

1 [Police Code - Fees, Applications, and Conditions for Certain Entertainment Permits]

2
3 **Ordinance amending the Police Code to 1) waive initial license and filing fees through**
4 **June 30, 2025 for certain Entertainment Permits for former holders of Just Add Music**
5 **Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants**
6 **who are newly eligible to apply for those permits due to recent Planning Code**
7 **amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade,**
8 **Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live**
9 **Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises**
10 **Permits to submit a new Permit application and filing fee if their existing application**
11 **has not been granted, conditionally granted, or denied within 12 months of its**
12 **submission; 5) authorize the Entertainment Commission Director (“Director”) to issue**
13 **billiard and pool table permits without a hearing, and provide that such permits may be**
14 **suspended or revoked under the standards and procedures that apply to other**
15 **Entertainment Permits; 6) exempt schools from the requirement to obtain a Place of**
16 **Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor**
17 **Amplified Sound Permit for any activities that occur on school premises in the regular**
18 **course of school operations; 7) eliminate the requirement that applicants for Place of**
19 **Entertainment Permits disclose with their permit application criminal history**
20 **information regarding certain individuals connected with the applicant business; 8)**
21 **narrow the categories of new criminal charges, complaints, or indictments brought**
22 **against a Place of Entertainment Permittee or its employees or agents that the**
23 **Permittee must report, to only those charges, complaints or indictments that could be**
24 **grounds for suspension of the Permit; 9) allow the Director or the Entertainment**
25

1 Commission to require an applicant for a Limited Live Performance Permit to propose a
2 Security Plan if necessary to protect the safety of persons and property or provide for
3 the orderly dispersal of persons and traffic, to make compliance with the Security Plan
4 a condition of the Permit, and to require revisions to the Security Plan as necessary;
5 and 408) clarify that a single One Time Outdoor Amplified Sound Permit may extend
6 across multiple consecutive or non-consecutive 24-hour periods.

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

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

15 Section 1. Articles 1, 15, 15.1, and 15.2 of the Police Code are hereby amended by
16 deleting Section 1029 and revising Sections 2.26, 2.27, 1036.3, 1036.24, 1037, 1037.1, 1060,
17 1060.1, 1060.1.1, 1060.2, 1060.2.1, 1060.2.2, ~~1060.3~~, 1060.3.1, 1060.5.1, 1060.11, 1060.29,
18 1060.29.2, ~~1060.30~~, and 1070.2, to read as follows:

19 **SEC. 2.26. SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.**

20 The following filing and service fees, payable in advance to the City and County of San
21 Francisco, are required when submitting applications for the specified permits to the Police
22 Department or Entertainment Commission or when paying for the specified services, except as
23 provided in Sections 1060.2, 1060.2.1, 1060.2.2, 1060.29, and 1060.29.2 of the Police Code, as may be
24 amended from time to time:

25 * * * *

1
2 **SEC. 2.27. SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE POLICE**
3 **DEPARTMENT OR ENTERTAINMENT COMMISSION.**

4 The following license fees are payable to the Tax Collector for permits issued by the Police
5 Department or Entertainment Commission and, when applicable, for their renewal, except as
6 provided in Section 1060.1.1 of the Police Code, as may be amended from time to time:

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

8 * * * *

9
10 ~~**SEC. 1029. MASKED BALLS.**~~

11 ~~(a) It shall be unlawful for any person, firm or corporation to give, hold or conduct any~~
12 ~~exhibition or entertainment known as a bal masque or masked ball, or by any other name where the~~
13 ~~persons attending thereat appear in fancy dress, or represent any character or personage with masks~~
14 ~~or dominoes, whether or not an admission fee is charged, without first having obtained a permit~~
15 ~~therefor from the Entertainment Commission; provided, however, that no permit is hereby required for~~
16 ~~private theatricals or private dancing parties, given or conducted by any person in his own dwelling~~
17 ~~house, nor for theatrical performances.~~

18 ~~(b) Applications for masked ball permits shall be filed with the Entertainment Commission on~~
19 ~~a form provided for said permit together with a nonrefundable fee. All such applications must contain~~
20 ~~the name or names of the person or persons, company, association or corporation which proposes to~~
21 ~~give such exhibition or entertainment, the place at which the same shall be held or given, and the date~~
22 ~~upon which the same is proposed to be held.~~

23 ~~(c) Every person, firm or corporation giving, holding or conducting any masked ball, for~~
24 ~~which a permit is required by this section, shall pay a license fee for each such entertainment or~~
25

1 ~~exhibition. The Tax Collector shall issue the license provided for in this section only upon the filing in~~
2 ~~his office of a written permit therefor from the Entertainment Commission.~~

3
4 **SEC. 1036.3. APPLICATION FOR PERMIT.**

5 Application for a mechanical amusement device permit required under ~~S~~subsection (b)
6 of Section 1036.2 shall be made to the Entertainment Commission in the case of an Arcade
7 Permit, or to the Director in the case of an Ancillary Bar Use Permit, on forms provided by the
8 Entertainment Commission, shall be signed by the applicant and be accompanied by payment
9 of the filing fee set forth in Section 2.26, except that the Ancillary Bar Use Permit shall not be
10 subject to the filing fee. If an applicant submits an application for an Arcade Permit or Ancillary Use
11 Permit, and the application is not granted, conditionally granted, or denied within 12 months, the
12 Director shall require the applicant to submit a new application for an Arcade Permit or Ancillary Use
13 Permit that shall be accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the
14 time of submission of the new application. The application shall contain the following information
15 in addition to whatever additional information is deemed necessary by the Director or the
16 Entertainment Commission:

17 * * * *

18
19 **SEC. 1036.24. ARCADES AND ANCILLARY USE—~~OPERATING STANDARDS.~~**

20 ~~(a) Arcades. The following standards and regulations shall apply to the operation and~~
21 ~~maintenance of Arcades in the City.~~

22 ~~—— (1) All mechanical amusement devices within the premises shall be visible to and~~
23 ~~supervised by an adult attendant or attendants, age 18 years or older. Said attendant(s) shall be~~
24 ~~present at all times when the arcade is open to the public.~~

1 ~~_____ (2) The Permittee shall comply with security lighting requirements, token use~~
2 ~~requirements and such other reasonable requirements determined by the Entertainment Commission to~~
3 ~~be necessary to minimize danger to the community resulting from the operation of the arcade. These~~
4 ~~requirements shall be set forth in the permit or, in the event circumstances change, by appropriate~~
5 ~~amendment to the permit.~~

6 ~~_____ (3) As a condition for obtaining a permit for mechanical amusement devices, the~~
7 ~~applicant shall be required to provide a master switch, switches, or fuse panel readily accessible to the~~
8 ~~Permittee, employees or agent of the Permittee and the Police Department, that can immediately turn~~
9 ~~off all mechanical amusement devices in the Arcade. The permit shall also specify that the applicant~~
10 ~~consents to and authorizes the Police Department to turn off all mechanical amusement devices at any~~
11 ~~time there is a clear and present danger to the public safety.~~

12 ~~(b) Ancillary Use. The~~ A Permittee for an Arcade Permit or an Ancillary Use Permit shall
13 comply with such reasonable requirements as determined by the Director or the Entertainment
14 Commission to be necessary to minimize danger to the community resulting from the operation
15 of the mechanical amusement devices. These requirements shall be set forth in the permit or,
16 in the event circumstances change, by appropriate amendment to the permit.

17
18 **SEC. 1037. BILLIARD AND POOL TABLES.**

19 (a) No person, firm, or corporation shall engage in business under the provisions of this
20 Section 1037 without first obtaining from the Director~~Entertainment Commission~~ a permit to
21 maintain and charge for the use of such billiard or pool or combination tables; Applications for
22 such permits shall be reviewed and decided by the Director without a hearing, but if the Director,
23 Entertainment Commission, and/or Police Department has received more than one complaint in the
24 preceding 12 months regarding the permit applicant and/or the subject premises, the Director shall
25 have discretion to refer the application to the Entertainment Commission for its determination whether

1 to grant, conditionally grant, or deny the permit. such permits shall be issued annually, and may be
2 revoked for cause at any time by the Entertainment Commission, and upon the revocation of such
3 permit such license issued thereon shall immediately terminate and expire, and the Tax Collector shall
4 not issue any license under the provisions of this Section unless the applicant therefor shall have first
5 obtained a permit from the Entertainment Commission.

6 (b) Permits for billiard and pool tables may be suspended by the Director or the Entertainment
7 Commission or revoked by the Entertainment Commission in accordance with the standards and
8 procedures set forth in Sections 1060.20 through 1060.20.4, inclusive. Upon the revocation of such
9 permit, any license issued thereon shall immediately expire by operation of law, and the Tax Collector
10 shall not issue any license under the provisions of this Section unless the applicant shall have first
11 obtained a permit from the Director or the Entertainment Commission.

12
13 **SEC. 1037.1. FILING FEE APPLICATION.**

14 Applications for billiard or pool table permits shall be filed with the Entertainment
15 Commission on a form provided for said permit together with a nonrefundable fee. If an
16 applicant submits an application for a billiard or pool table permit, but the permit is not granted,
17 conditionally granted, or denied within 12 months, the Director shall require the applicant to submit a
18 new application for a billiard or pool table permit that shall be accompanied by the payment of a new
19 filing fee, as set forth in Section 2.26, at the time of submission of the new application.

20
21 **SEC. 1060. DEFINITIONS.**

22 For the purposes of this Article 15.1, unless otherwise provided in this Article, the
23 following words and phrases shall mean:

24 * * * *

1 _____ “Fixed Place Outdoor Amplified Sound Permit.” A permit allowing a Fixed Place
2 Amplified Sound Locale to use Amplified Sound Equipment outdoors.

3 _____ “Just Add Music (JAM) Permit.” A temporary permit for authorization to provide outdoor
4 entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is
5 not in the public right-of-way, issued pursuant to the 27th Supplement to Mayoral Proclamation
6 Declaring the Existence of a Local Emergency Dated February 25, 2020, which Supplement is dated
7 September 25, 2020.

8 * * * *

9 “Limited Live Performance Locale.” A locale with all the following features:

10 (a) The presentation of Live Performances is a secondary purpose of the locale rather
11 than its primary purpose.

12 (b) The locale is indoors, or consists of an outdoor patio, plaza, courtyard, or similar
13 space, ~~enclosed by surrounding buildings~~, with or without open means of public ingress and
14 egress, with an area in which Live Performances are presented that is no greater than 200
15 square feet. For purposes of this provision, “outdoor patio, plaza, courtyard, or similar space”
16 also shall include, regardless of the square footage of the Live Performance area, (1) any
17 Plaza as identified in Administrative Code Chapter 94 or (2) any Shared Space People Place as
18 identified in Administrative Code Chapter 94A.

