

1 [Dance and Place of Entertainment Permits-security requirements, increased penalty for
2 violation.]

3 **Ordinance amending San Francisco Police Code Sec. 1022 to define “security plan”;**
4 **amending Police Code Sec. 1023 to require applicants for dance permits to have a**
5 **security plan, and to require owners or managers of places that are rented to persons**
6 **planning to use the facility for a dance to inform such persons that a permit is required**
7 **for such activity; amending Police Code Sec. 1027 to make the violation of Secs. 1023**
8 **through 1026 an infraction or a misdemeanor, to increase the maximum penalty for**
9 **violation thereof to \$1000, and subject to revocation of the permit; amending Police**
10 **Code Sec. 1060 to define “security plan;” amending Police Code Sec. 1060.5 to revise**
11 **determination of application criteria to require a security plan; amending Police Code**
12 **Sec. 1060.25 to increase the maximum penalty for violation of Article 15.1 to an**
13 **infraction or a misdemeanor, to increase the maximum penalty for violation thereof to**
14 **\$1000, and subject to revocation of the permit; adding Police Code Sec. 1060.29 to**
15 **require one night event permits for one night events; and amending Police Code Sec.**
16 **2.26 to include one night events under the schedule of permits and filing fees.**

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

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

21 Section 1. The San Francisco Police Code is hereby amended by amending Section
22 1022, to read as follows:

23 **SEC. 1022. DEFINITIONS.**

24 Unless the context specifically indicates otherwise, the following terms, as used in this
25 Chapter, shall mean or include:

1 (a) "Dance." Any gathering of persons in or upon any premises, other than a private
2 home or residence or a class in which instruction in dancing is given for hire, where dancing is
3 participated in. Dances, as defined herein, shall be classified in types as follows: "General"
4 shall include any dance to which persons 18 years of age or older are admitted. "Special"
5 shall include any dance to which no persons 15 years of age or younger or 21 years of age or
6 older are admitted as participants.

7 (b) "Dance Hall." Any building or place in which a dance is held.

8 (c) "Person." Includes any person, co-partnership, firm, corporation, association,
9 club, or any legal entity.

10 (d) "Security Plan." A plan that (i) provides at least 1 security guard for 100 persons in
11 attendance at the dance, (ii) secures a 50 foot perimeter in all directions around the location of the
12 dance hall to prevent injury to persons and/or damage to property, and (iii) provides for the orderly
13 disbursement of persons and traffic from the dance hall.

14 Section 2. The San Francisco Police Code is hereby amended by amending Section
15 1023, to read as follows:

16 **SEC. 1023. PERMIT REQUIRED; ~~EXCEPTION.~~**

17 (a) It shall be unlawful for any person to own, conduct, operate, or maintain, or to
18 cause or to permit to be conducted, operated, or maintained any dance hall, or

19 (b) to conduct, promote, or sponsor or to cause or to permit to be conducted,
20 promoted, or sponsored any dance within the City and County of San Francisco without first
21 having obtained a dance permit from the Entertainment Commission.

22 (c) Any place or premises where a dance is to be held must conform to all existing health,
23 safety, and fire ordinances of the City and County of San Francisco. Proof of such shall be provided by
24 permit applicant at the time of application for a dance permit.

1 (d) Any place or premises where a dance is to be held must have a Security Plan. Proof of
2 such plan shall be provided by permit applicant at the time of application for a dance permit.

3 (e) It shall be the responsibility of any owner or manager of any building or place that rents
4 such a facility for use by others to inform any person planning to use the facility for a dance of the
5 requirement to obtain a dance permit pursuant to this section.

6 (f) This permit requirement does not apply if the location at which the dance is
7 being held has a place of entertainment permit, the permit is valid, and the place of
8 entertainment provides free drinking water as required by Section 1070.27.

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

11 Section 3. The San Francisco Police Code is hereby amended by amending Section
12 1027, to read as follows:

13 **SEC. 1027. PENALTY.**

14 Any person who ~~shall~~ violate_s any of the provisions of Sections 1023 to and including
15 1026 of this Chapter shall be guilty of an infraction. Any person who violates Sections 1023
16 through 1026 more than once in a 12 month period shall be guilty of an infraction or a
17 misdemeanor, at the discretion of the prosecutor. A violation which is an infraction is punishable by
18 a fine of not more than \$100. A violation which is a misdemeanor is punishable by ~~and, upon~~
19 ~~conviction thereof, shall be subject to~~ a fine of not less than ~~\$100~~ \$500 and not more than ~~\$500~~
20 \$1000 or by imprisonment in the jail of the City and County for a term of not more than six
21 months, or by both such fine and imprisonment.

