the acts described in Sections 3803(a), 3804(a), 3805(a), 3805(b), 3806(a) or 3807(a) as a result of the fact that a person associates with anyone who has AIDS or any of the associated conditions covered by this Article.

(b) **Retaliation.** It shall be unlawful for any person to do any of the acts described in Sections 3803(a), 3804(a), 3805(a), 3805(b), 3806(b) or 3807(a) or to retaliate against a person because a person:

(i) Has opposed any act or practice made unlawful by this Article;

(ii) Has supported this Article and its enforcement;

(iii) Has filed a complaint under this Article with the San Francisco Human Rights Commission or any court:

(iv) Has testified, assisted or participated in any way in any investigation, proceeding, or litigation under this Article.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3809. TESTING.

(a) No person shall require another to take any test or undergo any medical procedure designed to show or help show that a person has AIDS or any of the associated conditions covered by this Article.

(b) Subsection (a) does not apply to an employer who can show that the absence of AIDS is a bona fide occupational qualification.

(c) Nothing in this Section shall be construed to prohibit any act specifically authorized by the laws of the State of California Department of Public Health in order to protect the public health.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3810. LIABILITY.

Any person who violates any of the provisions of this Article or who aids in the violation of any provisions of this Article is liable for each and every such offense for the actual damages, and such amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than $1,000, and such costs and attorney's fees as may be determined by the court. In addition, punitive damages may be awarded in a proper case.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3811. ENFORCEMENT.

(a) **Human Rights Commission.** Any person who believes that he or she has been discriminated against in violation of the provisions of this Article may file with the Human Rights Commission a request to have the Commission investigate and mediate his or her complaint under the provisions of Chapter 12A of the Administrative Code of the City and County of San Francisco.

(b) **Civil Action.** Any aggrieved person may enforce the provisions of this Article in a civil action.

(c) **Equitable Relief.**

(1) Any person who commits, or proposes to commit, an act in violation of this Article may be enjoined therefrom by any court of competent jurisdiction.

(2) An action for equitable relief under this subsection may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any other person.

(d) **Bar.** A complaint to the Human Rights Commission is not a prerequisite to the filing of a civil action under this Section. The pendency of a complaint before the Human Rights Commission shall not bar any civil action under this Section, but a final judgment in any civil action shall bar any further proceedings by the Human Rights Commission.

(Added by Ord. 499-85, App. 11/20/85; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3812. LIMITATION ON ACTIONS.

Judicial actions or requests to the Human Rights Commission under this Article must be filed within two years of the alleged discriminatory acts.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3813. DEFINITIONS.

As used in this Article, the following words or phrases shall have the meanings indicated:

(a) The word "AIDS" shall mean the condition which occurs when an individual is infected with the virus known as lymphadenopathy-associated virus or human T-lymphotropic virus type III or AIDS-associated retrovirus including, but not limited to, acquired immunodeficiency syndrome (AIDS), AIDS-related complex, progressive generalized lymphadenopathy, lymphadenopathy syndrome, and asymptomatic infection. It also includes anyone who has any medical condition as a result of having any of the above. It also includes any perception, whether real or imaginary, that a person is suffering from AIDS, any of the conditions described above, or the perception, real or imaginary, that a person is at risk for any of the conditions described above.

(b) The phrase "business establishment" shall mean any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist of requirements under which a substantial portion of the residents of this City could qualify.

(c) The word "person" as used in this Article shall mean any individual, person, firm, corporation, or other organization or group of persons however organized. For the purposes of Section 3805(a)(2), "person" shall also mean, and include the partners, managers, employees, agents, business associates, suppliers or customers of a firm, corporation, business or other organization.

(Added by Ord. 499-85, App. 11/20/85; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3814. SEVERABILITY.

If any part or provision of this Article, or the application thereof to any person or circumstance is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3815. NONWAIVERABILITY.

Any written or oral agreement which purports to waive any provision of this Article is against public policy and void.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3816. APPLICATION TO THE CITY AND COUNTY OF SAN FRANCISCO.

All the provisions of this Article apply to the City and County of San Francisco.

(Added by Ord. 499-85, App. 11/20/85)

SEC. 3850. POLICY.

It is the policy of the City and County of San Francisco to eliminate discrimination based on the fact that a person has a disease or affliction that cannot be transmitted by casual contact, or any symptoms related thereto. In adopting this ordinance, the Board of Supervisors does not intend to proscribe any activity the proscription of which would constitute an infringement of any right guaranteed by the United States and California Constitutions.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3851. FINDINGS.

After public hearings and consideration of testimony and documentary evidence, the Board of Supervisors finds and declares that discrimination in employment against persons with diseases and afflictions that cannot be transmitted by casual contact exists in the City and County of San Francisco. This discrimination cuts across all racial, ethnic, and economic lines. Such discrimination poses a substantial threat to the health, safety, and welfare of the community. Existing state and federal restraints on such arbitrary discrimination inadequate to meet the particular problems of this City and County.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3852. EMPLOYMENT.

(a) **Prohibited Activity.** It shall be unlawful for any person to do any of the following acts as a result of the fact, in whole or in part, that a person has any disease or affliction that cannot be transmitted by casual contact:

(1) By an employer: To fail or refuse to hire, or to discharge any individual; to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion; or to limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his/her status as an employee;

(2) By an employment agency: To fail or refuse to refer for employment or for consideration as an independent contractor any individual; or otherwise to discriminate against any individual;

(3) By a labor organization: To exclude or expel from its membership or to otherwise discriminate against any individual, or to limit, segregate or classify its membership; or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his/her status as an employee, independent contractor, or as an applicant for employment;

(4) By any person engaging the services of an independent contractor: To fail or refuse to engage the services of, or to terminate the services of, any independent contractor; to discriminate against any independent contractor with respect to the terms or conditions under which the contracted for work is performed or evaluated or otherwise to deprive or tend to deprive such individual of a fair opportunity to perform the contracted for work;

(5) By an employer, employment agency or labor organization:

(i) To discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining, including any on-the-job training program;

(ii) To print, publish, advertise or disseminate in any way, or cause to be printed, published, advertised or disseminated in any way, any notice or advertisement with respect to employment, membership in, or any classification or referral for employment or training by any such organization, which indicates an unlawful discriminatory act or preference.

(b) **Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.**

(1) Nothing contained in this Section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification.

(2) In any action brought under Section 3856 of this Article (Enforcement), if a party asserts that an otherwise unlawful discriminatory practice is justified as a bona fide occupational qualification, that party shall have the burden of proving:

(i) That the discrimination is in fact a necessary result of a bona fide occupational qualification; and,

(ii) That there exists no less discriminatory means of satisfying the occupational qualification.

(3) The capacity of an individual to perform his or her duties without endangering his or her health or safety, or the health or safety of others is a bona fide occupational qualification.

(c) **Exceptions.** Nothing in this Section shall be construed to prohibit any act specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the Public Health.

(d) **Definition.** For the purposes of this ordinance, "person" shall mean any individual, person, firm, corporation or other organization or group of persons however organized.

(Added by Ord. 195-86, App. 6/6/86; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3853. ASSOCIATION AND RETALIATION.

(a) It shall be unlawful for any person to do any of the acts described in Section 3852 as a result of the fact that a person associates with any one who has a disease or affliction that cannot be transmitted by casual contact or any associated condition covered by this ordinance.

(b) It shall be unlawful for any person to do any of the acts described in Section 3852 or to retaliate against a person because a person:

(i) Has opposed any act or practice made unlawful by this ordinance;

(ii) Has supported this ordinance and its enforcement;

(iii) Has filed a complaint under this ordinance with the San Francisco Human Rights Commission or any court;

(iv) Has testified, assisted or participated in any way in any investigation, proceeding or litigation under this ordinance.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3854. TESTING.

(a) No person shall require another to take any test or undergo any medical procedure designed to show or help show that a person has a disease or affliction that cannot be transmitted by casual contact or any associated condition covered by this ordinance.

(b) Subsection (a) does not apply to an employer who can show that the absence of a disease or affliction that cannot be transmitted by casual contact is a bona fide occupation qualification.

(c) Nothing in this section shall be construed to prohibit any act specifically authorized by the laws of the State of California or any actions taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3855. LIABILITY.

Any person who violates any of the provisions of this ordinance is liable for each and every such offense for the actual damages, and such amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than $1000, and such costs and attorneys' fees as may be determined by the court. In addition, punitive damages may be awarded in a proper case.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3856. ENFORCEMENT.

(a) **Human Rights Commission.** Any person who believes that he or she has been discriminated against in violation of the provisions of this ordinance may file with the Human Rights Commission a request to have the Commission investigate and mediate his or her complaint under the provisions of Chapter 12A of the Administrative Code of the City and County of San Francisco.

(b) **Civil Action.** Any aggrieved person may enforce the provisions of this ordinance in a civil action.

(c) **Equitable Relief.**

(1) Any person who commits, or proposes to commit, an act in violation of this ordinance may be enjoined therefrom by any court of competent jurisdiction.

(2) An action for equitable relief under this Subsection may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any other person.

(d) **Bar.** A complaint to the Human Rights Commission is not a prerequisite to the filing of a civil action under this Section. The pendency of a complaint before the Human Rights Commission shall not bar any civil action under this Section, but a final judgment in any civil action shall bar any further proceedings by the Human Rights Commission.

(Added by Ord. 195-86, App. 6/6/86; amended by Ord. 222-02, File No. 021462, App. 11/15/2002)

SEC. 3857. LIMITATION ON ACTIONS.

Judicial actions or requests to the Human Rights Commission under this ordinance must be filed within two years of the alleged discriminatory act.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3858. SEVERABILITY.

If any part or provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3859. NONWAIVERABILITY.

Any written or oral agreement which purports to waive any provision of this ordinance is against public policy and void.

(Added by Ord. 195-86, App. 6/6/86)

SEC. 3860. APPLICATION TO THE CITY AND COUNTY OF SAN FRANCISCO.

All the provisions of this ordinance shall apply to the City and County of San Francisco.

(Added by Ord. 195-86, App. 6/6/86)

ARTICLE 39:  
PEDICABS

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| Sec. 3902. | Permit Required. |
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| Sec. 3904. | Pedicab Operator's Permit Application. |
| Sec. 3905. | Insurance Requirements. |
| Sec. 3906. | Permits Issued by Chief of Police. |
| Sec. 3907. | Presentation of Permit to Tax Collector-License Fees. |
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| Sec. 3914. | Loading Required. |
| Sec. 3915. | Regulations by Chief of Police. |
| Sec. 3916. | Penalty. |
| Sec. 3917. | Severability. |

SEC. 3901. DEFINITIONS.

(a) "Operator" means the individual who actually operates the pedicab whether as the owner, an employee of the owner or as an independent contractor.

(b) "Owner" means any person who owns, leases, or otherwise has possession of the pedicab.

(c) "Pedicab" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, having two or more wheels and constructed in such a manner as to engage in the business of carrying passengers for hire.

(d) "Person" means any corporation, association, syndicate, joint stock company, partnership or individual.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3902. PERMIT REQUIRED.

Before operating any pedicab upon any public street, the owner or lessee thereof shall apply for and obtain a permit therefor from the Police Department as provided in Section 3903 of this Article, and the operator thereof shall also obtain an operator's permit as provided in Section 3905 of this Article.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3903. APPLICATION FOR PEDICAB PERMIT.

(a) Application for a pedicab permit shall be made in writing upon a form prescribed by the Chief of Police and filed with the Chief of Police along with the filing fee. The application shall contain the following information:

1. Owner's or lessee's name, address and type of ownership.

2. Vehicle type and serial number.

3. Seating capacity.

4. Route(s) or area(s) over which the applicant proposes to operate.

5. Whether the applicant has ever been convicted of a felony or a misdemeanor and, if so, the details thereof.

6. Such other information as the Chief of Police determines is necessary to evaluate the fitness of the applicant to be granted a pedicab owner's permit.

(b) Each applicant shall sign the application which shall contain a warning that the application may be denied or the permit suspended or revoked if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a pedicab permit.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3904. PEDICAB OPERATOR'S PERMIT APPLICATION.

(a) Application for a pedicab operator's permit shall be made in writing upon a form prescribed by the Chief of Police and filed with the Chief of Police along with the filing fee. The application shall contain the following information:

1. The applicant's full name, residence address, date of birth and California driver's license number.

2. Whether the applicant:

A. Has ever been convicted of a felony or a misdemeanor and, if so, the details thereof;

B. Has ever been licensed as a driver or chauffeur and, if so, whether such license has ever been revoked and for what cause;

C. The driver is physically qualified to drive a pedicab safely and the driver's hearing and eyesight are unimpaired.

3. Such other information as the Chief of Police determines is necessary to evaluate the fitness of the applicant to be granted a pedicab owner's permit.

(b) The operator shall pass an examination as to the operator's knowledge of the traffic laws and rules of the City and County of San Francisco.

(c) The operator, if not also the owner of the pedicab, must present a letter of request signed by the owner or lessee stating an intent to employ the applicant.

(d) The operator must allow a complete set of his or her fingerprints to be taken.

(e) The operator must submit two recent recognizable photographs of said operator.

(f) Each applicant shall sign the application which shall contain a warning that the application may be denied or the permit suspended or revoked if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a pedicab permit.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3905. INSURANCE REQUIREMENTS.

(a) In order to ensure the safety of the public, it shall be unlawful for any person who owns a pedicab to allow it to be operated or driven or to obtain a permit therefor unless and until said person shall have complied with the provisions of either Paragraph 1 or Paragraph 2 of this subsection.

1. Such person, firm or corporation shall file with the Chief of Police and thereafter keep in full force and effect a policy of insurance, in such form as the Chief of Police may deem proper and executed by a Company duly licensed to issue insurance policies in California, insuring the public against any loss or damage that may result to any person or property from the operation of such pedicab or pedicabs, provided the minimum amount of recovery in such policy of insurance shall be not less than the following sums:

**Personal Injury or Death:** $100,000 for each person injured or killed subject to a limit of $450,000 for any one occurrence;

**Property Damage:** $10,000 for any one occurrence, and further provided that the policy is endorsed to provide a hold harmless clause in favor of the City and County of San Francisco and to provide that a 30 days' notice of cancellation be sent to the Chief of Police of the City and County of San Francisco.