19 (c) Live Performances presented at the locale conclude by 11 p.m. Notwithstanding
20 the previous sentence, Live Performances must conclude by 10 p.m. at any locale in any of
21 the following areas: (1) the North Beach Neighborhood Commercial District as defined in
22 Planning Code Section 722; (2) the north and south sides of Chestnut Street between the east
23 side of Fillmore Street and the west side of Divisadero Street; and (3) the north side of
24 Lombard Street, between Fillmore Street and Divisadero Street.

25 (d) The locale is not a Private Residence.

1 (e) Patrons or members are admitted to the locale, except this requirement shall not
2 apply to a Plaza as identified in Administrative Code Chapter 94 or a Shared Space~~People Place~~
3 as identified in Administrative Code Chapter 94A.

4 * * * *

5
6 **SEC. 1060.1. PERMIT REQUIRED.**

7 (a) Except as provided in subsections (e) and (f), it shall be unlawful for any Person to
8 own, conduct, operate, or maintain, or to cause or permit to be conducted, operated, or
9 maintained, any Place of Entertainment, Limited Live Performance Locale, One-Time Event,
10 Fixed Place Outdoor Amplified Sound Locale, One Time Outdoor Amplified Sound, or Sound
11 Truck in the City and County of San Francisco without first having obtained the required
12 permit from the Director or Entertainment Commission. No Person shall operate a Place of
13 Entertainment between 2:00 a.m. and 6:00 a.m. without having both a Place of Entertainment
14 Permit and an Extended-Hours Premises Permit.

15 * * * *

16 (e) No permit shall be required for any Person to own, conduct, operate, or maintain,
17 or to cause or permit to be conducted, operated, or maintained a Limited Live Performance
18 Locale, where any Entertainment ends by 10 p.m., and the Entertainment consists only of a
19 single individual performing without amplification. Any place or premises where this
20 Entertainment occurs must 1) conform to all health, safety, zoning, fire, and other ordinances
21 of the City and County of San Francisco; and 2) have a valid permit to operate (formerly
22 referenced in this Article 15.1 as a public eating place permit) from the Department of Public
23 Health under Health Code Section 452, if applicable. This subsection (e) shall not apply to any
24 premises that does not hold a currently valid permit that is required under this Article 16.
25

1 (f) No permit shall be required for a school to conduct activities that occur on school premises
2 in the regular course of school operations, including but not limited to school sporting events, school
3 dances, and school music program performances, that would otherwise require a Place of
4 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound
5 Permit. A school shall be required to obtain a One Time Event Permit or One Time Outdoor Amplified
6 Sound Permit to engage in activities on school premises that do not occur in the regular course of
7 school operations and that otherwise meet the criteria for such permits.

8 For purposes of this Section 1060.1, "school" means any Person that is a state-licensed child
9 care center, state-licensed family day care, a public, private, or parochial institution that provides
10 educational instruction for students in any or all of the grades from kindergarten through twelfth
11 grade, or a public or private institution providing post-secondary education as part of a degree
12 program, such as a college or university.

13 **SEC. 1060.1.1. LICENSE FEES.**

14 (a) Except as otherwise provided in this Section 1060.1.1, ~~E~~every person granted a Place of
15 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified
16 Sound Permit by the Entertainment Commission shall pay to the Tax Collector an annual
17 license fee on or before March 31, in accordance with the provisions of Section 76.1 of the
18 Business and Tax Regulations Code.

19 (b) The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in
20 Section 2.27 of this Code, and such amount shall be adjusted for inflation commencing with
21 the 2006-2007 fiscal year, and annually thereafter, in accordance with Section 2.31 of this
22 Code.

23 (c) Waiver of Initial License Fee.

1 (1) The initial license fee associated with Place of Entertainment Permits, Limited Live
2 Performance Permits, and Fixed Place Outdoor Amplified Sound Permits shall be waived as described
3 in this subsection (c).

4 (2) The following Persons shall be eligible for a waiver of the initial license fee to
5 which they would otherwise be subject under this Section 1060.1.1:

6 (A) A Person who previously held a JAM Permit, and who, during the time
7 period beginning January 1, 2023 and ending June 30, 2025, applies for a Place of Entertainment
8 Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit to continue
9 to provide outdoor entertainment and/or amplified sound in the same space as authorized by the JAM
10 Permit; and

11 (B) A Person who, due to Planning Code amendments that take effect on or after
12 January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit or Limited
13 Live Performance Permit on or before June 30, 2025.

14 (3) Any license fee that is waived pursuant to this subsection (c) but that has been paid
15 shall be refunded, without interest, upon request of the payor of the fee. Any refund request under this
16 subsection (c)(3) must be filed in writing with the Entertainment Commission by June 30, 2025.

17 (4) This provision shall not apply to a Person who is applying for an amendment to an
18 existing permit.

19
20 **SEC. 1060.2. FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS FOR**
21 **PLACE OF ENTERTAINMENT PERMIT.**

22 (a) Every Person seeking a Place of Entertainment permit or an amendment to such a
23 permit shall file an application with the Entertainment Commission upon a form provided by
24 the Entertainment Commission and, except as otherwise provided in this Section 1060.2, shall pay
25 a filing fee as provided in Section 2.26 of this Code.

1 (b) The Director shall send the application to the following departments, which shall
2 complete all necessary inspections or approvals and shall endeavor to report their
3 determinations to the Entertainment Commission within 20 City business days of receiving the
4 application.