22 Additionally, any violation of the provisions of Sections 1023 to and including 1026 of this
23 Chapter or Section 3305 of Article 33 by a permittee hereunder, or by a person in charge of the event,
24 shall be deemed cause to revoke the dance permit, or to revoke or suspend a permit granted pursuant to
25 Police Code Article 15.1 subject to a hearing by the Entertainment Commission. ~~In the alternative, any~~

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

7 Section 4. The San Francisco Police Code is hereby amended by amending Section
8 1060, to read as follows:

9 **SEC. 1060. DEFINITIONS.**

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

12 (a) "Place of Entertainment." Every premises to which patrons or members are
13 admitted which serves food, beverages, or food and beverages, including but not limited to
14 alcoholic beverages, for consumption on the premises and wherein entertainment as defined
15 in Subsections (b), (c), or (e) is furnished or occurs upon the premises.

16 (b) "Entertainment." Any act, play, review, pantomime, scene, song, dance act,
17 song and dance act, or poetry recitation, conducted or participated in by any professional
18 entertainer in or upon any premises to which patrons or members are admitted.

19 "Entertainment," in addition, is defined to mean and include the playing upon or
20 use by any professional entertainer of any instrument that is capable of or can be used to
21 produce musical sounds or percussion sounds, including but not limited to, reed, brass,
22 percussion or string-like instruments, or recorded music presented by a live disc jockey on the
23 premises.

24 (c) "Entertainment," Continued. "Entertainment" also includes a fashion or style
25 show in which the models are professional entertainers, except when conducted by a bona

1 fide nonprofit club or organization as a part of the social activities of such club or organization,
2 and when conducted solely as a fundraising activity for charitable purposes.

3 (d) "Professional Entertainer." A person who is compensated for his or her
4 performance.

5 (e) "Entertainment," Continued; Exhibition of Human Body. "Entertainment" also
6 includes the act of any female professional entertainer, while visible to any customer, who
7 exposes the breast or employs any device or covering which is intended to simulate the
8 breast, or wears any type of clothing so that the breast may be observed.

9 (f) "Person." Any person, individual, firm, partnership, joint venture, association,
10 social club, fraternal organization, joint stock company, corporation, estate, trust, business
11 trust, receiver, trustee, syndicate or any other group or combination acting as a unit excepting
12 the United States of America, the State of California, and any political subdivision of either
13 thereof.

14 (g) "Operator." Any person operating a place of entertainment in the City and
15 County of San Francisco, including, but not limited to, the owner or proprietor of such
16 premises, lessee, sublessee, mortgagee in possession, permittee or any other person
17 operating such place of entertainment or amusement.

18 (h) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious
19 or benevolent, or any other nonprofit organization having a regular membership association
20 primarily for mutual social, mental, political and civic welfare, to which admission is limited to
21 members and guests and revenue accruing therefrom shall be used exclusively for the
22 benevolent purposes of said organization and which organization or agency is exempt from
23 taxation under the Internal Revenue laws of the United States as a bona fide fraternal,
24 charitable, religious, benevolent or nonprofit organization.

25

1 (i) "Admission Charge." Any charge for the right or privilege to enter any place of
2 entertainment including a minimum service charge, a cover charge or a charge made for the
3 use of seats and tables, reserved or otherwise.

4 (j) "Tax Collector." Tax Collector of the City and County of San Francisco.

5 (k) "Security Plan." A plan that (i) provides at least 1 security guard for every 100 persons
6 authorized by the Occupancy Permit, (ii) secures a 50 foot perimeter in all directions around the
7 location of the Place of Entertainment to prevent injury to persons and/or damage to property, and (iii)
8 provides for the orderly disbursement of persons and traffic from the Place of Entertainment.

9 Section 5. The San Francisco Police Code is hereby amended by amending Section
10 1060.5, to read as follows:

11 **SEC. 1060.5. DETERMINATION OF APPLICATION.**

12 (a) When an application is filed for a new permit under this Article, the
13 Entertainment Commission shall fix a time and place for a public hearing thereon to determine
14 whether issuance of the permit would result in any of the conditions set forth in Subsection
15 (e). The hearing must be held within 45 working days of the date the completed application is
16 received.