2. Such person, firm or corporation, in lieu of the aforesaid liability insurance policy, file with the Chief of Police a bond in such form as the Chief of Police may deem proper, executed by a surety company duly authorized to do business within the State of California. The bond shall be conditioned on the payment of the amounts set forth hereinbelow and shall provide for the entry of judgment on motion of the state in favor of any holder of a final judgment on account of damages to property or injury to any person caused by the operation of such person's, firm's or corporation's pedicab and further shall provide for a hold harmless clause in favor of the City and County of San Francisco and that a 30 days' notice of cancellation be sent to the Chief of Police of the City and County of San Francisco. The bonds shall be in the sum as follows:

A. For only one pedicab: $100,000 for any one occurrence.

B. For more than one but less than six pedicabs: $200,000 for any one occurrence.

C. For more than five but less than 21 pedicabs: $450,000 for any one occurrence.

D. For more than 20 but less than 61 pedicabs: $600,000 for any one occurrence.

E. For more than 60 but less than 101 pedicabs: $1,000,000 for any one occurrence.

F. For more than 100 pedicabs: $3,000,000 for any one occurrence.

Subject to the limits shown for any one occurrence, the bond shall be conditioned to pay $100,000 for injury to any one person and $10,000 for damage of property of any one person.

(b) It shall be unlawful for any person who owns a pedicab to allow it to be operated or driven by an employee unless and until

1. The owner provides workers' compensation insurance for the employee.

(c) It shall be unlawful for any person to operate or drive a pedicab as an independent contractor or to obtain a permit therefor unless and until said person shall have complied with the provisions by either Paragraph 1 or Paragraph 2 of Subsection (a) of this Section.

(d) **New Policy to be Furnished.** If, at any time, said policy or certificate of insurance or bond be cancelled by the issuing company, the Chief of Police shall require the party to whom the permit is issued to replace said policy or certificate or bond with another policy or certificate or bond satisfactory to the Chief of Police and, in default thereof, said permit shall be deemed void upon the effective date of the cancellation of the insurance or bond.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3906. PERMITS ISSUED BY CHIEF OF POLICE.

(a) The Chief of Police shall, without unnecessary delay, hear each owner/lessee application and grant the same unless the Chief finds:

1. That the owner/lessee has committed crimes or has been convicted of offenses that render the applicant unfit to own pedicabs;

2. That the applicant has filed to meet the insurance or bond requirements set forth in Section 3905 of this Article;

3. That the pedicab for which the permit is applied for is inadequate or unsafe for the purpose intended or insufficiently equipped with safety devices;

4. That the route and/or routes or area over which the applicant proposes to operate cannot safely accommodate pedicabs in view of the condition of the existing roads or the traffic thereon. In passing upon this question the Chief of Police shall consult with the Department of Public Works and exercise a sound and reasonable discretion, and the permit shall be granted unless public interest and safety may otherwise require;

5. That the applicant made material misrepresentations of facts relevant to the fitness of the applicant to be granted the permit.

(b) Permits shall be numbered, and such numbers, not less than three inches in height and one-half inch wide shall be affixed to each pedicab upon the right-hand side of the body thereof with such conspicuousness as may be required by the Chief of Police.

All permits shall be obtained from the office of the Tax Collector upon proper notification to that office from the Chief of Police.

(c) The Chief of Police shall, without unnecessary delay, hear each operator application and may grant the same unless it shall appear:

1. That the pedicab operator is incompetent or has not had sufficient experience in driving a vehicle in the City and County of San Francisco;

2. That the operator has committed crimes or has been convicted of offenses that render said applicant unfit for the operation of pedicabs.

3. That the operator is not physically qualified to operate a pedicab safely or possesses defective eyesight or hearing.

4. That the applicant made material misrepresentations of facts relevant to the fitness of the applicant to be granted the permit.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3907. PRESENTATION OF PERMIT TO TAX COLLECTOR-LICENSE FEES.

Upon the granting of a permit, as hereinabove provided, the Police Department shall forward the permit to the Tax Collector, who shall furnish the permittee with the following:

(a) **Owner/Lessee:**

(1) Permit

(2) License

(3) Permit Plate

(b) **Operator:**

(1) Permit

(2) License

(3) Operator's Badge

(4) Identification Card

Each permittee is required to pay a license fee to the Tax Collector, and must pay the cost of such badge, card and plate as are issued. The license fee shall be paid annually on or before March 31, in accordance with the provisions of Section 76.1 of the Business and Tax Regulations Code.\*

(Added by Ord. 38-86, App. 2/14/86; amended by Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3908. PEDICAB LICENSE, PLATE, IDENTIFICATION CARD AND OPERATOR'S BADGE.

All pedicab licenses, metal plates and identification cards issued under the provisions of Section 3907 of this Article shall date from the first day of April of each year and shall be issued for one year from the aforesaid date; provided, however, that when service is first initiated, the license will be issued through the upcoming March 31 and only subsequent licenses will date from the first day of April for each succeeding year.

(Added by Ord. 38-86, App. 2/14/86; amended by Ord. 389-86, App. 9/19/86; Ord. 238-11, File No. 111101, App. 12/15/2011, Eff. 1/14/2012)

SEC. 3909. FILING FARES.

(a) Permittees issued pedicab permits pursuant to the provisions of this Article shall file with the Board of Supervisors the fares per passenger charged for each trip.

(b) The Board of Supervisors may adopt, modify or reject the fare schedules submitted.

(c) Should the Board of Supervisors, by resolution, adopt or modify the fare schedule submitted, such shall be the fare charged.

(d) Should the Board of Supervisors, by resolution, reject the fare schedule proposed, the permittee submitting said fare schedule shall not charge the rejected fare unless and until the permittee submits, and the Board of Supervisors adopts, a new and different fare schedule.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3909.1. DISPLAY OF FARE SCHEDULE.

Every pedicab shall have permanently affixed to the outside thereof, in a place readily to be seen by passengers, a frame covered with glass, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such pedicab. The said frame and enclosed card must be approved by the Chief of Police. The rates published shall be the only rates charged.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3910. OPERATING REGULATIONS.

(a) Every person operating a pedicab shall be subject to all applicable laws, rules and regulations of the San Francisco Transportation Code and the California Vehicle Code pertaining to the operation of bicycles upon streets and pedestrian or bicycle facilities.

(b) It shall be unlawful for any person:

1. To operate a pedicab who is under the age of eighteen years;

2. To operate a pedicab while under the influence of alcoholic beverages or controlled substances other than medication prescribed by a physician;

3. To operate a pedicab in any manner which impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law;

4. To operate, or cause to be operated, any pedicab upon or along any route unless such route is first approved by the Chief of Police;

5. To operate any pedicab within the City and County of San Francisco without a valid driver's license issued by the authority of the State of California and a permit granted by the Police Department of the City and County of San Francisco. At all times while operating a pedicab, the operator shall wear conspicuously the badge and carry the identification card issued by the Tax Collector;

6. To operate, or cause to be operated, any pedicab upon or along any street unless there is a valid license for each such pedicab obtained pursuant to this Article;

7. To operate, or cause to be operated, a pedicab without the city permit number thereof displayed in a conspicuous place and in figures not less than three inches in height and 1/2 inch wide upon the right-hand side of the body thereof;

8. To operate, or cause to be operated, any pedicab while there is attached thereto any trailer or any other passenger-carrying vehicles;

9. Owning or operating, or causing to be operated by pedicab within the City and County of San Francisco to allow or permit any incompetent or inexperienced person to act as an operator of a pedicab;

10. To operate, or cause to be operated at night a pedicab without using headlights and taillights.

(c) There shall be no more than three passengers to a pedicab at any one time who shall remain seated throughout the ride.

(Added by Ord. 38-86, App. 2/14/86; Ord. 287-08, File No. 081340, App. 12/5/2008)

SEC. 3911. REVOCATION OF PERMITS BY POLICE DEPARTMENT.

(a) Any pedicab owner's permit may be suspended or revoked by the Chief of Police pursuant to provisions of Sections 2.12, 2.13 and 2.14 of this Code for:

1. Any violation of the provisions of Sections 3901 to 3914, inclusive, and of any regulations adopted pursuant to Section 3915 of this Article;

2. The failure to pay any judgment for damages arising from the unlawful or negligent operation of the pedicab for which the permit was issued;

3. Failure to maintain necessary insurance;

4. Permitting an unlicensed operator to operate or remain in charge of any pedicab;

5. Failure to adequately supervise operators of any pedicab;

6. Any violation of the laws of the State of California or the City and County of San Francisco that has some bearing on the fitness of the owner to own a pedicab;

7. Any material misrepresentation of facts relevant to the fitness of the applicant to be granted the permit.

(b) Any operator may have his or her pedicab operator's permit suspended or revoked by the Police Department pursuant to provisions of Sections 2.12, 2.13 and 2.14 of this Code who:

1. Violates any provisions of Sections 3901 to 3915, inclusive, of this Article;

2. Operates any pedicab while under the influence of alcoholic beverages or controlled substances other than medication prescribed by a physician;

3. Operates the pedicab in a reckless and dangerous manner;

4. Violates any law of the State of California or the City and County of San Francisco that has some bearing on the fitness of the operator to operate a pedicab;

5. Makes any material misrepresentation of facts relevant to the fitness of the applicant to be granted the permit.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3912. SANITARY REGULATIONS.

Every person owning or operating, or causing to be operated, any pedicab in the City and County of San Francisco shall thoroughly wash each pedicab, when so operated, at least once a week, and shall also carefully sweep and clean each of said pedicabs daily; and whenever required in writing by the Department of Public Health every person owning or operating, or causing to be operated, any pedicab within the limits of said City and County shall fully disinfect each pedicab so operated by spraying said pedicab with an efficient disinfectant.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3913. SAFETY REQUIREMENTS.

(a) No vehicle shall be operated as a pedicab for hire unless it is in a reasonably clean and safe condition inside, as well as externally, so as not to injure or damage the person, clothing or possessions of a passenger. The pedicab's exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and a neat and clean appearance. Repairs done to comply with this Section shall be done within a reasonable time based on availability of parts and labor.

(b) Every pedicab shall have the following minimum properly working equipment or safety features:

1. A battery or generator operated headlight and taillight;

2. Turn signals visible from the front and rear of the pedicab;

3. Hydraulic or mechanical disc brakes;

4. Spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the pedicab.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3914. LOADING REQUIRED.

It shall be unlawful for any person owning or operating or driving, or causing to be operated or driven, any pedicab to permit the same to remain standing upon the street for the purpose of loading or unloading passengers unless the side of said pedicab is as close as possible to the curb and in no circumstances more than three feet from the curb.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3915. REGULATIONS BY CHIEF OF POLICE.

The Chief of Police may adopt, after a noticed public hearing, rules and regulations supplemental to Sections 3901 through 3915, inclusive, of this Code and not in conflict therewith to carry out the purpose of this Article. The rules and regulations shall become effective 10 days after adoption by the Chief of Police.

(Added by Ord. 38-86, App. 2/14/86)

SEC. 3916. PENALTY.

(a) Any person who shall violate the provisions of Sections 3901 through 3915 of this Article shall be guilty of an infraction or a misdemeanor.

If charged as an infraction, the penalty shall be as follows:

(1) Upon a first conviction thereof, such person shall be punished by a fine not to be less than $50 nor to exceed $500.

(2) Upon a second conviction thereof, such person shall be punished by a fine not to be less than $250 nor to exceed $500.

(3) Upon a third or subsequent conviction thereof, such person shall be punished by a fine not to be less than $400 nor to exceed $500. The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction or both.

If charged as a misdemeanor, the penalty therefor shall be by imprisonment in the County Jail not exceeding six months or a fine not exceeding $500. The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction or both.

(b) In addition to the penalty set forth above in Subsection (a), any person who shall violate any provision of Sections 3901 through 3915 shall be subject to revocation or suspension of any permit issued by the City and County, following adequate notice and a hearing before the Chief of Police or his or her designee.

(Added by Ord. 348-91, App. 9/26/91)

SEC. 3917. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Article or any part thereof, is for any reason to be held unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases by declared unconstitutional or invalid or ineffective.

(Added by Ord. 38-86, App. 2/14/86)

ARTICLE 40:  
DRUG FREE WORKPLACE ORDINANCE

|  |  |
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| Sec. 4001. | Title. |
| Sec. 4002. | Findings. |
| Sec. 4003. | Definitions. |
| Sec. 4004. | Adoption of Drug Free Workplace Policy. |
| Sec. 4005. | City Undertaking Limited to Promotion of General Welfare. |
| Sec. 4006. | Preemption. |
| Sec. 4007. | Severability. |

SEC. 4001. TITLE.

This ordinance shall be known as the San Francisco Drug Free Workplace Ordinance.

(Added by Ord. 339-89, App. 9/28/89)

SEC. 4002. FINDINGS.

The San Francisco Board of Supervisors finds as follows:

(a) Drug abuse in the United States has become a national health and economic problem. As much as $100 billion a year may be diverted from legitimate businesses to buy illegal drugs, while the costs to individual companies usually exceeds 2.5 percent of payroll.

(b) Law enforcement focuses on reducing the supply of illegal drugs. However, to reduce effectively the abuse of drugs the demand for such drugs must be reduced.

(c) If employers persuade a major portion of the nation's drug users to abandon drug use for the sake of retaining their jobs, they will undercut the economic base of the drug business. Accordingly, it is important that there be a corporate response to drug use in the workplace.

(d) It is the intent of the Board of Supervisors that the San Francisco Drug Free Workplace Ordinance be a first step in reducing the use of drugs in the workplace.

(Added by Ord. 339-89, App. 9/28/89)

SEC. 4003. DEFINITIONS.

(a) "Employee" means any person working for salary or wages within the City and County of San Francisco except that "employee" shall not include individuals providing child-care or other personal services in one's home.

(b) "Employer" means any individual, firm, corporation, partnership or other organization or group of persons however organized, located within the City and County of San Francisco, that employs employees for salary or wages. "Employer" shall not include the United States of America, the State of California or other governmental agency whose workplace policies the City and County of San Francisco may not regulate.

