

1 [Booths and other private spaces in places of entertainment and extended hours premises.]

2 **Ordinance amending Sections 1060.10 and 1070.13 of the Police Code to state the**  
 3 **visibility requirement applicable to booths and other private spaces in Places of**  
 4 **Entertainment and Extended-Hours Premises; to state the purpose of the visibility**  
 5 **requirement; and to authorize the Entertainment Commission to adopt regulations**  
 6 **implementing the visibility requirement.**

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

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

11 Section 1. The San Francisco Police Code is hereby amended by amending Sections  
 12 1060.10 and 1070.13, to read as follows:

13 **SEC. 1060.10. BOOTHS AND OTHER PRIVATE SPACES.**

14 (a) Prohibition. It shall be unlawful for any person operating a place of entertainment  
 15 under the provisions of this Article in the City and County of San Francisco, or any agent,  
 16 employee or representative thereof, to erect, construct, maintain, or cause or permit to be  
 17 erected, constructed or maintained, within such place of entertainment any private space  
 18 (private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of  
 19 any nature), so arranged that the entire inner portion of the same private space is shall not at all  
 20 times be readily visible to patrons, employees, and police or other City personnel from the common  
 21 area of the premises adjacent to the private space any point in the place of entertainment where such  
 22 rooms, booths, enclosures, compartments, stalls or alcoves should be reasonably within view.

23 (b) Purpose. The purpose of the prohibition in subsection (a) is to prevent unlawful acts,  
 24 including but not limited to prostitution, criminal exploitation of youth, and drug offenses, from  
 25 occurring in said private spaces and to facilitate detection of unlawful acts should they occur there.

1 The Board of Supervisors intends that implementation and enforcement of the prohibition be guided by  
2 this purpose.

3 (c) Rulemaking. The Entertainment Commission, in consultation with the Police  
4 Department, may adopt regulations that define standards for compliance with the "readily visible"  
5 standard set forth in subsection (a). Said regulations shall take into account the needs of criminal law  
6 enforcement, the financial impact on permit applicants and permittees, the goal of achieving  
7 consistency in enforcement of subsection (a) throughout the City, and other factors that the  
8 Commission determines will promote the public health, safety, or welfare. Said regulations may cover  
9 all permittees or Places of Entertainment, or one or more subgroup of permittees or Places of  
10 Entertainment as reasonably defined by the Commission.

11 **SEC. 1070.13. BOOTHS AND OTHER PRIVATE SPACES.**

12 (a) Prohibition. It shall be unlawful for any person operating an extended-hours  
13 premises under the provisions of this Article, in the City and County of San Francisco, or any  
14 agent, employee or representative thereof, to erect, construct, maintain, or cause or permit to  
15 be erected, constructed or maintained, within such extended-hours premises any private space  
16 (private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of  
17 any nature), so arranged that the entire inner portion of the same private space is shall not at all  
18 times ~~be~~ readily visible to patrons, employees, and police or other City personnel from the common  
19 area of the premises adjacent to the private space ~~any point in the extended-hours premises where such~~  
20 rooms, booths, enclosures, compartments, stalls, or alcoves should be reasonably within view.

21 (b) Purpose. The purpose of the prohibition in subsection (a) is to prevent unlawful acts,  
22 including but not limited to prostitution, criminal exploitation of youth, and drug offenses, from  
23 occurring in said private spaces and to facilitate detection of unlawful acts should they occur there.  
24 The Board of Supervisors intends that implementation and enforcement of the prohibition be guided by  
25 this purpose.

1           (c) Rulemaking. The Entertainment Commission, in consultation with the Police  
2 Department, may adopt regulations that define standards for compliance with the "readily visible"  
3 standard set forth in subsection (a). Said regulations shall take into account the needs of criminal law  
4 enforcement, the financial impact on permit applicants and permittees, the goal of achieving  
5 consistency in enforcement of subsection (a) throughout the City, and other factors that the  
6 Commission determines will promote the public health, safety, or welfare. Said regulations may cover  
7 all permittees or Extended-Hours Premises, or one or more subgroup of permittees or Extended-Hours  
8 Premises as reasonably defined by the Commission.

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

12 By: \_\_\_\_\_  
13 PAUL ZAREFSKY  
14 Deputy City Attorney