

1 [Entertainment Commission.]

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3 **Ordinance: (1) amending the San Francisco Administrative Code to add a new Chapter**
 4 **90 establishing the San Francisco Entertainment Commission; (2) providing for**
 5 **assistance from the Police Department to the Entertainment Commission for the**
 6 **transfer of specified permitting and licensing functions from the Police Department to**
 7 **the Entertainment Commission; (3) amending Article 1 of the San Francisco Police**
 8 **Code (i) relative to renewals of permits and licenses generally, and (ii) to transfer**
 9 **permitting responsibility for the use of loudspeakers or sound amplifying equipment**
 10 **outside buildings or out of doors from the Police Department to the Entertainment**
 11 **Commission; (4) amending Article 15 of the San Francisco Police Code to transfer**
 12 **licensing responsibility for amusements from the Police Department to the**
 13 **Entertainment Commission; (5) amending Article 15.1 of the San Francisco Police Code**
 14 **to transfer permitting responsibility for Places of Entertainment from the Police**
 15 **Department to the Entertainment Commission; and (6) amending Article 15.2 of the San**
 16 **Francisco Police Code to transfer permitting responsibility for Extended Hours**
 17 **Premises from the Police Department to the Entertainment Commission.**

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

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

22

23 Section 1. The San Francisco Administrative Code is hereby amended by adding a
 24 new Chapter 90, to read as follows:

25

1 CHAPTER 90

2 ENTERTAINMENT COMMISSION

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4 SEC. 90.1. DECLARATION OF POLICY. It is the policy of the City and County of San
5 Francisco to have a system of coordinated planning and permitting for cultural, entertainment, athletic
6 and similar events and establishments throughout the City to promote such establishments and events
7 for the economic and cultural enrichment of San Franciscans and visitors to San Francisco, and to
8 celebrate the diverse communities within San Francisco. To facilitate this goal, it is the policy of the
9 City to have the San Francisco Entertainment Commission: (1) assist the organizers and operators of
10 cultural, entertainment, athletic and similar events and establishments to apply for, and obtain from the
11 commission and other City departments when the applicant satisfies the requirements therefor, all
12 necessary permits from the City; (2) promote the responsible conduct and operation of such events and
13 establishments; (3) promote the development of a vibrant entertainment and late-night entertainment
14 industry within the City; (4) promote the use of City facilities for cultural, entertainment, athletic and
15 similar events that generate revenue for the City; (5) develop and recommend to the Mayor and Board
16 of Supervisors "good neighbor policies" that appropriately balance the cultural, economic,
17 employment and other benefits of a vibrant entertainment and late-night entertainment industry with
18 the needs of residents and businesses in the vicinity of entertainment venues; (6) mediate disputes
19 between persons affected by cultural, entertainment, athletic and similar events and establishments,
20 and the organizers of such events and operators of such establishments; (7) assume responsibility from
21 the Police Department for issuing entertainment-related permits; (8) plan and coordinate City services
22 for major events for which there is no recognized or adequate organizer or promoter, such as
23 Halloween bacchanalia in the Castro district and New Year's Eve festivities; and (9) provide
24 information regarding venues and services appropriate for conducting events and functions ancillary to
25 conventions held within the City, including conventions at the Moscone Convention Center.

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SEC. 90.2. DEFINITIONS. Except as the context may otherwise require, the terms used in this Chapter shall have the following meanings:

(a) “City” means the City and County of San Francisco.

(b) “Entertainment Commission” and “commission” mean the San Francisco Entertainment Commission, and includes where appropriate the Executive Director, Permit Administrators, Sound Technician and other staff designated by the Entertainment Commission to perform the functions of the commission specified by the Charter, this Chapter, Articles 1, 15, 15.1, and 15.2 of the San Francisco Police Code, or other law.

(c) “Entertainment-related permits” include the following:

- (i) loudspeaker permits;
- (ii) itinerant show permits;
- (iii) dance hall keepers permits;
- (iv) place of entertainment permits;
- (v) after hours permits; and
- (vi) licenses for amusements.

(d) “Executive Director” means the Executive Director of the San Francisco Entertainment Commission.

(e) “Permit Administrators” means the Permit Administrators of the San Francisco Entertainment Commission.

(f) “Sound Technician” means the Sound Technician(s) of the San Francisco Entertainment Commission.

1 SEC. 90.3. ESTABLISHMENT OF ENTERTAINMENT COMMISSION. (a) Establishment of
2 Commission. There is hereby established the San Francisco Entertainment Commission consisting of
3 seven members.

4 (b) Appointment of Commissioners. Appointment of the members of the commisison shall be as
5 set forth in the City Charter.

6 (c) Terms of Commissioners. For purposes of staggering the terms of the commissioners, the
7 initial appointments shall have terms as follows: three commissioners shall have initial terms of four
8 years, two commissioners shall have initial terms of three years, and two commissioner shall have
9 initial terms of two years. All terms of the initial appointees to the commission shall be deemed to
10 commence upon the same date, which shall be the date upon which the last of the seven initial
11 appointees assumes office. Thereafter, all appointments and reappointments shall be for a term of four
12 years.

13 (d) Compensation; Reimbursement of Reasonable Expenses. Subject to the availability of
14 funds, the commissioners shall (i) receive compensation of \$50 per meeting and (ii) be reimbursed for
15 reasonable expenses incurred for authorized activities on behalf of the commission pursuant to written
16 policies and procedures adopted by the commission and approved by the Board of Supervisors.

17 (e) Chairperson. The commission shall, annually, select a chairperson who shall serve for a
18 term of one year. The commission may reappoint the chairperson to serve additional terms. The
19 chairperson may call special meetings, instruct the Executive Director to undertake all steps necessary
20 or appropriate for the commission to issue, deny, condition, suspend, revoke and transfer
21 entertainment-related permits in a timely manner, and to perform such other duties as may be set forth
22 in the bylaws of the commission.

1 SEC. 90.4. POWERS AND DUTIES OF THE ENTERTAINMENT COMMISSION. In addition
2 to the powers and duties set forth in Sections 4.102, 4.103 and 4.104 of the Charter, the commission
3 shall have the following powers and duties:

4 (a) Accept, review, gather information regarding, and conduct hearings upon applications
5 for entertainment-related permits; and, rule upon and issue, deny, condition, suspend, revoke or
6 transfer entertainment-related permits in accordance with applicable laws and regulations. The
7 commission may authorize the executive director or permit administrators, or both, to rule upon
8 applications and grant, deny, condition, transfer or modify specified types of entertainment-related
9 permits deemed by the commission to be routine and unlikely to pose significant negative impacts on
10 persons in the vicinity of the event or establishment for which the permit is sought; provided, that any
11 City department with an interest in the permit, person residing or lawfully conducting business within
12 500 feet of the establishment, or the applicant may, in writing, (i) request that the permit application be
13 heard in the first instance by the commission, or (ii) request reconsideration by the commission of the
14 executive director's or permit administrator's decision. If the commission grants a request for
15 reconsideration, it may hear the matter de novo, or may limit its review to the administrative record
16 that was before the executive director or permit administrator at the time of his or her decision.

17 (b) Impose reasonable conditions upon the issuance or renewal of entertainment-related
18 permits consistent with the applicable law, regulations and the good neighbor policy or policies for the
19 location or locations of the establishment or event for which the permit is sought.

20 (c) Suspend, revoke or withdraw entertainment-related permits in accordance with the law
21 and regulations governing such permits.

22 (d) Coordinate with all relevant City departments for the conduct of any inspection or
23 investigation necessary or appropriate for the full and fair consideration of applications for the
24 issuance, renewal or transfer of entertainment-related permits.

1 (e) Promote the use of City facilities for cultural, entertainment, athletic and similar events
2 that generate revenue for the City, in consultation with the City departments having jurisdiction over
3 such facilities.

4 (f) Develop and recommend to the Mayor and Board of Supervisors “good neighbor
5 policies” that balance competing interests and promote the health, safety and welfare of San
6 Franciscans and visitors to San Francisco.

7 (g) Mediate disputes between persons affected by cultural, entertainment and athletic events
8 and establishments permitted by the City and the organizers of such events and operators of such
9 establishments.

10 (h) Plan and coordinate the provision of City services for major events for which there is no
11 recognized organizer, promoter or sponsor, or where identified organizers, promoters or sponsors
12 cannot, in the opinion of the commission, provide adequate planning and coordination for the size,
13 geographic distribution or nature of the event. For purposes of this Chapter, “major events” means an
14 anticipated gathering of persons on or adjacent to public property or roadways that is likely to require
15 police services, fire services, toilet facilities, traffic control, the availability of potable water or other
16 City services to protect the health, safety and welfare of participants, neighbors or other persons likely
17 to be affected by the event, including but not limited to spontaneous gatherings on Halloween, Pride
18 Day, St. Patrick’s Day, and New Year’s Eve.

19 (i) Prepare and submit to the Mayor and Board of Supervisors a report analyzing the
20 commission’s effectiveness in advancing the policies specified in Section 90.1 and the laws governing
21 entertainment-related permits, and making recommendations related thereto. The commission shall
22 submit the report to the Mayor and Board of Supervisors within one year of effective date of this
23 Chapter, and not less than once every five years thereafter.

24 (j) With the approval of Recreation and Parks Commission or Port Commission, as the
25 case may be, exercise the powers and perform the duties set forth in this Section with respect to events

1 and establishments to be held or operated upon property or within facilities under the jurisdiction of
2 the Recreation and Parks Commission or Port Commission.

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4 SEC. 90.5. EXECUTIVE DIRECTOR. The Executive Director shall manage the day-to-day
5 affairs of the Entertainment Commission. The Executive Director shall appoint and have supervisory
6 authority over the permit administrators, sound technician(s) and other commission personnel. The
7 Executive Director shall be responsible for planning and coordinating of major cultural, entertainment,
8 athletic and similar events in the City; promoting the use of City-owned facilities for such events;
9 promoting the location of cultural, entertainment, athletic and similar establishments within the City;
10 promoting the responsible operation of such establishments and adherence by their operators to good
11 neighbor policies designed to protect the health, safety and welfare of residents and businesses in the
12 vicinity of such establishment; and performing such other duties as the commission may prescribe.

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14 SEC. 90.6. PERMIT ADMINISTRATORS. Permit administrators shall be responsible for
15 reviewing applications and advising applicants regarding the submission of all necessary information
16 and documentation for the commission to process applications in a timely manner; verifying
17 information contained on entertainment-related permit applications; assisting other City departments
18 in the review of applications for permits necessary for and coordinating investigations by developing
19 instructions, manuals and forms for entertainment-related permit applications that can be accessed on
20 the internet; informally mediating disputes between neighbors and such establishments and events; and
21 for such other duties as the Executive Director may prescribe.

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23 SEC. 90.7. SOUND TECHNICIAN. Sound technicians shall be responsible for conducting tests
24 and investigations relating to noise levels and compliance with Article 29 of the San Francisco Police
25 Code as may be necessary or appropriate for the issuance, denial, conditioning, suspension, revocation

1 or transfer of entertainment-related permits; issuing findings, reports and recommendations thereon;
2 and for such other duties as the Executive Director may prescribe.

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4 SEC. 90.8. ANNUAL REPORTS. The Entertainment Commission shall issue an annual report
5 to the Board of Supervisors and Mayor by March 1st regarding its activities for the preceding year.

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7 Section 2. Transition; Assistance from Police Department. The Police Department
8 shall provide assistance to the Entertainment Commission to facilitate the effective transfer of
9 permitting and licensing functions from the Police Department to the commission as mandated
10 by this ordinance. If, at the request of the commission, the Chief of Police temporarily assigns
11 police personnel knowledgeable about the procedures, standards, and substantive law
12 governing applications for, and issuance, conditioning, suspension, revocation and transfer of,
13 the entertainment-related permits specified in Section 90.2(d) of the San Francisco
14 Administrative Code, as enacted by this ordinance, the commission shall bear the cost of such
15 temporary assignments for a period not to exceed four months.