(Added by Ord. 339-89, App. 9/28/89)

SEC. 4004. ADOPTION OF DRUG FREE WORKPLACE POLICY.

Every employer shall adopt a Drug Free Workplace Policy. At a minimum, that policy shall include the distribution or prominent display of educational information regarding the adverse effects of using illegal drugs and the availability of substance abuse assistance programs. This requirement may be satisfied by distributing to employees or prominently displaying the following statement or any materials containing the substance therein. The information contained in this statement shall be reviewed annually by the Health Commission for accuracy, with any suggested changes to the statement to be referred to the Board of Supervisors for review and consideration for approval. The information contained in this statement shall also be provided by the City in Spanish, Chinese, Tagalog and in any other language as may be requested by employers.

The City and County of San Francisco is committed to working toward a drug-free work place. To that end, the following information is provided to increase your awareness that substance abuse can create life-threatening situations, can aggravate pre-existing psychological problems which users may or may not have experienced in the past, and can create psychological problems on its own:

1. Using illegal drugs, or using prescription drugs without prescriptions, or abusing any substance by ingestion, injection or inhalation, has the potential to kill the user.

Consider these facts concerning some commonly abused substances:

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| - | COCAINE, INCLUDING CRACK COCAINE, IS A KILLER |
| • | Every dose of cocaine poses the risk of death for the user. |
| • | The amount of cocaine used safely yesterday can kill the user tomorrow depending on his or her general physical condition, age, race, heredity, sex, emotional state, health, the amount of exercise engaged in, alcohol or other substance ingested. |
| • | Even one line of snorted cocaine has been known to kill the user. |
| • | Cocaine and crack kill by causing HEART ATTACK, BRAIN SEIZURE, CARDIAC ARREST, STROKE OR SUFFOCATION. |
| • | Even one use of crack has been known to cause addiction, but two usages WILL cause addiction. |

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| - | HEROIN IS A KILLER |
| • | Heroin depresses the user's breathing response and the user can die of SUFFOCATION. |
| • | Heroin users as a group have the second highest identifiable incidence of AIDS. |
| • | Since the early 1980's, users of heroin and synthetic heroin (particularly China White users) have run the risk of developing PARKINSON'S DISEASE-TYPE SYMPTOMS, including drooling, tremors and total paralysis, which begin to appear from two days to six weeks after usage and are irreversible. |

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| - | STIMULANTS ARE KILLERS |
| • | Amphetamines and methamphetamines (SPEED) elevate heart and respiratory rates and blood pressure and the user can die of STROKE or HEART ATTACK. |

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| - | PCP (PHENCYCLIDINE) IS A KILLER |
| • | PCP can cause the user to die from HEART ATTACK, LUNG FAILURE or KIDNEY FAILURE or RUPTURED BLOOD VESSELS IN THE BRAIN. |
| • | Even one dose of PCP can cause severe psychotic reactions. |
| • | PCP stores in fat cells and can be released into the body without warning many months after use causing severe trauma and injury. |

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| - | LSD (LYSERGIC ACID DIETHYLAMIDE) IS A KILLER |
| • | LSD can cause life-threatening depression and severe psychotic reactions. |
| • | LSD users have a high incidence of SUICIDE. |
| • | LSD users have been known to engage in self-mutilation. |

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| - | MARIJUANA CAN CAUSE SERIOUS PSYCHOTIC PROBLEMS PARTICULARLY IF THE USER HAS A SUBMERGED TENDENCY TOWARD PSYCHOLOGICAL PROBLEMS |
| • | Marijuana contains more cancer-causing agents than tobacco and weakens the immune-defense system. |
| • | Because of new growing techniques, the marijuana available today contains three to seven times as much THC (tetrahydrocannabinol, the psychoactive ingredient) as it did in the 1960s and 1970s and can cause severe depression and other physical and psychological problems. |
| • | Marijuana causes a temporary disruption in the delivery of the male hormone testosterone, particularly in adolescents and slightly decreases organ size in males (which may be critical to a user with hormonal imbalance or in the throes of puberty). |

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| - | INHALANTS ARE KILLERS |
| • | Inhalants can cause NERVE DAMAGE, BRAIN DAMAGE, BLOOD DISORDERS, RESPIRATORY ARREST, PNEUMONIA, HEART FAILURE, SUFFOCATION, LIVER FAILURE, KIDNEY FAILURE and DEATH. |
| • | Solvent sniffing can cause death by ASPHYXIATION, but chronic users also develop ulcers around the mouth and nose and IRREVERSIBLE BRAIN DAMAGE has been reported. |
| • | Inhaling aerosol fluorocarbons can cause erratic heartbeat with an increased pulse rate and cardiac arrest (known as SUDDEN SNIFFING DEATH). |

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| - | "DRUGS OF DECEPTION" ARE KILLERS |
| • | "Drugs of Deception," which are chemical compounds made in illegal labs and are designed to look like known substances of established strength and effect, are frequently more dangerous and more deadly than the original compound. |
| • | For example, "DOB" is often sold as LSD-25, and while it adversely affects blood flow like other amphetamines, it is extraordinarily strong and can partially or completely close arteries in arms and legs fairly quickly, causing gangrene and necessitating amputation to save the user's life. |

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| - | ALCOHOL CAN KILL TOO! | |
| • | Alcohol is one of the oldest psychoactive drugs used by man. | |
| • | Alcohol abuse and alcoholism can cause damage, in some cases irreversible, to the brain, the nervous system, the liver and the pancreas. | |
|  | •• | PANCREATITIS is a terribly painful disease which can kill the drinker. | |
|  | •• | CIRRHOSIS of the liver can kill the drinker. | |
|  | •• | Alcohol can have a dangerous addictive effect when combined with marijuana, cocaine and amphetamines and any sedative hypnotic such as barbiturates, methaqualone (quaaludes) and benzodiazepines. | |
|  | •• | Withdrawal from alcohol can cause traumatic fatal brain seizures, psychosis and hallucinations. | |
| • | In addition to its negative impact on good health, alcohol is a major factor… | |
|  | •• | In violent crimes and automobile accidents. In fiscal year 1987/1988, 60 percent of those stabbed to death in San Francisco were under the influence of alcohol as were 42 percent of the vehicle drivers killed in accidents on city streets. | |
|  | •• | In over half of all rapes and sexual attacks of children. | |
|  | •• | In 90 percent of all arrests. | |
|  | •• | In 50 percent to 60 percent of all murders. | |
|  | •• | In incidents of suicide. Alcoholics have a suicide rate six to 20 times higher than the general population. | |
|  | •• | In more than 50 percent of spousal-abuse incidents. | |
| • | Use of alcohol by pregnant women is the leading cause of mental retardation in newborns and causes FETAL ALCOHOL SYNDROME which can lead to SUDDEN INFANT DEATH SYNDROME. | |

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| - | DRUG COMBINATIONS ARE KILLERS |
| • | Drugs in combination are likely to result in death. |
| • | Alcohol is a depressant and when used in combination with other drugs such as cocaine, barbiturates or heroin can slow body functions to such an extent that breathing may stop and the user may die. |

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| - | ALTHOUGH NOT EVERYONE WHO USES DRUGS IS ADDICTED, ONCE ADDICTION IS IN PLACE, IT IS A DETERIORATING CONDITION THAT WILL RESULT IN DEATH IF NOT TREATED. |

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| - | FREQUENT USAGE OR HIGH DOSES OF DRUGS WILL IMPAIR SEXUAL PERFORMANCE. |

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| - | THREE-FOURTHS OF ALL PERSONS ARRESTED FOR SERIOUS CRIMES IN SAN FRANCISCO TEST POSITIVE FOR DRUGS OR WERE HIGH AT THE TIME OF THEIR ARRESTS. |

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|  | 2. SUCCESSFUL WITHDRAWAL FROM SUBSTANCE ABUSE OF ANY SORT CAN BE EXTREMELY DIFFICULT. Withdrawal from some substances (barbiturates, for example) even entails an acute risk of fatality. Additionally, a pregnant opiate addict poses an exceptional problem because the fetus will also be dependent; withdrawal of the mother and the baby must be postponed until after birth when both can be treated in order to prevent death of the fetus. |
|  | HELP IS AVAILABLE FROM MANY SOURCES. Don't think you're by yourself-one in four workers abuses some substance. Professionals can protect your life, your health and help your family and friends too. |
| • | Substance abusers commonly distress and confuse those closest to them to such an extent that "CO-DEPENDENCY" is becoming a commonly acknowledged disease with recognizable-and treatable-symptoms. |

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|  | The following is a short list of some available professional programs and resources specializing in the treatment of substance abuse and its impact on others. You may also wish to consult your personal physician. |

Haight-Ashbury Drug Detoxification, Rehabilitation and Aftercare Project (no fee)   
531 Clayton St.   
San Francisco, CA 94117   
621-2015

Haight-Ashbury Alcohol Treatment Services (no fee)   
124 Lyon St.   
San Francisco, CA 94117   
552-7230

Walden House Multi-Service Center (free if indigent)   
1885 Mission St.   
San Francisco, CA   
554-1130

Good Shepherd Gracenter (free if indigent)   
503 Cambridge St.   
San Francisco, CA 94134-1699   
586-2822

Bill Pone Memorial Unit (for Asian Americans and Pacific Islanders, no fee, donations accepted)   
Haight-Ashbury Free Clinic   
529 Clayton St.   
San Francisco, CA 94117   
621-2036, 621-2014

Asian American Recovery Service (free if indigent, sliding scale)   
2024 Hayes St.   
San Francisco, CA 94117   
386-4815

La Casa de las Madres (for battered women, also provides shelter, crisis counseling, children's services. Fees: for shelter only.)   
La Casa   
965 Mission St., D218   
San Francisco, CA 94103   
777-1808-Business   
777-2860-Drop-in counseling

Pomeroy House (residential treatment for alcoholic women and their dependents. Fees: sliding scale)   
2261 Bryant St.   
San Francisco, CA 94110   
282-8900

Redwood Center (admission through San Francisco detoxification programs. Fees: sliding scale)   
Edmonds Road   
Redwood City, CA 94062   
366-5723

San Francisco VA Medical Center (20 beds for male and female military veterans. No fees, English and Spanish spoken)   
4150 Clement St.   
San Francisco, CA 94121   
750-2075-Screening appointment

Tom Smith Substance Abuse Treatment Center (Fees: sliding scale based on ability to pay)   
1001 Potrero Ave.   
San Francisco, CA 94110   
821-8091

Women's Recovery Home Salvation Army Harbor Light Services (Fees: monthly charge)   
1275 Harrison St.   
San Francisco, CA 94103   
864-7000

Henry Ohlhoff Outpatient Program (for adults and adolescents in San Francisco, English and Spanish spoken. Fees: sliding scale)   
2418 Clement St.   
San Francisco, CA 94121   
221-3354

Merritt Peralta Institute, A Chemical Dependency Hospital (Fees: charge for 28-day inpatient program or five-week outpatient program with one year of aftercare)   
435 Hawthorne Ave.   
Oakland CA 94609   
652-7000

Futures in Recovery (works with employers, employee can receive treatment while remaining on job)   
3601 Taraval St.   
San Francisco, CA 94116   
753-6700

San Francisco Health Department 24-hour Drug Abuse and Information Hotline (for referral) 752-3400

San Francisco Health Department 24-hour Suicide and Crisis Line (referral, some counseling) 221-1423

National Institute on Drug Abuse 1-800-622-HELP

Parent Resource Institute for Drug Education 1-800-241-7946

Cocaine Helpline 1-800-COCAINE

Westside Community Mental Health   
1153 Oak Street   
San Francisco, California   
431-9000

Omega Boys Club   
c/o Potrero Hill Neighborhood House   
953 DeHaro Street   
San Francisco, California   
826-8080

Mission Neighborhood Health Center   
240 Shotwell Street   
San Francisco, California   
522-3870

Instituto Familiar de la Raza   
2947 16th Street   
San Francisco, California 94103   
431-7522

(Added by Ord. 339-89, App. 9/28/89)

SEC. 4005. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this ordinance, the City and County is assuming an undertaking only to promote the general welfare. It is not assuming nor is it imposing on its officers and employees an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 339-89, App. 9/28/89)

SEC. 4006. PREEMPTION.

In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights or authority of an employer to do those things that are required, directed, or expressly authorized by federal or state law. Further, in adopting this Article, the Board of Supervisors does not intend to prohibit that which is prohibited by federal or state law.

(Added by Ord. 339-89, App. 9/28/89)

SEC. 4007. SEVERABILITY.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of this Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

(Added by Ord. 339-89, App. 9/28/89)

ARTICLE 41:  
PROHIBITING THE SALE OR POSSESSION OF REPLICA HYPODERMIC NEEDLES OR SYRINGES

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| Sec. 4100. | Findings. |
| Sec. 4101. | Prohibition of Sale of Replica Hypodermic Needles or Syringes. |
| Sec. 4102. | Possession of Replica Hypodermic Needles or Syringes. |
| Sec. 4103. | Enforcement. |

SEC. 4100. FINDINGS.

(a) The City and County of San Francisco has declared that a public health emergency exists in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease. The Department of Public Health is implementing a needle exchange program in order to prevent the further spread of HIV infection.

(b) Replicas of hypodermic syringes containing a red liquid are now being sold and possessed in the City and County of San Francisco. Many of the replicas are actually pens and pencils, or pieces of jewelry. The replicas are a serious public safety concern because there is no clear way to distinguish between real syringes and the replicas except on extremely close inspection. The replicas endanger the HIV education process by desensitizing persons to the seriousness of syringes.

(c) Replica syringes may also be frightening to persons who do not know if the syringes are real or replicas. Replica syringes may, as a result, be used in a manner that may be taken as threatening or dangerous, and may result in unwarranted responses that may likewise by threatening or dangerous. The replica or facsimile hypodermic needles or syringes and their public display are, as a result, potentially threatening to persons in the community and to the safety and welfare of the general public.

(Added by Ord. 136-93, App. 5/17/93)

SEC. 4101. PROHIBITION OF SALE OF REPLICA HYPODERMIC NEEDLES OR SYRINGES.