5 (1) The Police Department;

6 (2) The Planning Department;

7 (3) The Department of Building Inspection, except that this subsection (b)(3)
8 shall not apply if either of the following occurs: (i) the Person provides evidence of the
9 completion of a final inspection for an issued building permit for the premises, as required by
10 Chapter 1A of the San Francisco Building Code, if the inspection was completed in the 12
11 months before the date of the Person's application for a Place of Entertainment Permit; or (ii)
12 the Person provides evidence that the premises held a Place of Entertainment Permit within the 12
13 months before the date of the Person's application for a Place of Entertainment Permit;

14 * * * *

15 (c) Waiver of Filing Fee.

16 (1) The following Persons shall be eligible for a waiver of the filing fee for a Place of
17 Entertainment Permit:

18 (A) A Person who previously held a JAM Permit and who, during the time
19 period beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Place of
20 Entertainment Permit to continue to provide outdoor entertainment and/or amplified sound in the same
21 outdoor space as authorized by the JAM Permit; and

22 (B) A Person who, due to Planning Code amendments that take effect on or after
23 January 1, 2023, becomes eligible to apply and applies for a Place of Entertainment Permit on or
24 before June 30, 2025.

1 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
2 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
3 Commission. Any refund request under this subsection (c) must be filed in writing with the
4 Entertainment Commission by June 30, 2025.

5 (d) If an applicant submits an application for a Place of Entertainment Permit, and the
6 application is not granted, conditionally granted, or denied within 12 months, the Director shall
7 require the applicant to submit a new application for a Place of Entertainment Permit that shall be
8 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
9 of the new application.

10
11 **SEC. 1060.2.1 FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS**
12 **FOR LIMITED LIVE PERFORMANCE PERMIT.**

13 (a) Every Person seeking a Limited Live Performance Permit, or an amendment to
14 such a permit, shall file an application with the Entertainment Commission upon a form
15 provided by the Entertainment Commission and, except as otherwise provided in this Section
16 1060.2.1, shall pay a filing fee as provided in Section 2.26 of this Code.

17 (b) The Director shall send the application to the ~~San Francisco~~ Police Department and
18 the Planning Department. Those departments shall complete all necessary inspections and
19 report their determinations to the Entertainment Commission within 20 City business days of
20 receiving the application.

21 (c) Waiver of Filing Fee.

22 (1) The following Persons shall be eligible for a waiver of the filing fee for a Limited
23 Live Performance Permit:

24 (A) A Person who previously held a JAM Permit and who, during the time
25 period beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Limited

1 Live Performance Permit to continue to provide outdoor entertainment and/or amplified sound in the
2 same outdoor space as authorized by the JAM Permit; and

3 _____ (B) A Person who, due to Planning Code amendments that take effect on or after
4 January 1, 2023, becomes eligible to apply and applies for a Limited Live Performance Permit on or
5 before June 30, 2025.

6 _____ (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
7 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
8 Commission. Any refund request under this subsection (c) must be filed in writing with the
9 Entertainment Commission by June 30, 2025.

10 (d) If an applicant submits an application for a Limited Live Performance Permit, and the
11 application is not granted, conditionally granted, or denied within 12 months, the Director shall
12 require the applicant to submit a new application for a Limited Live Performance Permit that shall be
13 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
14 of the new application.

15 **SEC. 1060.2.2. FILING APPLICATION AND NOTICE TO OTHER CITY DEPARTMENTS**
16 **FOR FIXED PLACE OUTDOOR AMPLIFIED SOUND PERMITS.**

17 (a) Every Person seeking a Fixed Place Outdoor Amplified Sound Permit or an
18 amendment to such a permit shall file an application with the Entertainment Commission upon
19 a form provided by the Entertainment Commission and shall pay the filing fee prescribed in
20 Section 2.26 of this Code, except as provided in this Section 1060.2.2 and Section 1060.19 of
21 this Article 15.1.

22 (b) The Director shall send the application to the Police Department; and the Planning
23 Department; ~~and the Department of Public Health~~. Those departments shall complete any
24 necessary inspections and report their determinations to the Entertainment Commission within
25 20 City business days of receiving the application.

1 (c) Waiver of Filing Fee.

2 (1) A Person who previously held a JAM Permit and who, during the time period
3 beginning January 1, 2023 and ending June 30, 2025, applies for a new or amended Fixed Place
4 Outdoor Amplified Sound Permit to continue to provide outdoor entertainment and/or amplified sound
5 in the same outdoor space as authorized by the JAM Permit shall be eligible for a waiver of the filing
6 fee for a Fixed Place Outdoor Amplified Sound Permit.

7 (2) Any filing fee that is waived pursuant to this subsection (c) but that has been paid
8 shall be refunded, without interest, upon request of the payor of the fee to the Entertainment
9 Commission. Any refund request under this subsection (c) must be filed in writing with the
10 Entertainment Commission by June 30, 2025.

11 (d) If an applicant submits an application for a Fixed Place Outdoor Amplified Sound Permit
12 for a premises, and the application is not granted, conditionally granted, or denied within 12 months,
13 the Director shall require the applicant to submit a new application for a Fixed Place Outdoor
14 Amplified Sound Permit for the premises that shall be accompanied by the payment of a new filing fee,
15 as set forth in Section 2.26, at the time of submission of the new application.

