

1 [Police Code - Public Bath Houses]

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3 **Ordinance repealing Article 26 of the Police Code to delete in its entirety the City's**
 4 **regulations governing public bath houses, including but not limited to fee**
 5 **requirements, operating requirements, and permitting requirements.**

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

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

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13 Section 1. Article 26 of the Police Code is hereby amended by deleting Sections 2600,
 14 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2615, 2616, 2617,
 15 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2632, 2633,
 16 2634, and 2635, to read as follows:

17 ~~SEC. 2600. DEFINITIONS.~~

18 ~~—For the purpose of this Article, the following words and phrases shall mean or include:~~

19 ~~—(a) "Bath House." Any place open to the public including private clubs or organizations~~
 20 ~~except as provided in Section 2600(f) wherein any person, firm, association, corporation or partnership~~
 21 ~~engages in, conducts or carries on, or permits to be engaged in, conducted or carried on Russian,~~
 22 ~~Turkish, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna,~~
 23 ~~fomentation, alcohol or baths of any kind whatsoever are given or furnished, provided that such term~~
 24 ~~shall not include ordinary tub baths where an attendant is not required.~~

25

1 ~~—(b) "Person." Any individual, copartnership, firm, association, joint stock company,~~
2 ~~corporation, or combination of individuals of whatever form or character.~~

3 ~~—(c) "Employee." Shall include all persons paid by the permittee on a monthly, weekly or~~
4 ~~hourly basis and render a service directly to the client or customer; provided, however, the word~~
5 ~~"Employee" shall not include janitorial, laundry or engineering personnel.~~

6 ~~—(d) "Director." Director of Public Health or his authorized representative.~~

7 ~~—(e) "Permittee." The operator of a public bath house.~~

8 ~~—(f) "Bona Fide Nonprofit Club or Organization." Any fraternal, charitable, religious,~~
9 ~~benevolent or any other nonprofit organization having a regular membership association primarily for~~
10 ~~mutual social, mental, political and civic welfare, to which admission is limited to the members and~~
11 ~~guests and revenue accruing therefrom is to be used exclusively for the benevolent purposes of said~~
12 ~~organization and which organization or agency is exempt from taxation, under the Internal Revenue~~
13 ~~laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit~~
14 ~~organization.~~

15 ~~—This Article shall not include hospitals, nursing homes, sanitarium, or persons holding an~~
16 ~~unrevoked certificate to practice the healing arts under the laws of the State of California, or persons~~
17 ~~working under the direction of any such persons. Nor shall this Article apply to any bona fide nonprofit~~
18 ~~club or organization as defined by this Article.~~

19 ~~SEC. 2601. PERMIT REQUIRED.~~

20 ~~—It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be~~
21 ~~engaged in, conducted or carried on, in or upon any premises in the City and County of San Francisco,~~
22 ~~the operation of a public bath house as herein defined without first having obtained a permit from the~~
23 ~~Police Department.~~

24 ~~SEC. 2602. FILING AND FEE PROVISION.~~

1 ~~—Every applicant for a permit to maintain, operate, or conduct a public bath house shall file an~~
2 ~~application with the Chief of Police upon a form provided by said Chief of Police and shall pay a filing~~
3 ~~fee which shall not be refundable. A percentage of said permit application fee, as determined by the~~
4 ~~Controller pursuant to the provisions of Section 2.21 of this Code, shall be credited to the Department~~
5 ~~of Public Health.~~

6 ~~SEC. 2603. APPLICATION FOR A PUBLIC BATH HOUSE PERMIT.~~

7 ~~—The application for a permit to operate a public bath house shall set forth the exact nature of~~
8 ~~the baths to be administered, the proposed place of business and facilities therefor, and the name and~~
9 ~~address of each applicant.~~

10 ~~—In addition to the foregoing, any applicant for a permit shall furnish the following~~
11 ~~information:~~

12 ~~—(a) The two previous addresses immediately prior to the present address of applicant.~~

13 ~~—(b) Written proof that the applicant is over the age of 18 years.~~

14 ~~—(c) Applicant's height, weight, color of eyes and hair.~~

15 ~~—(d) Two portrait photographs at least 2" x 2".~~

16 ~~—(e) Business, occupation, or employment of the applicant for the three years immediately~~
17 ~~preceding the date of the application.~~

18 ~~—(f) The bath house or similar business license history of the applicant; whether such person,~~
19 ~~in previously operating in this or another city or state under license, has had such license revoked or~~
20 ~~suspended, the reason therefor, and the business activity or occupation subsequent to such action of~~
21 ~~suspension or revocation.~~