It shall be unlawful for any person, firm or corporation to sell, or, for purposes of sale, to exchange, give, loan, furnish, display, or market, or to utilize for promoting the sale of any merchandise, any replica of facsimile hypodermic needles or syringes in the City and County of San Francisco. The provisions of this subsection shall not apply to any replica or facsimile hypodermic needle or syringe which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real needle or syringe.

(Added by Ord. 136-93, App. 5/17/93)

SEC. 4102. POSSESSION OF REPLICA HYPODERMIC NEEDLES OR SYRINGES.

(a) **Prohibition of Public Possession.** It shall be unlawful for any person, including a minor, to have in his or her visible possession in public areas a replica or facsimile hypodermic needle or syringe, the sale of which is prohibited by Section 4104 of the Police Code.

(b) **Definitions.** "Visible possession" shall mean that the replica or facsimile hypodermic needle or syringe is within the possession of a person, and that the replica or facsimile hypodermic needle or syringe is visible to other persons.

"Public areas" shall mean areas which are owned, leased or controlled by a public entity and which are generally open to the general public, and areas privately owned, leased or controlled which are generally open to the public, including public buildings, public parks, public streets, sidewalks and roadways, public educational facilities, public malls and thoroughfares.

(Added by Ord. 136-93, App. 5/17/93)

SEC. 4103. ENFORCEMENT.

(a) Notwithstanding any other provision of this Municipal Code, violation of Sections 4101 and 4102 shall not constitute a misdemeanor. The sole sanction for violation of these Sections shall be the confiscation and destruction of the prohibited replica or facsimile needle or syringe. Confiscation shall be made by law enforcement officers of the City and County of San Francisco authorized to make arrests, and may be made by any officials of the San Francisco Unified School District who may be duly authorized and designated to confiscate replica or facsimile hypodermic needles or syringes under these Sections. These officers or officials shall deliver possession of confiscated replica or facsimile hypodermic needles or syringes to the Chief of Police for the conduct of a hearing at which further retention of the replica or facsimile hypodermic needles or syringes and their destruction will be considered. Following an opportunity for a due process hearing the Chief of Police may order the return or destructions of said needles or syringes.

(b) The Chief of Police is directed to establish procedures for hearings conducted by the Chief of Police or his or her designee that will be scheduled and conducted promptly after the confiscation of a replica or facsimile needle or syringe. The purpose of the hearing authorized by this Section will be to enable the person from whom the needle or syringe was confiscated, or the owner of the needle or syringe, to establish that the needle or syringe was not in visible possession in a public area, or was not a replica or facsimile needle or syringe within the meaning of these Sections in violation of these Sections at or before the time the needle or syringe was seized by the officers or officials. No destruction of a replica or facsimile needle or syringe shall occur without a duly noticed hearing having been made available to persons whose replica or facsimile needle or syringe was confiscated.

(Added by Ord. 136-93, App. 5/17/93)

ARTICLE 42:  
SALE AND DISPLAY OF AEROSOL PAINT CONTAINERS AND MARKER PENS

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| --- | --- |
| Sec. 4200. | Definitions. |
| Sec. 4201. | Storage and Display of Aerosol Paint Containers and Marker Pens. |
| Sec. 4202. | Sale of Inscribing Tools. |

SEC. 4200. DEFINITIONS.

For purposes of this Article, the following terms shall have the following meanings:

(a) "Aerosol paint container" means any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint capable of defacing property.

(b) "Marker pen" means any indelible marker or similar implement with a writing tip exceeding four millimeters in width that contains a solution which cannot be removed with water after it dries.

(Added by Ord. 333-93, App. 10/29/93)

SEC. 4201. STORAGE AND DISPLAY OF AEROSOL PAINT CONTAINERS AND MARKER PENS.

(a) It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment where aerosol paint containers or marker pens are sold to store or display, or cause to be stored or displayed, such spray paint containers and marker pens in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.

(b) Nothing herein shall preclude the storage or display of spray paint containers and marker pens in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

(Added by Ord. 333-93, App. 10/29/93)

SEC. 4202. SALE OF INSCRIBING TOOLS.

(a) (1) It shall be unlawful for any person, firm, or corporation, except a parent or legal guardian, to sell or give or in any way furnish to another person, who is in fact under the age of 18 years, any type of scribing tools, window etchers or diamond cutters that are capable of defacing property without first obtaining bona fide evidence of majority and identity.

(2) For purposes of this Section, "bona fide evidence of majority and identity" is any document evidencing the age and identity of an individual which has been issued by a federal, State or local governmental entity, and includes, but is not limited to, a motor vehicle operator's license or an identification card issued to a member of the armed forces.

(3) Scribing tools, window etchers or diamond cutters may be furnished to schools for school-related activities that are part of the instructional program when used under controlled and supervised situations within the classroom or on the site of a supervised project. The instructors shall not permit students to remove the tools from the supervised site. The instructors shall inventory the tools.

(b) (1) It shall be unlawful for any person, firm, or corporation who owns, conducts, operates or manages a retail commercial establishment where scribing tools, window etchers or diamond cutters are sold to store or display, or cause to be stored or displayed, such scribing tools, window etchers or diamond cutters in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.

(2) Nothing herein shall prohibit the storage or display of scribing tools, window etchers or diamond cutters in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

(c) Violation of any provision of this Section, except the requirement that instructors inventory the tools used in an instructional program, is a misdemeanor, pursuant to Penal Code Section 19.

(Added by Ord. 6-99, App. 1/15/99)

ARTICLE 42A:  
COLOR TIRES

|  |  |
| --- | --- |
| Sec. 4200A.1. | Definitions. |
| Sec. 4200A.2. | Strict Liability. |

SEC. 4200A.1. DEFINITIONS.

For purposes of this Article:

(a) "Color Tire" shall mean any tire with colored treads that may be used to leave Graffiti on any street, sidewalk or other paved ground.

(b) "Graffiti" shall mean any inscription, word, figure, design or marking.

(c) "Person" shall mean the City, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District, the San Francisco Community College District, the San Francisco Transportation Association or any individual, firm, partnership, association, corporation, company, organization, society, group or legal entity of any kind.

(Added by Ord. 39-00, File No. 991827, App. 3/24/2000)

SEC. 4200A.2. STRICT LIABILITY.

Any manufacturer of a Color Tire shall be strictly liable in tort, without regard to fault or proof of defect, to any Person who seeks recovery for any direct or indirect costs incurred by that Person in removing Graffiti caused by the Color Tire from property under that Person's jurisdiction and control. If a Person prevails in an action against a manufacturer of a Color Tire to recover costs related to the removal of Graffiti caused by the Color Tire, that Person shall also recover all administrative costs and attorney fees incurred in pursuit of the recovery.

(Added by Ord. 39-00, File No. 991827, App. 3/24/2000)

ARTICLE 42B:  
MERCURY THERMOMETERS

|  |  |
| --- | --- |
| Sec. 4200B.1. | Definitions. |
| Sec. 4200B.2. | Retail Sale Prohibited. |
| Sec. 4200B.3. | Manufacturing Prohibited. |
| Sec. 4200B.4. | Importation Prohibited. |
| Sec. 4200B.5. | Penalty. |

SEC. 4200B.1. DEFINITIONS.

(a) **City** means the City and County of San Francisco.

(b) **Mercury thermometer** means a mercury-containing product that is used to measure human body temperature. A mercury-containing product is a product, device, instrument or equipment into which elemental mercury or mercury compounds are intentionally added during its formulation or manufacture and in which the continued presence of mercury is desired to provide a specific characteristic or to permit a specific function.

(Added by Ord. 93-00, File No. 000359, App. 5/26/2000)

SEC. 4200B.2. RETAIL SALE PROHIBITED.

It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment to sell or offer for retail sale any mercury thermometer in the City.

(Added by Ord. 93-00, File No. 000359, App. 5/26/2000)

SEC. 4200B.3. MANUFACTURING PROHIBITED.

It shall be unlawful for any person to manufacture a mercury thermometer in the City.

(Added by Ord. 93-00, File No. 000359, App. 5/26/2000)

SEC. 4200B.4. IMPORTATION PROHIBITED.

It shall be unlawful for any medical facility, including a hospital, medical laboratory or health care provider and any medical facility operated by the City, but excluding any medical facility that is a state or federal facility, to import, purchase, or distribute a mercury thermometer in the City.

(Added by Ord. 93-00, File No. 000359, App. 5/26/2000)

SEC. 4200B.5. PENALTY.

Any person who violates this Article shall be guilty of a misdemeanor, punishable by a fine of not more than $1000, or by imprisonment in the County Jail for not more than 6 months, or by both such fine and imprisonment.

(Added by Ord. 93-00, File No. 000359, App. 5/26/2000)

ARTICLE 42C:  
[RESERVED]

ARTICLE 42D:  
SALE AND DISPLAY OF PRODUCTS CONTAINING HYDROFLUORIC ACID

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| --- | --- |
| Sec. 4200D.1. | Definitions. |
| Sec. 4200D.2. | Storage and Display of Regulated Products. |
| Sec. 4200D.3. | Sale of Regulated Products. |
| Sec. 4200D.4. | Penalty. |

SEC. 4200D.1. DEFINITIONS.

For the purposes of this Article, the following terms shall have the following meanings:

(a) "Hydrofluoric Acid" means a chemical substance, also known as hydrogen fluoride, fluorohydric acid, or fluoric acid, having a chemical formula of HF and a chemical abstract system number CAS No. 7664-39-3.

(b) "Person" means an individual, trust, firm, joint stock company, corporation.

(c) "Regulated Product" means any product that contains hydrofluoric acid in solution.

(Added by Ord. 245-01, File No. 011755, App. 12/21/2001)

SEC. 4200D.2. STORAGE AND DISPLAY OF REGULATED PRODUCTS.

(a) It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment where the regulated products are sold to store or display, or cause to be stored or displayed, such regulated products in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.

(b) Nothing herein shall preclude the storage or display of the regulated products in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

(Added by Ord. 245-01, File No. 011755, App. 12/21/2001)

SEC. 4200D.3. SALE OF REGULATED PRODUCTS.

(a) It shall be unlawful for any person, except a parent or legal guardian, to sell or give or in any way furnish to another person, who is in fact under the age of 18 years, any regulated products without first obtaining bona fide evidence of majority and identity.

(b) For the purposes of this Section, "bona fide evidence of majority and identity" is any document evidencing the age and identity of an individual which has been issued by a federal, State or local governmental entity, and includes, but is not limited to, a motor vehicle operator's license or an identification card issued to a member of the armed forces.

(c) Regulated Products may be furnished to schools for school-related activities that are part of the instructional program when used under controlled and supervised situations within the classroom or on the site of a supervised project. The instructors shall not permit students to remove the regulated products from the supervised site.

(Added by Ord. 245-01, File No. 011755, App. 12/21/2001)

SEC. 4200D.4. PENALTY.

Any person who violates this Article shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000, or by imprisonment in the County Jail for not more than 6 months, or by both fine and imprisonment.

(Added by Ord. 245-01, File No. 011755, App. 12/21/2001)

ARTICLE 43:  
ACCESS TO REPRODUCTIVE HEALTH CARE FACILITIES

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| --- | --- |
| Sec. 4301. | Findings. |
| Sec. 4302. | Definitions. |
| Sec. 4303. | Entering or Remaining in Buffer Zone at Reproductive Health Care Facilities Prohibited; Exemptions. |
| Sec. 4304. | Enforcement. |
| Sec. 4305. | City Undertaking Limited to Promotion of General Welfare. |
| Sec. 4306. | Article Accommodates Competing Rights. |
| Sec. 4307. | Severability. |

SEC. 4301. FINDINGS.

Every person in the City and County of San Francisco ("City") has a fundamental right to privacy protected not only by the United States Constitution, but also explicitly guaranteed in Article I, Section 1 of the California Constitution. This right to privacy includes the right to access all legal health care services, including reproductive health care services.

Maintaining access to reproductive health care services is a matter of critical importance not only to individuals, but also to the health, safety, and welfare of all residents of the City. Efforts to harass, obstruct, or otherwise interfere with individuals seeking reproductive health care services may deter, delay, and even prevent individuals from obtaining necessary reproductive health care services. These efforts, which often include forcing patients to run a gauntlet of demonstrators near the entrances, exits, and driveways of reproductive health care facilities, or to confront intimidating demonstrators stationed at or near those entrances, exits, and driveways, also disrupt the ability of staff at reproductive health care facilities to devote their full efforts to providing health care services and divert valuable facility resources away from patients. Actions that result in such obstruction, delay, and deterrence of patients, and diversion of reproductive health care facilities' staff and resources, undermine the City's interest in maintaining the public health, safety, and welfare, and in preserving its residents' constitutional right to privacy.

Standing on equal footing with the right to access health care services, including reproductive health care services, are the free speech and assembly rights of those who would gather and raise their voices on matters of public concern. Under this Article, the Board of Supervisors previously attempted to balance these rights by prohibiting harassment, within 100 feet of an exterior wall of a health care facility, of individuals entering, exiting, or seeking services at a health care facility, with harassment defined as "knowingly approach[ing] another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person." That prohibition has proven ineffective. Due to the density and space constraints of the City's urban landscape, that prohibition has not adequately prevented harassment, delay, and deterrence of patients seeking vital health care services, and in particular reproductive health care services, nor adequately prevented distraction and diversion of health care providers from their core mission of providing services in a safe and supportive environment.

The Board of Supervisors hereby finds that the creation of a buffer zone, as defined in Police Code Section 4302 as amended by Ordinance No. 88-13, and a prohibition on entering or remaining in that buffer zone as specified in Police Code Section 4303 as amended by Ordinance No. 88-13, with certain exceptions, is necessary to promote the full exercise of the right to privacy by patients seeking vital reproductive health care services and is also necessary to maintain public health, safety, and welfare within the City. The Board of Supervisors further finds that this Article strikes a lawful and appropriate accommodation between the right to privacy and to access reproductive health care services and the needs of public health, safety, and welfare, on the one hand, and the rights of free speech and association, on the other.