16
17 **SEC. 1060.3. APPLICATION FORM FOR PLACE OF ENTERTAINMENT PERMIT.**

18 An application for a Place of Entertainment permit shall specify the following and be
19 signed under penalty of perjury:

20 * * * *

21 ~~(j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and (f), all~~
22 ~~criminal charges, complaints or indictments in the preceding ten years which resulted in a conviction~~
23 ~~or a plea of guilty or no contest for the following laws: assault and battery (Cal. Penal Code § 240,~~
24 ~~242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4); rape (Cal. Penal Code §~~
25 ~~261); statutory rape (Cal. Penal Code § 261.5); discharging firearm (Cal. Penal Code § 246, 246.3);~~

1 ~~unlawful weapons (Cal. Penal Code § 12020; S.F. Police Code § 1291); disturbing the peace (Cal.~~
2 ~~Penal Code § 415, 416, 417); unlawful threats (Cal. Penal Code § 422); obstruction of pedestrian or~~
3 ~~vehicle right of way (Cal. Penal Code § 370); gambling (Cal. Penal Code §§ 330, 337a); prostitution~~
4 ~~and related offenses (Cal. Penal Code §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes~~
5 ~~for which registration is required under the Sex Offender Registration Act (Cal. Penal Code § 290);~~
6 ~~loitering for lewd or lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal~~
7 ~~Code § 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5);~~
8 ~~criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code §§~~
9 ~~11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol Beverage Control~~
10 ~~laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657, 25658); or for conduct in~~
11 ~~another jurisdiction which if carried out in California would constitute an offense under one of the laws~~
12 ~~set forth in this Subsection (j).~~

13 ~~(k) All criminal charges, complaints or indictments in the preceding ten years which resulted~~
14 ~~in a conviction for the Person(s) whose disclosure is required under Subsections (b), (c), (e) and (f), for~~
15 ~~any other offense which is a felony or misdemeanor under the laws of this state, or for conduct in~~
16 ~~another jurisdiction which if carried out in California would constitute a felony or misdemeanor under~~
17 ~~the laws of this state, provided that this Subsection (k) applies only to offenses arising out of the~~
18 ~~operation of a nightclub, dance hall, cabaret, Place of Entertainment or an establishment that serves~~
19 ~~food or beverages.~~

20 ~~(l) For the information required by Subsections (j) and (k), a statement setting forth for each~~
21 ~~Person all charges under which convictions or pleas of guilty or no contest were obtained, any~~
22 ~~sentence imposed, and for each matter the date, name and location of the court; and if the Person was~~
23 ~~granted parole or probation, whether the Person successfully completed parole or probation.~~

24 (j) For the Persons(s) whose disclosure is required under Subsections (b), (c), (e) and
25 (f), all criminal charges, complaints or indictments in the preceding ten years which resulted in

1 a conviction or a plea of guilty or no contest for the following laws: assault and battery (Cal.
2 Penal Code § 240, 242, 245); felony sexual assault; sexual battery (Cal. Penal Code § 243.4);
3 rape (Cal. Penal Code § 261); statutory rape (Cal. Penal Code § 261.5); discharging firearm
4 (Cal. Penal Code § 246, 246.3); unlawful weapons (Cal. Penal Code § 12020; S.F. Police
5 Code § 1291); disturbing the peace (Cal. Penal Code § 415, 416, 417); unlawful threats (Cal.
6 Penal Code § 422); obstruction of pedestrian or vehicle right-of-way (Cal. Penal Code § 370);
7 gambling (Cal. Penal Code §§ 330, 337a); prostitution and related offenses (Cal. Penal Code
8 §§ 266, 266a, 266e, 266h, 266i, 315, 316, 647(b)); sex crimes for which registration is
9 required under the Sex Offender Registration Act (Cal. Penal Code § 290); loitering for lewd
10 or lascivious purposes (Cal. Penal Code §§ 647(d), 647(h)); identify theft (Cal. Penal Code §
11 530.5); a violent felony warranting enhancement of a prison term (Cal. Penal Code § 667.5);
12 criminal gang activity (Cal. Penal Code § 186.22); drug offenses (Cal. Health & Safety Code
13 §§ 11351, 11352, 11359, 11360, 11378, 11379, 11378.5, 11379.5); violation of Alcohol
14 Beverage Control laws (Cal. Business & Professions Code §§ 23300, 25602, 25631, 25657,
15 25658); or for conduct in another jurisdiction which if carried out in California would constitute
16 an offense under one of the laws set forth in this Subsection (j).

17 (k) All criminal charges, complaints or indictments in the preceding ten years which
18 resulted in a conviction for the Person(s) whose disclosure is required under Subsections (b),
19 (c), (e) and (f), for any other offense which is a felony or misdemeanor under the laws of this
20 state, or for conduct in another jurisdiction which if carried out in California would constitute a
21 felony or misdemeanor under the laws of this state, provided that this Subsection (k) applies
22 only to offenses arising out of the operation of a nightclub, dance hall, cabaret, Place of
23 Entertainment or an establishment that serves food or beverages.

24 (l) For the information required by Subsections (j) and (k), a statement setting forth for
25 each Person all charges under which convictions or pleas of guilty or no contest were

1 obtained, any sentence imposed, and for each matter the date, name and location of the
2 court; and if the Person was granted parole or probation, whether the Person successfully
3 completed parole or probation.

4 ~~j(m)~~(m) Such further information as the Entertainment Commission requires regarding
5 financial and lease arrangements and management, authority, and operational control of the
6 Business or its premises when the information will assist the Commission in its determination
7 whether to grant or deny the permit.

8
9 **SEC. 1060.3.1. APPLICATION FORM FOR LIMITED LIVE PERFORMANCE PERMIT.**

10 An application for a Limited Live Performance Permit shall specify the following and be
11 signed under penalty of perjury:

12 * * * *

13 (i) A proposed Security Plan, as defined in Section 1060, if the Director or Entertainment
14 Commission determines that a Security Plan is necessary to protect the safety of persons and property
15 or to provide for the orderly dispersal of persons and traffic.