22 ~~—(g) All criminal convictions except minor traffic violations.~~

23 ~~—(h) Such other identification and information necessary to discover the truth of the matters~~
24 ~~hereinbefore specified as required to be set forth in the application.~~

1 —(i) ~~Nothing contained herein shall be construed to deny to the Chief of Police the right to~~
2 ~~take the fingerprints and additional photographs of the applicant, nor shall anything contained herein~~
3 ~~be construed to deny the right of said Chief of Police to confirm the height and weight of the applicant.~~

4 —(j) ~~If the applicant is a corporation, the name of the corporation shall be set forth exactly as~~
5 ~~shown in its articles of incorporation; the names and residence addresses of each of the officers,~~
6 ~~directors and each stockholder owning more than 10 percent of the stock of the corporation. If the~~
7 ~~applicant is a partnership, the application shall set forth the name and residence address of each of the~~
8 ~~partners, including limited partners. If one or more of the partners is a corporation, the provisions of~~
9 ~~this Section pertaining to a corporate applicant apply.~~

10 ~~SEC. 2604. CORPORATE APPLICANTS; EXEMPTION.~~

11 —~~The provisions of Section 2603(a), (b), (c), and (d), entitled "Application for Permit" relating~~
12 ~~to requirements for corporate applicants shall not apply to any of the following:~~

13 —(1) ~~A corporation, the stock of which is listed on a stock exchange in the State of California~~
14 ~~or in the City of New York, State of New York.~~

15 —(2) ~~A bank, trust company, financial institution or title company by which application is~~
16 ~~made or to whom a license is issued in a fiduciary capacity.~~

17 —(3) ~~A corporation which is required by law to file periodic reports with the Securities and~~
18 ~~Exchange Commission.~~

19 ~~SEC. 2607. FACILITIES NECESSARY.~~

20 —~~No permit to conduct a public bath house shall be issued unless an inspection by the Director~~
21 ~~reveals that the establishment complies with each of the following minimum requirements:~~

22 —(a) ~~Construction of rooms used for toilets, tubs, steam baths, and showers shall be made~~
23 ~~waterproof with approved waterproofed materials and shall be installed in accordance with the San~~
24 ~~Francisco Building Code. Plumbing fixtures shall be installed in accordance with the San Francisco~~
25 ~~Plumbing Code.~~

1 —(1)—~~For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a~~
2 ~~waterproof floor covering, which will be carried up all walls to a height of at least six inches. Floor~~
3 ~~shall be covered up on base with at least ¾ inch cover. The walls of all toilet rooms and rooms~~
4 ~~containing bathtubs shall be finished to a height of six feet from a smooth, nonabsorbent finish surface~~
5 ~~of Keene cement, tile, or similar material.~~

6 —(2)—~~Steam rooms and shower compartments shall have approved waterproof floors, walls~~
7 ~~and ceilings.~~

8 —(3)—~~Floors of wet and dry heat rooms shall be adequately pitched to one or more floor~~
9 ~~drains properly connected to the sewer.~~

10 ~~(Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and~~
11 ~~floor drains.)~~

12 —(4)—~~A source of hot water shall be available within the immediate vicinity of dry and wet~~
13 ~~heat rooms to facilitate cleaning.~~

14 —(b)—~~Toilet facilities shall be provided in convenient locations. When five or more employees~~
15 ~~and patrons of different sexes are on the premises at the same time, separate facilities shall be~~
16 ~~provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of~~
17 ~~that sex on the premises at any one time. Urinals may be substituted for water closets after one water~~
18 ~~closet has been provided when five or more employees and patrons of different sexes are on the~~
19 ~~premises. All toilet rooms shall be equipped with selfclosing doors opening in the direction of ingress to~~
20 ~~the toilet rooms. Toilets shall be designated as to the sex accommodated therein.~~

21 —(c)—~~Lavatories or wash basins provided with both hot and cold running water shall be~~
22 ~~installed in either the toilet room or the vestibule. Lavatories or wash basins shall be provided with~~
23 ~~soap in a dispenser and with sanitary towels.~~

24 —(d)—~~All portions of public bath house establishments and baths shall be provided with~~
25 ~~adequate light and ventilation by means of windows or skylights with an area of not less than of the~~

1 ~~total floor area, or shall be provided with approved artificial light and a mechanical operating~~
2 ~~ventilating system. When windows or skylights are used for ventilation, at least 1/2 of the total required~~
3 ~~total window area shall be operable.~~

