

DRAFT FOR DISCUSSION PURPOSES ONLY
ORDINANCE NO.

FILE NO.

1 [Regulation of Live Adult Entertainment Businesses.]

2

3 **Ordinance (I) amending the San Francisco Police Code by: (1) adding a new Article 15.7**
4 **(a) modernizing the regulation and permitting of live adult entertainment businesses for**
5 **the purposes of protecting the health, safety and welfare of exotic dancers and the**
6 **public, and to protect exotic dancers from conditions at live adult entertainment**
7 **businesses in San Francisco that foster sexual and economic exploitation of women**
8 **and coerce acts of prostitution, and (b); imposing an application fee and annual license**
9 **fee for Live Adult Entertainment Business Permits; (2) amending Article 11.2 to**
10 **conform the regulation of Adult Theaters and Adult Bookstores with the enactment of**
11 **Article 15.7; (3) amending Article 15.1 to conform the regulation of Places of**
12 **Entertainment with the enactment of Article 15.7; (4) amending Article 15.2 to conform**
13 **the regulation of Extended Hours Premises with the enactment of Article 15.7; and (5)**
14 **repealing Article 15.4 regulating Encounter Studios; (II) amending the San Francisco**
15 **Business and Tax Regulations Code to conform administrative provisions for the**
16 **collection of permit fees with the enactment of Article 15.7; and (III) making findings**
17 **pursuant to the California Environmental Quality Act, Public Resources Code Section**
18 **21080(b)(8)(A), that the regulatory fees imposed by this ordinance are not a "project"**
19 **and that such fees are imposed for the purpose of meeting operating expenses of the**
20 **City and County of San Francisco, including employee wage rates, fringe benefits and**
21 **other direct and indirect overhead charges, attributable to the implementation and**
22 **enforcement of this Ordinance.**

23 Note: Additions are *single-underline italics Times New Roman*;
24 deletions are *~~strikethrough italics Times New Roman~~*.
25 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

2
3 Section 1. The San Francisco Police Code is hereby amended by adding Article 15.7,
4 to read as follows:

5 "Article 15.7

6 Regulation of Live Adult Entertainment Businesses

7
8 SEC. 1074.51. FINDINGS. The Board of Supervisors finds and declares as follows:

9 (a) In developing this ordinance, the Board of Supervisors ("Board") has been mindful of
10 legal principles relating to regulation of adult-oriented businesses and does not intend to suppress or
11 infringe upon any expressive activities or rights protected by the First Amendment of the United States
12 Constitution or California Constitution. Instead, the Board desires to regulate businesses that
13 regularly feature live exotic dancing, striptease, nude or semi-nude persons and similar adult-oriented
14 live performances distinguished or characterized by an emphasis upon the display of specified
15 anatomical areas or specified sexual activities, and to prohibit certain business practices and working
16 conditions that foster prostitution on the premises of such businesses. The purpose of such regulation
17 is to protect the public health, safety and welfare, reduce the adverse secondary effects of such
18 businesses, and reduce the sexual and economic exploitation of persons, mostly women, who work as
19 exotic dancers.

20 (b) The Board of Supervisors has considered decisions of the United States Supreme Court
21 regarding local regulation of sexually oriented businesses, including but not limited to: City of Los
22 Angeles v. Alameda Books, Inc., 535 U.S. 425 (2002); Young v. American Mini Theaters, Inc., 427 U.S.
23 50 (1976) (Reh. denied 429 U.S. 873); City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986)
24 (Reh. denied 475 U.S. 1132); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); Barnes v. Glen
25 Theatre, 501 U.S. 560 (1991); Arcara v. Cloud Books, Inc., 478 U.S. 697, 699 (1986)("[B]ooth was