16 (i) Such further information as the ~~Entert~~ Entertainment Commission requires
17 regarding financial ~~cial~~ and lease arrangements and management, authority, and operational
18 control of the Business or its premises when the information will assist the Commission in its
19 determination whether to grant or deny the permit.

20
21 **SEC. 1060.5.1. DETERMINATION OF APPLICATION FOR LIMITED LIVE PERFORMANCE**
22 **PERMIT.**

23 * * * *

24 (l) When granting a permit, or after issuance of a permit, the Director or Entertainment
25 Commission may require the applicant or Permittee, as a condition of the permit, to comply with an

1 approved Security Plan if the Director or Entertainment Commission determines a Security Plan is
2 necessary to protect the safety of persons and property or to provide for the orderly dispersal of
3 persons and traffic. If, after approving a Security Plan, the Director or Entertainment Commission
4 receives new information that provides a reasonable basis to determine that the Security Plan is
5 inadequate to protect the safety of persons and property and/or provide for the orderly dispersal of
6 persons and traffic, the Director or Entertainment Commission may require the applicant or Permittee
7 to revise the Security Plan to better protect the safety of persons and property and/or the orderly
8 dispersal of individuals and traffic.

9
10 **SEC. 1060.11. POLICE AND ENTERTAINMENT COMMISSION – INSPECTION.**

11 The Police Department and the Entertainment Commission, in addition to their several
12 other duties, shall have the authority to inspect any and all establishments ~~that~~^{which} have been
13 issued a permit pursuant to this Article 15.1.

14
15 **SEC. 1060.29. ONE TIME EVENT PERMIT.**

16 * * * *

17
18 (c) A Person may obtain a single One Time Event Permit authorizing events ~~on~~^{during}
19 consecutive or non-consecutive ~~days~~^{24-hour periods} for the same premises. One Time Event
20 Permits may not authorize events on the same premises for consecutive 24-hour periods
21 without a six-hour break between the end time for the first ~~day~~^{24-hour period} and the start time
22 for the next ~~day~~^{24-hour period}. If a One Time Event Permit includes permission to operate
23 between 2:00 and 6:00 a.m., the Permit may not authorize commencement of operations
24 before noon for the same premises later that calendar day.

25 * * * *

1 (g) Every Person seeking a permit pursuant to this Section 1060.29 shall file an application
2 with the Director no less than seven days before the proposed event and shall pay the filing
3 fee provided in Section 2.26 of this Code, except as otherwise provided in Section 1060.29(h). The
4 time limitation for the filing of a permit application may be waived by the Director if the
5 applicant can show that the event or events giving rise to the permit application did not
6 reasonably allow the applicant time to file within the time prescribed and imposition of the time
7 limitations would place an unreasonable restriction on the right of free speech. The applicant
8 shall submit a proposed Security Plan and any other information required for applications
9 under Section 1060.3 as the Director may require. For events taking place in an outdoor area
10 or in both a structure and an outdoor area, the Security Plan shall include additional security
11 personnel to provide adequate security, as determined by the Director, in consultation with the
12 Police Department, given the size and nature of the outdoor space. If the event includes the
13 use of Amplified Sound Equipment in an outdoor area, the application shall include the
14 information required under subsection (a)(8) of Section 1060.3.2 of this Article 15.1. Subject to
15 the waiver provision in this subsection (g), the Director shall send the application no later than
16 seven days before the date of the proposed event to those City departments with jurisdiction
17 over the matter, including, as appropriate, the Police Department, Fire Department,
18 Department of Building Inspection, and Department of Public Health. These departments shall
19 complete all necessary inspections and report their determinations to the Director within three
20 City business days of receiving the application. In addition, the Director shall send all
21 applications to the Police Department for such input from the Police Department as it deems
22 appropriate.

23 * * * *

24 (h) Waiver of Filing Fee.

1 (1) All filing fees for One Time Event Permits are hereby waived for applicants that previously
2 held a JAM Permit and seek the One Time Event Permit in order to continue activities previously
3 allowed under their JAM Permit while awaiting final approvals by the Department of Public Works or
4 other City departments that are required prior to obtaining a Place of Entertainment Permit, Limited
5 Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit.

6 (2) Any filing fee that is waived pursuant to this subsection (h) but that has been paid, shall be
7 refunded, without interest, upon request of the payor of the fee to the Entertainment Commission. Any
8 refund request under this subsection (h) must be filed in writing with the Entertainment Commission by
9 June 30, 2025.

10 (hi) An applicant for a One Time Event Permit who files an application at least 40 days
11 before the date of the proposed event shall have the right to appeal the Director's denial of the
12 application to the Entertainment Commission. The Director shall act on applications filed at
13 least 40 days before the event within a time period that allows for an appeal to the
14 Commission. Applicants who do not file at least 40 days before the proposed event shall have
15 no right to appeal a denial of the application to the Entertainment Commission unless the
16 Commission has sufficient time to schedule and provide notice of the hearing on the matter for
17 a regularly scheduled meeting. When an applicant files an application less than 40 days
18 before the proposed event, the Director shall inform the applicant that there may be
19 insufficient time for the applicant to appeal the Director's denial to the Commission.

