

1 [Regulating Fortunetellers.]

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3 **Ordinance repealing Section 162 of the San Francisco Police Code relating to**
4 **advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police**
5 **Code requiring fortunetellers to obtain a permit, setting forth permit procedures,**
6 **regulating business by prohibiting deceptive acts and requiring receipts, rate**
7 **schedules, and identification cards, requiring permit number on advertisements,**
8 **allowing license inspections, and setting forth the penalty for violations of these**
9 **sections; and amending San Francisco Police Code Section 2.26 setting forth permit**
10 **and filing fees.**

11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~strikethrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. The San Francisco Police Code is hereby amended by repealing Section
16 162, to read as follows:

17 ~~SEC. 162. FORTUNE TELLING, ETC., ADVERTISING AND CARRYING ON~~
18 ~~BUSINESS OF, PROHIBITED.~~

19 ~~It shall be unlawful for any person or persons to advertize (by sign, circular, handbill or~~
20 ~~in any newspaper, periodical or magazine, or other publication or publications, or by any other~~
21 ~~means) to tell fortunes, to practice phrenology, to find or restore lost or stolen property, to~~
22 ~~locate oil wells, gold or silver or other ore or metal or natural product, to restore lost love or~~
23 ~~friendship or affection, to unite or procure lovers, husbands, wives, lost relatives or friends, for~~
24 ~~or without pay; by means of occult or psychic powers, faculties or forces, clairvoyance,~~
25 ~~psychology, psychometry, spirits mediumship, seership, prophecy, astrology, palmistry,~~

1 necromancy, or other crafty science, cards, talismans, charms, potions, magnetism or
2 magnetized articles or substances, Oriental mysteries or magic of any kind or nature; or to
3 engage in or carry on any business the advertisement of which is prohibited by this Section;
4 provided that nothing in this Section shall apply to any ordained or duly accredited minister of
5 any form of religious belief, or to the faith, practice or teaching of any religious body; provided
6 that fees, gratuities, emoluments or profits therefor shall be paid solely to or for the benefit of
7 said religious body.

8 Section 2. The San Francisco Police Code is hereby amended by adding Section
9 1300 to 1321, as follows:

10 Sec. 1300. Purpose. The purpose of this legislation is to regulate fortunetellers, psychics, and
11 other similar businesses so that the City and County of San Francisco can efficiently and thoroughly
12 investigate fraud and deception; protect the public by preventing people who have been charged
13 with ~~with a history of~~ deceptive practices from having easy access to persons who may be vulnerable
14 to fraud or confidence games; and to ensure that consumers are provided with information regarding
15 services, rates, and complaint procedures, and to foster a positive business environment for
16 legitimate practitioners within this industry.

17 Sec. 1301. Permit Required for Fortunetelling. It shall be unlawful for any person to advertise
18 or offer or engage in the activity, enterprise, profession, trade, or undertaking of fortunetelling with the
19 object of gain, benefit or advantage, whether direct or indirect, without a valid permit issued by the San
20 Francisco Police Department. Gain, benefit or advantage includes but is not limited to economic
21 remuneration of any kind, including authorization to use credit issued to another, use of another's
22 property or assets, loans, or the provision of tangible items.

23 Sec. 1302. Definitions.

24 (a) Fortunetelling shall mean the telling of fortunes, forecasting of futures, or reading the
25 past, or furnishing of any information not otherwise obtainable by the ordinary process of

1 ~~knowledge~~, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy,
2 psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee
3 grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury,
4 astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm,
5 potion, magnetism, magnetized article or substance, or by any such similar thing or act. It shall also
6 include effecting spells, charms, or incantations, or placing, or removing curses or advising the taking
7 or administering of what are commonly called love powders or potions in order, for example, to get or
8 recover property, stop bad luck, give good luck, put bad luck on a person or animal, stop or injure the
9 business or health of a person or shorten a person's life, obtain success in business, enterprise,
10 speculation and games of chance, win the affection of a person, make one person marry or divorce
11 another, induce a person to make or alter a will, tell where money or other property is hidden, make a
12 person to dispose of property in favor of another, or other such similar activity.

13 (b) Fortunetelling shall also include pretending to perform these actions.

14 (c) Person as used in Sections 1300 to 1321 shall mean an individual. Corporations and
15 other legal entities shall not be entitled to a fortuneteller permit.