1 used for 'masturbation, fondling, and fellatio by patrons on the premises of the store ...'"); United
2 States Court of Appeals 9th Circuit decisions, including but not limited to: Gammoh v. City of La
3 Habra (9th Cir., 2005) 395 F.3d 1114; Topanga Press, Inc. v. City of Los Angeles, 989 F.2d 1524
4 (1993); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); Colacurcio v. City of Kent, 163 F.3d
5 545 (9th Cir. 1998); and Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); several
6 California cases including but not limited to: Tily B., Inc. v. City of Newport Beach, 69 Cal.App.4th 1
7 (1998); City of National City v. Wiener, 3 Cal.4th 832 (1993); People v. Superior Court (Lucero) 49
8 Cal.3d 14 (1989); and City of Vallejo v. Adult Books, et al., 167 Cal.App.3d 1169 (1985); and other
9 federal cases including but not limited to: Fantasyland Video, Inc. v. County of San Diego (2005)
10 375 F.Supp.2d 1094; Lakeland Lounge of Jackson, Inc. v. City of Jacksonville (5th Cir. 1992) 973
11 F.2d 1255; Hang On, Inc. v. City of Arlington (5th Cir. 1995) 65 F.3d 1248; Mitchell v. Commission on
12 Adult Entertainment (3rd Cir. 1993) 10 F.3d 123; International Eateries v. Broward County (11th Cir.
13 1991) 941 F.2d 1157; Star Satellite, Inc. v. City of Biloxi (5th Cir. 1986) 779 F.2d 1074; Wall
14 Distributors v. Newport News (1986) 782 F.2d 1165; Dumas v. City of Dallas (1986) 648 F.Supp.
15 1061; Ellwest Stereo Theatres, Inc. v. Wenner (1982) 681 F.2d 1243 (interior configuration
16 requirements providing for open booths with direct line of sight from a manager's station upheld);
17 Bamon Corp. v. City of Dayton (6th Cir. 1991) 923 F.2d 470 (same; no "glory holes"); Pleasureland
18 Museum, Inc. v. Beutter (7th Cir. 2002) 288 F.3d 988 (open booth restrictions are content-neutral and
19 aimed at secondary effects); Matney v. County of Kenosha (7th Cir. 1996) 86 F.3d 692 (open booth
20 requirement is constitutional time, place and manner regulation); N.W. Enterprises, Inc. v. City of
21 Houston (S.D. Texas 1998), 27 F.Supp.2d 754; Scope Pictures of Missouri, Inc. v. City of Kansas City
22 (8th Cir. 1998) 140 F.3d 1201 (maintaining premises "clean and sanitary" so as to be free of semen,
23 urine, feces, needles and trash is not unconstitutionally vague); Libra Books, Inc. v. City of Milwaukee
24 (E.D. Wis. 1993) 818 F.Supp. 263; Doe v. City of Minneapolis (8th Cir. 1990) 898 F.2d 612 (rejecting
25 argument of First Amendment violation based on adverse economic impact); Berg v. Health and Hosp.

1 Corp. of Marion County, Ind. (7th Cir. 1989) 865 F.2d 797, 802-803; Wall Distributors, Inc. v. City of
2 Newport News, Va. (4th Cir. 1986) 782 F.2d 1165; Postscript Enterprises v. City of Bridgeton, 699
3 F.Supp. 1393 (E.D. Mo. 1988); Broadway Books, Inc. v. Roberts, 642 F.Supp. 486 (E.D. Tenn. 1986);
4 SDJ Inc. v. City of Houston, 636 F.Supp. 1359 (S.D. Tex. 1986); Dumas v. City of Dallas, 648 F.Supp.
5 1061 (N.D. Tex. 1986), aff'd 837 F.2d 1298 (5th Cir. 1988); Jake's, Ltd., Inc. v. City of Coates, 284
6 F.3d 884, 891 (8th Cir. 2002); DLS, Inc. v. City of Chattanooga, 107 F.3d 403, 411 (6th Cir. 1997);
7 LLEH, Inc. v. Wichita County, Tex. 289 F.3d 358 (5th Cir. 2002).

8 (c) The San Francisco Commission on the Status of Women ("Commission") conducted
9 hearings during 2004 and 2005 on the working conditions in strip clubs and similar establishments that
10 offer live adult-oriented entertainment in San Francisco ("Live Adult Entertainment Businesses," as
11 defined in Section 1074.53) after receiving complaints from current and former exotic dancers alleging
12 that unfair business practices commonly used by the management of such businesses coerce women
13 who work as exotic dancers into prostitution. Women who currently or previously worked as exotic
14 dancers at Live Adult Entertainment Businesses in San Francisco presented oral and written testimony
15 to the Commission that policies and practices regarding compensation of exotic dancers, including
16 requiring the payment of "stage fees," commissions, tips, and other consideration as a condition or
17 prerequisite for working as exotic dancers, quotas for lap dances, or other one-on-one encounters with
18 patrons in booths or other private areas, and other unfair businesses practices coerce women to
19 engage in acts of prostitution and promote illegal and/or unsafe sexual activity on the premises of the
20 business. In addition, booths and similar private encounter areas in Live Adult Entertainment
21 Businesses increase the likelihood that exotic dancers will be subjected to (or make) illegal
22 solicitations of sex for money, and that exotic dancers who do not engage in prostitution will be
23 subjected to groping, fondling, unwanted sexual advances, physical touching, and assaults of a sexual
24 nature by patrons demanding sex.

