

1 [Restricting the use of mobile telephones at public performances.]

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3 **Ordinance amending the Police Code by adding a new Article 50 to prohibit the use of**
4 **mobile telephones in places of public performance.**

5 Note: Additions are single-underline italics Times New Roman;
6 deletions are ~~strikethrough italics Times New Roman~~.
7 Board amendment additions are double underlined.
8 Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. The San Francisco Police Code is hereby amended by adding Article 50, to
10 read as follows:

11 Sec. 5000. DEFINITIONS

12 (a) “Mobile telephone” shall mean a wireless telephone or other similar communications
13 device that can be used for two-way voice communications and that is connected to the public switched
14 telephone network.

15 (b) “Use” shall mean to receive a mobile telephone call signaled by an audible sound, or to
16 talk on a mobile telephone. For purposes of this Article, “use” shall not include accessing voicemail,
17 text messaging or otherwise operating a mobile telephone without speaking or generating audible
18 sounds.

19 (c) “Place of public performance” shall mean the area, room, or chamber of any indoor
20 theater, library, museum, motion picture theater, concert hall or building in which theatrical, musical,
21 dance, motion picture, lecture or other similar performances are exhibited. For purposes of this
22 section, professional or amateur sporting events shall not be considered similar performances.

23 SEC. 5001. USE OF MOBILE TELEPHONES IN PLACES OF PUBLIC PERFORMANCE
24 PROHIBITED.

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1 *It shall be unlawful for any person to use a mobile telephone in a place of public performance*
2 *while a theatrical, musical, dance, motion picture, lecture or other similar performance is taking place.*

3 **SEC. 5002. EXCEPTIONS.**

4 *The requirements in Section 5001 shall not apply to:*

5 *(a) any person using a mobile telephone to contact an emergency response operator,*
6 *hospital, physician's office or health clinic, ambulance service, fire department, or police department*
7 *or other law enforcement agency in an emergency situation or any other circumstance which may be*
8 *deemed an emergency; or*

9 *(b) any law enforcement, security, medical and emergency response personnel or*
10 *government official who receives a call related to an emergency.*

11 **SEC. 5003. NOTICE REQUIREMENTS**

12 *(a) The owner, operator, manager or other person having control of any place of public*
13 *performance shall, at every theatrical, musical, dance, motion picture, lecture or other similar*
14 *performance provide prominent and conspicuous notice to patrons by means of announcement,*
15 *signage, printed material, or other similar means indicating that mobile telephone use is prohibited*
16 *pursuant to this section.*

17 *(b) In addition, the owner, operator, manager or other person having control of any motion*
18 *picture theatre in which motion pictures are exhibited to the public shall, prior to the showing of each*
19 *feature motion picture, cause to be shown upon the screen information indicating that mobile telephone*
20 *use is prohibited pursuant to this section.*

21 *(c) The Director of Public Health shall promulgate standards for the notices required by*
22 *this section, including requirements governing the wording, lettering and placement of such notices.*

23 **SEC. 5004. PENALTY**

24 *Any person who violates Section 5001 of this Article shall be guilty of an infraction. Any person*
25 *who violates Section 5001 of this Article more than once in a 12 month period shall be guilty of an*

1 infraction or a misdemeanor, at the discretion of the prosecutor. A violation which is an infraction is
2 punishable by a fine of not more than \$100. A violation which is a misdemeanor is punishable by a fine
3 of not more than \$500.

4 SEC. 5005. DISCLAIMER.

5 In regulating the use of mobile telephones under this Article, the City and County of San
6 Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it
7 imposing on its officers and employees, an obligation for breach of which it is liable in money damages
8 to any person who claims that such breach proximately caused injury.

9 SEC. 5006. SEVERABILITY.

10 If any of the provisions of this Article or the application thereof to any person or circumstance
11 is held invalid, the remainder of this Code, including the application of such part or provisions to
12 persons or circumstances other than those to which it is held invalid, shall not be affected thereby and
13 shall continue in full force and effect. To this end, the provisions of this Article are severable.

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

16 By: _____
17 DAVID A. GREENBURG
18 Deputy City Attorney