16 Sec. 1303. Exception. Sections 1300 through 1321 shall not apply:

17 (a) To persons solely by reason that the person is engaged in the business of entertaining
18 the public by demonstrations of mindreading, mental telepathy, thought conveyance, magic, giving of
19 horoscopic readings or other fortunetelling at public places and in the presence of and within the
20 hearing of other persons, and where any questions answered as part of such entertainment may be
21 heard by all persons present at such public place.

22 (b) To persons conducting or participating in any religious ceremony as a minister,
23 missionary, medium, healer, or clairvoyant, hereinafter collectively referred to as minister, from any
24 bona fide church or religious association ~~maintaining a church and holding that conducts~~ regular
25

1 services and has a creed or set of religious principles that is recognized by all churches groups of
2 like faith, provided that:

3 (1) The benefit, gain or advantage shall be regularly accounted for and paid solely to or for
4 the benefit of the bona fide church or religious association except that the bona fide church or religious
5 association may pay to its ministers a salary or compensation based upon a percentage only, pursuant
6 to an agreement between the church and the ministers that is embodied in a resolution and transcribed
7 in the minutes of such church or religious association.

8 (2) The minister holds a certificate of ordination from such bona fide church or religious
9 association.

10 Sec. 1304. Application for Permit for Fortunetelling. Application shall be on a form provided
11 by the SFPD and shall include:

12 (a) The full true name under which the business will be conducted.

13 (b) The applicant's full true name, and other names used, date of birth, California Driver's
14 License or passport or other government-issued identification, social security number, present
15 residence address and telephone numbers.

16 (c) A copy of any fictitious business name statement under which the applicant is or intends to
17 operate.

18 (d) The name or names under which the permittee will be identifying himself or herself to the
19 public.

20 (e) The present or proposed address where the business will be conducted. If the business is to be
21 conducted in a street location or other location that is not fixed, the applicant shall so indicate,
22 and provide the applicant's home address.

23 (f) The applicant's gender, height, weight, color of hair, and color of eyes.

24 (g) All addresses at which the applicant has resided within five years prior to the application.

- 1 (h) The applicant's business, occupation, and employment history for the five years preceding the
2 date of the application.
- 3 (i) The occupational permit history of the applicant, including whether such person has ever had
4 a permit or license issued for any fortunetelling or related business, by any agency, board, city,
5 city and county, county, territory or state, the issuing agency, the date of issuance, and whether the
6 permit was suspended or revoked and the reasons therefore.
- 7 (j) The address, City and State, and the approximate dates where and when the applicant
8 practiced a similar business, either alone or in conjunction with others.
- 9 (k) All convictions of any crime within the seven years prior to the application other than
10 traffic offenses, whether in California or elsewhere, relating to fraud, theft, burglary, ~~sex~~
11 offenses, ~~use of violence, deceit, false impersonation, or permit violations~~ or any other crime
12 involving moral turpitude.
- 13 (l) ~~Any other~~ Information requested by the Chief of Police necessary to ascertain the truth of the
14 matters specified and required on the application.
- 15 (m) A full set of fingerprints to be taken by the SFPD.
- 16 (n) Photographs to be taken by the SFPD; ~~Two recent passport sized photographs that~~
17 ~~accurately reflect the applicant's likeness.~~
- 18 (o) The required application fee as set forth in the Administrative Code.
19 Sec. 1305. Permit Grant or Denial.
- 20 (a) Upon receipt of a completed application, the Chief of Police shall calendar the
21 permit for public hearing within 30 days. The Chief shall grant or deny the application within
22 15 days of the hearing. The applicant may appeal the denial of the application to the Board of
23 Appeal, or may file a writ of mandate with the Superior Court.
- 24 (b) The Chief of Police shall grant the permit unless the Chief finds:
- 25

1 (a 1.) — The location fails to meet the zoning, health and safety, fire, or other code
2 requirements for the business.

3 (b 1.) The applicant has been convicted of a felony or two or more misdemeanors a
4 crime relating to fraud, theft, burglary, sex offenses, use of violence, deceit, false
5 impersonation, or permit violations or any other crime involving moral turpitude within the
6 seven years prior to the date of application.

7 (c 2.) The applicant has previously had an occupational permit revoked or suspended
8 for violation of permitting conditions within the seven years prior to the date of application.

9 (d 3.) The applicant has failed to provide required information required by this
10 chapter or has provided false or misleading information required by this chapter to the Police
11 Department or other City agency.

12 (e 4) The applicant has failed to pay the required fees.