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17 Section 3. Amendment. Article 1 of the San Francisco Police Code is hereby
18 amended by amending Sections 2.8, 2.9, 2.10, 43, 43.1, 43.2, 47 and 48 thereof, to read as
19 follows:

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21 SEC. 2.8. TAX COLLECTOR TO DELIVER PERMIT.

22 Upon approval of the permit by the Police Department or Entertainment
23 Commission, as the case may be, said permit, except as provided in Section 2.9 of this Article,
24 shall be delivered to the Office of the Tax Collector, where it shall be delivered in turn to the
25 applicant upon payment to the Tax Collector of the license fee required by law or ordinance.

1 Written notice of the renewal, annual or otherwise, of a permit shall be delivered to the
2 applicant upon payment of the annual license fee to the Tax Collector; but such permit or
3 license shall not be delivered to the applicant by the Tax Collector if the Tax Collector
4 receives written notification from the Police Department or Entertainment Commission, depending
5 on which one has authority to approve the particular type of permit or license, requesting that the
6 issuance of such permit or license be withheld.

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

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

- 13 Change in Color Scheme.
- 14 Closing-Out Sale.
- 15 Dance Hall Keeper, One Night Dance.
- 16 Loudspeaker, Non-commercial.
- 17 Sound Truck, Non-commercial.

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19 SEC. 2.10. ANNUAL RENEWAL.

20 Permits issued by the Police Department or Entertainment Commission after the
21 adoption of this ordinance, with the exception of permits issued for temporary operations, shall
22 be valid until the next annual renewal date as provided in this Code or for one year from the
23 date of issuance when there is no annual renewal date, unless revoked prior to such date.
24 The permit shall be renewed for the ensuing year and each year thereafter upon payment of
25 the annual license fee.

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

4 (a) Noncommercial Uses. Upon application made as herein provided and subject to
5 the provisions of Sections 47.2 and 49 of this Code, the ~~said Chief of Police~~ Entertainment
6 Commission shall issue a permit for use of a loudspeaker or sound amplifying equipment not
7 attached to nor operated in or upon sound trucks to project sound outside of any building or at
8 any location out of doors in any part of said City and County for the following purposes only:

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10 (1) To make appeals on behalf of charity, subject to Sections 590 through 596 of
11 this Code, whenever applicable;

12 (2) To amplify announcements and other matters during and as a part of public
13 events;

14 (3) To publish affairs of interest to the public, not described in Subsection (b)
15 hereof.
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17 (b) Use of Loudspeakers for Commercial Purposes. Upon application made as
18 herein provided and subject to the provisions of Sections 47.2 and 49 of this Code, the ~~said~~
19 ~~Chief of Police~~ Entertainment Commission, at ~~his~~ its discretion, may issue a permit for use of a
20 loudspeaker or sound amplifier not attached to sound trucks to project sound outside of any
21 building or at any location out of doors in any part of said City and County at such times and
22 upon such days as ~~he~~ it may designate, for the following purposes:
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1 (1) To announce contests, sporting events, ceremonials and other games,
2 divertissements or commercial events, and to broadcast music or entertainment in connection
3 therewith for the information or amusement of persons there assembled.

4 (2) To advertise commercial products or services.

5 (c) Information Required for Permit. Application to the ~~said Chief of Police~~ Entertainment
6 Commission for a permit to use a loudspeaker or sound amplifier as herein provided shall be
7 made on a form available at the office of ~~said Chief of Police~~ Entertainment Commission and shall
8 contain the following information:
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10 (1) The name and address of applicant;

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

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

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

14 (5) Dates upon which sound amplification will be made.
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17 SEC. 43.1. FILING FEE.

18 Every person desiring a permit pursuant to Section 43 of this Article shall file an
19 application with the ~~said Chief of Police~~ Entertainment Commission upon a form provided by ~~said~~
20 ~~Chief of Police~~ the Entertainment Commission and shall pay a filing fee.
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22 SEC. 43.2. LICENSE FEE FOR COMMERCIAL LOUDSPEAKERS.
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1 Upon granting the loudspeaker permit for commercial purposes, the ~~said Chief of Police~~
2 Entertainment Commission shall forward the permit to the Tax Collector, who shall issue a
3 license upon payment by the applicant of the license fee, payable in advance.
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5 SEC. 47. USE OF SOUND TRUCKS, REGISTRATION AND PERMIT REQUIRED.

6 It shall be unlawful for any person to use or cause to be used in the City and County of
7 San Francisco any sound truck without first having obtained from the ~~said Chief of Police~~
8 Entertainment Commission a certified copy of the endorsed registration statement which shall
9 constitute a permit to use and operate such equipment. This certified copy shall be placed in
10 a conspicuous and uniform place on each sound truck for which the permit is obtained, and
11 shall be promptly displayed and shown to any San Francisco police officer upon request.
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13 (a) Each person desiring to use, or cause to be used, any sound truck within the
14 City and County of San Francisco must file with the ~~said Chief of Police~~ Entertainment
15 Commission thereof a written registration statement in duplicate, which shall state the following:
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- 17 (1) Name and home address of the applicant;
18 (2) Address of place of business of applicant;
19 (3) Name and address of person having direct charge of the sound truck;
20 (4) The purpose for which the sound truck will be used;
21 (5) A general statement as to the section or sections of the city in which the sound
22 truck will be used;
23 (6) The proposed hours of operation of the sound truck;
24 (7) The number of days of proposed operation of the sound truck;
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1 (8) The general description of the sound amplifying equipment which is to be used;

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

5 (b) A filing fee shall be charged for each original written registration statement filed
6 with the ~~said Chief of Police~~ Entertainment Commission.

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9 SEC. 47.2. REGULATIONS FOR USE.

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

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

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

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

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

21 (5) Amplified human speech and music shall not be unreasonably loud, raucous,
22 jarring or disturbing to persons of normal sensitiveness within the area of audibility, nor louder
23 than permitted in Subsections (6) and (7) hereof;
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1 (6) When the sound truck is in motion, the volume of sound shall be controlled so
2 that it will not be audible for a distance in excess of 450 feet from its source; provided,
3 however, that when the sound truck is stopped by traffic, the said sound amplifying equipment
4 shall not be operated for longer than one minute at such stop;

5 (7) Except as permitted by ~~said Chief of Police~~ the Entertainment Commission for public
6 gatherings, in all cases where sound amplifying equipment remains at one location or when
7 the sound truck is not in motion, the volume of sound shall be controlled so that it will not be
8 audible for a distance in excess of 250 feet from the periphery of the attendant audience;
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10 (8) No sound amplifying equipment shall be operated unless the axis of the center
11 of any sound reproducing equipment used shall be parallel to the direction of travel of the
12 sound truck; provided, however, that any sound reproducing equipment may be so placed
13 upon said sound truck as to not vary more than 15° either side of the axis of the center of the
14 direction of travel and, provided further, that radial, nondirectional type of loudspeakers may
15 be used on said sound trucks either alone or in conjunction with sound reproducing equipment
16 placed within 15° of the center line of the direction of travel.
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19 SEC. 48. COMMERCIAL ADVERTISING BY SOUND TRUCK LICENSED AND
20 REGULATED, LICENSE REQUIRED.

21 It shall be unlawful for any person to use or cause to be used any sound truck in the
22 City and County of San Francisco for commercial advertising purposes before an application
23 has been filed with the ~~said Chief of Police~~ Entertainment Commission as provided in Section
24 47(a) of this Code; the applicant has expressly assumed responsibility for performance of all
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1 matters and observance of all restrictions contained in Section 47.2 of this Code; the ~~Chief of~~
2 ~~Police~~ Entertainment Commission has approved the application and issued a permit at his
3 discretion, as provided in Section 652 et seq. of this Code; and a license has been obtained
4 from the Tax Collector as therein provided. The terms and conditions of Section 682 et seq. of
5 this Code apply with full force and effect to the licensing of all sound trucks used for
6 commercial advertising within the City and County of San Francisco.
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9 Section 4. Article 15 of the San Francisco Police Code is hereby amended by
10 amending Sections 1017, 1017.1, 1018, 1019.1, 1019.3, 1020, 1021, 1023, 1024, 1024.1,
11 1025, 1026, 1027, 1029, 1031.1, 1033, 1036.2, 1036.3, 1036.4, 1036.5, 1036.6, 1036.7,
12 1036.9, 1036.19, 1036.20, 1036.24, 1036.31, 1036.31-1, 1036.32, 1036.33, 1037, 1037.1,
13 1045, 1045.1, 1045.2, 1045.3, 1051, 1052, 1053, 1054 and 1055 thereof, to read as follows:
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16 SEC. 1017. PERMIT BY ~~POLICE DEPARTMENT~~ ENTERTAINMENT COMMISSION;
17 REGULATIONS FOR.

18 The applicant for any show, exhibition or concession mentioned in Section 1015 of this
19 Article shall, before beginning operations, obtain a permit from the ~~Police Department~~
20 Entertainment Commission to so operate, which permit may be revoked at any time by ~~said~~
21 ~~department~~ the Entertainment Commission. Without such a permit from the ~~Police Department~~
22 Entertainment Commission, the Tax Collector shall not issue a license to conduct any itinerant
23 show, exhibition or concession enumerated in Sections 1015 and 1018 of this Article. If the
24 permit is revoked, the license issued thereon shall immediately terminate and expire.
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1 The application for an itinerant show shall be filed in sufficient time to allow the ~~Chief of~~
2 ~~Police~~ Entertainment Commission to notice and fix the time and place for a public hearing on the
3 application. Not less than 10 days before such hearing, the ~~Chief of Police~~ Entertainment
4 Commission shall cause a notice of such hearing to be posted in one or more conspicuous
5 place(s) on or about the property where the itinerant show is to be operated, in a fashion
6 designed to inform the public of the application. Failure to apply in sufficient time for a noticed
7 hearing to be held may be cause for the ~~Chief of Police~~ Entertainment Commission to deny
8 issuance of a permit.
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11 SEC. 1017.1. FILING FEE.

12 Every person desiring a permit pursuant to Section 1017 of this Article shall file an
13 application with the ~~Chief of Police~~ Entertainment Commission upon a form provided by ~~said Chief~~
14 ~~of Police~~ the Entertainment Commission and shall pay a filing fee.
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17 SEC. 1018. PERMIT AND LICENSE REGULATIONS.

18 The provisions of Section 1049 of this Article regulating the manner of testing
19 passenger carrying devices shall be strictly observed before any such itinerant show,
20 exhibition or carnival may open for business. A permit signed by the ~~Police Department~~
21 Entertainment Commission certifying that all legal requirements have been met must also be first
22 presented to the Tax Collector before said official may issue a license to the owner or lessee
23 of any itinerant carnival, show or exhibition or to any person holding a concession therein.
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1 SEC. 1019.1. PERMIT REQUIRED.

2 (a) It shall be unlawful for any person, firm or corporation to conduct a circus without
3 first having obtained a permit therefor from the *Chief of Police Entertainment Commission*.

4 (b) Said permit shall set forth the seating capacity of the circus, the date or dates of
5 the year on which the exhibition or entertainment are to be held, and the number of side
6 shows in connection with or belonging to such circus.

7 (c) Applications for circus permits shall be filed with the *Chief of Police Entertainment*
8 *Commission* on a form provided for said permit together with a nonrefundable fee.
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11 SEC. 1019.3. ISSUANCE OF LICENSE.

12 The Tax Collector shall not issue a license under the provisions of Section 1019.2
13 unless the owner, lessee or operator of said circus shall obtain a permit to conduct the same
14 from the *Chief of Police Entertainment Commission* and present to the Tax Collector such permit
15 duly certified by the *Chief of Police Entertainment Commission*.
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18 SEC. 1020. RODEO EXHIBITIONS AND SHOWS.

19 (a) It shall be unlawful for any owner, lessee or operator of a rodeo exhibition or
20 show to conduct the same without first having obtained a permit therefor from the *Chief of*
21 *Police Entertainment Commission*. Each permit shall be effective only for those days indicated
22 on the permit.