1 (d) The Commission adopted a resolution urging the Board of Supervisors to (1) prohibit
2 the owner or operator of any establishment in which women provide live nude or semi-nude
3 entertainment to charge, require, or demand that the women pay any fee, commission, tip, or any other
4 consideration as a condition or prerequisite for providing said entertainment; (2) require owners and
5 operators of strip clubs to post, in a conspicuous manner in an open and visible location within the
6 club, and in an area to which patrons have access, a current comprehensive schedule of compensation
7 for exotic dances; (3) require operators to notify the Commission on the Status of Women when they
8 make any change to the compensation schedule; and (4) prohibit private, non-transparent booths or
9 rooms in establishments in which women provide live nude or semi-nude entertainment.

10 (e) The Board of Supervisors has considered such testimony and the entire record of the
11 hearings held by the Commission, and finds the testimony that the policies, practices, and working
12 conditions of exotic dancers at many Live Adult Entertainment Businesses in San Francisco foster
13 prostitution, coerced prostitution, and sexual assault, as well as illegal and unsafe sexual activity on
14 the premises of the business, to the detriment of the exotic dancers and the general public. The record
15 of the hearings before the Commission is contained in Board of Supervisors File No. _____ and
16 available from the Clerk of the Board of Supervisors.

17 (f) The Board of Supervisors takes legislative notice of the facts recited in the case of Kev,
18 Inc. v. Kitsap County, 793 F.2d 1053 (1986), regarding how live adult entertainment results in
19 secondary effects such as prostitution and other law enforcement problems.

20 (g) The Board of Supervisors finds that existing regulations for Encounter Studio Permits
21 contained in the San Francisco Police Code and zoning and location criteria do not adequately protect
22 the health, safety, and welfare of exotic dancers, patrons of Live Adult Entertainment Businesses and
23 the public, and thus the requirements with respect to the ownership and operation of Live Adult
24 Entertainment Businesses set forth in this Article are in the public interest. The Board further finds
25 that there are no existing Encounter Studio Permits issued under Article 15.4, and that such regulatory

1 permitting scheme has been ineffective at addressing the adverse secondary effects of businesses
2 operating in San Francisco that offer live adult-oriented performances by exotic dancers.

3 (h) The Board of Supervisors finds the following, in part based upon its understanding of
4 the record of the hearings conducted by the Commission on the Status of Women on conditions found at
5 businesses that regularly feature live adult entertainment, and documents and judicial decisions in the
6 public record:

7 (1) Evidence indicates that fully enclosed booths, individual viewing areas, and
8 other small rooms, alcoves, or other secluded areas the interiors of which cannot be seen from
9 public areas of the establishment are a significant factor in coerced prostitution and other
10 unlawful sexual activity;

11 (2) Evidence indicates that sexual assaults on performers occur most frequently in
12 fully enclosed booths, individual viewing areas, and other small rooms, alcoves, and other
13 secluded areas the interiors of which cannot be seen from public areas of the establishment;

14 (3) The City has a substantial interest in adopting regulations that will reduce the
15 possibility for the occurrence of prostitution and unsafe sex acts at Live Adult Entertainment
16 Businesses due to the public health risks of AIDS, Hepatitis B, and other sexually transmitted
17 diseases associated with prostitution and unsafe sex acts;

18 (4) Evidence indicates that, in addition to violating the legal and basic human rights
19 of exotic dancers to safe working conditions, many Live Adult Entertainment Businesses have
20 violated state labor laws as well as the basic human right to fair wages by imposing illegal
21 stage fees as a condition or prerequisite for working as exotic dancers. The imposition of
22 unlawful stage fees and other unfair business practices coerce exotic dancers to engage in
23 prostitution and promote illegal and/or unsafe sexual activity on the premises of such
24 businesses.