13 Sec. 1306. Suspension, Revocation, or Reinstatement of Fortunetelling Permit.

14 When the Chief of Police determines that the permittee is violating or is attempting to violate
15 (as defined in Penal Code Section 664) any law of the State of California relating to fraud, theft,
16 burglary, use of violence, deceit, false impersonation, or is violating or attempting to violate (as
17 defined in Penal Code Section 664) any ordinance of the City and County of San Francisco or
18 the rules and regulations of the Police Department, permit restrictions or ordinances that are
19 applicable to the business, or has made material misrepresentations on the permit application or
20 other required reports, the Chief of Police, after written notice to the permittee, shall have the power to
21 suspend and, after due and proper hearing, shall have the power to revoke, any permit issued under the
22 provisions of Sections 1300 - 1321 inclusive. When suspended or revoked, the permittee shall
23 immediately surrender the permit to the Police Department's Permit Bureau.

24 The Chief of Police shall cause to be forwarded to the Tax Collector written notice of any
25 revocation, suspension or reinstatement of any permit herein provided for.

1 The permittee shall be prohibited from applying for a fortunetelling permit for one year
2 following denial or revocation of a fortunetelling permit.

3 The permittee may appeal the revocation to the Board of Appeal.

4 Sec. 1307. Permit Forwarded to Tax Collector; Payment of License Fees.

5 When the Chief of Police issues a permit under the provisions of this Article, the Chief of Police
6 shall cause such permit to be forwarded to the office of the Tax Collector for delivery to the permittee
7 upon the payment of the license fees.

8 Sec. 1308. Renewal of Permit.

9 A permit for fortunetelling shall be renewed as set forth in Sections 2.8 and 2.10 of this Code.

10 Sec. 1309. License Fees. Every holder of a fortuneteller's permit shall pay at the office of the
11 Tax Collector an annual license fee, payable in advance. The permit is not valid unless the license fee
12 has been paid.

13 Sec. 1310. Removal or Transfer of Permit or License Prohibited.

14 Nothing in Sections 1300 – 1321, inclusive, shall permit the removing or transferring of the
15 permit or license to any ~~other location or person other than those for which or for whom the permit~~
16 or license was originally issued.

17 Sec. 1311. Deceptive Acts. Fortunetellers shall not engage in unfair or deceptive practices
18 within the meaning of California Business and Professions Code § 17200, during the conduct of
19 any fortunetelling activities.

20 Sec. 1312. Receipts.

21 (a) The fortuneteller shall issue a written receipt that shall include the name of the permittee
22 who provided the services, the permittee's permit number, the services rendered, the amount charged for
23 each service provided, and the amount paid or expected. If payment is made in a method other than
24 cash, check, or credit card, the receipt shall so indicate.

25 (b) The permittee must keep copies of receipts for five years from date of issuance.

1 Sec. 1313. Identification Cards. The Chief of Police shall provide each fortuneteller granted a
2 permit with an identification nameplate that shall contain a photograph, right thumbprint, name, and
3 permit number of the permittee. The permittee must post the identification nameplate in a location
4 clearly visible from the place where the fortuneteller tells fortunes or otherwise engages in the activity
5 regulated by this article. The Department shall charge a fee for each identification nameplate issued
6 as set annually by the San Francisco Police Commission.

7 Sec. 1314. Rate Schedule and Complaint Procedure.

8 (a) When a fortuneteller operates at a roving or unfixed location, the fortuneteller shall
9 provide a written copy of rate information to the customer that shall be printed in plain, legible letters.
10 The rate document shall include a statement that if the customer has complaints, the customer may
11 phone the City and County of San Francisco at 551-9595San Francisco Police Department
12 Permit Bureau at 553-1115.

13 (b) When a fortuneteller operates out of a fixed location, the fortuneteller shall post rate
14 information in a conspicuous place accessible by the patrons at the fixed location on a sign at least 8 x
15 10 inches in 14 pt. type. The signage shall also include a statement that if the customer has complaints,
16 the customer may phone ~~the San Francisco Police Department Permit Bureau at 552-1115.~~ the City
17 and County of San Francisco at 551-9595.

18 (c) If the fortuneteller operates by donation or an indirect method of payment, including
19 remuneration that is at the discretion of the customer, the schedule of rates shall so indicate.

20 (d) The rates published shall be the only rates charged.

21 Sec. 1315. Advertising. All persons who advertise fortunetelling shall include in the
22 advertising the number of the permit issued by the San Francisco Police Department.

