

1 [Use of Calls for Emergency Medical Services in Suspension Hearings for Place of
2 Entertainment and Extended Hours Premises Permits]
3 AMENDING ARTICLE 15.1, SECTION 1060.20 AND ARTICLE 15.2, SECTION 1070.17 OF
4 THE SAN FRANCISCO MUNICIPAL (POLICE) CODE TO PROHIBIT THE CHIEF OF
5 POLICE FROM USING CALLS FOR AMBULANCES OR OTHER EMERGENCY MEDICAL
6 SERVICES IN PERMIT SUSPENSION HEARINGS FOR PLACES OF ENTERTAINMENT
7 AND EXTENDED HOURS PREMISES

8 Note: Additions are underlined; deletions are in ((double parentheses)).

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

10 Section 1. Article 15.1 of the San Francisco Municipal (Police) Code is hereby
11 amended by amending Section 1060.20, to read as follows:

12 **SEC. 1060.20. SUSPENSION AND REVOCATION.**

13 (a) Any permit issued under the terms of this Article may be suspended at any time by the
14 Chief of Police if the Chief of Police determines after a noticed public hearing that any of the
15 following conditions exist:

16 (1) The building, structure, equipment or location of the proposed place of entertainment does
17 not comply with or fails to meet all of the health, zoning, fire and or ordinances of the City and
18 County of San Francisco applicable to such business operation; or

19 (2) The establishment has been operated in a manner that has harmed the public health,
20 safety or welfare by significantly increasing pedestrian traffic, the incidence of disorderly
21 conduct, or the level of noise in the area in which the premises are located, and the permittee
22 has failed, after being requested by the Police Department to do so, to take reasonable steps
23 to alleviate these conditions, such as providing additional off-street parking, security,
24 soundproofing, restroom facilities, or refuse containers; or

25
SUPERVISOR LENO, BIERMAN, Becerril
BOARD OF SUPERVISORS

1 (3) The proprietor or person or persons in charge thereof have violated, permitted the
2 violation, or failed to take reasonable steps, after being requested by the Police Department to
3 do so, to halt violations on the premises or in connection with the operation of the
4 establishment of any following laws of the State of California: Penal code Sections 266h, 266i,
5 315, 316, 330, 337a, 647(b); Business and Professions Code Sections 23300, 25602, 25631,
6 25657, 25658; Health and Safety Code Sections 11351, 11352, 11359, 11360, 11378, 11379,
7 11378.5, 11379.5; or, the proprietor or persons in charge thereof have implemented,
8 maintained or permitted any admission or related policy or practice which violates Section
9 3305 of the San Francisco Police Code.

10 (4) The proprietor or persons in charge thereof have violated or permitted the violation of any
11 other provision of this Article or of the permit, on the premises or in connection with the
12 operation of the establishment.

13 (b) The penalty for the first violation under Subsection (a) within a period of six months shall
14 be suspension of said permit for a period of 30 days. The penalty for the second violation
15 within a period of six months shall be suspension of said permit for a period of 60 days. The
16 penalty for the third and subsequent violations within a period of six months shall be
17 suspension of said permit for a period of 90 days. For the purposes of this Subsection,
18 calculation of the six months shall not include any period of time during which the permit was
19 suspended.

20 (c) Any permit issued under the terms of this Article may be revoked at any time by the Chief
21 of Police if the Chief of Police determines after a noticed public hearing that any of the
22 following conditions exist:

23 (1) The permittee has knowingly made any false, misleading or fraudulent statement of
24 material fact in the application for a permit;

25 (2) The permittee has failed to pay any fee or charge required under this Article; or

1 (3) The permittee has permanently ceased operation of the business.

2 (d) A revocation pursuant to Subsection (c) shall not prejudice the right of an applicant to
3 apply for a new permit.

4 (e) The Chief of Police may not consider any request for emergency medical or ambulance
5 services to treat a permittee's patrons as a basis for suspending a permit pursuant to
6 subdivision (a).