1 (i) Licensing and other police power regulations are legitimate, reasonable means of
2 accountability to help protect exotic dancers from operating and working conditions controlled by
3 operators of Live Adult Entertainment Businesses that encourage prostitution, assaults on exotic
4 dancers, and sexual and economic exploitation of exotic dancers.

5 (j) Nothing in this ordinance is intended to authorize, legalize, or permit the establishment,
6 operation, or maintenance of any business, building, or use which violates any City ordinance or any
7 statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual
8 conduct, or lewdness.

9 (k) The Board of Supervisors declares that the restrictions imposed pursuant to this
10 ordinance are part of a regulatory licensing process, and do not constitute a criminal offense.
11 Notwithstanding any other provision of the San Francisco Police Code, the City does not impose a
12 criminal penalty for violations of the provisions of this ordinance. The City adopts these limitations as
13 a condition of issuance and maintenance of a permit to operate a Live Adult Entertainment Business
14 issued pursuant to this Article.

15 (l) Enclosed or concealed booths and dimly-lit areas within Live Adult Entertainment
16 Businesses greatly increase the potential for misuse of the premises, including prostitution, coerced
17 prostitution, sexual assaults, and unlawful conduct of a type which facilitates transmission of disease.
18 Requirements that all indoor areas to which patrons have access (except for bathrooms) be open to
19 view from publicly accessible areas on the premises, and that adequate lighting be provided, are
20 necessary in order to reduce the opportunity for such misuse, and therefore the incidence of illegal
21 conduct within Live Adult Entertainment Businesses, and to facilitate the inspection of the interior of
22 the premises thereof by law enforcement personnel and City employees responsible for the regulation
23 of such establishments.

24 (m) The Live Adult Entertainment Business Development and Performance Standards set
25 forth in Section 1074.63 of this Article are consistent with the City's commitment to the principles of the

1 United Nations Convention to Eliminate All Forms of Discrimination Against Women (CEDAW),
2 including the right to bodily integrity, which includes mental, physical, and sexual safety and well-
3 being, as well as the right to an adequate standard of living.

4
5 SEC. 1074.52. LEGISLATIVE PURPOSE.

6 It is the purpose of this ordinance to regulate Live Adult Entertainment Businesses in order to
7 promote the health, safety, and welfare of exotic dancers, patrons of Live Adult Entertainment
8 Businesses, the citizens of the City and County of San Francisco, and the general public. The
9 provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction
10 on the content of any communicative activity protected by the First Amendment of the United States
11 Constitution or California Constitution, including live adult-oriented performances. Similarly, it is not
12 the intent nor effect of this ordinance to restrict or deny access by adults to adult-oriented
13 performances protected by the First Amendment or California Constitution, or to deny access by the
14 exhibitors of live adult-oriented entertainment to their intended market.

15
16 SEC. 1074.53. DEFINITIONS.

17 For the purpose of this Article the following words and phrases shall have the same meanings
18 respectively ascribed to them by this section:

19 (a) "Live Adult Entertainment Businesses" means a nightclub, exotic dance club, strip club,
20 gentleman's club, topless club, go-go club, adult cabaret, adult entertainment club, lingerie modeling
21 studio, restaurant, or other business establishment, which: (1) regularly features live performances
22 which are distinguished or characterized by an emphasis upon the display of specified anatomical
23 areas or specified sexual activities; or (2) which regularly features persons of either sex who appear
24 nude or semi-nude and whose presence is distinguished or characterized by an emphasis upon specified
25 sexual activities or specified anatomical areas.