Article 43, as amended by Ordinance No. 88-13, applies only to reproductive health care facilities, no health care facilities generally. In addition. Article 43, as amended by Ordinance No. 88-13, does not apply to licensed hospitals or to reproductive health care facilities owned or operated by licensed hospitals. This scope ensures the Article is narrowly tailored to address the significant governmental interests it serves, and leaves other health care facilities and locations available for speech. Individuals attempting to access reproductive health care facilities to obtain reproductive health care services have been subjected to harassing or intimidating activity from extremely close proximity, tending to hamper, delay or deter their access to those facilities and services and thus subverting their legal rights to seek and obtain legal health care services. The Board finds that reproductive health care facilities that are not part of a licensed hospital, and not owned or operated by a licensed hospital, are more vulnerable to such subversion of their patients' rights on account of the layout and design of their facilities and parking areas as well as their staff resources and deployment. Further, reproductive health care facilities not affiliated with hospitals commonly possess fewer resources for providing adequate security and safety to individuals seeking access to reproductive health care services. Thus. Article 43, as amended by Ordinance No. 88-13 imposes narrowly tailored, content-neutral restrictions where they are most necessary to further the significant government interests the Article serves.

The Board finds that the modest scope of the buffer zone is sufficient to ensure that patients may gain safe and unimpeded access to reproductive health care services, while allowing speakers to effectively communicate their messages to their intended audience.

The Board further finds that obstructions and demonstrations around the entrances, exits and driveways of reproductive health care facilities can impede pedestrian and vehicle traffic and create safety hazards on the sidewalks and roadways, and that this buffer zone will help promote safe and effective pedestrian and vehicle traffic flow around reproductive health care facilities. In addition, the buffer zone will reduce disputes and confrontations requiring law enforcement services, and will protect property rights.

The Board further finds that harassing and intimidating activities conducted around the entrances, exits and driveways of reproductive health care facilities can adversely affect the physical and emotional health and well-being of patients seeking services at a reproductive health care facility. The Board finds that this buffer zone will provide a protective space for patients and thereby help avoid those adverse health consequences.

The Board finds that this Article imposes content-neutral time, place, and manner restrictions on speech and association, which are narrowly tailored to serve significant government interests and leave ample alternative channels of communication.

This Article is not intended to create any limited, designated or general public fora. Rather it is intended to protect those who seek access to reproductive health care from conduct that violates their rights.

(Added by Ord. 226-93, App. 7/16/93; amended by Ord. 88-13, File No. 130262, App. 5/21/2013, Eff. 6/20/2013)

SEC. 4302. DEFINITIONS.

For purposes of this Article:

"Buffer zone" refers to the area encompassed by both of the following:

(1) the area on a public way or sidewalk encompassed by a radius of 25 feet from any portion of an entrance, exit, or driveway of a reproductive health care facility; and

(2) the area encompassed by extending the outside boundaries of any entrance, exit, or driveway of a health care facility in straight lines to the point where those lines intersect the sideline of the street or the property line of the reproductive health care facility.

"Demonstration activity" refers to any activity involving expressive or symbolic content, including but not limited to the following: protesting; demonstrating; picketing; displaying or distributing pictures, literature, or other materials; and engaging in education or counseling activities.

"Person" refers to any individual, firm, partnership, joint venture, company, corporation, association, social club, fraternal organization, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit except the United States of America, the State of California, and any political subdivision of either.

"Reproductive health care facility" refers to a clinic licensed under Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code, or any other facility or business that provides reproductive health care services, exclusively or in addition to other health care services. Reproductive health care facility does not include a licensed hospital or a clinic or other facility owned or operated by a licensed hospital.

"Reproductive health care services" refers to all medical, surgical, counseling, referral, and informational services related to the human reproductive system.

(Added by Ord. 226-93, App. 7/16/93; amended by Ord. 214-03, File No. 031105, App. 8/28/2003; Ord. 88-13, File No. 130262, App. 5/21/2013, Eff. 6/20/2013)

SEC. 4303. ENTERING OR REMAINING IN BUFFER ZONE AT REPRODUCTIVE HEALTH CARE FACILITIES PROHIBITED; EXEMPTIONS.

(a) **Prohibition.** Except as specified in Section 4303(b), it shall be unlawful for any person to enter or remain within a buffer zone.

(b) **Exemption.** Section 4303(a) shall not apply to the following:

(1) Individuals entering or exiting the reproductive health care facility. This exemption allows individuals to enter and pass through the buffer zone only while entering or exiting the reproductive health care facility. and does not permit those individuals to stop or remain in the buffer zone for any purpose, including but not limited to demonstration activity, or to engage in demonstration activity while entering or exiting the reproductive health care facility.

(2) Employees, agents, or volunteers of the reproductive health care facility. acting within the scope of their employment, agency, or volunteer service. This exemption does not allow these employees, agents or volunteers to engage in demonstration activity within the buffer zone, even if that demonstration activity is within the scope of their employment, agency, or volunteer service.

(3) Law enforcement, emergency medical, firefighting, construction, and utilities personnel and federal, state, and municipal employees, acting within the scope of their employment. This exemption does not allow these individuals to engage in demonstration activity within the buffer zone.

(4) Individuals passing temporarily through the buffer zone to reach a destination within or on the other side of the buffer zone. This exemption applies to individuals who enter or pass through the buffer zone, without stopping, either to enter a residence or a business within the buffer zone other than the reproductive health care facility or to reach a destination on the other side of the buffer zone. This exemption does not allow these individuals to engage in demonstration activity while within or passing through the buffer zone. If an individual not subject to the exemptions in subsection (b)(1), (2), or (3) passes through the buffer zone five or more times in an hour, such activity will constitute prima facie evidence that the individual has violated Section 4303(a). The individual may rebut that presumption by presenting evidence that he or she has a legitimate personal or business, non-demonstration activity purpose for passing through the buffer zone.

(c) **Business Hours.** Section 4303(a) applies only during a reproductive health care facility's posted business hours.

(d) **Marking and Written Notice.** Section 4303(a) applies only if the buffer zone is marked by the Department of Public Works ("DPW") and a notice prepared by DPW is posted conspicuously near the buffer zone. A reproductive health care facility that wants its buffer zone marked and a notice posted shall submit a written request to the Department of Public Works ("DPW"). DPW shall measure and mark the buffer zone within 14 calendar days of the request. The DPW Director or designee shall prepare signs to provide to reproductive health care facilities, upon request, for posting. The signs shall provide notice regarding the prohibitions under this Article. The DPW Director or designee may adopt rules and regulations after a public hearing to set standards for marking and posting a notice at a buffer zone.

(e) **Other Laws.** Nothing in this Article shall preclude the enforcement of other state, federal, or municipal laws inside or outside of the buffer zone, including but not limited to those related to sidewalk obstruction.

(Added by Ord. 226-93, App. 7/16/93; amended by Ord. 214-03, File No. 031105, App. 8/28/2003; Ord. 88-13, File No. 130262, App. 5/21/2013, Eff. 6/20/2013)

SEC. 4304. ENFORCEMENT.

(a) **Criminal Enforcement.** Any person who violates Section 4303 of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by incarceration in the County Jail, fine, or both. Upon a first conviction for violation of Section 4303, the person shall be incarcerated in the County Jail for up to three months, or fined up to $500, or both. Upon a subsequent conviction for violation of Section 4303, the person shall be incarcerated in the County Jail for up to six months, or fined up to $1000, or both.

(b) **Civil Enforcement.** An aggrieved person may enforce the provisions of this Article by means of a civil action. An aggrieved person includes any reproductive health care facility whose buffer zone is the site of a violation of this Article. Any person who violates any of the provisions of this Article or who aids in the violation of this Article shall be liable to the aggrieved person for special and general damages, but in no case less than $1000 plus attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a proper case.

(c) **Other Enforcement.** Nothing in this Article shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

(Added by Ord. 226-93, App. 7/16/93; amended by Ord. 88-13, File No. 130262, App. 5/21/2013, Eff. 6/20/2013)

SEC. 4305. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Article, the City and County is undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 226-93, App. 7/16/93)

SEC. 4306. ARTICLE ACCOMMODATES COMPETING RIGHTS.

In adopting this legislation, the Board of Supervisors recognizes both the fundamental constitutional right to assemble peaceably and to demonstrate on matters of public concern, as well as the right to seek and obtain health care. This legislation promotes the full exercise of these rights and strikes an appropriate accommodation between them.

It is not the intention of the Board of Supervisors to interfere with the right to protest, including the right to protest conditions of employment, outside of the previously defined buffer zone. Rather it is the intention of the Board of Supervisors to impose reasonable time, place and manner restrictions on all protest, to protect the right to seek and obtain health care. This ordinance does not prohibit conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute.

(Added by Ord. 226-93, App. 7/16/93)

SEC. 4307. SEVERABILITY.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of this Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

(Added by Ord. 226-93, App. 7/16/93)

ARTICLE 44:  
CLOSED CAPTIONS ACTIVATION REQUIREMENT ORDINANCE

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| --- | --- |
| Sec. 4400. | Title. |
| Sec. 4401. | Definitions. |
| Sec. 4402. | Activation of Closed Captioning Required. |
| Sec. 4403. | Remedial Action Not Required. |
| Sec. 4404. | Civil Penalties and Fees. |
| Sec. 4405. | Criminal Fines. |
| Sec. 4406. | Disclaimer. |
| Sec. 4407. | Severability. |

SEC. 4400. TITLE.

This article shall be known as the Closed Captions Activation Requirement Ordinance.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008)

SEC. 4401. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "City" means the City and County of San Francisco.

(b) "Closed-Captioned Television Receiver" means a television receiver that has a built-in decoder to display Closed Captioning.

(c) "Closed Captioning" means a transcript or dialog of the audio portion of a television or other video program that is displayed on the bottom portion of a television receiver screen or other screen when the user activates the feature.

(d) "Equivalent Access" means the use of simultaneous visually assistive technology for the synchronous display of the transcript or dialog of the audio portion of a television or other video program. Suitable technologies include, but are not limited to, subtitles, rear window captioning, supertitles, and communication access real-time translation.

(e) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

(f) "Public Area" means that part of a Public Facility that is open to members of the general public. By way of example only, Public Area includes the following: (1) lobbies and reception areas of businesses open to the public; (2) waiting rooms in hospitals, out patient clinics and other medical offices; (3) service areas of bars and restaurants; (4) exercise, lounge, dressing and bar and restaurants areas of health clubs; (6) sales areas of retail stores; (7) classrooms and other parts of school buildings serving students and faculty members; and (8) service areas of barbershops, hair or nail salons.

(g) "Public Facility" means any building, business, store, office or indoor or outdoor facility of any kind that is open to all members of the general public or only to certain members of the general public (i.e., customers, patients, guests, residents, ticket holders, passengers, students, clients, members). By way of example only, a Public Facility includes the following: (1) hospitals, out-patient clinics, or other medical facilities; (2) restaurants, bars, clubs, or other establishments that serve food and/or drinks for consumption on the premises; (3) health, golf, tennis, swim or boat clubs, gyms, or other facilities used for recreation or exercise; (4) hair or nail salons, barbershops, cleaners, day spas, laundromats, travel agencies, or other facilities that offer personal services; (5) offices used by doctors, dentists, accountants, lawyers, architects, engineers, insurance agents or adjustors, or other professionals; (6) service stations, stores or shops for the repair or maintenance of appliances, shoes, motor vehicles, or other items or products; (7) automobile and motorcycle dealerships, or other showrooms for the display of merchandise offered for sale; (8) grocery and specialty food stores, or other stores that sell consumable products; (9) clothing, shoe, cookware, photo, general merchandise, gift, appliance, department, furniture and hardware stores, pharmacies, or other stores that sell goods or merchandise; (10) video arcades, game rooms, pool halls, bowling alleys, amusement parks, or other recreation or amusement center; (11) banks, savings and loan offices, brokerage houses, or other businesses offering financial services; (12) inns, hotels and motels, or other places that provide accommodations to the public; (13) motion picture houses, theaters, concert halls, stadiums, arenas, or other places used for exhibitions or entertainment; (14) libraries, book, music, and video stores, or other places that lend or sell reading, listening or viewing materials; (15) auditoriums, convention centers, lecture halls, or other places used for public gatherings; (16) terminals, depots, or other stations used for public transportation (including the San Francisco International Airport); (17) museums, galleries, or other places used to display exhibitions of art or other items; (18) public or private nursery, elementary, secondary, undergraduate, or postgraduate schools, or other places of education; (19) day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies, or other social service centers or establishments; (20) parks, open spaces, zoos, or other outdoor recreation areas; and (21) City government offices.

(h) "Regular Hours" means the hours of any day in which a Public Facility is generally open to members of the general public.

(i) "Video Event" means showing a movie, television show, or other video programming at a park, open space, zoo, or other outdoor recreation area.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008; Ord. 284-08, File No. 081082, App. 12/5/2008)

SEC. 4402. ACTIVATION OF CLOSED CAPTIONING REQUIRED.

(a) It shall be unlawful for any Person owning or managing a Public Facility to fail to keep Closed Captioning activated on any Closed-Captioned Television Receiver that is in use during Regular Hours in any Public Area.

(b) It shall be unlawful for any Person sponsoring a Video Event to fail to keep Closed Captioning activated during the course of the Video Event. Notwithstanding the foregoing, a Person sponsoring a Video Event may deactivate Closed Captioning during the Video Event provided that: (1) an alternative to Closed Captioning is made available during the entire Video Event; and (2) the alternative to Closed Captioning offers hearing impaired Persons Equivalent Access to the Video Event.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008; Ord. 284-08, File No. 081082, App. 12/5/2008)

SEC. 4403. REMEDIAL ACTION NOT REQUIRED.

Nothing in this article should be construed to require any person owning or managing a public facility to make a closed captioned television receiver available for viewing in a public area if: (a) no television receiver of any kind is available in a public area of the public facility; (b) the only television receiver available in a public area of the public facility is not a closed captioned television receiver.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008)

SEC. 4404. CIVIL PENALTIES AND FEES.