23 (b) Applications for rodeo permits shall be filed with the *Chief of Police Entertainment*
24 *Commission* on a form provided for said permit together with a nonrefundable fee.
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1 (c) Every owner, lessee or operator of a rodeo exhibition or show shall pay a
2 license fee for the first day and an additional fee for each subsequent day any rodeo
3 exhibition or performance is given. The Tax Collector shall not issue a license under the
4 provisions of this Section unless the owner, lessee or operator of said rodeo exhibition or
5 show shall obtain a permit to conduct the same from the *Chief of Police Entertainment*
6 Commission and present such permit duly.

7 (d) A qualified, licensed veterinarian who is an expert in the care of horses, bovines,
8 sheep, and other large animals, and approved by the Commission on Animal Control and
9 Welfare, shall be on-site at all times during a rodeo exhibition or show to examine the animals'
10 condition and to ensure that the animals are humanely treated during the event at the permit
11 holder's expense. The veterinarian may have any animal examined at any time without
12 notice. Any animal which suffers from a fatal injury as determined by the veterinarian shall be
13 immediately euthanized. The Chief of Police or the Chief's designee may suspend the use of
14 any animal after receiving a complaint from the veterinarian regarding the condition or
15 treatment of any animal. A statement of findings must be provided from the veterinarian and
16 approved by the Chief of Police or the Chief's designee prior to the animal returning to
17 service. All costs associated with medical tests, evaluations and treatments are the
18 responsibility of the permit holder.

19 (e) All animals are to be used in humane rodeo events only. Events such as
20 greased pig contests, or which utilize cattle prods, unfleeced flank straps for cattle or flank
21 straps without sheepskin lining for horses are prohibited. The Rules of the Professional
22 Rodeo Cowboys Association shall apply to all rodeo events.
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1 (f) Notification shall be provided to the Commission on Animal Control and Welfare
2 and the Department of Animal Care and Control by the permit applicant when any rodeo
3 permit application is filed with the ~~Chief of Police~~ Entertainment Commission, and when any
4 permit is approved by the ~~Chief of Police~~ Entertainment Commission.

5 (g) Any person who violates any provisions of this section shall be deemed guilty a
6 misdemeanor and upon conviction such person shall be punished by a fine not to exceed
7 \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both
8 such fine and imprisonment.
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11 SEC. 1021. BALL OR RING THROWING GAMES.

12 (a) It shall be unlawful for a keeper of a ball or ring throwing game to operate said
13 ball or ring throwing game without first having obtained a permit therefor from the ~~Chief of~~
14 ~~Police~~ Entertainment Commission

15 (b) Applications for ball or ring throwing permits shall be filed with the ~~Chief of Police~~
16 Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

17 (c) Every keeper of a ball or ring throwing game shall pay a license fee. All licenses
18 issued under the provisions of this Section shall be issued for a period of one year to date
19 from the expiration of the last license or from the date that the applicant shall have
20 commenced business. Provided, however, that no such keeper shall be issued a license
21 under this Section without first obtaining a permit from the ~~Police Department of the City and~~
22 ~~County of San Francisco~~ Entertainment Commission.
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1 SEC. 1023. PERMIT REQUIRED; EXCEPTION.

2 It shall be unlawful for any person to own, conduct, operate, or maintain, or to cause or
3 to permit to be conducted, operated, or maintained any dance hall or to conduct, promote, or
4 sponsor or to cause or to permit to be conducted, promoted, or sponsored any dance within
5 the City and County of San Francisco without first having obtained a permit from the ~~Chief of~~
6 ~~Police~~ Entertainment Commission. This permit requirement does not apply if the location at
7 which the dance is being held has a place of entertainment permit ~~from the San Francisco Police~~
8 ~~Department~~, the permit is valid, and the place of entertainment provides free drinking water as
9 required by Section 1070.27.
10

11 Any place or premises where a dance is to be held must conform to all existing health,
12 safety, and fire ordinances of the City and County of San Francisco.
13

14 SEC. 1024. APPLICATION FOR PERMIT.

15 Applications for said permit shall be made in writing to the ~~Chief of Police~~ Entertainment
16 Commission and shall be made in such form and shall contain such information as the ~~Chief of~~
17 ~~Police~~ Entertainment Commission shall require. Every applicant for a permit may be required to
18 furnish such evidence of good moral character as the ~~Chief of Police~~ Entertainment Commission
19 shall require. In granting or denying a permit, the ~~Chief of Police~~ Entertainment Commission shall
20 give particular consideration to the peace, order, and moral welfare of the public; provided,
21 however, that only one type of dance, as enumerated in Section 1022(a) of this Chapter, shall
22 be permitted in any dance hall on the same day, up to and including 2:00 a.m. of the following
23 day. Upon application for a dance hall permit the ~~Chief of Police~~ Entertainment Commission shall
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1 set a time, date, and place for a public hearing thereon and shall cause a notice thereof to be
2 conspicuously posted upon the premises concerned not less than 10 days before the date set
3 for public hearing. The notice shall set forth the name of the applicant, the purpose for which
4 the application is made, and the time, date, and place of the public hearing on the application.

5 The ~~Chief of Police~~ Entertainment Commission may consider, but is not limited to the
6 following factors in the issuing or granting of a permit:

- 7 (1) The moral character of the applicant;
- 8 (2) Suitability of the premises in relation to the surrounding neighborhood;
- 9 (3) Number of permits in the immediate vicinity;
- 10 (4) Physical suitability of the premises with reference to floor space and lighting;
- 11 (5) Proximity to bar facilities, if any;
- 12 (6) Type of dance to be conducted.

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16 SEC. 1024.1. FILING FEE.

17 Every person desiring a permit pursuant to Sections 1023 and 1024 of this Article shall
18 file an application with the ~~Chief of Police~~ Entertainment Commission upon a form provided by
19 ~~said Chief of Police~~ the Entertainment Commission and shall pay a filing fee.

20
21 SEC. 1025. LICENSE FEES.

22 Every person granted a dance hall permit by the ~~Chief of Police~~ Entertainment
23 Commission shall pay to the Tax Collector an annual license fee, payable in advance.
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1 The license fee prescribed in this section is due and payable on a calendar year basis,
2 starting January 1, 1967. Fees for new licenses issued prior to January 1, 1967, or after the
3 first day of January of that year, or in any subsequent calendar year, shall be prorated with
4 regard to the calendar year on a monthly basis.

5 The provisions of this Section shall not apply to any dance hall used exclusively for any
6 of the following dances:

7 (a) Dances of a bona fide social character, to which admission is limited strictly on
8 invitation of the person acting as host, and for which no fee, either by way of admission or in
9 any other manner, is charged.

10 (b) Dances given by any public agency or by any educational, recreational, or social
11 agency, or by any bona fide fraternal, charitable, or religious or benevolent or any other
12 nonprofit organization having a regular membership association primarily for mutual social,
13 mental, political, and civic welfare, to which admission is limited to members and guests, and
14 revenue accruing therefrom to be used exclusively for the benevolent purposes of said
15 organization.

16 (c) Dances conducted by any dancing academy or dancing class in which
17 instruction in dancing is given for hire.

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21 SEC. 1026. REGULATIONS.

22 (a) Hours. "Special" dances shall be conducted only between the hours of 6:00 a.m.
23 and 12:00 midnight; "General" dances shall be conducted only between the hours of 6:00 a.m.
24 and 2:00 a.m. of the following day; provided, however, the *Chief of Police Entertainment*
25

1 Commission may, in the ~~Chief of Police~~ Entertainment Commission's discretion allow, by order
2 permitting the same, the conduct of "General" and "Special" dances at hours other than the
3 hours stated in this subsection.

4 (b) Supervision. The ~~Chief of Police~~ Entertainment Commission may require that one
5 or more private security officers or, with the permission of the Chief of Police, police officers, be
6 employed by any person to whom a dance permit is granted, to supervise said dances.

7 (c) Minors prohibited; Exceptions. No person under 18 years of age shall enter or
8 be, or shall be permitted to enter or be, in any dance hall at any time a "General" dance is
9 being conducted therein, unless such person is accompanied by parent, guardian, or other
10 person having the care and custody thereof.

11
12 No person 16 or 17 years of age shall enter or be, or shall be permitted to enter or be,
13 in any dance hall after 12:00 midnight where a "Special" dance is conducted unless said
14 person is accompanied by parent, guardian, or other person having the care and custody
15 thereof; provided however, that the dance hours are permitted by the ~~Chief of Police~~
16 Entertainment Commission as enumerated in Subsection (a) of this Section.

17
18 No person under 16 years of age shall enter or be, or be permitted to enter or be, in
19 any dance hall wherein a "Special" dance is being held unless said person is accompanied by
20 parent, guardian, or other person having the care and custody thereof; provided however, the
21 ~~Chief of Police~~ Entertainment Commission may, in the ~~Chief of Police~~ Entertainment Commission's
22 discretion allow, by order permitting the same, said persons to attend a dance conducted,
23 promoted or sponsored by a public agency or by an educational, recreational or social
24 organization or agency which is incorporated in the State of California and which is exempt
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1 from taxation under the Internal Revenue laws of the United States as a bona fide fraternal,
2 charitable, religious, benevolent or nonprofit organization having a regular membership
3 associated primarily for mutual social, mental, political or civic welfare, and where admission
4 to such dance is limited to members and guests and the revenue accruing from such dance is
5 to be used exclusively for the benevolent purposes of said organization or agency.

6 (d) Adults Prohibited. No person 21 years of age or older shall attend or be
7 permitted to attend a "Special" dance as a participant therein.

8 (e) Pass-Out Checks Prohibited; Exceptions. No person admitted to a dance shall
9 be permitted to leave and thereafter reenter the dance premises during the course of said
10 dance, and no pass-out checks shall be issued unless required by the physical arrangements
11 of the premises.

12 (f) Free Drinking Water. If the location for which the dance hall permit is issued
13 holds over 500 persons the permit holder shall provide free cool drinking water to patrons by
14 means of an automatic drinking fountain or by providing without charge cups of water at all
15 beverage service locations, or both.

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19 **SEC. 1027. PENALTY.**

20 Any person who shall violate any of the provisions of Sections 1023 to and including
21 1026 of this Chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be
22 subject to a fine of not less than \$100 and not more than \$500, or by imprisonment in the jail
23 of the City and County for a term of not more than six months, or by both such fine and
24 imprisonment.

1 In the alternative, any violation of the provisions of Sections 1023 to and including 1026
2 of this Chapter or Section 3305 of Article 33 of this Code by a permittee hereunder or by a
3 person in charge of the dance hall premises shall be deemed to be disorderly and improper
4 conduct as that term is used in Section 3.537 of the Charter of the City and County of San
5 Francisco, and the ~~Chief of Police~~ Entertainment Commission may, after hearing, revoke said
6 permittee's permit pursuant to Section 3.537 of said Charter; or, in lieu thereof, may, after
7 hearing, suspend said permit for such length of time as ~~he~~ it deems proper.
8

9
10 SEC. 1029. MASKED BALLS.

11 (a) It shall be unlawful for any person, firm or corporation to give, hold or conduct
12 any exhibition or entertainment known as a bal masque or masked ball, or by any other name
13 where the persons attending thereat appear in fancy dress, or represent any character or
14 personage with masks or dominoes, whether or not an admission fee is charged, without first
15 having obtained a permit therefor from the ~~Chief of Police~~ Entertainment Commission; provided,
16 however, that no permit is hereby required for private theatricals or private dancing parties,
17 given or conducted by any person in his own dwelling house, nor for theatrical performances.
18

19 (b) Applications for masked ball permits shall be filed with the ~~Chief of Police~~
20 Entertainment Commission on a form provided for said permit together with a nonrefundable fee.
21 All such applications must contain the name or names of the person or persons, company,
22 association or corporation which proposes to give such exhibition or entertainment, the place
23 at which the same shall be held or given, and the date upon which the same is proposed to be
24 held.
25

1 (c) Every person, firm or corporation giving, holding or conducting any masked ball,
2 for which a permit is required by this section, shall pay a license fee for each such
3 entertainment or exhibition. The Tax Collector shall issue the license provided for in this
4 section only upon the filing in his office of a written permit therefor from the *Chief of Police*
5 Entertainment Commission.