20 (ij) The Director shall review applications for a One Time Event Permit according to the
21 standards set forth in Section 1060.5(f) and shall grant a permit unless the Director finds that
22 (1) the application was filed less than seven days before the proposed event and waiver was
23 not granted or warranted, (2) denial is warranted under any of the grounds set forth in Section
24 1060.5(f), or (3) another application has been submitted and a permit issued for the same
25 premises during the same time period. The Director shall decide whether to grant or deny a

1 complete application promptly after the date by which other City departments are required to
2 report on the proposed application under subsection (e). If another application has been
3 submitted for the same time and place and is still pending, the Director shall deny the
4 application unless the applicant requests that it remain open until the Director has determined
5 whether to grant or deny any earlier-filed application. When multiple applicants submit
6 complete applications for the same time and place, the Director shall make determinations on
7 them in the order in which they were received.

8 (~~j~~k) If the permit is denied, the Director shall state in writing the reason for the denial and
9 shall notify the applicant of the determination electronically and either by mail or personal
10 delivery. The Director shall have the discretion to submit any application to the Entertainment
11 Commission for its determination whether to grant or deny a One Time Event Permit under
12 the provisions of this Section 1060.29. Where the Director submits an application to the
13 Commission, and the Commission grants the One Time Event Permit, the Director may,
14 without further action by the Commission, approve subsequent applications for the same One
15 Time Event for future dates provided that (1) the subsequent application(s) contain no
16 material changes regarding the nature or scope of the Event, (2) neither the Commission nor
17 any other City agency has received complaints pertaining to the prior Event(s), and (3) any
18 permit conditions imposed by the Commission when granting the initial permit are included in
19 any and all such subsequent permits.

20 (~~k~~l) The applicant may appeal the Director's decision to the Entertainment Commission by
21 filing a written request for review within five City business days of the Director's decision. The
22 Commission shall hear and decide the appeal as expeditiously as possible, but in no event
23 later than 21 days after the date that the applicant filed the appeal. If the applicant has filed
24 the application less than 40 days before the proposed event and the Commission does not
25

1 have sufficient time to provide the required public notice of the appeal for a regularly
2 scheduled meeting, the Commission is not required to consider the matter.

3 (~~m~~) When granting a permit, the Director or Entertainment Commission as appropriate
4 under the procedures of this Section 1060.29, shall require the applicant as a condition of the
5 permit to comply with the approved Security Plan. Notwithstanding the definition of Security
6 Plan in Section 1060, the Security Plan for a One Time Event Permit shall provide at least one
7 Security Guard for every 100 individuals authorized by the Occupancy Permit. If after
8 approving a Security Plan, the Director receives additional information that reasonably
9 demonstrates that the Security Plan is inadequate, the Director may require the Permittee to
10 make revisions to the Security Plan for the purpose of addressing the safety of persons and
11 property.

12 (~~n~~) One Time Event Permits are not transferable. The Permit is valid only for the Person
13 to whom it is issued for the premises specified in the permit.

14 (~~o~~) An applicant may seek immediate judicial review of an adverse decision by the
15 Director under this Section pursuant to California Code of Civil Procedure Section 1085 or
16 Section 1094.8, as these provisions may be amended, including any successor provisions, or
17 any other procedure provided by law. The applicant may, but is not required to, exhaust his or
18 her administrative remedies before the Entertainment Commission and Board of Appeals.

19
20 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

21 * * * *

22 **(c) Permit Application.**

23 (1) Every Person seeking a permit pursuant to this Section 1060.29.2 shall file an
24 application on a form provided by the Commission with the Director no less than seven days
25 before the proposed use, and shall pay the filing fee provided in Section 2.26 of this Code.

1 except as otherwise provided in Section 1060.29.2(j). The time limitation for the filing of a permit
2 application may be waived by the Director if the applicant can show that the event or events
3 giving rise to the permit application did not reasonably allow the applicant time to file within
4 the time prescribed and imposition of the time limitations would place an unreasonable
5 restriction on the right of free speech.

6 * * * *

7 **(d) Duration and Number of Permits.**

8 (1) ~~**24-Hour Consecutive or Non-Consecutive Days; Duration.** *Each One Time Outdoor*~~
9 ~~*Amplified Sound Permits shall issue for no longer than one 24-hour period. One Time Outdoor*~~
10 ~~*Amplified Sound Permits may not be issued for the same premises for consecutive 24-hour periods*~~
11 ~~*without a six-hour break between the end time for the first permit and the start time for the second*~~
12 ~~*permit.*~~ *A Person may obtain a single One Time Outdoor Amplified Sound Permit authorizing events*
13 *during consecutive or non-consecutive 24-hour periods for the same premises. One Time Outdoor*
14 *Amplified Sound Permits may not authorize events on the same premises for consecutive 24-hour*
15 *periods without a six-hour break between the end time for the first 24-hour period and the start time for*
16 *the next 24-hour period.*

17 * * * *

18 **(i) Waiver of Filing Fee.**

19 *(1) All filing fees for One Time Outdoor Amplified Sound Permits are hereby waived for*
20 *applicants that previously held a JAM Permit and seek the One Time Outdoor Amplified Sound Permit*
21 *in order to continue activities previously allowed under their JAM Permit while awaiting final*
22 *approvals by the Department of Public Works or other City departments that are required prior to*
23 *obtaining a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor*
24 *Amplified Sound Permit.*

1 (2) Any filing fee that is waived pursuant to this subsection (j) but that has been paid, shall be
2 refunded, without interest, upon request of the payor of the fee to the Entertainment Commission.

3 Any refund request under this subsection (j) must be filed in writing with the Entertainment
4 Commission by June 30, 2025.