Any person who violates this article may be liable for a civil penalty not to exceed $500.00 for each day such violation is committed or permitted to continue. Such penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case including, but not limited to, the following: the nature and seriousness of the violations, the number of violations, the persistence of the violations, the length of time over which the violations occurred, the willfulness of the person charged with the violations, and the assets, liabilities, and net worth of the person charged with the violations. The City Attorney also may seek recovery of the attorney's fees and costs incurred in bringing a civil action pursuant to this section.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008)

SEC. 4405. CRIMINAL FINES.

(a) Any person who violates this article shall be deemed guilty of an infraction. Every violation determined to be an infraction is punishable by: (1) a fine not exceeding $100.00 for the first violation within one year; (2) a fine not exceeding $200.00 for a second violation within one year from the date of the first violation; (3) a fine not exceeding $500.00 for the third and each additional violation within one year from the date of the first violation.

(b) When a government official authorized to enforce this article pursuant to Subsection (a) has reasonable cause to believe that any person has committed an infraction in the official's presence that is a violation of this article the official may issue a citation to that person pursuant to California Penal Code, Part II, Title 3, Chapters 5, 5C, and 5D.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008)

SEC. 4406. DISCLAIMER.

In enforcing this article, the City is assuming an undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach by the City could result in the City being liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008)

SEC. 4407. SEVERABILITY.

If any provision of this article, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this article, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this article are severable.

(Added by Ord. 111-08, File No. 080529, App. 6/30/2008)

ARTICLE 45:  
FIREARMS AND WEAPONS VIOLENCE PREVENTION ORDINANCE

|  |  |
| --- | --- |
| Sec. 4500. | Title. |
| Sec. 4501. | Definitions. |
| Sec. 4502. | Discharge of Firearms and Firing of Projectile Weapons. |
| Sec. 4503. | Enforcement. |
| Sec. 4504. | Parental Responsibility for Minors. |
| Sec. 4505. | Firearms and Projectile Weapons; Confiscation and Disposal Of. |
| Sec. 4506. | Firearms and Projectile Weapons; Exceptions. |
| Sec. 4507. | Firearms and Projectile Weapons; Possession of by Minors. |
| Sec. 4508. | Severability. |
| Sec. 4511. | Findings. |
| Sec. 4512. | Handguns Located in a Residence to be Kept in a Locked Container or Disabled with a Trigger Lock. |

**Editor's Note:** See also the following Police Code provisions:  
 ****Art. 9, Secs. 613 et seq., Miscellaneous Conduct Regulations (relating to firearms and ammunition).  
 ****Art. 14, Secs. 840 et seq., Miscellaneous Regulations for Professions and Trades (relating to carrying firearms).  
 ****Art. 35, Firearm Strict Liability Act.  
 ****Art. 36, Prohibiting the Carrying of a Firearm While under the Influence of an Alcoholic Beverage or Drug, or Possession of a Firearm While upon Public Premises Selling or Serving Alcoholic Beverages.  
 ****Art. 36A, Sale, Manufacture and Distribution of Firearms and Ammunition; Possession of Handguns.

SEC. 4500. TITLE.

This Article shall be known as the Firearms and Weapons Violence Prevention Ordinance.

(Added by Ord. 89-94, App. 2/25/94)

SEC. 4501. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.

(b) "Projectile weapon" means any device or instrument used as a weapon which launches or propels a projectile by means other than the force of an explosion or other form of combustion with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas operated gun, BB gun, pellet gun, flare gun, dart gun, bow, cross-bow, slingshot, wrist rocket, blow gun, paint gun, or other similar device or instrument.

(Added by Ord. 89-94, App. 2/25/94)

SEC. 4502. DISCHARGE OF FIREARMS AND FIRING OF PROJECTILE WEAPONS.

Subject to the exceptions in Section 4506, it shall be unlawful for any person to at any time fire or discharge, or cause to be fired or discharged, any firearm or any projectile weapon within the City and County of San Francisco.

(Added by Ord. 89-94, App. 2/25/94; amended by Ord. 50-11, App. 3/16/2011)

SEC. 4503. ENFORCEMENT.

(a) Except as otherwise provided in this Section, any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than $100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not more than $500 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(b) Any person violating any provision of this Article a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 for each violation, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(c) Any person violating any provision of this Article within 1,500 feet of a day care center, school or school yard, whether public or private, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000 for each such violation, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(d) A person shall be guilty of a separate offense for each and every discharge of a firearm or firing of a projectile weapon, and shall be punished accordingly.

(e) Juveniles arrested pursuant to this Section shall be subject to Section 602 of the Welfare and Institutions Code.

(Added by Ord. 89-94, App. 2/25/94)

SEC. 4504. PARENTAL RESPONSIBILITY FOR MINORS.

Any parent or legal guardian, or a person over the age of 18, is also guilty of an offense punishable in accordance with Section 4503 if he or she knows or reasonably should know that a minor is likely to gain access to a firearm or a projectile weapon kept within any premises or vehicle which is under his or her custody or control, and a minor obtains and fires or discharges the firearm or projectile weapon within the City and County of San Francisco, in violation of Section 4502.

(Added by Ord. 89-94, App. 2/25/94)

SEC. 4505. FIREARMS AND PROJECTILE WEAPONS; CONFISCATION AND DISPOSAL OF.

Any firearm or projectile weapon discharged within the City and County of San Francisco in violation of the provisions of Section 4502 is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco. The Chief of Police, except upon the certificate of a judge of a court of record, or of the District Attorney that the preservation thereof is necessary or proper to the ends of justice, shall destroy or cause to be destroyed such firearms and projectile weapons, provided, however, that in the event any such firearm or projectile weapon is determined to have been stolen, the same shall not be destroyed but shall be returned to the lawful owner as soon as its use as evidence has been served, upon identification of the firearm or projectile weapon and proof of ownership thereof.

(Added by Ord. 89-94, App. 2/25/94)

SEC. 4506. FIREARMS AND PROJECTILE WEAPONS; EXCEPTIONS.

(a) The provisions of Section 4502 shall not apply to or affect:

(1) Sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, or any person summoned by such officer to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer;

(2) Persons in lawful possession of a handgun who discharge said handgun in necessary and lawful defense of self or others while in a personal residence; or

(3) Persons in lawful possession of a firearm or projectile weapon who are expressly and specifically authorized by federal or state law to discharge said firearm or projectile weapon under the circumstances present at the time of discharge.

(b) Use of firearms and projectile weapons may be permissible when integral to the pursuit of specific competitive and sporting events, including but not limited to events such as target and skeet shooting, upon issuance of a permit from the Chief of Police to persons conducting the event or engaged in the business of providing the location at which the event is to take place. The Chief of Police shall formulate criteria for the application, issuance, and renewal of such permits, and may require as a condition of approval the posting of any bond, or proof of adequate liability insurance.

(Added by Ord. 89-94, App. 2/25/94; amended by Ord. 50-11, App. 3/16/2011)

SEC. 4507. FIREARMS AND PROJECTILE WEAPONS; POSSESSION OF BY MINORS.

(a) It shall be unlawful for any person under the age of 18 to have in his or her possession within the City and County of San Francisco any firearm or projectile weapon, as defined in Section 4501. Violation of this provision shall be punishable in the manner provided in Section 4503.

(b) It shall be unlawful for any parent or legal guardian, or any person over the age of 18 years, to sell, give or otherwise transfer to any minor in the City and County of San Francisco under the age of 18 years, or to allow such minor to possess, any firearm or projectile weapon, as defined in Section 4501. Violation of this provision shall be punishable in the manner provided in Section 4503.

(c) Any firearm or projectile weapon, which is in possession of a minor in violation of this Article, is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco and disposed of in accordance with the provisions of Section 4505 above.

(Added by Ord. 89-94, App. 2/25/94)

**Editor's Note:**   
 See also the following Police Code provisions:  
Sec. 602, Sale or Possession of Sling Shots or Toys Projecting Missiles by Air or Gas Prohibited.  
Sec. 607, Possession of Sling Shots or Metal Knuckles Prohibited.  
Sec. 608, Prohibiting Sale of Darts and Similar Weapons to Minors.  
Sec. 609, Prohibiting Possession of and Purchase by Minors of Darts and Similar Weapons.

SEC. 4508. SEVERABILITY.

This Article shall be enforced to the full extent of the authority of the City and County of San Francisco. If any subsection, sentence, clause, phrase, or word of this Article should be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, that decision shall not affect the validity or the effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have adopted this Article notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

(Added by Ord. 89-94, App. 2/25/94)

SEC. 4511. FINDINGS.

1. Firearm injuries have a significant public health impact both nationally and locally.

a. In the United States, firearm injuries accounted for 6.6 percent of premature deaths from 1999-2007. Shootings are a leading cause of injury deaths in the nation, second only to motor vehicle crashes. On average, there were 30,125 firearm deaths in the United States annually between 2000 and 2007, inclusive. In 2007, 31,224 Americans died in firearm-related homicides, suicides, and unintentional shootings – the equivalent of 85 deaths each day and more than three deaths each hour.

b. Nationally, more than two thirds of homicides and over half of all suicides are committed with firearms.

c. Unintentional shootings killed over 5,700 people in the U.S. between 2000 and 2007. In 2009, over 18,000 people were treated for unintentional gunshot wounds in the United States.

d. The firearm-related homicide, suicide, and unintentional death rates for children 5-14 years old in the United States are significantly higher than those other industrialized nations.

e. Over the last five years, firearm injuries have ranked third of all causes of injury death in San Francisco, after pedestrian fatalities and falls, respectively. Almost two thirds of these firearm deaths were homicides. In addition, gunshot wounds were the third most common reason for injury-related hospitalizations in San Francisco from 2005 to 2008 and fourth in 2009. Firearm-related suicides accounted for 16.2 percent of the suicide deaths in San Francisco in Fiscal Year 2009-2010.

f. San Francisco General Hospital, as the only trauma center in San Francisco, treats approximately 98 percent of the city's shooting victims annually. Approximately 80 percent of the individuals treated for violent injuries at San Francisco General Hospital are uninsured.

2. Having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death.

a. A firearm stored loaded or unlocked increases the risk of an accidental shooting.

b. All U.S. case control studies (12 to date) have found that people who die by suicide are more likely to have lived in a home with a gun than similar people who did not die by suicide. Studies have also shown that the risk of suicide increases in homes where guns are kept loaded or unlocked.

c. A 2007 study compared the 40 million people who live in the states with the lowest firearm prevalence (Hawaii, Massachusetts, Rhode Island, New Hampshire, Connecticut, and New York) to about the same number living in the states with the highest firearm prevalence (Wyoming, South Dakota, Alaska, West Virginia, Montana, Arkansas, Mississippi, Iowa, North Dakota, Alabama, Kentucky, Wisconsin, Louisiana, Tennessee, and Utah). Although non-firearm suicides were about equal in the two groups, total suicides were almost twice as high in the high-gun states.

d. Keeping unsecured guns in the home increases the flow of illegal guns into the community. More than half a million firearms are stolen each year in the United States and many are subsequently sold illegally.

3. Children are particularly at risk of injury and death, or causing injury and death, when they can access guns in their own homes or homes that they visit.

a. The authors of a 2005 study found that an estimated 1.69 million children age 18 and under are living in households with loaded and unlocked firearms. Many young children, including children as young as three years old, are strong enough to fire handguns.

b. A significant majority of the guns used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend. Of youths under who died by firearm suicide, the vast majority used a family member's gun, usually a parent's. And more than two thirds of school shooters obtained their gun(s) from their own home or that of a relative.

c. Quick access to loaded firearms heightens the risk that a young person's impulsive decision to commit suicide will be carried out without reflection or seeking help, and that the impulsive attempt will be fatal. One third of youths who died by suicide had faced a crisis within the previous 24 hours. Among people who nearly died in a suicide attempt, almost a quarter indicated that fewer than five minutes had passed between deciding on suicide and making the attempt. While fewer than 10 percent of suicide attempts by other means are fatal, at least 85 percent of firearm suicide attempts end in death.

4. Guns kept in the home are most often used in suicides and against family and friends rather than in self-defense.

a. Guns kept in a home are more likely to be involved in an unintentional shooting, criminal assault, or suicide attempt than to kill or injure in self-defense.

b. Only one in ten firearm homicides in the shooter's home is considered justifiable, meaning the shooter was not the assailant. Of every ten firearm homicide victims killed at the shooter's residence, six were intimate partners or family members of the shooter, three were friends or acquaintances of the shooter, and only one was a stranger to the shooter.

5. Applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death.

a. Keeping a firearm locked when it is not being carried ensures that it cannot be accessed and used by others without the owner's knowledge or permission. This simple measure significantly decreases the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally.

b. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored.

6. There is a wide consensus among medical professionals, police chiefs, gun control advocates and gun rights groups that applying trigger locks or using lock boxes to store unsupervised guns in the home promotes health and safety.

a. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms.

b. The American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.

c. Both gun control and gun rights advocates endorse the use of locking devices when storing guns to ensure that unauthorized or untrained persons cannot use the gun to inflict injury or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed and used as part of the National Rifle Association (NRA) Basic Firearm Training Program, emphasizes that "there is one general rule that must be applied under all conditions: Store guns so they are not accessible to untrained or unauthorized persons." The NRA Guide To The Basics Of Personal Protection In The Home further explains that "all storage methods designed to prevent unauthorized access utilize some sort locking method."

7. Requiring unsupervised firearms stored to be secured with trigger locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home.

a. The locking requirements apply only to handguns that are not being carried. Gun owners and adults over 18 may carry loaded and unlocked handguns in the home at any time. The safe storage requirements also permit owners who wish to do so to store their handguns fully loaded.

b. Gun security does not preclude quick access. For example, affordable lockboxes using Simplex-type locks, which pop open immediately when several keys or pushbuttons are touched in a preset sequence, are widely available. Users report that they can retrieve a loaded weapon in just two to three seconds, and that the locks are also easy to open in the dark. The NRA describes this type lockbox as providing "a good combination of security and quick access." Some lockboxes also feature biometric locks, which provide immediate access when they scan the owner's fingerprint.

c. Portable lockboxes can store loaded weapons such that they are always within easy reach on counters, tables or nightstands. Such safely stored weapons are more quickly and easily retrieved for use in self-defense than unlocked guns that have been hidden away in seldom-used locations.