23 Sec. 1316. Updated Information. When any of the information required by this Article or
24 provided by the applicant changes, the permit holder shall within 15 days of the change provide to the
25 Police Department's Permit Bureau in writing the updated information.

1 Sec. 1317. Effective Date. Any person operating as a fortuneteller within the City and County
2 of San Francisco when ordinance enacted, shall have three months from the effective date of the Article
3 to obtain a permit.

4 Sec. 1318. Rules and Regulations to be Adopted. The Chief of Police may, after a public
5 hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the
6 intent of Sections 1300 to 1321. If the Chief adopts such rules and regulations, the Chief shall
7 mail copies of the rules and regulations to all holders of permits under this Chapter.

8 Sec. 1319. Ascertainment of Compliance With All Law; Inspections Therefore

9 It shall be the duty of the Chief of Police to ascertain that all laws of the State of California, the
10 provisions of Sections 1300 to 1321, inclusive, all ordinances of the City and County of San Francisco,
11 and the rules and regulations of the Police Department are strictly complied with, and for that purpose
12 the representatives of the Police Department shall have access to any fortunetelling business at all
13 hours the business is in operation. If the location is also a residence, the Police Department's
14 right to inspect shall be limited to the areas where the officer reasonably believes that the
15 fortunetelling business is conducted. The Police may also ~~and may~~ request that a permittee
16 provide copies of documents required to be kept. ~~The Police Department shall inspect as often as~~
17 it deems necessary.

18 Sec. 1320. Penalty. Any person violating any provision of this section shall be guilty of a
19 misdemeanor or an infraction. The complaint charging such violation shall specify whether the
20 violation is a misdemeanor or infraction, which decision shall be that of the District Attorney.

21 If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less
22 than \$100 or more than \$500, and/or community service, for each provision violated.

23 If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not
24 less than \$200 or more than \$800, and/or community service, for each provision violated, or by
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1 imprisonment in the County Jail for a period of not more than six months, or by both such fine and
2 imprisonment.

3 In any accusatory pleading charging a violation of this section, if the defendant has been
4 previously convicted of a violation of this section, each such previous violation and conviction may be
5 charged in the accusatory pleading. Any person violating any provision of this section a second time
6 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more
7 than \$900, and/or community service, for each provision violated, or by imprisonment in the County
8 Jail for a period of not more than six months, or by both such fine and imprisonment. Any person
9 violating any provision of this section a third time, and each subsequent time shall be guilty of a
10 misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$1,000, and/or
11 community service, for each provision violated, or by imprisonment in the County Jail for a period of
12 not more than six months, or by both such fine and imprisonment.

13 Sec. 1321. Severability Clause. If any provision or clause of this ordinance or the application
14 thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any
15 court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or
16 applications, and to this end the provisions and clauses of this ordinance are declared to be severable.

17 Section 3. The San Francisco Police Code Sections 2.26 is hereby amended to add
18 a fee for fortunetellers as follows:

19 **Sec. 2.26 Schedule of Permits and Filing Fees.**

20 The following filing fees, payable in advance to the Police Department, are required
21 when submitting applications for permits to the Police Department or Entertainment
22 Commission:

23 TYPE OF PERMIT FILING FEE

24 Permit Amendment/Additional Partner \$ 81

25 Amusement Park 871

- 1 Antique Shop 558
- 2 Auto Wrecker 664
- 3 Ball or Ring Throwing Games 477
- 4 Balloon and Kite Advertising 367
- 5 Billiard Parlor 456
- 6 Bingo Games 112
- 7 Amendment to Permit 112
- 8 Circus 648
- 9 Closing-Out Sale 413
- 10 Dance Hall Keeper 1,401
- 11 Amendment to Permit 660
- 12 One Night Dance 40
- 13 Dealer in Firearms and/or Ammunition 961
- 14 Renewal 218
- 15 Discharge of Cannon 400
- 16 Distributor of Advertising
- 17 Class A 524
- 18 Class B 459
- 19 Driverless Auto Rental 631
- 20 Encounter Studio
- 21 Owner 725
- 22 Employee 202
- 23 Escort Service
- 24 Owner 709
- 25 Employee 202
- 26 Extended Hours Permit 1401
- 27 Amendment to Permit 660