5
6 **SEC. 1060.30. PLACE OF ENTERTAINMENT PERMITTEES REQUIRED TO REPORT**
7 **CERTAIN INFORMATION.**

8 ~~(a) Every Place of Entertainment Permittee shall provide written notice to the Entertainment~~
9 ~~Commission within 30 days after the filing of any of the following occurs:~~

10 ~~—— (1) Criminal charges, complaints, or indictments for conduct by the Permittee or~~
11 ~~employee or agent of the Permittee that could constitute grounds for suspension under subsection (a) of~~
12 ~~Section 1060.20.3those persons described in Section 1060.3 (b), (c), (e) and (f) occurring after the~~
13 ~~filing of the permit application to the extent that they fall within the categories specified in Subsections~~
14 ~~(j), (k) and (l) of Section 1060.3.~~

15 ~~—— (2) Criminal charges, complaints or indictments for any individual that the Permittee~~
16 ~~designates as Manager occurring after the filing of the permit application to the extent that they fall~~
17 ~~within the categories specified in Subsections (j), (k) and (l) of Section 1060.3.~~

18 (a) Every Place of Entertainment Permittee shall provide written notice to the
19 Entertainment Commission within 30 days after the filing of any of the following occurs:

20 —— (1) Criminal charges, complaints, or indictments for conduct by the Permittee or
21 employee or agent of the Permittee that could constitute grounds for suspension under
22 subsection (a) of Section 1060.20.3those persons described in Section 1060.3 (b), (c), (e) and
23 (f) occurring after the filing of the permit application to the extent that they fall within the
24 categories specified in Subsections (j), (k) and (l) of Section 1060.3.

1 (2) Criminal charges, complaints or indictments for any individual that the
2 Permittee designates as Manager occurring after the filing of the permit application to the
3 extent that they fall within the categories specified in Subsections (j), (k) and (l) of Section
4 1060.3.

5
6 * * * *

7
8 **SEC. 1070.2. FILING APPLICATION, NOTICE TO OTHER CITY DEPARTMENTS, AND**
9 **DEPARTMENTAL REPORTS.**

10 * * * *

11 (c) If an applicant submits an application for an Extended-Hours Premises Permit, and the
12 application is not granted, conditionally granted, or denied within 12 months, the Director shall
13 require the applicant to submit a new application for an Extended-Hours Premises Permit that shall be
14 accompanied by the payment of a new filing fee, as set forth in Section 2.26, at the time of submission
15 of the new application.

16
17 Section 2. Effective Date; Retroactivity.

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

22 (b) Upon the effective date of this ordinance, this ordinance shall be retroactive to
23 January 1, 2023. If any fees that are waived by this ordinance have been collected prior to its
24 effective date, those fees shall be promptly refunded without interest, upon request of the
25

1 payor of the fee. Any refund request under this subsection (b) must be filed in writing with the
2 Entertainment Commission by June 30, 2025.

3
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 Section 4. Removal of Expired Provisions from Code.

12 On or after December 31, 2025, or when all applications from JAM Permit holders for
13 new permits from the Entertainment Commission have been fully processed, whichever is
14 later, the City Attorney is authorized to remove the following subsections from the Police
15 Code: Sections 1060.1.1, subsection (c); 1060.2, subsection (c); 1060.2.1, subsection (c);
16 1060.2.2, subsection (c); 1060.29, subsection (h); and 1060.29.2, subsection (j). At that time,
17 the City Attorney is also authorized to cause any subsequent sections to be renumbered or re-
18 lettered accordingly.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ Sarah Crowley
23 SARAH CROWLEY
24 Deputy City Attorney

25 n:\egana\as2023\2300301\01721902.docx



City and County of San Francisco
Tails
Ordinance

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

File Number: 230861

Date Passed: December 12, 2023

Ordinance amending the Police Code to 1) waive initial license and filing fees through June 30, 2025 for certain Entertainment Permits for former holders of Just Add Music Permits; 2) waive initial license and filing fees for Entertainment Permits for applicants who are newly eligible to apply for those permits due to recent Planning Code amendments; 3) eliminate masked ball permits; 4) require applicants for Arcade, Ancillary Use, billiard and pool table, Place of Entertainment, Limited Live Performance, Fixed Place Outdoor Amplified Sound, and Extended-Hours Premises Permits to submit a new Permit application and filing fee if their existing application has not been granted, conditionally granted, or denied within 12 months of its submission; 5) authorize the Entertainment Commission Director ("Director") to issue billiard and pool table permits without a hearing, and provide that such permits may be suspended or revoked under the standards and procedures that apply to other Entertainment Permits; 6) exempt schools from the requirement to obtain a Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit for any activities that occur on school premises in the regular course of school operations; 7) allow the Director or the Entertainment Commission to require an applicant for a Limited Live Performance Permit to propose a Security Plan if necessary to protect the safety of persons and property or provide for the orderly dispersal of persons and traffic, to make compliance with the Security Plan a condition of the Permit, and to require revisions to the Security Plan as necessary; and 8) clarify that a single One Time Outdoor Amplified Sound Permit may extend across multiple consecutive or non-consecutive 24-hour periods.

November 29, 2023 Budget and Finance Committee - RECOMMENDED

December 05, 2023 Board of Supervisors - DUPLICATED ON FIRST READING

December 05, 2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

December 05, 2023 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton


December 12, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai, Stefani and Walton

Absent: 1 - Preston

File No. 230861

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/12/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

12-14-23

Date Approved