4 ~~—To allow for adequate ventilation, cubicles, rooms, and areas provided for patrons' use not~~
5 ~~served directly by a required window, skylight, or mechanical system of ventilation shall be constructed~~
6 ~~so that the height of partitions does not exceed 75 percent of the floor-to-ceiling height of the area in~~
7 ~~which they are located.~~

8 ~~—(e) All electrical equipment shall be installed in accordance with the requirements of the San~~
9 ~~Francisco Electrical Code.~~

10 ~~—(f) Nothing contained herein shall be construed to impose new requirements to existing~~
11 ~~public bath house establishments under the City's Building, Health and Fire Codes.~~

12 **SEC. 2608. OPERATING REQUIREMENTS.**

13 ~~—The following operating requirements are to be enforced:~~

14 ~~—(a) Every portion of a public bath house, including appliances, apparatus, and personnel,~~
15 ~~shall be kept clean and operated in a sanitary condition.~~

16 ~~—(b) All employees shall be clean and wear clean outer garments, whose use is restricted to~~
17 ~~the public bath house. Provision for separate dressing rooms for each sex must be available on the~~
18 ~~premises, with individual lockers for each employee. Doors to such dressing rooms shall open inward~~
19 ~~and shall be self-closing.~~

20 ~~—(c) All public bath houses shall be provided with clean laundered sheets and towels in~~
21 ~~sufficient quantities and shall be laundered between consecutive uses thereof and stored in an approved~~
22 ~~sanitary manner. No towels or sheets shall be laundered or dried in any public bath house unless such~~
23 ~~establishment is provided with approved laundry facilities for such laundering and drying. Approved~~
24 ~~receptacles shall be provided for the storage of soiled linens and paper towels.~~

1 ~~—(d) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly~~
2 ~~cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.~~

3 ~~SEC. 2609. VERIFICATION OF APPLICATION.~~

4 ~~—Every application for a permit under this Article shall be verified as provided in the~~
5 ~~California Code of Civil Procedure for the verification of pleadings.~~

6 ~~SEC. 2610. NOTICE OF HEARING.~~

7 ~~—When an application is filed for a new permit under this Article, the Chief of Police shall fix a~~
8 ~~time and place for a public hearing thereon. Not less than 10 days before the date of such hearing, the~~
9 ~~Chief of Police shall cause to be posted a notice of such hearing in a conspicuous place on the property~~
10 ~~in which or on which the proposed public bath house is to be operated. Such posting of notice shall be~~
11 ~~carried out by the Police Department, and the applicant shall maintain said notice as posted the~~
12 ~~required number of days.~~

13 ~~SEC. 2611. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.~~

14 ~~—The Chief of Police upon receiving an application for a public bath house permit shall refer~~
15 ~~the applications to the Bureau of Building Inspection, the Fire Department, the Health Department and~~
16 ~~the City Planning Department, which departments shall inspect the premises proposed to be devoted to~~
17 ~~a public bath house and shall make separate written recommendations to the Chief of Police~~
18 ~~concerning compliance with the codes that they administer.~~

19 ~~SEC. 2612. ISSUANCE OF PERMIT FOR PUBLIC BATH HOUSE.~~

20 ~~—The Chief of Police shall issue a Public Bath House Permit within 14 days following a~~
21 ~~hearing if all the requirements for a public bath house described in this Article are met and shall issue~~
22 ~~a permit to any person who has applied for a permit to operate a public bath house unless he finds:~~

23 ~~—(1) That the operation as proposed by the applicant if permitted would not comply with all~~
24 ~~applicable laws including, but not limited to, the City's Building, Health, City Planning and Fire~~
25 ~~Codes, or regulations adopted by the Chief of Police.~~

1 ~~—(2) That the applicant or any other person who will be directly engaged in the management~~
2 ~~and operation of a public bath house has been convicted of:~~

3 ~~—(a) An offense involving conduct which requires registration pursuant to Section 290 of the~~
4 ~~Penal Code.~~

5 ~~—(b) An offense involving the use of force and violence upon the person of another that~~
6 ~~amounts to a felony.~~

7 ~~—(c) An offense involving sexual misconduct with children.~~

8 ~~—(d) An offense as defined under Sections 311, 647(a), 647a, 315, 316, or 318 of the Penal~~
9 ~~Code of the State of California.~~