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8 SEC. 1031.1. PERMIT.

9 It shall be unlawful to engage in the business of conducting an amusement park
10 without first having obtained a permit therefor from the *Chief of Police* Entertainment
11 Commission. Applications for amusement park permits shall be filed with the *Chief of Police*
12 Entertainment Commission on a form provided for said permit together with a nonrefundable fee.

13
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15 SEC. 1033. LICENSE BY TAX COLLECTOR.

16 The Tax Collector shall not issue a license for an amusement park unless the applicant
17 shall present to him a permit for such park from the ~~Police Department~~ Entertainment
18 Commission. The permit shall contain the name of the applicant, and the location of the
19 amusement park.

20
21
22 SEC. 1036.2. UNLAWFUL ACTS — EXCEPTIONS.

23 (a) Nothing in Sections 1036 to 1036.34, inclusive, shall be construed to authorize
24 or permit either the use or operation of any gambling device whatsoever or of any mechanism
25 that has been judicially determined to be a gambling device in any way contrary to law, or to

1 authorize or permit any other conduct otherwise unlawful. Nothing in this Section shall
2 preclude an award of a free game or games upon a mechanical amusement device.

3 (b) It shall be unlawful for any person to install, operate or maintain to be operated
4 any mechanical amusement device in the City and County of San Francisco without first
5 having obtained a permit in writing to do so from the *Chief of Police Entertainment Commission*.

6 (c) The provisions of Sections 1036 to 1036.34, inclusive, shall not be construed to
7 apply to mechanical amusement devices installed, operated or maintained in private
8 residences or businesses intended for free use solely by the residents or employees at those
9 locations.
10

11
12 SEC. 1036.3. APPLICATION FOR PERMIT.

13 Application for said permit shall be made to the *Chief of Police Entertainment Commission*
14 on forms provided by the ~~*Police Department*~~ *Entertainment Commission*, shall be signed by the
15 applicant and be accompanied by payment of the filing fee and shall contain the following
16 information in addition to whatever additional information is deemed necessary by the *Chief of*
17 *Police Entertainment Commission*:
18

19 (a) Name of the applicant.

20 (b) The name and address of any person, other than the applicant, who holds any
21 right, title or interest in or to each mechanical amusement device for which a permit is sought,
22 and in those instances where such person is other than an individual, there shall be filed with
23 the *Chief of Police Entertainment Commission* and kept available for public inspection, a
24 statement showing, in the case of a partnership, the names and addresses of the partners; in
25

1 the case of a corporation, the names and addresses of the stockholders and directors and in
2 the case of a business trust, the names of the trustor, trustee, and beneficiary or beneficiaries.

3 (c) Place where said mechanical amusement device is to be placed, maintained to
4 be operated or operated; and, if said mechanical amusement device or devices are to be
5 placed, maintained to be operated or operated in connection with any other business or
6 calling, the character of said business or calling.

7 (d) A complete description of the type of the mechanical amusement device and the
8 manner in which it is to be placed, maintained to be operated or operated.

9 (e) The total number of mechanical amusement devices to be placed, maintained to
10 be operated or operated at the location for which the permit is requested.

11
12
13 SEC. 1036.4. NOTICE OF HEARING.

14 When an application is filed for a new permit or for an increase in the number of
15 mechanical amusement devices pursuant to Section 1036.3 of this Article, the *Chief of Police*
16 Entertainment Commission shall fix a time and place for a public hearing thereon. Not less than
17 10 days before the date of such hearing, the *Chief of Police* Entertainment Commission shall
18 cause to be posted a notice of such hearing in a conspicuous place on the property in which
19 or on which the mechanical amusement devices are to be operated. Such notice shall set
20 forth the specific type of mechanical amusement devices and the number thereof which the
21 applicant intends to operate. The posting shall be the exclusive responsibility of the *Police*
22 ~~Department~~ Entertainment Commission, and the applicant shall maintain said notice as posted
23 until after the date of the hearing.
24
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1
2 SEC. 1036.5. INVESTIGATIONS.

3 Upon receipt of said application, the ~~Chief of Police~~ Entertainment Commission shall cause
4 to be investigated the statements as set forth in the application.

5 Any permit to maintain for operation mechanical amusement devices which are wired
6 for electricity must have been approved by the Department of Public Works prior to its final
7 issuance by the ~~Chief of Police~~ Entertainment Commission. The Director of Public Works shall
8 determine whether the ordinances of the City and County of San Francisco and the rules and
9 regulations of said department pertaining to such mechanical amusement devices are
10 complied with.

11
12 The ~~Chief~~ Entertainment Commission may grant a permit for the operation of a
13 mechanical amusement device conditional upon approval of the Director of the Department of
14 Public Works.

15 Any permit for operation of a mechanical amusement device granted by the ~~Chief~~
16 Entertainment Commission conditionally upon the approval of the Director of the Department of
17 Public Works may be appealed to the Board of Permit Appeals. Such appeal must be filed
18 within 10 days of the final decision of the ~~Chief of Police~~ Entertainment Commission issuing the
19 conditional permit.
20

21 Any permit granted by the ~~Chief of Police~~ Entertainment Commission conditionally upon
22 approval of the Director of the Department of Public Works shall expire within six months from
23 the date of the final decision of the ~~Chief~~ Entertainment Commission if the Director's approval is
24 not granted. The ~~Chief of Police~~ Entertainment Commission shall cause to be forwarded to the
25

1 Director of Public Works for investigation those applications for permits to maintain for
2 operation mechanical amusement devices which are wired for electricity.
3

4 SEC. 1036.6. DISAPPROVAL OF APPLICATION — CONDITIONS CORRECTED —
5 APPROVAL.

6 In the event that the application for a mechanical amusement device permit is
7 disapproved by the Director of Public Works, the *Chief of Police Entertainment Commission* shall
8 notify the applicant for said permit of such fact. Upon receiving said notice from the *Chief of*
9 *Police Entertainment Commission*, the applicant shall have the opportunity of correcting such
10 conditions as have been disapproved. This correction shall be made within 10 days after
11 receipt of said notice; and, if such conditions have been corrected to the satisfaction of the
12 Director of Public Works, the permit may be issued.
13
14

15 SEC. 1036.7. ISSUANCE OR DENIAL OF PERMIT.
16

17 If the *Chief of Police Entertainment Commission* approves the granting of said permit ~~he~~ it
18 may issue a permit to said applicant, which permit shall be serially numbered and the renewal
19 or continuance thereof shall be governed by the provisions of Section 23, Article 1, Part III, of
20 the San Francisco Municipal Code; provided, if said mechanical amusement device is wired
21 for electricity, said application for such permit shall first be approved by the Director of Public
22 Works. The *Chief of Police Entertainment Commission* may, in the exercise of sound discretion,
23 deny said permit.
24
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1 The ~~Chief of Police~~ Entertainment Commission shall cause to be forwarded to the Director
2 of Public Works written notice of his granting or denial of said permit if said mechanical
3 amusement device is wired for electricity.
4

5 SEC. 1036.9. PERMIT FORWARDED TO TAX COLLECTOR, LICENSE FEES.

6 When any permit is issued under the provisions of this Article, the Chief of Police or
7 Entertainment Commission, as the case may be, shall cause such permit to be forwarded to the
8 office of the Tax Collector for delivery to the permittee upon the payment of the license fees.
9

10 SEC. 1036.19. SUSPENSION, REVOCATION OR REINSTATEMENT OF A PERMIT,
11 PROCEDURE FOR.
12

13 When the ~~Chief of Police~~ Entertainment Commission shall determine that the permittee or
14 any of the permittee's servants, agents or employees, in the use, operation or maintenance of
15 any such mechanical amusement device or in the use, operation or maintenance of the
16 premises is violating or attempting to violate any law of the State of California or any
17 ordinance of the City and County of San Francisco or the rules and regulations of any
18 department thereof concerned or that the permittee has failed to take adequate security
19 measures to prevent patrons, on or about the premises, from violating any of the above laws;
20 or, if in the opinion of the ~~Chief of Police~~ Entertainment Commission, it is deemed necessary for
21 the protection of the health, safety and welfare of the public, the ~~Chief of Police~~ Entertainment
22 Commission, after written notice to the permittee, shall have the power to suspend and, after
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1 due and proper hearing, shall have the power to revoke, any permit issued under the
2 provisions of Sections 1036 to 1036.34, inclusive.

3 The ~~Chief of Police~~ Entertainment Commission shall cause to be forwarded to the Tax
4 Collector, and, if said mechanical amusement device is wired for electricity, to the Director of
5 Public Works, written notice of any revocation, suspension or reinstatement of any permit
6 herein provided for.
7

8
9 SEC. 1036.20. RULES AND REGULATIONS TO BE ADOPTED.

10 The Chief of Police, Entertainment Commission and the Director of Public Works, after
11 public hearing thereon, are authorized to adopt, promulgate and enforce such rules and
12 regulations regarding mechanical amusement devices as will enable the Police Department,
13 Entertainment Commission and the Department of Public Works to enforce and carry out the
14 meaning and intent of Sections 1036 to 1036.34, inclusive, of this Article.
15

16
17 SEC. 1036.24. PENALTIES.

18 Any person violating any of the provisions of Sections 1036 to 1036.34, inclusive, shall
19 be guilty of a misdemeanor and, in addition to such other penalties as are provided by law,
20 shall have his permit or permits revoked by the Entertainment Commission and shall be
21 precluded from procuring any further permits for a mechanical amusement device. When, in
22 the opinion of the ~~Chief of Police~~ Entertainment Commission, any mechanical amusement device
23 is being used or operated in violation of any section of any article relating to the operation of
24 mechanical amusement devices, ~~he~~ the Entertainment Commission shall in ~~his~~ its discretion have
25

1 the power to revoke the permit for such mechanical amusement device. Any person who
2 knowingly and willingly furnishes a mechanical amusement device to any permittee, which
3 device violates any of the provisions of Sections 1036 to 1036.34, inclusive, of this Article
4 shall henceforth in the discretion of the ~~Chief of Police~~ Entertainment Commission be precluded
5 from furnishing any mechanical amusement device or devices to any permittee in the City and
6 County of San Francisco.

7
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9 SEC. 1036.31. MECHANICAL AMUSEMENT DEVICES; LOCATION.

10 (a) Prohibited. It shall be unlawful for any owner or operator of a mechanical
11 amusement device to cause, permit or allow same to be located, operated or maintained to be
12 operated, and the ~~Chief of Police~~ Entertainment Commission may not issue a permit for said
13 devices, in the following areas:

14 (1) Within a building which has a public entrance which is located within 300 feet of
15 the nearest street entrance to or exit from any public playground or public or private school of
16 elementary or high school grades; said 300 feet to be measured from said entrance or exit in
17 the most direct line or route which may be walked, legally or not, on, along or across said
18 street or streets adjacent said public playground or public or private school of elementary or
19 high school grades; provided, however, that this Section is not intended to prevent the
20 placement of mechanical amusement devices on the premises of public or private schools of
21 elementary or high school grades.

22
23
24 (2) Within any area of the City and County of San Francisco zoned exclusively for
25 residential use, as defined in Part II, Chapter II (City Planning Code) of the Municipal Code.

1 (3) In any service station or automobile repair garage in areas zoned for
2 neighborhood-commercial or community business use as defined in Part II, Chapter II (City
3 Planning Code) of the Municipal Code.