7 Section 2. Article 15.2 of the San Francisco Municipal (Police) Code is hereby
8 amended by amending Section 1070.17, to read as follows:

9 **SEC. 1070.17. SUSPENSION AND REVOCATION.**

10 (a) Any permit issued under the terms of this Article may be suspended at any time by the
11 Chief of Police if the Chief of Police determines after a noticed public hearing that any of the
12 following conditions exist:

13 (1) The building, structure, equipment or location of the proposed extended-hours premises
14 does not comply with or fails to meet all of the health, zoning, fire and safety requirements or
15 standards of all the laws of the State of California or ordinances of the City and County of San
16 Francisco applicable to such business operation; or

17 (2) The establishment has been operated in a manner that has harmed the public health,
18 safety or welfare by significantly increasing pedestrian traffic, the incidence of disorderly
19 conduct, or the level of noise in the area in which the premises are located, and the permittee
20 has failed, after being requested by the Police Department to do so, to take reasonable steps
21 to alleviate these conditions, such as providing additional off-street parking, security,
22 soundproofing, restroom facilities, or refuse containers; or

23 (3) The proprietor or persons in charge thereof have violated, permitted the violation, or failed
24 to take reasonable steps, after being requested by the Police Department to do so, to halt
25 violations on the premises or in connection with the operation of the establishment, of any

1 following laws of the State of California: Penal Code Sections 266h, 266i, 315, 316, 330,
2 337a, 657(b); Business and Professions Code Sections 23300, 25602, 25631, 25657,
3 25658; Health and Safety Code Sections 11351, 11352, 11359, 11360, 11378, 11379,
4 11378.5, 11379.5; or, the proprietor or persons in charge thereof have implemented,
5 maintained or permitted any admission or related policy or practice which violates Section
6 3305 of the San Francisco Police Code.

7 (4) The proprietor or persons in charge thereof have violated or permitted the violation of any
8 other provision of this Article or of the permit, on the premises or in connection with the
9 operation of the establishment.

10 (b) The penalty for the first violation under Subsection (a) within a period of six months shall
11 be suspension of said permit for a period of 30 days. The penalty for the second violation
12 within a period of six months shall be suspension of said permit for a period of 60 days. The
13 penalty for the third and subsequent violations within a period of six months shall be
14 suspension of said permit for a period of 90 days. For the purposes of this Subsection,
15 calculation of the six months shall not include any period of time during which the permit was
16 suspended.

17 (c) Any permit issued under the terms of this Article may be revoked at any time by the Chief
18 of Police if the Chief of Police determines after a noticed public hearing that any of the
19 following conditions exist:

20 (1) The permittee has knowingly made any false, misleading or fraudulent statement of
21 material fact in the application for a permit;

22 (2) The permittee has failed to pay any fee or charge required under this Article; or

23 (3) The permittee has permanently ceased operation of the business.

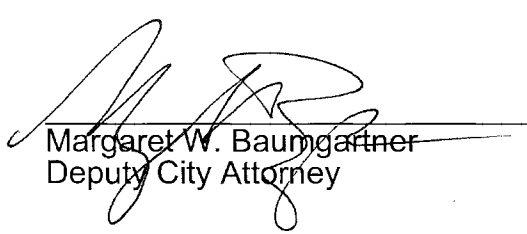
24 (d) A revocation pursuant to Subsection (c) shall not prejudice the right of an applicant to
25 apply for a new permit.

1 (e) The Chief of Police may not consider any request for emergency medical or ambulance
2 services to treat a permittee's patrons as a basis for suspending a permit pursuant to
3 subdivision (a).

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6 APPROVED AS TO FORM:

7 LOUISE H. RENNE, City Attorney

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9
10 By:


Margaret W. Baumgartner
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 000390

Date Passed:

Ordinance amending Police Code Article 15.1, Section 1060.20 and Article 15.2 Section 1070.17 to prohibit the Chief of Police from using calls for ambulances or other emergency medical services in permit suspension hearings for places of entertainment and extended hours premises.

April 17, 2000 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki,
Yee

Absent: 2 - Katz, Teng

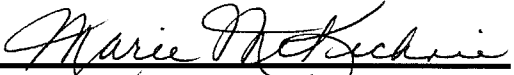
April 24, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Katz

File No. 000390

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on April 24, 2000 by
the Board of Supervisors of the City and
County of San Francisco.


Gloria L. Young
Clerk of the Board

MAY - 5 2000

Date Approved


Mayor Willie L. Brown Jr.