(Added by Ord. 206-11, File No. 110901, App. 10/11/2011, Eff. 11/10/2011)

SEC. 4512. HANDGUNS LOCATED IN A RESIDENCE TO BE KEPT IN A LOCKED CONTAINER OR DISABLED WITH A TRIGGER LOCK.

(a) **Prohibition.** No person shall keep a handgun within a residence owned or controlled by that person unless the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

(b) **Definitions.**

(1) "Residence." As used in this Section, "residence" is any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in law units, motels, hotels, SRO's, time-shares, recreational and other vehicles where human habitation occurs.

(2) "Locked container." As used in this Section, "locked container" means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.

(3) "Handgun." As used in this Section, "handgun" means any pistol, revolver, or other firearm that is capable of being concealed upon the person, designed to be used as a weapon, capable of expelling a projectile by the force of any explosion or other form of combustion, and has a barrel less than 16 inches in length.

(4) "Trigger lock." As used in this Section, a "trigger lock" means a trigger lock that is listed in the California Department of Justice's list of approved firearms safety devices and that is identified as appropriate for that handgun by reference to either the manufacturer and model of the handgun or to the physical characteristics of the handgun that match those listed on the roster for use with the device under Penal Code Section 12088(d).

(c) **Exceptions.** This Section shall not apply in the following circumstances:

(1) The handgun is carried on the person of an individual over the age of 18.

(2) The handgun is under the control of a person who is a peace officer under Penal Code Section 830.

(d) **Lost or Stolen Handguns.** In order to encourage reports to law enforcement agencies of lost or stolen handguns pursuant to San Francisco Police Code Section 616, a person who files a report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall not be subject to prosecution for violation of Section 4512(a) above.

(e) **Penalty.** Every violation of this Section shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

(f) **Severability.** If any provision, clause or word of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision, clause, word or application of this Section which can be given effect without the invalid provision, clause or word, and to this end the provisions of this Section are declared to be severable.

(Added by Ord. 193-07, File No. 070683, App. 8/1/2007)

ARTICLE 46:  
PROHIBITING SELF-SERVICE MERCHANDISING OF TOBACCO PRODUCTS EXCEPT IN PLACES TO WHICH MINORS HAVE NO ACCESS

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| --- | --- |
| Sec. 4600. | Title. |
| Sec. 4600.1. | Findings and Purposes. |
| Sec. 4600.2. | Definitions. |
| Sec. 4600.3. | Prohibition of Self-Service Merchandising of Tobacco Products Except in Places to which Minors Have No Access. |
| Sec. 4600.4. | Enforcement and Penalties. |
| Sec. 4600.5. | Other Applicable Laws. |
| Sec. 4600.6. | Voluntary Compliance. |
| Sec. 4600.7. | Disclaimers. |
| Sec. 4600.8. | Severability. |

SEC. 4600. TITLE.

This Article shall be known as the Prohibition of Self-Service Merchandising of Tobacco Products Ordinance.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.1. FINDINGS AND PURPOSES.

The Board of Supervisors does hereby find that:

(a) The United States Surgeon General and the United States Department of Health and Human Services have found that a majority of those Americans who die of tobacco-related diseases became addicted to the nicotine in tobacco products as adolescents, before the age of legal consent;

(b) Studies have shown that seventy-five percent of current adult smokers started before the age of 18;

(c) The National Institute on Drug Abuse has concluded that the nicotine in tobacco products is a powerful addictive drug, and has identified nicotine addiction as the most widespread example of drug dependence in the U.S.;

(d) The National Institute on Drug Abuse has found that tobacco use by adolescents precedes and is predictive of adolescent illicit drug use;

(e) State law (Penal Code Sec. 308) prohibits and penalizes the sale or furnishing of cigarettes and other tobacco products to minors, yet minors continue to purchase, steal or otherwise obtain tobacco products at alarming rates;

(f) In compliance with federal regulations, a new state law known as the Stop Tobacco Access to Kids Enforcement Act or STAKE Act (Bus. and Prof. Code, Sec. 22950, et seq.) requires that tobacco retailers post a notice at each point of purchase stating that selling tobacco products to persons under 18 is illegal and subject to penalties. Tobacco retailers also are required to check the identification of tobacco purchasers if they reasonably appear to be under 18 years of age. The STAKE Act also requires state authorities to conduct random inspections to detect illegal sales of tobacco products and imposes civil penalties thereon;

(g) Since minors are more likely to attempt to buy or steal cigarettes and other tobacco products when these items are accessible in self-service displays, banning self-service merchandising of tobacco products will help prevent routine violations of state law;

(h) State law does not regulate the manner in which tobacco products are displayed and made available for sale;

(i) Effective August 1997, the new Federal FDA Regulations (Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents) prohibit the sale of cigarettes and smokeless tobacco products through self-service displays, except in facilities where individuals under 18 are not present or permitted at any time.

Accordingly, the Board of Supervisors finds and declares that it is in the public interest and welfare to prohibit the self-service merchandising of tobacco products.

The Board of Supervisors further finds that this Article is meant to complement and effectuate state law prohibiting the sale of tobacco products to minors.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.2. DEFINITIONS.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "Business" means any sole proprietorship, joint venture, corporation or other business entity formed for profit-making or nonprofit purposes, including retail establishments where goods or services are sold.

(b) "Person" shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(c) "Self-service merchandising" means the open display of tobacco products to which the public has access without the intervention of the vendor or a store employee.

(d) "Tobacco product" means any tobacco cigarette or smokeless tobacco product.

(e) "Tobacco retailer" shall mean any person or business that operates a store, stand, booth, concession, or other place at which sales of tobacco products are made to purchasers for consumption or use.

(f) "Vendor-assisted" means the customer has no access to the tobacco product without the assistance of a store owner or employee.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.3. PROHIBITION OF SELF-SERVICE MERCHANDISING OF TOBACCO PRODUCTS EXCEPT IN PLACES TO WHICH MINORS HAVE NO ACCESS.

No person, business, tobacco retailer or other establishment subject to this Article shall sell, permit to be sold, offer for sale or display for sale any tobacco product by means of self-service merchandising or by means other than vendor-assisted sales, unless access to the premises by persons under 18 years of age is prohibited by law.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.4. ENFORCEMENT AND PENALTIES.

(a) This Article shall be administered and enforced by the Chief of Police, in conjunction with the City Attorney. The Police Department shall develop guidelines, as appropriate, to ensure proper implementation and enforcement of this Article.

(b) The Chief of Police shall enforce Section 4600.3 as follows:

(1) The Chief of Police shall receive and review complaints relating to violations of this Article;

(2) The Chief of Police shall act upon such complaints, within 30 days of receipt, by serving notice requiring correction of any violation of this Article upon the person, business, tobacco retailer, or owner, manager or operator of the establishment responsible for the self-service merchandising of tobacco products prohibited by this Article;

(3) If additional resources are needed, the Chief of Police may enter into agreements with appropriate departments to receive and review complaints and, within 30 days of receipt, to serve notice requiring correction of any violation of this Article upon the person, business, tobacco retailer, or owner, manager or operator of the establishment responsible for the self-service merchandising of tobacco products prohibited by this Article;

(4) Any person who fails or refuses to comply with the notice within the time period specified is subject to either a criminal action for an infraction or a civil action brought by the City Attorney.

(c) Any person, business, tobacco retailer, or owner, manager or operator of any establishment subject to this Article who violates or refuses to comply with any provision of this Article shall be deemed guilty of an infraction, and shall be deemed guilty of a separate offense for each day such violation or refusal shall continue. Every violation is punishable by:

(1) A fine, of at least $25 but not exceeding $100 and/or five days of community service, for the first violation;

(2) A fine, of at least $100 but not exceeding $175 and/or 10 days of community service, for a second violation of this Article within five years of the first violation;

(3) A fine, of at least $175 but not exceeding $250 and/or 15 days of community service, for a third violation of this Article within five years of the first violation.

(d) The City Attorney may maintain an action for injunction to enforce the provisions of this Article, to cause the correction of any such violation, and for assessment and recovery of a civil penalty for such violation pursuant to subdivision (e).

(e) Any person who violates or refuses to comply with the provisions of this Article shall be liable for a civil penalty of $100 for each violation, which penalty shall be assessed and recovered in a civil action brought in the name of the People of the City and County of San Francisco in any court of competent jurisdiction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the Treasurer of the City and County of San Francisco. The person against whom a penalty is assessed also shall be liable for the costs of attorney's fees incurred by the City and County of San Francisco in bringing any civil action to enforce the provisions of this Article.

(f) For purposes of determining liability of persons, firms or corporations controlling franchises or business operations in multiple locations, each individual franchise or business location shall be deemed a separate entity. Violations accumulated and penalties assessed against a prior owner of a single franchise location shall not be accumulated against a new owner of the same single franchise location.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.5. OTHER APPLICABLE LAWS.

This Article shall not be interpreted or construed to permit tobacco vending machines or distribution of tobacco product samples where they are otherwise restricted by other applicable laws.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.6. VOLUNTARY COMPLIANCE.

In order to encourage and assist voluntary compliance with this Article, and subject to availability of funds, the City or its designee may conduct informational activities to notify and educate tobacco retailers and the public of this Article, including the following:

(1) Publication of this Article in local newspapers;

(2) Publication and distribution of materials explaining this Article to tobacco retailers, their employees and members of the public;

(3) Publication and distribution of materials on merchant education and local employee training resources geared towards preventing tobacco sales to minors; and

(4) Publication and distribution of materials on local programs and services geared towards youth tobacco use prevention, education and cessation.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.7. DISCLAIMERS.

By prohibiting the self-service merchandising of tobacco products except in places to which minors have no access, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 446-96, App. 11/27/96)

SEC. 4600.8. SEVERABILITY.

If any provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of this Article, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Article are severable.

(Added by Ord. 446-96, App. 11/27/96)

ARTICLE 47:  
PERSONAL WATERCRAFT

|  |  |
| --- | --- |
| Sec. 4700.1. | Purpose. |
| Sec. 4700.2. | Definitions. |
| Sec. 4700.3. | Prohibited Use of Personal Watercraft in Special Use Area. |
| Sec. 4700.4. | State- or Federally-Funded Facilities. |
| Sec. 4700.5. | Violations; Enforcement; Penalties. |
| Sec. 4700.6. | Citizen Enforcement Actions. |
| Sec. 4700.7. | Severability. |

SEC. 4700.1. PURPOSE.

The purpose of this ordinance is to reduce existing conflicts and limit potential conflicts between uses of the coastal waters of San Francisco, eliminate adverse impacts to the diverse and unusual species found in the San Francisco Bay, promote overall public safety, and decrease hydrocarbon pollution that is disproportionately caused by personal watercraft.

Conflicts between uses have the potential to increase in the future because of increasing development of shoreline areas. Examples of conflicts that currently occur are those between personal watercraft and individuals engaged in water sports such as kayaking, windsurfing, swimming, and canoeing, due to the nature and design of personal watercraft: high maneuverability, high speed, ability to travel in shallow areas, and noise patterns that are unique and annoying.

Conflicts also occur between shoreline uses in areas zoned for commercial and open space activities and personal watercraft because of the nature and design of these vessels.

(Added by Ord. 285-98, App. 9/18/98)

SEC. 4700.2. DEFINITIONS.

(a) "Landmarks" shall include, but not be limited to, the farthest extension of piers, beaches, seawalls, jetties, breakwaters and docks.

(b) "Personal watercraft" means a highly maneuverable vessel which uses a waterjet pump to propel one or more persons and is capable of operating at planing speeds. "Personal watercraft" includes, but is not limited to, vessels referred to as Jetskis®, Sea Doos®, and Waverunners®. "Personal watercraft" shall include any vessel less than 12 feet, propelled by machinery, that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

(c) "Operator" means the person on board who is steering the vessel while underway.

(d) "Special-use area" means all or a portion of a waterway that is set aside for specified uses or activities to the exclusion of other incompatible uses or activities.

(e) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except either a seaplane on the water or a watercraft specifically designed to operate on a permanently fixed course.

(Added by Ord. 285-98, App. 9/18/98)

SEC. 4700.3. PROHIBITED USE OF PERSONAL WATERCRAFT IN SPECIAL USE AREA.

(a) Use and operation of personal watercraft in the area designated in Subsection (b) as a special use area is incompatible with competing uses and is therefore prohibited.

(b) For purposes of this Article, the special use area shall consist of the area within 1,200 feet of the shoreline or the farthest extension of the shoreline of San Francisco, as defined by its landmarks. The San Francisco shoreline shall include, but not be limited to, all of Yerba Buena Island, all of Treasure Island, the east shore of Angel Island, all of Alcatraz Island, between Point Bonita and Yellow Bluff in Marin, and from Candlestick Park around the San Francisco Peninsula down to the extension of the County line below Harding Park.

In the event that another regulatory authority has exclusive jurisdiction over any of this shoreline area, the special use area shall begin at the boundary of the shoreline under the jurisdiction of the City and County of San Francisco and extend out 1,200 feet.

(c) There shall be a 200-foot wide access corridor for personal watercraft along the shortest route possible from Pier 52 through the special use area. There shall be a second access corridor, not to exceed 200 feet in width, for personal watercraft along the shortest route possible from the Gas House Cove marina fueling station through the special use area. The Gas House Cove corridor is designated solely for access to the fueling facility; personal watercraft shall not be allowed to launch from or land at Gas House Cove. The access corridors shall be marked by buoys or designated by other means chosen by the Police Department, and the speed limit in the corridors shall be five miles per hour.

(d) The restrictions imposed by this Section shall not apply to the use of personal watercraft by Fire Department, Police Department, or Coast Guard personnel in the performance of search and rescue missions or other emergency or law enforcement operations.

(e) Signs summarizing the relevant provisions of this Article shall be erected where personal watercraft have the ability to launch. These signs shall also provide a telephone number designated to accept calls by the public reporting violations of this Article.

(Added by Ord. 285-98, App. 9/18/98)

SEC. 4700.4. STATE- OR FEDERALLY-FUNDED FACILITIES.