4 (b) One Through Ten Mechanical Amusement Devices Allowed. Subject to the
5 permit requirements set forth above in Section 1036.3 and except where prohibited by
6 Subsection (a), an owner or operator of a mechanical amusement device or devices may
7 cause, permit or allow same to be located, operated or maintained to be operated within any
8 area of the City and County of San Francisco as an Accessory Use subject to the restrictions
9 of this subsection:
10

11 The maximum number of mechanical amusement devices allowed in each premises
12 shall be determined by the number of square feet of enclosed public retail floor space on a
13 single floor under a single management as follows:
14

15	Square Feet	Maximum Number of MADs
16	0—300	0
17	301—1000	2
18	1001—1500	3
19	1501—2000	4
20	2001—2500	5
21	2501—3000	6
22	3001—3500	7
23	3501—4000	8
24		
25		

1 4001—4500 9

2 4501 or more10

3
4 (c) Eleven or More Mechanical Amusement Devices Allowed. Subject to the permit
5 requirements set forth above in Section 1036.3, the owner or operator of mechanical
6 amusement devices may operate an arcade except in those areas prohibited in Subsection
7 (a) and in those areas zoned exclusively for neighborhood- commercial or community
8 business use.
9

10 (d) Exceptions. The limitations and restrictions set forth in Subsections (a) and (b)
11 above, shall not apply in the following instances:

12 (1) Where the application is for mechanical amusement devices in an industrial
13 zone or in the area bounded on the west by Van Ness Avenue, on the south by North Point
14 Street and on the east and north by San Francisco Bay, or in such similar areas as may be
15 designated by resolution of the Board of Supervisors from time to time.
16

17 (2) Where a public or private school requests authorization from the *Police*
18 ~~Department~~ Entertainment Commission for a permit to place mechanical amusement devices on
19 premises under the jurisdiction of said public or private school and intended for the use of
20 students and staff of said school.

21 (3) Premises upon which the California Department of Alcoholic Beverage Control
22 has authorized on-sale consumption of alcoholic beverages, provided that the premises or
23 operations may not lawfully allow minors thereon.
24
25

1 (4) Bowling alleys, except that there shall be no more than two mechanical
2 amusement devices for each bowling lane. The mechanical amusement devices in bowling
3 alleys shall not be separately accessible from the street.

4 (5) Billiard Parlors.

5 (6) Tourist hotels of more than 25 guest rooms; provided, however, that the
6 mechanical amusement devices be intended for use of guests only and provided further that
7 the mechanical amusement devices be neither accessible to the public except by passing the
8 front desk nor visible from the street.
9

10 (7) Theaters, both for performing arts and movies; provided, however, that the
11 mechanical amusement devices be located in an area in which only patrons who have paid
12 admission are allowed, and that all provisions in the Fire Code respecting the placement of
13 machines be met.

14 (8) Churches, schools, hospitals, convalescent and nursing homes and nonprofit
15 community centers (e.g. YMCA); provided, however, that the use of such machines be
16 incidental and subordinate to the primary purpose of the institution.
17
18

19 SEC. 1036.31-1. ARCADE LOCATION; LIMITATION.

20 Notwithstanding the provisions of Section 1036.31, it shall be unlawful for any owner or
21 operator of an arcade to cause, permit or allow same to be located, operated or maintained to
22 be operated, and the ~~Chief of Police~~ Entertainment Commission may not issue a permit for said
23 arcade, within a building which has a public entrance which is located within 1500 feet of the
24 nearest public entrance to or exit from any arcade which has a valid permit. Said 1500 feet
25

1 shall be measured from said entrance or exit in the most direct route which may be walked,
2 legally or not, on, along or across the street, streets or public right-of-ways adjacent to said
3 arcade.

4
5 SEC. 1036.32. ARCADES — OPERATING STANDARDS.

6 The following standards and regulations shall apply to the operation and maintenance
7 of arcades in the City and County of San Francisco.

8
9 (a) All mechanical amusement devices within the premises shall be visible to and
10 supervised by an adult attendant or attendants, age 18 years or older. Said attendant(s) shall
11 be present at all times when the arcade is open to the public.

12 (b) The supervision of the patrons on and about the premises shall be adequate to
13 protect public against conduct of patrons that is detrimental to the public health, safety, and
14 general welfare.

15 (c) The permit holder shall be responsible for ensuring that persons under the age
16 of 18 years not be allowed to operate mechanical amusement devices during the school year
17 from the day after Labor Day to Memorial Day, Monday through Friday, except legal holidays,
18 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
19 a.m. on all days preceding school days and between 11:00 p.m. and 7:00 a.m. on all other
20 days unless accompanied by an authorized agent of the School District, parent or legal
21 guardian; provided, however, that premises which have mechanical amusement devices as
22 provided under Section 1036.31(d), Subparagraphs 3, 4, 5, 6, 7 and 8 are exempted from the
23 provisions of this subsection.
24
25

1 (d) Establishments dispensing food services shall provide adequate waste
2 receptacles, which shall be conveniently located in the vicinity of the mechanical amusement
3 devices; arcade premises shall be adequately ventilated and illuminated.

4 (e) The permit holder shall comply with security lighting requirements, token-use
5 requirements and such other reasonable requirements determined by the *Chief of Police*
6 Entertainment Commission to be necessary to minimize danger to the community resulting from
7 the operation of the arcade. These requirements shall be set forth in the permit or, in the
8 event circumstances alter, by appropriate amendment to the permit.

9 (f) An arcade may have no more than one mechanical amusement device per 30
10 square feet of public retail floor space.

11 (g) As a condition for obtaining a permit for mechanical amusement devices, the
12 applicant shall be required to provide a master switch or switches, readily accessible to the
13 permit holder, employees or agent of the permit holder and the Police Department, that can
14 immediately turn off all mechanical amusement devices in the arcade. The permit shall also
15 specify that the applicant consents to and authorizes the Police Department to turn off all
16 mechanical amusement devices for a period of up to six hours at any time there is a clear and
17 present danger to the public safety.
18
19

20
21 **SEC. 1036.33. ACCESSORY USES — OPERATING STANDARDS.**

22 The following standards and regulations shall apply to the operation and maintenance
23 of all premises containing mechanical amusement devices except those premises regulated
24 under Section 1036.32 of this Code:
25

1 (a) Mechanical amusement devices shall be located in the main body of the
2 premises, not separated therefrom by any wall or partition.

3 (b) The supervision of the patrons on the premises shall be adequate to ensure that
4 there be no conduct that is detrimental to the public health, safety, and general welfare.

5 Where there are five or more mechanical amusement devices within the premises, all
6 mechanical amusement devices within said premises shall be visible to and supervised by an
7 adult attendant or attendants, age 18 years or older. Said attendant(s) shall be present at all
8 times when any mechanical amusement device is being operated.
9

10 (c) The permit holder shall comply with such reasonable requirements as
11 determined by the *Chief of Police Entertainment Commission* to be necessary to minimize danger
12 to the community resulting from the operation of the mechanical amusement devices. These
13 requirements shall be set forth in the permit or, in the event circumstances alter, by
14 appropriate amendment to the permit.
15

16 (d) The permit holder shall be responsible for ensuring that mechanical amusement
17 devices be kept turned off during the school year from the day after Labor Day to Memorial
18 Day, Monday through Friday, except legal holidays, between the hours of 7:00 a.m. and 3:00
19 p.m., and between the hours of 10:00 p.m. and 7:00 a.m. on all days preceding school days
20 and between 11:00 p.m. and 7:00 a.m. on all other days; provided, however, that premises
21 which have mechanical amusement devices as provided under Section 1036.31(d),
22 subparagraphs 3, 4, 5, 6, 7 and 8 be exempted from the provisions of this subsection.
23
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25

1 (e) Establishments dispensing food services shall provide adequate waste
2 receptacles which shall be conveniently located in the vicinity of the mechanical amusement
3 devices.

4
5 SEC. 1037. BILLIARD AND POOL TABLES.

6 No person, firm or corporation shall engage in business under the provisions of this
7 Section without first obtaining from the *Chief of Police Entertainment Commission* a permit to
8 maintain and charge for the use of such billiard or pool or combination tables; such permits
9 shall be issued annually, and may be revoked for cause at any time by the *Chief of Police*
10 *Entertainment Commission*, and upon the revocation of such permit such license issued thereon
11 shall immediately terminate and expire, and the Tax Collector shall not issue any license
12 under the provisions of this Section unless the applicant therefor shall have first obtained a
13 permit from the *Chief of Police Entertainment Commission*.

14
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17 SEC. 1037.1. FILING FEE APPLICATION.

18 Applications for billiard or pool table permits shall be filed with the *Chief of Police*
19 *Entertainment Commission* on a form provided for said permit together with a nonrefundable fee.

20
21 SEC. 1045. MECHANICAL CONTRIVANCES AND OTHER AMUSEMENTS.

22 It shall be unlawful for any person, firm or corporation to maintain or conduct any of the
23 following amusements without first having obtained a permit for said amusement from the
24 *Chief of Police Entertainment Commission*:
25

1 (a) Any public roller or ice skating rink;

2 (b) Any revolving wheel, chute, toboggan slide, merry-go-round, swing or other
3 mechanical contrivance where a fee or sum of money is charged to carry any person thereon;

4 (c) Any museum or any collection of machines operated for the entertainment or
5 amusement of the public, where an admission fee is charged; provided, however, that permits
6 for museums shall not be required under this Section from any museum maintained or
7 conducted by a federal, state or local entity or any corporation or foundation which is exempt
8 from income taxes under Section 501(c)(3) of the Internal Revenue Code.
9

10
11 SEC. 1045.1. FILING FEE.

12 Every person desiring a permit pursuant to Section 1045 of this Article shall file an
13 application with the ~~Chief of Police~~ Entertainment Commission upon a form provided by ~~said Chief~~
14 ~~of Police~~ the Entertainment Commission and shall pay a filing fee.
15

16
17 SEC. 1045.2. LICENSE.

18 Every person, firm or corporation maintaining or conducting any amusement for which
19 a permit is required by Section 1045 of this Article shall pay a license fee.

20 The Tax Collector shall not issue a license under the provisions of this Section, unless
21 the applicant therefor shall have first obtained from the ~~Police Department~~ Entertainment
22 Commission a permit to conduct such amusement.
23
24
25

1 Such permits shall be issued annually, and may be revoked at any time by the *Police*
2 ~~Department~~ Entertainment Commission, and upon the revocation of such permit such license
3 issued thereon shall immediately terminate and expire.

4
5 SEC. 1045.3. APPLICATION AND POSTING.

6 The application for mechanical contrivances and other amusements shall be filed in
7 sufficient time to allow the *Chief of Police* Entertainment Commission to notice and fix the time
8 and place for a public hearing on the application. Not less than 10 days before such hearing,
9 the *Chief of Police* Entertainment Commission shall cause a notice of such hearing to be posted
10 in one or more conspicuous place(s) on or about the property where the mechanical
11 contrivances and other amusements are to be operated, in a fashion designed to inform the
12 public of the application. Failure to apply in sufficient time for a noticed hearing to be held
13 may be cause for the *Chief of Police* Entertainment Commission to deny issuance of a permit.
14
15

16
17 SEC. 1051. PERMIT REQUIRED.

18 It shall be unlawful for any recreational equipment vendor to rent, sell, lease, loan or
19 otherwise make available recreational equipment to the public from a truck, cart or otherwise
20 movable vehicle located on a public street or other public property without first having
21 obtained a permit from the *Chief of Police* Entertainment Commission.
22

23
24 SEC. 1052. APPLICATION FOR PERMIT.
25

1 Applications for said permit shall be made in writing to the *Chief of Police Entertainment*
2 *Commission* and shall be made in such form and shall contain such information as the *Chief of*
3 *Police Entertainment Commission* shall require, including proof of liability insurance in an amount
4 of \$1 million, naming the City and County of San Francisco and its officers and employees as
5 an additional insured, and an agreement to hold the City and County of San Francisco
6 harmless from any liability arising out of the vending and use of recreational equipment. In
7 granting or denying a permit, the *Chief of Police Entertainment Commission* shall give particular
8 consideration to the peace, order, health, safety and welfare of the public and on the business
9 reputation of the vendor; provided, that each application be made for a single city street and
10 block and that at no time will a permit be issued to more than one recreational equipment
11 vendor for the same street and block. No more than one permit shall be issued to any person,
12 firm, corporation, partnership, club, association, or group of any kind.

