

1 [Police Code - Prohibiting Public Nudity]

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3 **Ordinance amending the San Francisco Police Code by adding Section 154 to prohibit**
4 **nudity on public streets, sidewalks, street medians, parklets, ~~and~~ plazas, and public**
5 **rights-of-way, and on public transit vehicles, stations, platforms, and stops, except as**
6 **part of permitted parades, fairs, and festivals.**

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8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are *strike-through italics Times New Roman*.
Board amendment additions are double-underlined;
Board amendment deletions are ~~striketrough normal~~.

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

11 Section 1. The San Francisco Police Code is hereby amended by adding Section 154,
12 to read as follows:

13 **SEC. 154. PROHIBITING PUBLIC NUDITY.**

14 (a) The Board of Supervisors finds that a person's public exposure of his or her private
15 parts (1) invades the privacy of members of the public who are unwillingly or unexpectedly
16 exposed to such conduct and unreasonably interferes with the rights of all persons to use and
17 enjoy the public streets, sidewalks, street medians, parklets, plazas, public rights-of-way,
18 transit vehicles, stations, platforms, and transit system stops, (2) creates a public safety
19 hazard by creating distractions, obstructions, and crowds that interfere with the safety and
20 free flow of pedestrian and vehicular traffic, and (3) discourages members of the public from
21 visiting or living in areas where such conduct occurs. The Board of Supervisors has enacted
22 the provisions of this Section 154 for the purpose of securing and promoting the public health,
23 safety, and general welfare of all persons in the City and County of San Francisco.

24 (ab) A person may not expose his or her genitals, perineum, or anal region on any public
25 street, sidewalk, street median, parklet, ~~or~~ plaza, or public right-of-way as defined in Section

1 2.4.4(t) of the Public Works Code, or in any transit vehicle, station, platform, or stop of any
2 government operated transit system in the City and County of San Francisco.

3 (bc) The provisions of this chapter shall not apply to (1) any person under the age of five years
4 or (2) any permitted parade, fair, or festival held under a City or other government issued permit.
5 Notwithstanding this exemption, all persons participating in or attending permitted parades, fairs or
6 festivals shall comply with Section 1071.1(b)(2) of the San Francisco Police Code.

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

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

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

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

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

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9 ~~Section 2. Severability. If any section, subsection, sentence, clause, or phrase of this~~
10 ~~Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of~~
11 ~~competent jurisdiction, such decision shall not affect the validity of the remaining portions of~~
12 ~~the Ordinance. The Board of Supervisors hereby declares that it would have passed this~~
13 ~~Ordinance and each and every section, subsection, sentence, clause, or phrase not declared~~
14 ~~invalid or unconstitutional without regard to whether any portion of this Ordinance would be~~
15 ~~subsequently declared invalid or unconstitutional.~~

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17 Section 32. Effective Date; Operative Date. This ordinance shall become effective 30
18 days from the date of passage. The operative date of this ordinance shall be February 1,
19 2013 or the effective date, whichever is later.

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

23 By: _____
24 ADINE VARAH
25 Deputy City Attorney