1	<u>Fortuneteller</u> 295
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 Outcall Massage 462
- 8 Pawnbroker 763
- 9 Peddler
- 10 Fish, Vegetables, Fruit 525
- 11 Food for Human Consumption 525
- 12 Nonfood 330
- 13 Employee 77
- 14 Pedicab Driver 77
- 15 Pedicab Owner
- 16 First Pedicab 372
- 17 Each Additional Pedicab 84
- 18 Photographer, Public Place
- 19 Owner 429
- 20 Solicitor 77
- 21 Photographic Solicitor
- 22 Owner 429
- 23 Employee 77
- 24 Place of Entertainment 1,401
- 25 Amendment to Permit 660

- 1 Poker 894
- 2 Amendment to Permit 79
- 3 Public Bathhouse 1,122
- 4 Public Outcry Sales 716
- 5 Pushcart Peddler 594
- 6 Recreational Equipment Vendor 408
- 7 Rodeo Exhibition/Wild West Show 651
- 8 Second Hand Dealer 558
- 9 Second Hand Dealer, Auto Accessories 558
- 10 Shooting Gallery 723
- 11 Skating Rink 693
- 12 Street Photographer
- 13 Owner 379
- 14 Solicitor 231
- 15 Tow Car Driver 198
- 16 Tow Car Firm 575
- 17 Trade-In Dealer 713
- 18 Valet Parking
- 19 Fixed Location 535
- 20 Annual Special Event 350
- 21 Vehicle for Hire Nonmotorized 644

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

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

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

2	TYPE OF PERMIT	LICENSE FEE
3	Amusement Park	\$ 310
4	Antique Shop	52
5	Auto Wrecker	408
6	Ball or Ring Throwing Games	136
7	Balloon and Kite Advertising	75 per quarter
8	Billiard Parlor	
9	First Table	125
10	Each Additional Table	12
11	Bingo Game	66
12	Cabaret	263
13	Circus	275 per day
14	Dance Hall Keeper	354
15	Dealer in Firearms and/or Ammunition	378
16	Discharge of Cannon	41 per day
17	Distributor of Advertising	
18	Class A	112
19	Class B	29
20	Driverless Auto Rental	269
21	Encounter Studio	
22	Owner	426
23	Employee	48
24	Escort Service	
25	Owner	432

1	Employee	75	
2	Extended Hours Permit	347	
3	<u>Fortuneteller</u>	<u>40</u>	
4	Funeral Procession Escort	96	
5	General Soliciting Agent	74	
6	Itinerant Show, Each Concession	36 per day	
7	Junk Dealer	454	
8	Junk Gatherer		
9	Resident	86	
10	Nonresident	86	
11	Licensed Tour Guide	128	
12	Loudspeaker, Commercial	135	
13	Masked Ball	194 per day	
14	Massage Establishment	463	
15	Masseur/Masseuse	75	
16	Trainee	75 per 90-day permit	
17	Mechanical Amusement Devices		
18	First Machine	190	
19	Each Additional Machine	29	
20	Mechanical Contrivance		
21	First Machine	144	
22	Each Additional Machine	22	
23	Miniature Golf Course	137	
24	Mobile Caterer	582	
25	Assistant	41	

1	Museum	172	
2	Nude Models in Public Photography Studio		
3	Owner	408	
4	Employee	75	
5	Off-Heliport Landing Site		32 per day
6	Outcall Massage	393	
7	Pawnbroker	447	
8	Peddler		
9	Fish, Vegetables, Fruit		624
10	Food for Human Consumption		624
11	Nonfood	166	
12	Employee	67	
13	Pedicab Driver		22
14	Pedicab Owner		
15	First Pedicab	277	
16	Each Additional Pedicab		139
17	Photographer, Public Place		
18	Owner	172	
19	Solicitor	66	
20	Photographic Solicitor		
21	Owner	139	
22	Employee	66	
23	Place of Entertainment		347
24	Poker	261	
25	Public Bathhouse	364	

1	Public Outcry Sales	246	
2	Pushcart Peddler	624	
3	Recreational Equipment Vendor	261	
4	Rodeo Exhibition/Wild West Show		125 per day
5	Second Hand Dealer	53	
6	Second Hand Dealer, Auto Accessories		53
7	Shooting Gallery	136	
8	Skating Rink	300	
9	Street Photographer		
10	Owner	137	
11	Solicitor	67	
12	Tow Car Driver	28	
13	Tow Car Firm		
14	First Tow Truck	457	
15	Each Additional Tow Truck	182	
16	Trade-In Dealer	513	
17	Valet Parking		
18	Fixed Location	222	
19	Annual Special Event	139	
20	Vehicle for Hire, Nonmotorized		139

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

By: _____

Margaret W. Baumgartner
Deputy City Attorney

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