14 Upon application for a recreational equipment vendor permit, the *Chief of Police*
15 *Entertainment Commission* shall set a time, date and place for a public hearing thereon and
16 shall cause a notice thereof to be conspicuously posted on all available utility and light poles
17 on the street and block for which the permit is requested not less than 20 days before the date
18 set for public hearing. The notice shall set forth the name of the applicant, the purpose for
19 which the application is made, and the time, date, and place of public hearing on the
20 application.
21

22 Each applicant for a permit shall pay to the ~~*Police Department*~~ *Entertainment Commission*
23 a nonrefundable application fee payable in advance.
24
25

1 SEC. 1053. LICENSE FEES.

2 Every person granted a recreational equipment vendor permit by the *Chief of Police*
3 *Entertainment Commission* shall pay to the Tax Collector an annual license fee, payable in
4 advance. The permit shall be nontransferable.

5 The license fee prescribed in this Section is due and payable on a calendar year basis,
6 starting January 1st of each year. Fees for new permits issued after the first day of January of
7 a particular year shall be prorated with regard to the calendar year on a monthly basis.
8

9
10 SEC. 1054. REGULATIONS.

11 (a) Hours. Recreational equipment can only be rented, sold, leased, loaned or
12 otherwise made available to the public between sunrise and sunset of any given day. The
13 trucks, carts or otherwise movable vehicles used by recreational equipment vendors may be
14 parked or positioned for one-half hour before sunrise until one-half hour after sunset.
15

16 (b) Location. Once a recreational equipment vendor has positioned his vehicle and
17 has transacted his first business of the day, he cannot reposition his vehicle except in the
18 case of an emergency or when ordered to do so by an on-duty police officer or fireman.

19 However, if he is parked in a restricted parking area, he must obey the time limits or other
20 restrictions provided by the San Francisco Traffic Code or by the California Vehicle Code,
21 except that he is exempt from the provisions of Traffic Code Section 63 as provided therein.
22

23 (c) Equipment. No recreational equipment vendor shall have available for vending
24 more than 400 items of recreational equipment or if the item is commonly rented in pairs (such
25 as roller skates) 400 pairs of such them; provided, however, that safety equipment related to

1 the use of said item is not included in this limit. Every recreational equipment vendor shall
2 certify that the equipment with which he deals is in good condition and is safe for the use for
3 which it was intended.

4 (d) Attended Vehicles. At no time between sunset of one day and sunrise of the
5 next day shall the vehicle used by any recreational equipment vendor in the conduct of his
6 business be left unattended on the public streets of San Francisco.

7 (e) Limitation on Location. Recreational equipment cannot be rented, sold, leased,
8 loaned or otherwise made available to the public on a public street or sidewalk in an RH-1 (D),
9 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
10 District or adjacent to a park within the City and County of San Francisco.

11 (f) Further Regulations and Rules. The ~~Chief of Police~~ Entertainment Commission
12 shall have the authority to adopt further rules and regulations as required.
13

14
15
16 SEC. 1055. PENALTY.

17 Any person who shall violate any of the provisions of Sections 1050 to and including
18 1054 of this Chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be
19 subject to a fine of not less than \$100 and not more than \$500, or by imprisonment in the jail
20 of the City and County for a term of not more than six months or by both such fine and
21 imprisonment.

22 In the alternative any violations of Sections 1050 to and including 1054 of this Chapter
23 by a permittee hereunder shall be deemed to be disorderly and improper conduct as that term
24 is used in Section 3.537 of the Charter of the City and County of San Francisco, and the ~~Chief~~
25

1 ~~of Police~~ Entertainment Commission, may, after hearing, revoke said permittee's permit pursuant
2 to Section 3.537 of said Charter; or, in lieu thereof, may, after hearing, suspend said permit for
3 such length of time as he deems proper.

4
5 Section 5. Article 15.1 of the San Francisco Police Code is hereby amended by
6 amending Sections 1060.1, 1060.2, 1060.3, 1060.5, 1060.12, 1060.20, 1060.23, 1060.24 and
7 1060.27 thereof, and adding a new Section 1060.29, to read as follows:
8

9
10 SEC. 1060.1. PERMIT REQUIRED.

11 It shall be unlawful for any person to own, conduct, operate, maintain or to participate
12 therein, or to cause or permit to be conducted, operated or maintained, any place of
13 entertainment in the City and County of San Francisco without first having obtained a permit
14 from the ~~Chief of Police~~ Entertainment Commission.

15 Any place or premises where a permit to operate is sought must conform to all existing
16 health, safety, zoning and fire ordinances of the City and County of San Francisco, and must
17 have a valid public eating place permit from the Department of Public Health. The ~~Chief of~~
18 ~~Police~~ Entertainment Commission may issue a permit under this Section conditional upon the
19 applicant receiving the other required permits.
20

21 Any permit granted by the ~~Chief of Police~~ Entertainment Commission conditional upon the
22 applicant receiving other required permits may be appealed to the Board of Permit Appeals.
23 Such appeal must be filed within ten (10) days of the final decision of the ~~Chief of Police~~
24 Entertainment Commission issuing the conditional permit.
25

1 Any conditional permit granted by the *Chief of Police Entertainment Commission* will expire
2 nine (9) months from the date of the final decision of the *Chief Entertainment Commission*, if all
3 the other required permits have not been received.

4
5 SEC. 1060.2. FILING.

6 Every person desiring a permit pursuant to this Article shall file an application with the
7 *Chief of Police Entertainment Commission* upon a form provided by *said Chief of Police the*
8 *Entertainment Commission* and shall pay a filing fee.
9

10
11 SEC. 1060.3. APPLICATION FORM.

12 Operators under any permit issued pursuant to this Article shall be limited to the terms
13 of the application. Except as otherwise provided herein, an application for a permit pursuant to
14 the provisions of this Article shall specify:

15 (a) The address of the location for which the permit is required, together with the
16 business name of such location.
17

18 (b) The name and proposed business address of the applicant. If the applicant is a
19 corporation, the name of the corporation shall be set forth exactly as shown in its articles of
20 incorporation; and the applicant shall also set forth the date and place of incorporation; the
21 names and residence addresses of each of the officers, directors, and each stockholder
22 owning more than 10 percent of the stock of the corporation. If the applicant is a partnership,
23 the application shall set forth the name and residence address of each of the partners,
24
25

1 including limited partners. If one or more of the partners is a corporation, the provisions of this
2 Section pertaining to a corporate applicant apply.

3 (c) Whether or not the applicant or any officer or director or member of applicant, as
4 the case may be, has ever been convicted of any crime except misdemeanor traffic violations.
5 In addition to the foregoing, any corporate applicant shall state whether or not any stockholder
6 owning more than 10 percent of the stock of such corporation has ever been convicted of any
7 crime except misdemeanor traffic violations. If any person mentioned in this subsection has
8 been so convicted, a statement must be made giving the name of the person so convicted,
9 the place and court in which the conviction was had, the specific charge under which the
10 conviction was obtained, and the sentence imposed as the result of said conviction.
11

12 (d) The names and addresses of the persons who have authority or control over the
13 place for which the permit is requested and a brief statement of the nature and extent of such
14 authority and control.
15

16 (e) Such information pertinent to the operation of the proposed activity, including
17 information as to management, authority control, financial agreements, and lease
18 arrangements, that is reasonably related to the factual determinations this ordinance
19 empowers the ~~Chief~~ Entertainment Commission to make in reviewing and acting upon permit
20 applications as the ~~Chief of Police~~ Entertainment Commission may require of an applicant in
21 addition to the other requirements of this Section. The foregoing examples are in explanation
22 of and not in limitation of the information which the ~~Chief of Police~~ Entertainment Commission
23 may require.
24
25

1 (f) A business plan for the proposed place of entertainment, specifying the days
2 and hours of operation, the number of patrons, the numbers of employees and their duties,
3 the identity of the manager or managers who shall be on premises during all hours of
4 operation, the types or classes of entertainment (in terms of the types of instruments,
5 numbers of performers and sound levels) to be provided, and the amount of parking, both on-
6 site and off-site, to be provided. If sound amplification is to be used, the plan shall also include
7 a specific description of the amplification system.
8

9 (g) The address to which notice, when required, is to be sent or mailed, and the
10 name and address of a person authorized to accept service of process, if not otherwise set
11 forth herein.

12 (h) Whether the application is for a new permit or for the renewal of an existing
13 permit.

14 (i) The ~~Chief of Police~~ Entertainment Commission may require further information as
15 ~~he or she~~ it deems necessary.
16
17

18 SEC. 1060.5. DETERMINATION OF APPLICATION.

19 (a) When an application is filed for a new permit under this Article, the ~~Chief of Police~~
20 Entertainment Commission shall fix a time and place for a public hearing thereon to determine
21 whether issuance of the permit would result in any of the conditions set forth in Subsection
22 (e). The hearing must be held within 25 working days of the date the completed application is
23 received.
24
25

1 (b) At the time of filing of an application, the applicant shall notify the *Chief of Police*
2 Entertainment Commission of any outstanding requests for permits or approvals from other City
3 departments relating to the premises of the proposed place of entertainment. The *Chief of*
4 *Police Entertainment Commission* shall notify those departments of the filing of the application.
5 Those departments shall complete all necessary inspections and report their determinations
6 to the *Chief of Police Entertainment Commission* within 20 working days of the filing of the
7 application.

8 (c) Not less than 10 days before the date of such hearing, the *Chief of Police*
9 Entertainment Commission shall cause to be posted a notice of such hearing in a conspicuous
10 place on the property in which or on which the proposed place of entertainment is to be
11 operated. Such notice shall set forth the specific type of entertainment which the applicant
12 intends to conduct. Such posting of notice shall be carried out by the *Police Department*
13 Entertainment Commission, and the applicant shall maintain said notice as posted the required
14 number of days.

15 (d) At the hearing, the applicant and any other interested party, including the Police
16 Department or any other public agency, shall be allowed to introduce evidence and present
17 argument. ~~The hearing officer shall issue a written statement of his or her conclusions to the Chief of~~
18 ~~Police within 10 working days of the close of the hearing.~~ The *Chief of Police Entertainment*
19 Commission shall make a final decision upon the application ~~within five working days of receipt of~~
20 ~~the hearing officer's statement at the public hearing,~~ and ~~the Chief of Police~~ shall notify the
21 applicant, and any other interested party who has made a written request, of the final decision
22 by first class mail.

1 (e) No time limit shall commence running until the submission of a completed
2 application. Upon the applicant's request, the *Chief of Police Entertainment Commission* shall
3 continue the hearing to allow the applicant opportunity to comply with the requirements of this
4 Article or any other state or local law. Upon the applicant's request, the *Chief of Police*
5 *Entertainment Commission* shall also issue a conditional approval of the permit application,
6 pending approval of the permit by other City agencies, if sufficient information has been
7 provided to allow for adequate evaluation of the proposal and if grounds for denial, as set forth
8 in Subsection (f), are not present.
9

10 (f) The *Chief of Police Entertainment Commission* shall grant a permit pursuant to this
11 Article unless he or she finds that:

12 (i) The building, structure, equipment or location of the proposed place of
13 entertainment does not comply with or fails to meet all of the health, zoning, fire and safety
14 requirements or standards of all the laws of the State of California or ordinances of the City
15 and County of San Francisco applicable to such business operation; or
16

17 (ii) The building, structure, equipment or location of the proposed place of
18 entertainment cannot adequately accommodate the type and volume of vehicle and
19 pedestrian traffic anticipated; or

20 (iii) The building, structure, equipment or location of the proposed place of
21 entertainment lack adequate safeguards to prevent emissions of noise, glare, dust and odor
22 that substantially interfere with the public health, safety and welfare or the peaceful enjoyment
23 of neighboring property.
24
25

1 (g) An applicant whose application for a permit has been denied pursuant to this
2 Section may seek immediate judicial review pursuant to Code of Civil Procedure Section 1085
3 or Section 1094.5. The applicant is not required to exhaust his or her administrative remedies
4 before the Board of Permit Appeals.

