

1 [Police Code - Entertainment Commission Permit Procedures]

2

3 **Ordinance amending the Police Code to authorize the Director of the Entertainment**
 4 **Commission to waive the filing fee for Loudspeaker Permits based on certain criteria,**
 5 ~~replace a leafletting notice requirement to residents with a mailed notice requirement to~~
 6 ~~neighborhood organizations for Place of Entertainment permit applications in neighborhood-~~
 7 ~~commercial or mixed residential districts,~~ **and authorize the Director of the Entertainment**
 8 **Commission to extend the nine-month deadline for conditional grants of Place of**
 9 **Entertainment and Limited Live Performance permits.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 13 **Board amendment additions** are in double-underlined Arial font.
 14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 15 **Asterisks (* * * *)** indicate the omission of unchanged Code
 16 subsections or parts of tables.

14

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

16

17 Section 1. The Police Code is hereby amended by revising Sections 43.1, 1060.5, and
 18 1065.1 to read as follows:

19

SEC. 43.1. FILING FEE.

20

21 (a) **Filing Fee.** Every person desiring a permit *to use a loudspeaker or sound amplifier*
 22 *(“Loudspeaker Permit”)* pursuant to Section 43 of this Article 1 shall file an application with the
 23 Entertainment Commission upon a form provided by the Entertainment Commission and shall
 24 pay a filing fee *specified in Section 2.26 of this Article; provided, however, that no filing fee shall be*
 25 *required if the Loudspeaker Permit application is filed by an entity that has received City funds*

25

1 specifically for the event that is the subject of the permit application~~for an event that receives~~
2 City funding.

3 (b) Fee Waivers.

4 (1) Individuals. The Director of the Entertainment Commission may grant an
5 individual applicant an exemption from paying the filing fee for a Loudspeaker Permit set forth in
6 Section 2.26 of this Article upon the applicant’s filing under penalty of perjury a declaration of
7 financial hardship on the form provided by the Entertainment Commission. The form shall use the
8 indigency standards set out in California Government Code Section 68632, as amended from time to
9 time. The applicant shall submit the financial hardship declaration concurrently with the permit
10 application.

11 (2) Nonprofit and Neighborhood Organizations. The Director of the Entertainment
12 Commission may grant a nonprofit organization, neighborhood association, or similar community-
13 based group an exemption from paying the filing fee for a Loudspeaker Permit set forth in Section 2.26
14 of this Article for an event if (A) the proposed event is free and open to the public, and (B) the filing fee
15 is more than 25% of the total projected budget for the event.

16
17 **SEC. 1060.5. DETERMINATION OF APPLICATION FOR A PLACE OF**
18 **ENTERTAINMENT PERMIT.**

19 * * * *

20 (b) Notices:

21 (1) Notice of Hearing:

22 ~~(A) Premises of the Business.~~ The applicant shall cause a notice of the
23 hearing ~~on a form provided by the Entertainment Commission~~ to be conspicuously and
24 continuously posted for at least 30 days before the scheduled hearing date on the premises of
25 the Business.

1 (B) ~~Neighborhood-Commercial and Mixed Residential Districts.—Where~~
2 the Business is located in a neighborhood-commercial or mixed residential district, as defined
3 in Article 7 and 8 of the Planning Code, the applicant shall, at least 30 days before the
4 scheduled hearing date, mail notice of the hearing, on a form provided by the Entertainment
5 Commission, to relevant neighborhood organizations as described in subsection 312(d)(2)(C)
6 of the Planning Code; provided, however, that the applicant may send such notice
7 electronically to any neighborhood organizations that have provided an electronic mailing
8 address on the Planning Department list referenced in subsection 312(d)(2)(C). *the applicant*
9 *shall also make a good faith effort to distribute leaflets at each residence located within 150 feet of the*
10 *Business, unless the Entertainment Commission finds that a Business located in a district is not likely to*
11 *significantly generate nighttime noise and traffic to the detriment of residences located in that*
12 *immediate area. Applicants subject to the requirement of distributing leaflets shall do so at least 30*
13 *days before the scheduled hearing date and the distribution shall be done in compliance with the*
14 *provisions of Article 5.7 (beginning with Section 184.69) of the Public Works Code. — the applicant*
15 shall also make a good faith effort to distribute leaflets at each residence located within 150
16 feet of the Business, unless the Entertainment Commission finds that a Business located in a
17 district is not likely to significantly generate nighttime noise and traffic to the detriment of
18 residences located in that immediate area. Applicants subject to the requirement of
19 distributing leaflets shall do so at least 30 days before the scheduled hearing date and the
20 distribution shall be done in compliance with the provisions of Article 5.7 (beginning with
21 Section 184.69) of the Public Works Code.

22 (C) ~~The applicant shall file with the Commission a declaration under~~
23 ~~penalty of perjury affirming compliance with the notice requirement of subsection (b)(1)(A)~~
24 ~~and, if applicable, subsection (b)(1)(B), on the form provided by the Commission.~~
25

1 (D) The Director shall provide notice of the hearing at least 30 days
2 before the hearing to any Person who has filed a written request ~~with the Commission~~ for
3 such notice, which notice may be given electronically if the Person has provided electronic
4 contact information, or by mail.