10 ~~—(e) The Chief of Police shall disregard any conviction mentioned in Subsections (a), (b),~~
11 ~~(c) or (d) of this Section if he finds that the applicant has fully completed any sentence imposed because~~
12 ~~of such conviction and has fully complied with any conditions imposed because of such conviction,~~
13 ~~which conviction has occurred at least three years prior to the date of application and the applicant~~
14 ~~has not subsequently been convicted of any of the crimes herein mentioned nor has suffered any~~
15 ~~subsequent felony convictions involving the use of force or violence on the person of another.~~

16 ~~SEC. 2615. REGISTER TO BE MAINTAINED.~~

17 ~~—The operator of a public bath house must maintain a register of all persons employed as an~~
18 ~~employee of a public bath house as herein defined which register shall be available for inspection at all~~
19 ~~times during regular business hours. The register shall contain the following information for each~~
20 ~~employee:~~

21 ~~—(a) Name and residence address.~~

22 ~~—(b) Social Security number and driver's license number, if any.~~

23 ~~—(c) Employee's height, weight, color of eyes and hair.~~

24 ~~—(d) Written evidence that the employee is over the age of 18 years.~~

1 ~~—(e) Business, occupation or employment of the employee for the three years immediately~~
2 ~~preceding the date of beginning employment with the public bath house.~~

3 ~~—(f) The Chief of Police shall have the right to take fingerprints and photographs of an~~
4 ~~employee and the right to confirm the information contained in the register.~~

5 ~~SEC. 2616. REVOCATION OR SUSPENSION OF PERMIT TO OPERATE A PUBLIC BATH~~
6 ~~HOUSE.~~

7 ~~—Any permit issued for a public bath house may be revoked or suspended by the Chief of~~
8 ~~Police, after a hearing, for good cause, in any case where any of the provisions of this Article are~~
9 ~~knowingly violated, or where any employee of the permittee is engaging in any conduct which violates~~
10 ~~any state or local laws or ordinances at permittee's place of business where permittee has actual or~~
11 ~~constructive knowledge or by due diligence should have actual or constructive knowledge of such~~
12 ~~violations, or in any case where the permittee refuses to permit any duly authorized officer of the City~~
13 ~~to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the~~
14 ~~Chief of Police, after hearing, upon the representation of the Director of Public Health that such~~
15 ~~business is being managed, conducted, or maintained without regard for the public health or health of~~
16 ~~patrons or customers, or without due regard to proper sanitation or hygiene.~~

17 ~~SEC. 2618. EMPLOYMENT OF PERSONS UNDER THE AGE OF EIGHTEEN YEARS~~
18 ~~PROHIBITED.~~

19 ~~—It shall be unlawful for the owner, proprietor, manager or any other person in charge of any~~
20 ~~public bath house to employ any person under the age of 18 years.~~

21 ~~SEC. 2619. ADVERTISING.~~

22 ~~—No public bath house granted a permit under the provisions of this Article shall place, publish~~
23 ~~or distribute or cause to be placed, published or distributed any advertising matter that depicts any~~
24 ~~portion of the human body that would reasonably suggest to prospective patrons that any service is~~
25 ~~available other than those services as described in Section 2600 of this Article, nor shall any public~~

1 *bath house indicate in the text of such advertising that any service is available other than those services*
2 *as described in Section 2600 of this Article.*

3 ~~SEC. 2620. SALE OR TRANSFER.~~

4 ~~—Upon sale, transfer or relocation of a public bath house, the permit and license therefor shall~~
5 ~~be null and void unless approved as provided in Section 2627 herein.~~

6 ~~SEC. 2621. NAME AND PLACE OF BUSINESS CHANGE OF LOCATION.~~

7 ~~—No person granted a permit pursuant to this Article shall operate under any name or conduct~~
8 ~~his business under any designation or in any location not specified in his permit.~~

9 ~~SEC. 2622. DAILY REGISTER.~~

10 ~~—Every person who engages in or conducts a public bath house as herein defined shall keep a~~
11 ~~daily register, approved in form by the Police Department, of all patrons by name, address, and hour of~~
12 ~~arrival, and the room or cubicle assigned, if any. Said daily register shall at all times during business~~
13 ~~hours be subject to inspection by the Health Department and by the Police Department and shall be~~
14 ~~kept on file for one year.~~

15 ~~SEC. 2623. LOCKED CUBICLE, ROOM, BOOTH, ETC.~~

16 ~~—No service enumerated in Section 2600 of this Article may be carried on within any cubicle,~~
17 ~~room, or booth, or in any area within a public bath house by whatever designation whatsoever which is~~
18 ~~fixed with a door capable of being locked.~~