If the Port of San Francisco or any other officer, department or agency of the City constructs a recreational boat launch facility with funds provided pursuant to 26 U.S.C. Section 9504(b)(2), the Port Director or the responsible officer, department or agency shall designate, and the Board of Supervisors shall confirm by motion, an additional access corridor for personal watercraft from the facility and through the special use area. In addition, the Port Director or the responsible officer, department or agency shall notify the Commission on the Environment prior to constructing any facility covered by this Section.

(Added by Ord. 285-98, App. 9/18/98)

SEC. 4700.5. VIOLATIONS; ENFORCEMENT; PENALTIES.

(a) A violation of the provisions of Section 4700.3 shall be an infraction. Any person found guilty of such an infraction shall be punished by a fine not to exceed $50 for the first offense; for the second offense committed within a one-year period by a fine not to exceed $100; for third and each additional offense committed within a one-year period by a fine not to exceed $250.

(b) Any person who commits, or proposes to commit, an act in violation of this Article may be enjoined therefrom by any court of competent jurisdiction. Action for injunction under this Section may be brought by any aggrieved person, by the District Attorney, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the public.

(Added by Ord. 285-98, App. 9/18/98)

SEC. 4700.6. CITIZEN ENFORCEMENT ACTIONS.

(a) Any citizen may commence a civil action on his or her own behalf against any person who is alleged to have violated, or to be in violation of the provisions of this Article. For purposes of this Section, "citizen" shall mean either an individual who resides in the City; or a corporation, partnership or association that maintains its principal office in the City, and which has an interest which is, or may be, adversely affected.

(b) In any action brought under this Section where the City is not a party, the City may intervene as a matter of right. Whenever an action is brought under this Section, the plaintiff shall serve a copy of the complaint on the City Attorney upon filing. No consent judgment or settlement shall be entered in an action in which the City is not a party prior to 30 days following receipt of the proposed consent judgment or settlement by the City Attorney.

(c) The court in issuing any final order brought pursuant to this Section shall award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party who brought the underlying action, when the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought by the citizen, require a filing of a bond or undertaking in accordance with State law and local court rules.

(d) Nothing in this Section shall restrict any right which any person may have under any statute, ordinance, or common law to seek enforcement of any requirement prescribed by or under this Article, or to seek any other relief. Nothing in this Section shall be construed to prohibit or restrict the City from bringing any administrative, civil or criminal action or obtaining any remedy or sanction against any person to enforce any requirement set forth in this Article.

(Added by Ord. 285-98, App. 9/18/98)

SEC. 4700.7. SEVERABILITY.

If any provision, section, paragraph, clause, sentence or phrase of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

(Added by Ord. 285-98, App. 9/18/98)

ARTICLE 48:  
LASER POINTERS

|  |  |
| --- | --- |
| Sec. 4800. | Definitions. |
| Sec. 4801. | Storage and Display of Laser Pointers. |
| Sec. 4802. | Sale of Laser Pointers to Minors Prohibited. |
| Sec. 4803. | Use of Laser Pointers by Minors Prohibited. |
| Sec. 4804. | Possession of Laser Pointers at Movie Theaters and Public Events Prohibited. |
| Sec. 4805. | Directing Laser Beam into a Moving Vehicle or onto Another Person Prohibited. |
| Sec. 4806. | Penalty. |
| Sec. 4807. | Disclaimer. |
| Sec. 4808. | Severability. |

SEC. 4800. DEFINITIONS.

For purposes of this Article, "Laser Pointer" shall mean any handheld device which emits a laser lighting beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item or object.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4801. STORAGE AND DISPLAY OF LASER POINTERS.

(a) It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment where Laser Pointers are sold to store or display, or cause to be stored or displayed, such Laser Pointers in an area that is accessible to the public without employee assistance.

(b) Nothing herein shall preclude the storage or display of Laser Pointers in an area viewable by the public so long as such items are not accessible to the public without employee assistance.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4802. SALE OF LASER POINTERS TO MINORS PROHIBITED.

It shall be unlawful for any person, firm, or corporation, except a parent or legal guardian, to sell, exchange, give or loan to any minor under the age of 18 years, any Laser Pointer.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4803. USE OF LASER POINTERS BY MINORS PROHIBITED.

It shall be unlawful for any person under the age of 18 years to have in his or her possession any Laser Pointer unless said minor is under the direct supervision and control of the minor's parent, legal guardian, or other adult authorized by the parent or legal guardian to exercise such supervision.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4804. POSSESSION OF LASER POINTERS AT MOVIE THEATERS AND PUBLIC EVENTS PROHIBITED.

It shall be unlawful for any person attending any movie theater or public event including, but not limited to, any sporting event to have in his or her possession any Laser Pointer.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4805. DIRECTING LASER BEAM INTO A MOVING VEHICLE OR ONTO ANOTHER PERSON PROHIBITED.

It shall be unlawful for any person to direct intentionally the beam from a Laser Pointer into a moving vehicle or onto another person without such person's prior knowledge and consent.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4806. PENALTY.

Any person who violates Section 4803 or 4804 of this Article shall be guilty of an infraction. Any person who violates Section 4801, 4802 or 4805 of this Article shall be guilty of an infraction or a misdemeanor, at the discretion of the prosecutor. A violation which is an infraction is punishable by a fine of not more than. $500. A violation which is a misdemeanor is punishable by a fine of not more than $1000, or by imprisonment in the County Jail for not more than 6 months, or by both such fine and imprisonment.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4807. DISCLAIMER.

In regulating the sale, possession and use of Laser Pointers, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

SEC. 4808. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any Person or circumstance is held invalid, the remainder of this Code, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

(Added by Ord. 157-99, File No. 990409, App. 6/11/99)

ARTICLE 49:  
REPEALED

\***Editor's note:**

Ord. 234-06, File No. 060892, approved September 14, 2006, repealed Ch. 49, in its entirety, which pertained to parking stations; revenue control equipment.

Sec. 4901.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4902.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4903.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4904.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4905.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4906.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4907.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4908.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4910.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; amended by Ord. 197-03, File No. 030633, App. 8/1/2003; Ord. 187-04, File No. 040759, App. 7/22/2004; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4911.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4912.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4913.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4914.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4915.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

Sec. 4916.

(Added by Ord. 61-01, File No. 002197, App. 4/20/2001; repealed by Ord. 234-06, File No. 060892, App. 9/14/2006)

References to Ordinances

Ordinances Affecting the Police Code

**Publisher's Note:** The following table lists all ordinances affecting the Police Code passed by the Board of Supervisors beginning in 2011. The table includes links to the ordinances themselves (as maintained in PDF format on the Board of Supervisors' web site) and to the code sections affected. For other legislation, including older ordinances and those affecting other codes, please refer to the Comprehensive Ordinance Table or the Board's "Legislation Passed" web site.

Jump to:  
2011 Ordinances  
2012 Ordinances  
2013 Ordinances  
  
New Ordinances

2011

| Ord. No. | File No. | Eff. Date | Short Title and Code Sections Affected |
| --- | --- | --- | --- |
| 45-11 | 101422 | 04/09/11 | Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws  Sections Affected:  1078, 1089, 1105, 1110, 1135, 1142, 1145 (Repealed) |
| 50-11 | 101120 | 04/15/11 | Police Code - Discharge of Fireworks; Firearms  Sections Affected:  1290, 4502, 4506 (Amended) |
| 74-11 | 110280 | 06/04/11 | Public Works Code, Police Code - Posting of Signs on City Property, Increasing Penalty, and Enforcement  Sections Affected:  39-1 (Amended) |
| 172-11 | 110506 | 10/12/11 | Police Code, Planning Code, and Business and Tax Regulations Code - Limited Live Performance Permits  Sections Affected:  1060.2.1, 1060.3.1, 1060.5.1, 1060.38, 1060.38.1 (Added); 2.26, 2.27, 1060, 1060.1, 1060.1-1, 1060.7.1, 1060.9, 1060.19, 1060.20.4, 1060.24, 1060.35, 2901, 2909, 2916 (Amended) |
| 206-11 | 110901 | 11/10/11 | Police Code - Safe Storage and Enhanced Lethality Ammunition Findings  Sections Affected:  613.9.5, 4511 (Added) |
| 219-11 | 110967 | 12/15/11 | Police Code - Regulating Public Nudity in Restaurants and Public Seating Areas  Sections Affected:  1071.1 (Amended) |
| 234-11 | 110993 | 12/31/11 | Police Code - Commercial Parking Permits  Sections Affected:  1215.2 (Amended) |
| 238-11 | 111107 | 01/14/11 | Administrative, Business and Tax Regulations, Fire, Health, and Police Codes - Business License Fees  Sections Affected:  2.10, 2.16, 43.2, 387, 778, 869.12, 896, 974.23, 1021, 1025, 1032, 1036.10, 1037.2, 1045.2, 1060.1-1, 1070.1-1, 1072.40, 1072.40-1, 1073.17, 1073.17.1, 1074.6, 1074.24, 1209, 1218, 1230, 1238, 1239.2, 1279.1, 1279.2, 1279.3, 1295, 1309, 2626, 2818, 3008, 3062, 3216A, 3217, 3219, 3404, 3405, 3425, 3907, 3908 (Amended) |

2012

| Ord. No. | File No. | Eff. Date | Short Title and Code Sections Affected |
| --- | --- | --- | --- |
| 12-12 | 111190 | 03/03/12 | Administrative, Police Codes - Prevailing Rate of Wages Under City Contracts for Specified Services  Sections Affected:  3300C.1 (Amended) |
| 87-12 | 111077 | 06/13/12 | Police Code - Security Plans for Commercial Parking Garages and Lots  Sections Affected:  1215.7 (Added); 1215, 1215.1, 1215.2, 1215.3, 1215.4 (Amended) |
| 100-12 | 120405 | 07/08/12 | Police Code - Regulating the Use of Amplified Sound on Unenclosed Tour Buses and Establishing Fee  Sections Affected:  2913 (Added); 46, 2901, 2916, 2922 (Amended) |
| 125-12 | 120559 | 07/29/12 | Police Code - Prohibiting Obstructing Sidewalks Adjacent to White Zones  Sections Affected:  65 (Added) |
| 166-12 | 120597 | 08/26/12 | Police Code - Increase Permit and License Fees  Sections Affected:  2.26, 2.27 (Amended) |
| 189-12 | 120407 | 10/11/12 | Business and Tax Regulations, Police Codes - Parking Tax Exemption for Special Parking Events Operated by Volunteers on SFUSD Property  Sections Affected:  1215 (Amended) |
| 194-12 | 120672 | 10/17/12 | Police Code - Allowing Dogs to be Fastened to Lamp Post, Hydrant, or Tree; Repealing Outdated Code Provisions  Sections Affected:  585 (Amended); 875, 876, 924, 925, 926, 927, 928, 929, 973, 1500, 1501 (Repealed) |
| 196-12 | 120671 | 10/24/12 | Police Code - Secondhand Dealer and Antique Dealer Permit Requirements  Sections Affected:  2.26, 1279, 1279.1, 1282 (Amended); 850, 851, 852, 1276, 1279.2, 1280, 1280.1, 1281 (Repealed) |
| 209-12 | 120631 | 10/28/12 | Business and Tax Regulations, Police, and Planning Codes - Parking Tax Simplification for Residential Properties  Sections Affected:  1215 (Amended) |
| 212-12 | 120318 | 11/08/12 | Police Code - Additional Penalties for Foreclosed Properties  Sections Affected:  94, 94.1, 94.2, 94.3, 94.4, 94.5, 94.6 (Added) |
| 217-12 | 111239 | 11/22/12 | Police Code - Vehicle Press Cards  Sections Affected:  939, 939.1, 939.3, 939.5, 939.7 (Amended); 939.2, 939.4, 939.6 (Repealed) |
| 234-12 | 120984 | 01/05/13  [Oper. 02/01/13] | Police Code - Prohibiting Public Nudity  Sections Affected:  154 (Added) |

2013

| Ord. No. | File No. | Eff. Date | Short Title and Code Sections Affected |
| --- | --- | --- | --- |
| 2-13 | 120434 | 02/23/13 | Police Code - Amendments to Junk Dealer and Junk Gatherer Permit Process  Sections Affected:  2.26, 2.27, 895, 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21, 974.22 (Amended); 896, 897, 898, 974.5, 974.6, 974.10-2, 974.23 (Repealed) |
| 5-13 | 121064 | 02/23/13 | Business and Tax Regulations, Police Codes - Parking Stations - Revenue Control Equipment; License Regulations; Parking Tax Bonds; Administrative Citation Process  Sections Affected:  1215, 1216 (Amended) |
| 10-13 | 121030 | 03/06/13 | Police Code - Enforcement Provisions for Clipper Cove Special-Use Area Adjacent to Treasure Island  Sections Affected:  1.1 (Amended) |
| 37-13 | 130039 | 04/12/13 | Police Code - Reporting Ammunition Sales of 500 or More Rounds  Sections Affected:  615 (Amended) |
| 38-13 | 130040 | 04/12/13 | Police Code - Possession or Sale of Law Enforcement or Military Ammunition  Sections Affected:  618 (Added) |
| 88-13 | 130262 | 06/20/13 | Police Code - Access to Reproductive Health Care Facilities  Sections Affected:  4301, 4302, 4303, 4304 (Amended) |
| 100-13 | 130182 | 07/06/13 | Police, Administrative Codes - Entertainment-Related Permits  Sections Affected:  49, 1060, 1060.1, 1060.13, 1060.15, 1060.17, 1060.18, 1060.20.1, 1060.20.2, 1060.20.3, 1060.24, 1060.25, 1060.28, 1060.38.1, 1070, 1070.22, 1070.36, 2909, 2916, 2917 (Amended); 1060.23, 1060.27 (Repealed) |
|  |  |  |  |

New Ordinances

**Publisher's Note:** The following table lists all ordinances affecting the Police Code that have been passed by the Board of Supervisors but that are not yet effective. The table includes links to the ordinances themselves (as maintained in PDF format on the Board of Supervisors' web site) and to the code sections affected. For other legislation, including older ordinances and those affecting other codes, please refer to the Comprehensive Ordinance Table or the Board's "Legislation Passed" web site.

| Ord. No. | File No. | Eff. Date | Short Title and Code Sections Affected |
| --- | --- | --- | --- |
| [None] |  |  |  |
|  |  |  |  |