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

23 (c) Not less than 30 days before the date of such hearing, the Entertainment
24 Commission shall cause to be posted a notice of such hearing in a conspicuous place on the
25 property in which or on which the proposed place of entertainment is to be operated. Such

1 notice shall set forth the specific type of entertainment which the applicant intends to conduct.
2 Such posting of notice shall be carried out by the Entertainment Commission, and the
3 applicant shall maintain said notice as posted the required number of days. Notice of such
4 hearing shall be mailed by the Chief of Police at least 30 days prior to the date of such
5 hearing to any person who has filed a written request for such notice.

6 (d) At the hearing, the applicant and any other interested party, including the Police
7 Department or any other public agency, shall be allowed to introduce evidence and present
8 argument. The Entertainment Commission shall make a final decision upon the application at
9 a public hearing, and shall notify the applicant, and any other interested party who has made
10 a written request, of the final decision by first class mail.

11 (e) No time limit shall commence running until the submission of a completed
12 application. Upon the applicant's request, the Entertainment Commission shall continue the
13 hearing to allow the applicant opportunity to comply with the requirements of this Article or any
14 other state or local law. Notice of the date of any continuance of the hearing shall be posted in the
15 same place and manner as the original notice for not less than seven (7) days. Upon the applicant's
16 request, the Entertainment Commission shall also issue a conditional approval of the permit
17 application, pending approval of the permit by other City agencies, if sufficient information has
18 been provided to allow for adequate evaluation of the proposal and if grounds for denial, as
19 set forth in Subsection (f), are not present.

20 (f) The Entertainment Commission shall grant a permit pursuant to this Article
21 unless ~~he or she~~ it finds that:

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

1 (ii) The building, structure, equipment or location of the proposed place of
2 entertainment cannot accommodate the type and volume of vehicle and pedestrian traffic
3 anticipated; or

4 (iii) The building, structure, equipment or location of the proposed place of
5 entertainment lack adequate safeguards to prevent emissions of noise, glare, dust and odor
6 that substantially interfere with the public health, safety and welfare or the peaceful enjoyment
7 of neighboring property; or

8 (iv) The building, structure, or location of the proposed one night event does not
9 have an adequate security plan as required by this Section.

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

14 Section 6. The San Francisco Police Code is hereby amended by amending Section
15 1060.25 to read as follows:

16 **SEC. 1060.25. PENALTY.**

17 Any person who violates any provisions of this Article shall be deemed guilty of an
18 infraction. Any person who violates this Article more than once in a 12 month period shall be guilty of
19 an infraction or a misdemeanor, at the discretion of the prosecutor. A violation which is an
20 infraction is punishable by a fine of not more than \$100. A violation which is a misdemeanor is
21 punishable and upon conviction such person shall be punished by a fine of not to exceed \$500
22 \$1000 or by imprisonment in the County Jail for a period not to exceed six months, or by both
23 such fine and imprisonment.

1 Additionally, any violation of the provisions of this Article Section 3305 of Article 33 by a
2 permittee hereunder shall be deemed cause to or to revoke or suspend a permit pursuant to Secs.
3 1060.20 and/or 1060.23 of this Article.

4 Section 7. The San Francisco Police Code is hereby amended by adding Section
5 1060.29 to read as follows:

6 **Sec. 1060.29. One Night Event Permit.**

7 (a) It shall be unlawful for any person without a valid Place of Entertainment permit to
8 conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or sponsored any one
9 night occurrence of "entertainment" as defined by this Article without first obtaining a One Night
10 Event permit from the Entertainment Commission.

11 (b) Any place or premises for which a permit to operate a one night event is sought must
12 conform to all existing health, safety, zoning and fire ordinances of the City and County of San
13 Francisco; must have a valid public eating place permit from the Department of Public Health, and is
14 subject to all other requirements of this Article. The Entertainment Commission may issue a permit
15 under this Section conditional upon the applicant receiving the other required permits.

16 (c) Every person desiring a permit pursuant to this Article shall file an application with the
17 Entertainment Commission upon a form provided by the Entertainment Commission and shall pay a
18 filing fee. Every application for a permit under this Article shall be verified as provided in the
19 California Code of Civil Procedure for the verification of pleadings.

20 (d) Any place or premises where a one night event is to be held must have a Security Plan.
21 Proof of such shall be provided by permit applicant at the time of application for a one night event
22 permit.