19 ~~SEC. 2624. DISPLAY OF PERMIT.~~

20 ~~—Every person to whom or for whom a permit shall have been granted pursuant to the~~
21 ~~provisions of this Article shall display said permit in a conspicuous place in a public bath house so that~~
22 ~~the same may be readily seen by persons entering the premises.~~

23 ~~SEC. 2625. INSPECTIONS.~~

1 ~~—The Police Department and the Department of Public Health shall from time to time, and at~~
2 ~~least twice a year, make an inspection of each public bath house in the City and County of San~~
3 ~~Francisco for the purpose of determining that the provisions of this Article are complied with.~~

4 ~~SEC. 2626. LICENSE FEES.~~

5 ~~—Every permittee who conducts, permits or assists in conducting or permitting any public bath~~
6 ~~house as defined herein shall pay to the Tax Collector an annual license fee, payable in advance. The~~
7 ~~license fee shall be paid annually on or before March 31, in accordance with the provisions of Section~~
8 ~~76.1 of the Business and Tax Regulations Code. In calculating the fees earned herein, a percentage of~~
9 ~~the license fee as set by the Controller pursuant to Section 2.21 of this Code shall be credited to the~~
10 ~~Department of Public Health pursuant to the provisions of Section 6.402 of the Charter of the City and~~
11 ~~County of San Francisco.~~

12 ~~SEC. 2627. TRANSFER OF PERMIT.~~

13 ~~—No permit shall be transferred to new owners except with the written consent of the Chief of~~
14 ~~Police and the approval of the Director of Public Health.~~

15 ~~—An application for such a transfer shall be in writing and shall be accompanied by the same~~
16 ~~filing fee as for an initial application. The written application for such transfer shall contain the same~~
17 ~~information as requested herein for an initial application for such a permit. The same percentage of~~
18 ~~said filing fee for a transfer of license shall be credited to the Department of Public Health pursuant to~~
19 ~~the provisions of Section 6.402 of the Charter of the City and County of San Francisco as for an initial~~
20 ~~application.~~

21 ~~SEC. 2628. UNLAWFUL ACTIVITIES.~~

22 ~~—It shall be unlawful for any person to give or administer any bath or baths as defined herein,~~
23 ~~or to give or administer any of the other things mentioned in this Article which violate the provisions of~~
24 ~~this Article or which violate any state or local laws or ordinances. Any violation of this provision shall~~
25 ~~be deemed grounds for revocation of the permit granted hereunder.~~

1 ~~SEC. 2630. TIME LIMIT FOR FILING APPLICATION FOR PUBLIC BATH HOUSE PERMIT.~~

2 ~~—All persons who possess an outstanding permit heretofore issued by the Police Department as~~
3 ~~an operator of a public bath house must file for a new permit within 90 days of the effective date of this~~
4 ~~Article; failure to do so shall constitute continued operation of said place of business a violation of~~
5 ~~Section 2634 thereof.~~

6 ~~SEC. 2632. APPLICABILITY TO EXISTING PUBLIC BATH HOUSES.~~

7 ~~—Any place or premises where a permit to operate is sought must conform to all existing~~
8 ~~Building, Health, City Planning and Fire Codes of the City and County of San Francisco. Nothing~~
9 ~~contained herein shall be construed to impose new requirements on existing public bath houses under~~
10 ~~the City's Building, Health, City Planning and Fire Codes. The Chief of Police shall grant a permit to~~
11 ~~operate a bath house to those bath houses holding valid permits to operate under the provisions of~~
12 ~~former Section 1301 of Chapter VIII, Part II, of the San Francisco Municipal Code.~~

13 ~~SEC. 2633. RULES AND REGULATIONS.~~

14 ~~—The Chief of Police may, after a public hearing, make and enforce reasonable rules and~~
15 ~~regulations not in conflict with, but to carry out, the intent of this Article.~~

16 ~~SEC. 2634. VIOLATION AND PENALTY.~~

17 ~~—(a) Every person who violates any provision of this Article shall be guilty of a misdemeanor.~~

18 ~~SEC. 2635. SEVERABILITY.~~

19 ~~—If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or~~
20 ~~any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of~~
21 ~~competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining~~
22 ~~portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would~~
23 ~~have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof~~
24 ~~irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences,~~
25 ~~clauses or phrases be declared unconstitutional or invalid or ineffective.~~

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4 Section 2. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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9 APPROVED AS TO FORM:
10 DAVID CHIU, City Attorney

11 By: /s/ Alicia Cabrera
12 ALICIA CABRERA
13 Deputy City Attorney

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