5 (2) In the event of a continued hearing, the applicant shall cause notice of the
6 continued hearing to be conspicuously and continuously posted on the premises of the
7 Business for at least 10 days before the date of the continued hearing. The Director shall
8 provide notice of the hearing electronically or by mail at least 10 days before the hearing to
9 any Person who has filed a written request for such notice.

10 (3) The failure of the Director to provide the notice of the hearing to any Person
11 who filed a written request as provided in Subsections (b)(1) and (2) of this Section shall not
12 constitute grounds for invalidation of the actions of the Commission taken at the hearing.

13 * * * *

14 (h) If a Permittee has been conditionally granted a permit but has not obtained all of
15 the permits required from other City departments within nine months from the date that the
16 Entertainment Commission conditionally granted the permit, the conditionally granted permit
17 shall expire by operation of law and be void. Notwithstanding the foregoing sentence, upon the
18 Permittee's written request and a showing of good cause, the Commission may extend the
19 aforementioned nine-month deadline for up to 24 months, subject to an additional extension or
20 extensions totaling no more than 12 months beyond the aforementioned 24 months. In its discretion,
21 the Commission may delegate to the Director, in whatever manner it deems appropriate, the power to
22 extend the nine-month deadline.

23 * * * *

24 **SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE**
25 **PERFORMANCE PERMIT.**

1 * * * *

2 (b) Notices.

3 (1) The applicant shall cause a notice of the hearing on a form provided by the
4 Entertainment Commission to be conspicuously and continuously posted on the premises of the
5 Business for at least 30 days before the scheduled hearing date. The Director shall promptly
6 provide notice of the hearing to any Person who has filed a written request for such notice,
7 which notice may be given electronically if the Person has provided electronic contact
8 information, or by mail.

9 (2) The Director shall provide a copy of all Limited Live Performance Permit
10 applications and the corresponding public hearing notices within a specified geographic area
11 to any Person who, in writing or by email, requests such and identifies the area. Such
12 applications and notices shall be given at least 30 days prior to the date of the public
13 hearings, or within 5 days after receipt of the request if the request is less than 30 days prior
14 to the hearing.

15 (3) In the event of a continued hearing, the applicant shall cause notice of the
16 continued hearing to be conspicuously and continuously posted on the premises of the
17 Business for at least 10 days before the date of the continued hearing. The Director shall
18 promptly provide notice of the continued hearing electronically or by mail to any Person who
19 has filed a written request for such notice.

20 (4) The applicant shall file with the Commission a declaration under penalty of perjury
21 affirming compliance with the notice requirement of subsection (b)(1) and, if applicable, subsection
22 (b)(3), on the form provided by the Commission.

23 (5) The failure of the Director to provide the notice of the hearing to any Person
24 who filed a written request as provided in Subsections (b)(1) and (2) shall not constitute
25 grounds for invalidation of the actions of the Commission taken at the hearing.

1 * * * *

2 (i) If a Permittee has been conditionally granted a permit but has not obtained all of the
3 permits required from other City departments within nine months from the date that the
4 Entertainment Commission conditionally granted the permit, the conditionally granted permit
5 shall expire by operation of law and be void. Notwithstanding the foregoing sentence, upon the
6 Permittee's written request and a showing of good cause, the Commission may extend the
7 aforementioned nine-month deadline for up to 24 months, subject to an additional extension or
8 extensions totaling no more than 12 months beyond the aforementioned 24 months. In its discretion,
9 the Commission may delegate to the Director, in whatever manner it deems appropriate, the power to
10 extend the nine-month deadline.

11
12 Section 2. Applicability of Amendment of Police Code Sections 1060.5(h) and
13 1060.5.1(i). The provision in subsection (h) of Section 1060.5 and in subsection (i) of Section
14 1060.5.1 of the Police Code authorizing extension of the nine-month deadline shall apply to
15 any permits the Entertainment Commission conditionally granted within nine months prior to
16 the effective date of the Ordinance in Board File No. _____, in addition to permits
17 conditionally granted after the effective date of that ordinance.

18
19 Section 3. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor's veto of the ordinance.

23
24 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of
25 this ordinance, or any application thereof to any person or circumstance, is held to be invalid

1 or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining portions or applications of the ordinance. The Board of
3 Supervisors hereby declares that it would have passed this ordinance and each and every
4 section, subsection, sentence, clause, phrase, and word not declared invalid or
5 unconstitutional without regard to whether any other portion of this ordinance or application
6 thereof would be subsequently declared invalid or unconstitutional.

7
8 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the “Note” that appears under
13 the official title of the ordinance.

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

17 By: _____
18 FRANCESCA GESSNER
19 Deputy City Attorney

20 n:\legana\as2015\1600204\01100527.docx