23 (e) The Entertainment Commission shall grant a permit pursuant to this Article unless it
24 finds that:

1 (i) The building, structure, equipment or location of the proposed one night event
2 does not comply with or fails to meet all of the health, zoning, fire and safety requirements or standards
3 of all the laws of the State of California or ordinances of the City and County of San Francisco
4 applicable to such business operation; or

5 (ii) The building, structure, equipment or location of the proposed one night event
6 cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated; or

7 (iii) The building, structure, equipment or location of the proposed one night event
8 lack adequate safeguards to prevent emissions of noise, glare, dust and odor that substantially interfere
9 with the public health, safety and welfare or the peaceful enjoyment of neighboring property.

10 (iv) The building, structure, or location of the proposed one night event does not
11 have an adequate security plan as required by this Section.

12 (f) An applicant whose application for a permit has been denied pursuant to this Section
13 may appeal to the Board of Permit Appeals. The applicant is required to exhaust his or her
14 administrative remedies before the Board of Appeals.

15 Section 8. The San Francisco Police Code is hereby amended by amending Section
16 2.26, to read as follows:

17 **SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.**

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

21 TYPE OF PERMIT	FILING FEE
22 Permit Amendment/Additional Partner	\$ 81
23 Amusement Park	871
24 Antique Shop	558
25 Auto Wrecker	664

1	Ball or Ring Throwing Games	477
2	Balloon and Kite Advertising	367
3	Billiard Parlor	456
4	Bingo Games	112
5	Amendment to Permit	112
6	Circus	648
7	Closing-Out Sale	413
8	Dance Hall Keeper	1,401
9	Amendment to Permit	660
10	One Night Dance	40
11	Dealer in Firearms and/or Ammunition	961
12	Renewal	218
13	Discharge of Cannon	400
14	Distributor of Advertising	
15	Class A	524
16	Class B	459
17	Driverless Auto Rental	631
18	Encounter Studio	
19	Owner	725
20	Employee	202
21	Escort Service	
22	Owner	709
23	Employee	202
24	Extended Hours Permit	1,401
25	Amendment to Permit	660

1	Fortuneteller	357
2	Funeral Procession Escort	224
3	Insignia and Uniform	13
4	General Soliciting Agent	252
5	Itinerant Show	680
6	Itinerant Show/Nonprofit [fee set by Police Code Section 1017.2]	100
7	Junk Dealer	945
8	Junk Gatherer	
9	Resident	439
10	Nonresident	370
11	Licensed Tour Guide	272
12	Loudspeaker	
13	Commercial	416
14	Noncommercial	49
15	Vehicle	416
16	Masked Ball	779
17	Massage Establishment	1,684
18	Masseur/Masseuse	202
19	Trainee	202
20	Mechanical Amusement Devices	568
21	Mechanical Contrivance	568
22	Miniature Golf Course	586
23	Mobile Caterer	775
24	Additional Stop	73
25	Assistant	73

1	Transfer of Stop	73
2	Museum	645
3	Nude Models in Public Photographic Studio	
4	Owner	704
5	Employee	202
6	Off-Heliport Landing Site	477
7	<u>One Night Event</u>	<u>255</u>
8	Outcall Massage	462
9	Pawnbroker	763
10	Peddler	
11	Fish, Vegetables, Fruit	525
12	Food for Human Consumption	525
13	Nonfood	330
14	Employee	77
15	Pedicab Driver	77
16	Pedicab Owner	
17	First Pedicab	372
18	Each Additional Pedicab	84
19	Photographer, Public Place	
20	Owner	429
21	Solicitor	77
22	Photographic Solicitor	
23	Owner	429
24	Employee	77
25	Place of Entertainment	1,401

1	Amendment to Permit	660
2	Poker	894
3	Amendment to Permit	79
4	Public Bathhouse	1,122
5	Public Outcry Sales	716
6	Pushcart Peddler	594
7	Recreational Equipment Vendor	408
8	Rodeo Exhibition/Wild West Show	651
9	Second Hand Dealer	558
10	Second Hand Dealer, Auto Accessories	558
11	Shooting Gallery	723
12	Skating Rink	693
13	Street Photographer	
14	Owner	379
15	Solicitor	231
16	Tow Car Driver	198
17	Tow Car Firm	575
18	Trade-In Dealer	713
19	///	
20	///	
21	///	
22	///	
23	///	
24	///	
25	///	

1	Valet Parking	
2	Fixed Location	535
3	Annual Special Event	350
4	Vehicle for Hire, Nonmotorized	644

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

8 By: VIRGINIA DARIO ELIZONDO
9 Deputy City Attorney

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