5
6 SEC. 1060.12. NOISE ABATEMENT.

7
8 Whenever, upon due notice and hearing, it shall be determined that noise from any
9 establishment which has been issued a permit pursuant to this Article interfered with the right
10 of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and
11 enjoyment of their property, the ~~Chief of Police~~ Entertainment Commission may require that the
12 premises be soundproofed in a manner that in the judgment of the ~~Chief of Police~~ Entertainment
13 Commission will be effective to eliminate the noise or reduce it to a reasonable level. In taking
14 any action under this Section, the ~~Chief of Police~~ Entertainment Commission must balance all of
15 the interests of the respective parties, as well as the hardship which will result from any order.
16 If the ~~Chief of Police~~ Entertainment Commission finds that the noise complained of is of a
17 minimum or inconsequential degree, no action shall be taken under this Article. If a permittee
18 fails, within a reasonable time and in no event more than 60 days after having been ordered to
19 do so pursuant to this Article, to abate any noise, his permit shall be suspended after a
20 second hearing, due notice of which is given, until such time as he complies with the order.
21
22

23
24 SEC. 1060.20. SUSPENSION AND REVOCATION.

1 (a) Any permit issued under the terms of this Article may be suspended at any time
2 by the ~~Chief of Police~~ Entertainment Commission if the ~~Chief of Police~~ Entertainment Commission
3 determines after a noticed public hearing that any of the following conditions exist:

4 (1) The building, structure, equipment or location of the proposed place of
5 entertainment does not comply with or fails to meet all of the health, zoning, fire and safety
6 requirements or standards of all the laws of the State of California or ordinances of the City
7 and County of San Francisco applicable to such business operation; or
8

9 (2) The establishment has been operated in a manner that has harmed the public
10 health, safety or welfare by significantly increasing pedestrian traffic, the incidence of
11 disorderly conduct, or the level of noise in the area in which the premises are located, and the
12 permittee has failed, after being requested by the Police Department or Entertainment
13 Commission to do so, to take reasonable steps to alleviate these conditions, such as providing
14 additional off-street parking, security, soundproofing, restroom facilities, or refuse containers;
15 or
16

17 (3) The proprietor or person or persons in charge thereof have violated, permitted
18 the violation, or failed to take reasonable steps, after being requested by the Police
19 Department or Entertainment Commission to do so, to halt violations on the premises or in
20 connection with the operation of the establishment of any following laws of the State of
21 California: Penal Code Sections 266h, 266i, 315, 316, 330, 337a, 647(b); Business and
22 Professions Code Sections 23300, 25602, 25631, 25657, 25658; Health and Safety Code
23 Sections 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5; or, the proprietor or
24
25

1 persons in charge thereof have implemented, maintained or permitted any admission or
2 related policy or practice which violates Section 3305 of the San Francisco Police Code.

3 (4) The proprietor or persons in charge thereof have violated or permitted the
4 violation of any other provision of this Article or of the permit, on the premises or in connection
5 with the operation of the establishment.

6 (b) The penalty for the first violation under Subsection (a) within a period of six
7 months shall be suspension of said permit for a period of 30 days. The penalty for the second
8 violation within a period of six months shall be suspension of said permit for a period of 60
9 days. The penalty for the third and subsequent violations within a period of six months shall
10 be suspension of said permit for a period of 90 days. For the purposes of this Subsection,
11 calculation of the six months shall not include any period of time during which the permit was
12 suspended.

13 (c) Any permit issued under the terms of this Article may be revoked at any time by
14 the *Chief of Police Entertainment Commission* if the *Chief of Police Entertainment Commission*
15 determines after a noticed public hearing that any of the following conditions exist:
16

17 (1) The permittee has knowingly made any false, misleading or fraudulent
18 statement of material fact in the application for a permit;

19 (2) The permittee has failed to pay any fee or charge required under this Article; or

20 (3) The permittee has permanently ceased operation of the business.

21 (d) A revocation pursuant to Subsection (c) shall not prejudice the right of an
22 applicant to apply for a new permit.
23
24
25

1 (e) The ~~Chief of Police~~ Entertainment Commission may not consider any request for
2 emergency medical or ambulance services to treat a permittee's patrons as a basis for
3 suspending a permit pursuant to subdivision (a).
4

5 SEC. 1060.23. LIMITED SUSPENSION.

6 Any permit issued under the terms of this Article may be suspended for a period of 30
7 days by the ~~Chief of Police~~ Entertainment Commission if the ~~Chief of Police~~ Entertainment
8 Commission determines after a noticed hearing that violation of the regulations or any provision
9 of the Municipal Code has occurred.
10

11
12 SEC. 1060.24. TRANSFER OF PERMIT.

13 No permit shall be transferable except with the written consent of the ~~Chief of Police~~
14 Entertainment Commission. An application for such a transfer shall be in writing and shall be
15 accompanied by the same filing fee as for an initial application. The written application for
16 such transfer shall contain the same information as requested herein for an initial application
17 for such a permit.
18

19
20 SEC. 1060.27. TIME LIMIT FOR OBTAINING PERMIT.

21 All premises required to obtain a permit and license pursuant to this Article because of
22 the inclusion of recorded music presented by a live disc jockey on the premises within the
23 definition of entertainment must obtain a permit within 90 days of the effective date of the
24
25

1 amendments to this Article; failure so to do shall make continued operation of said place of
2 entertainment a violation of Section 1060.25 hereof.

3 Permits must be obtained from the ~~Police Department~~ Entertainment Commission as
4 Sections 1060.1, 1060.2, 1060.3 and 1060.4 hereof provide~~d~~.

5
6 SEC. 1060.29. DIRECT COMPLAINT HOTLINE.

7 If the location for which the place of entertainment permit is issued has an occupancy permit for
8 150 or more persons, the permit holder shall (i) when the premises is open for business and when
9 sound amplifying equipment is being used, whether or not the premises is open for business, ensure that
10 at least one manager or other responsible employee on the premises will have in his or her possession
11 a mobile telephone, (ii) provide annual written notice of the direct complaint hotline and telephone
12 number to the Entertainment Commission and to businesses and residents located within 300 feet of the
13 permitted establishment. The permit holder shall promptly provide an updated notice to the
14 Entertainment Commission and such businesses and residents whenever the number for the direct
15 complaint hotline changes. The purpose of the mobile telephone is to receive and promptly and
16 informally resolve complaints from neighbors and other members of the public regarding noise, traffic,
17 illegally parked vehicles belonging to patrons, the conduct of patrons or other conditions attributable
18 to the operation of the premises.

19
20
21
22 Section 6. Article 15.2 of the San Francisco Police Code is hereby amended by
23 amending Sections 1070.1, 1070.2, 1070.3, 1070.5, 1070.12, 1070.15, 1070.17, 1070.19,
24 1070.21, 1070.22 and 1070.23 thereof, to read as follows:
25

1
2 SEC. 1070.1. PERMIT REQUIRED.

3 It shall be unlawful for any person to own, conduct, operate, maintain or to participate
4 therein, or to cause or permit to be conducted, operated or maintained, any extended-hours
5 premises in the City and County of San Francisco without first having obtained a permit from
6 the *Chief of Police Entertainment Commission*.

7 Any place or premises where a permit to operate is sought must conform to all existing
8 health, safety, and fire ordinances of the City and County of San Francisco, and must have a
9 valid public eating place permit from the Department of Public Health. The *Chief of Police*
10 *Entertainment Commission* may issue a permit under this Section conditional upon the applicant
11 receiving the other required permits.

12 Any permit granted by the *Chief of Police Entertainment Commission* conditional upon the
13 applicant receiving other required permits may be appealed to the Board of Appeals. Such
14 appeal must be filed within 10 days of the final decision of the *Chief of Police Entertainment*
15 *Commission* issuing the conditional permit.

16 Any conditional permit granted by the *Chief of Police Entertainment Commission* will expire
17 nine months from the date of the final decision of the *Chief Entertainment Commission*, if all the
18 other required permits have not been received.
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22 SEC. 1070.2. FILING.
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25

1 Every person desiring a permit pursuant to this Article shall file an application with the
2 ~~Chief of Police~~ Entertainment Commission upon a form provided by ~~said Chief of Police~~ the
3 Entertainment Commission and shall pay a filing fee.
4

5 SEC. 1070.3. APPLICATION FORM.
6

7 Operators under any permit issued pursuant to this Article shall be limited to the terms
8 of the application. Except as otherwise provided herein, an application for a permit pursuant to
9 the provisions of this Article shall specify:

10 (a) The address of the location for which the permit is required, together with the
11 business name of such location.

12 (b) The name and proposed business address of the applicant. If the applicant is a
13 corporation, the name of the corporation shall be set forth exactly as shown in its articles of
14 incorporation; and the applicant shall also set forth the date and place of incorporation; the
15 names and residence addresses of each of the officers, directors, and each stockholder
16 owning more than 10 percent of the stock of the corporation. If the applicant is a partnership,
17 the application shall set forth the name and residence address of each of the partners,
18 including limited partners. If one or more of the partners is a corporation, the provisions of this
19 Section pertaining to a corporate applicant apply.
20

21 (c) Whether or not the applicant or any officer or director or member of applicant, as
22 the case may be, has ever been convicted of any crime except misdemeanor traffic violations.
23 In addition to the foregoing, any corporate applicant shall state whether or not any stockholder
24 owning more than 10 percent of the stock of such corporation has ever been convicted of any
25

1 crime except misdemeanor traffic violations. If any person mentioned in this subsection has
2 been so convicted, a statement must be made giving the name of the person so convicted,
3 the place and court in which the conviction was had, the specific charge under which the
4 conviction was obtained, and the sentence imposed as the result of said conviction.

5 (d) The names and addresses of the persons who have authority or control over the
6 place for which the permit is requested, and brief statement of the nature and extent of such
7 authority and control.
8

9 (e) Such information pertinent to the operation of the proposed activity, including
10 information as to management, authority, control, financial agreements, and lease
11 arrangements, that is reasonably related to the factual determinations this ordinance
12 empowers the Chief to make in reviewing and acting upon permit applications as the Chief of
13 Police may require of an applicant in addition to the other requirements of this Section. The
14 foregoing examples are in explanation and not in limitation of the information which the *Chief*
15 *of Police Entertainment Commission* may require.
16

17 (f) A business plan for the proposed extended-hours premises, specifying the days
18 and hours of operation, the number of patrons, the numbers of employees and their duties,
19 the identity of the manager or managers who shall be on premises during all hours of
20 operation, the types or classes of entertainment (in terms of the types of instruments,
21 numbers of performers and sound levels) to be provided, and the amount of parking, both on-
22 site and off-site, to be provided. If sound amplification is to be used, the plan shall also include
23 a specific description of the amplification system.
24
25

1 (g) The address to which notice, when required, is to be sent or mailed, and the
2 name and address of a person authorized to accept service of process, if not otherwise set
3 forth herein.

4 (h) Whether the application is for a new permit or for the renewal of an existing
5 permit.

6 (i) The ~~Chief of Police~~ Entertainment Commission may require further information as
7 ~~he or she~~ it deems necessary.
8

9
10 SEC. 1070.5. DETERMINATION OF APPLICATION.

