

[Police Code - Prohibiting Public Nudity]

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

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

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

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

14 **SEC. 154. PROHIBITING PUBLIC NUDITY.**

15 (a) A person may not expose his or her genitals, perineum, or anal region on any public street,
16 sidewalk, street median, parklet, or plaza, or in any transit vehicle, station, platform, or stop of any
17 government operated transit system in the City and County of San Francisco.

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

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

(d) Upon the third or subsequent conviction under this Section 154 within twelve months of the
first violation, such person shall be guilty of an infraction or a misdemeanor. The complaint charging

1 such violation shall specify whether, in the discretion of the District Attorney, the violation is an
2 infraction or a misdemeanor. If charged as an infraction, upon conviction, the violator shall be
3 punished by a fine not to exceed \$500. If charged as a misdemeanor, upon conviction, the violator
4 shall be punished by a fine not to exceed \$500 or by imprisonment in the County Jail for a period not to
5 exceed one year or by both such fine and imprisonment.

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

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

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

20 Section 3. Effective Date. This ordinance shall become effective 30 days from the
21 date of passage.

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

24 By: _____
25 ADINE VARAH
Deputy City Attorney