11 (a) When an application is filed for a new permit under this Article, the ~~Chief of Police~~
12 Entertainment Commission shall fix a time and place for a public hearing thereon to determine
13 whether issuance of the permit would result in any of the conditions set forth in Subsection
14 (e). The hearing must be held within 25 working days of the date the completed application is
15 received.
16

17 (b) At the time of filing of an application, the applicant shall notify the ~~Chief of Police~~
18 Entertainment Commission of any outstanding requests for permits or approvals from other City
19 departments relating to the premises of the proposed extended-hours premises. The ~~Chief of~~
20 ~~Police~~ Entertainment Commission shall notify those departments of the filing of the application.
21 Those departments shall complete all necessary inspections and report their determinations
22 to the ~~Chief of Police~~ Entertainment Commission within 20 working days of the filing of the
23 application.
24
25

1 (c) Not less than 10 days before the date of such hearing, the *Chief of Police*
2 Entertainment Commission shall cause to be posted a notice of such hearing in a conspicuous
3 place on the property in which or on which the proposed extended-hours premises is to be
4 operated. Such notice shall set forth the specific type of entertainment which the applicant
5 intends to conduct. Such posting of notice shall be carried out by the *Police Department*
6 Entertainment Commission, and the applicant shall maintain said notice as posted the required
7 number of days.

8 (d) At the hearing, the applicant and any other interested party, including the Police
9 Department or any other public agency, shall be allowed to introduce evidence and present
10 argument. ~~The hearing officer shall issue a written statement of his or her conclusions to the Chief of~~
11 ~~Police within 10 working days of the close of the hearing.~~ The *Chief of Police* Entertainment
12 Commission shall make a final decision upon the application ~~within five working days of receipt of~~
13 ~~the hearing officer's statement at the public hearing~~, and the *Chief of Police* Entertainment
14 Commission shall notify the applicant, and any other interested party who has made a written
15 request, of the final decision by first class mail.

16 (e) No time limit shall commence running until the submission of a completed
17 application. Upon the applicant's request, the *Chief of Police* Entertainment Commission shall
18 continue the hearing to allow the applicant opportunity to comply with the requirements of this
19 Article or any other State or local law. Upon the applicant's request, the *Chief of Police*
20 Entertainment Commission shall also issue a conditional approval of the permit application,
21 pending approval of the permit by other City agencies, if sufficient information has been
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1 provided to allow for adequate evaluation of the proposal and if grounds for denial, as set forth
2 in Subsection (f), are not present.

3 (f) The ~~Chief of Police~~ Entertainment Commission shall grant a permit pursuant to this
4 Article unless he or she finds that:

5 (i) The building, structure, equipment or location of the proposed place of
6 entertainment does not comply with or fails to meet all of the health, zoning fire and safety
7 requirements or standards of all the laws of the State of California or ordinances of the City
8 and County of San Francisco applicable to such business operation; or
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10 (ii) The building, structure, equipment or location of the proposed extended-hours
11 premises cannot adequately accommodate the type and volume of vehicle and pedestrian
12 traffic anticipated; or

13 (iii) The building, structure, equipment or location of the proposed extended-hours
14 premises lack adequate safeguards to prevent emissions of noise, glare, dust and odor that
15 substantially interfere with the public health, safety and welfare or the peaceful enjoyment of
16 neighboring property.
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18 (g) An applicant whose application for a permit has been denied pursuant to this
19 Section may seek immediate judicial review pursuant to Code of Civil Procedure Section 1085
20 or Section 1094.5. The applicant is not required to exhaust his or her administrative remedies
21 before the Board of Appeals.
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24 SEC. 1070.12. MISCELLANEOUS RULES.
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1 No professional entertainer or employee may dance, unnecessarily converse, or
2 associate with any customer on the premises in any extended-hours premises; provided,
3 however, that a regularly scheduled audience participation type of entertainment may be
4 presented during the time slated and in the manner described in an advertisement posted in a
5 regularly printed program. Provided, further, that a copy of said advertisement shall be
6 received by the ~~Chief of Police~~ Entertainment Commission 24 hours prior to the conducting of
7 said audience participation entertainment.
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10 SEC. 1070.15. NOISE ABATEMENT.

11 Whenever, upon due notice and hearing, it shall be determined that noise from any
12 establishment licensed under this Article interfered with the right of persons dwelling in the
13 vicinity of such establishment to the peaceful and quiet use and enjoyment of their property,
14 the ~~Chief of Police~~ Entertainment Commission may require that the premises be soundproofed in
15 a manner that in the judgment of the ~~Chief of Police~~ Entertainment Commission will be effective
16 to eliminate the noise or reduce it to a reasonable level. In taking any action under this
17 Section, the ~~Chief of Police~~ Entertainment Commission must balance all of the interests of the
18 respective parties, as well as the hardship which will result from any order, if the ~~Chief of Police~~
19 Entertainment Commission finds that the noise complained of is of a minimum or
20 inconsequential degree, no action shall be taken under this Article. If a licensee fails, within a
21 reasonable time and in no event more than 60 days after having been ordered to do so
22 pursuant to this Article, to take such steps as were ordered to abate any noise, his license
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1 shall be suspended after a second hearing, due notice of which is given, until such time as he
2 complies with the order.

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4 SEC. 1070.17. SUSPENSION AND REVOCATION.

5 (a) Any permit issued under the terms of this Article may be suspended at any time
6 by the ~~Chief of Police~~ Entertainment Commission if the ~~Chief of Police~~ Entertainment Commission
7 determines after a noticed public hearing that any of the following conditions exist:

8 (1) The building, structure, equipment or location of the proposed extended-hours
9 premises does not comply with or fails to meet all of the health, zoning, fire and safety
10 requirements or standards of all the laws of the State of California or ordinances of the City
11 and County of San Francisco applicable to such business operation; or

12 (2) The establishment has been operated in a manner that has harmed the public
13 health, safety or welfare by significantly increasing pedestrian traffic, the incidence of
14 disorderly conduct, or the level of noise in the area in which the premises are located, and the
15 permittee has failed, after being requested by the Police Department or Entertainment
16 Commission to do so, to take reasonable steps to alleviate these conditions, such as providing
17 additional off-street parking, security, soundproofing, restroom facilities, or refuse containers;
18 or

19 (3) The proprietor or persons in charge thereof have violated, permitted the
20 violation, or failed to take reasonable steps, after being requested by the Police Department or
21 Entertainment Commission to do so, to halt violations on the premises or in connection with the
22 operation of the establishment, of any following laws of the State of California: Penal Code
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1 Sections 266h, 266i, 315, 316, 330, 337a, 657(b); Business and Professions Code Sections
2 23300, 25602, 25631, 25657, 25658; Health and Safety Code Sections 11351, 11352, 11359,
3 11360, 11378, 11379, 11378.5, 11379.5; or, the proprietor or persons in charge thereof have
4 implemented, maintained or permitted any admission or related policy or practice which
5 violates Section 3305 of the San Francisco Police Code.

6 (4) The proprietor or persons in charge thereof have violated or permitted the
7 violation of any other provision of this Article or of the permit, on the premises or in connection
8 with the operation of the establishment.
9

10 (b) The penalty for the first violation under Subsection (a) within a period of six
11 months shall be suspension of said permit for a period of 30 days. The penalty for the second
12 violation within a period of six months shall be suspension of said permit for a period of 60
13 days. The penalty for the third and subsequent violations within a period of six months shall
14 be suspension of said permit for a period of 90 days. For the purposes of this Subsection,
15 calculation of the six months shall not include any period of time during which the permit was
16 suspended.
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18 (c) Any permit issued under the terms of this Article may be revoked at any time by
19 the ~~Chief of Police~~ Entertainment Commission if ~~the Chief of Police~~ it determines after a noticed
20 public hearing that any of the following conditions exist:

21 (1) The permittee has knowingly made any false, misleading or fraudulent
22 statement of material fact in the application for a permit;

23 (2) The permittee has failed to pay any fee or charge required under this Article; or
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25 (3) The permittee has permanently ceased operation of the business.

1 (d) A revocation pursuant to Subsection (c) shall not prejudice the right of an
2 applicant to apply for a new permit.

3 (e) The ~~Chief of Police~~ Entertainment Commission may not consider any request for
4 emergency medical or ambulance services to treat a permittee's patrons as a basis for
5 suspending a permit pursuant to subdivision (a).
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8 SEC. 1070.19. EXCEPTIONS.

9 The ~~Chief of Police~~ Entertainment Commission may grant an exception to an extended-
10 hours premises as defined herein from the provisions of Sections 1070.11, 1070.13 and
11 1070.16 relating to lighting of the premises, booths and minors being on the premises if the
12 ~~said Chief of Police~~ Entertainment Commission shall find that the extended-hours premises is
13 used exclusively for any of the following purposes:
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15 (a) A bona fide public eating place as defined herein to which a public eating place
16 permit has been issued by the Department of Public Health and where no admission charge is
17 collected as defined in Section 1070(g).

18 (b) Extended-hours premises that are operated by any public agency or by any
19 educational, recreational or social agency, or by any bona fide fraternal, charitable, or
20 religious or benevolent or any other nonprofit organization having a regular membership
21 association primarily for mutual social, mental, political and civic welfare, to which admission
22 is limited to members and guests and revenue accruing therefrom to be used exclusively for
23 the benevolent purposes of said organization and which organization or agency is exempt
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1 from taxation under the Internal Revenue laws of the United States as a bona fide fraternal,
2 charitable, religious, benevolent or nonprofit organization.

3 (c) Any determination as to the exception status of any applicant pursuant to this
4 Section shall be made by the *Chief of Police Entertainment Commission*.

5 (d) A decision by the *Chief of Police Entertainment Commission* denying the exception
6 from the regulations shall be final except that an appeal therefrom may be taken within 10
7 days to the Board of Review created by Ordinance No. 245-68. The Board of Review will
8 consist of the Director of Administrative Services, the Controller and Assessor-Recorder. Any
9 member of the Board may deputize in writing, filed with the Board, any member of his office to
10 serve in his place on such Board or in such hearing as he may desire. A majority of the
11 members of the Board shall constitute a quorum.

12 (e) The Board, in addition to its several other duties, shall have the power and it
13 shall be its duty to hear and determine appeals from the decisions of the *Chief of Police*
14 *Entertainment Commission* made upon petition for an exception from the regulations. The
15 Board may affirm or reverse such decision by the *Chief of Police Entertainment Commission* or
16 dismiss the appeals therefrom as may be just, and shall prescribe such forms, rules and
17 regulations relating to appeals as it may deem necessary. In the review of the decision by the
18 *Chief of Police Entertainment Commission* the Board may take such evidence and make such
19 investigation as it may deem necessary. It shall give notice of its determinations in writing to
20 the petitioner and shall file a copy of each determination with the *Chief of Police Entertainment*
21 *Commission*. The determination shall become final 10 days thereafter. If the Board of Review
22 concurs with the determination of the *Chief of Police Entertainment Commission*, the regulations
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1 shall become effective as an order or decision of the ~~Chief of Police~~ Entertainment Commission.
2 If the Board of Review overrules the order or decision of the ~~Chief of Police~~ Entertainment
3 Commission, the regulations shall not be enforced by the ~~Chief of Police~~ Entertainment
4 Commission.

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6 SEC. 1070.20. LIMITED SUSPENSION.

7 Any permit issued under the terms of this Article may be suspended for a period of 30
8 days by the ~~Chief of Police~~ Entertainment Commission if the ~~Chief of Police~~ Entertainment
9 Commission determines after a noticed hearing that violation of the regulations or any
10 provisions of the Municipal Code has occurred.
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13 SEC. 1070.21. STAY ORDERS.

14 Notwithstanding Section 8, Part III, of the San Francisco Municipal Code, the action of
15 the ~~Chief of Police~~ Entertainment Commission in suspending a permit for a period not to exceed
16 30 days shall not be suspended by an appeal to the Board of Appeals.
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19 SEC. 1070.22. TRANSFER OF PERMIT.

20 No permit shall be transferable except with the written consent of the ~~Chief of Police~~
21 Entertainment Commission. An application for such a transfer shall be in writing and shall be
22 accompanied by the same filing fee as for an initial application. The written application for
23 such transfer shall contain the same information as requested herein for an initial application
24 for such a permit.
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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 ~~Police Department~~ Entertainment Commission as Sections 1070.1, 1070.2, 1070.3 and 1070.4 hereof provide.

Section 7. This ordinance shall become operative on July 1, 2003.

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

By: _____
Dorji Roberts
Deputy City Attorney