1 **(b) "Live Adult Entertainment Business Operator" and "Operator" mean a person who**
2 **owns, supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for**
3 **or in charge of the premises of a Live Adult Entertainment Business or the conduct or activities**
4 **occurring on the premises thereof.**

5 **(c) "Applicant" means a person who is required to file an application for a permit under**
6 **this Article, including an individual owner, managing partner, officer of a corporation, or any other**
7 **operator, manager, employee, or agent of a Live Adult Entertainment Business.**

8 **(d) "City" means the City and County of San Francisco.**

9 **(e) "Distinguished or characterized by an emphasis upon" means and refers to the dominant**
10 **or essential theme of the object described by such phrase. For instance, when the phrase refers to**
11 **performances "which are distinguished or characterized by an emphasis upon" the depiction or**
12 **description of specified sexual activities or specified anatomical areas, the performances so described**
13 **are those whose dominant or predominant character and theme are the depiction of the enumerated**
14 **sexual activities or anatomical areas. See Pringle v. City of Covina (1981) 115 Cal.App.3rd 151.**

15 **(f) "Entertainment Commission" means the San Francisco Entertainment Commission**
16 **established under Chapter 90 of the San Francisco Administrative Code and Section 4.117 of the San**
17 **Francisco Charter. "Entertainment Commission" also means the Executive Director of the**
18 **Entertainment Commission or his or her designee for purposes of exercising such powers and**
19 **discharging such duties of the Entertainment Commission under this Article as the Entertainment**
20 **Commission may delegate to the Executive Director.**

21 **(g) "Nudity" or a "state of nudity" means the showing of the human male or female genitals,**
22 **pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with**
23 **less than a fully opaque covering of any part of the nipple.**

24 **(h) "Operate a Live Adult Entertainment Business" means the supervising, managing,**
25 **inspecting, directing, organizing, controlling, or in any way being responsible for or in charge of the**

1 conduct of activities of a Live Adult Entertainment Business or activities within a Live Adult
2 Entertainment Business.

3 (i) "Permit" and "Live Adult Entertainment Business Permit" mean a permit to operate a
4 Live Adult Entertainment Business issued by the Entertainment Commission under this Article.

5 (j) "Permittee" means the person to whom a Live Adult Entertainment Business Permit is
6 issued.

7 (k) "Person" means any individual, firm, company, partnership, limited liability
8 partnership, joint venture, association, proprietorship, joint stock company, domestic or foreign
9 corporation, limited liability company, estate, trust, business trust, receiver, trustee, trustee in
10 bankruptcy, administrator, executor, assignee, syndicate, or any other group or combination acting as
11 a unit.

12 (l) "Regularly Features" with respect to a Live Adult Entertainment Business means a
13 regular and substantial course of conduct. The fact that live performances which are distinguished or
14 characterized by an emphasis upon the display of specified anatomical areas or specified sexual
15 activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more
16 occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred and
17 eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial
18 course of conduct.

19 (m) "Semi-nude" means a state of dress in which clothing covers no more than the genitals,
20 pubic region, buttocks, areola of the female breast, as well as portions of the body covered by
21 supporting straps or devices.

22 (n) "Specified anatomical areas" means and includes any of the following human
23 anatomical areas if less than completely and opaquely covered: (1) genitals or pubic region; (2)
24 buttocks; and (3) female breast below a point immediately above the top of the areola.

1 (o) "Specified sexual activities" means and includes any of the following, whether
2 performed directly or indirectly through clothing or other covering: (1) The fondling or other erotic
3 touching of human genitals, pubic region, buttocks, anus, or female breast; (2) Sex acts, actual or
4 simulated, including intercourse, oral copulation, or sodomy; (3) Masturbation, actual or simulated;
5 (4) Excretory functions as part of or in connection with any of the other activities described in (1)
6 through (3) of this subsection.

7
8 SEC. 1074.54. PERMITS REQUIRED.

9 (a) It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be
10 engaged in, conducted or carried on, in or upon any premises in the City and County of San Francisco,
11 the operation of a Live Adult Entertainment Business unless the person first obtains and continues to
12 maintain in full force and effect a Permit from the San Francisco Entertainment Commission as
13 required under this Article. Every person who proposes to establish, maintain, operate, or conduct a
14 Live Adult Entertainment Business in the City and County of San Francisco shall file an application
15 with the Entertainment Commission upon a form provided by the Entertainment Commission and shall
16 pay a filing fee, as set forth in Police Code Section 2.26, which shall not be refundable.

17 (b) Except for persons authorized to commence operating a Live Adult Entertainment
18 Business as provided in Section 1074.56(d) and Applicants continuing to operate a Live Adult
19 Entertainment Business during the 180-day grace period under Section 1074.58, any person operating
20 a Live Adult Entertainment Business in violation of this Section shall be subject to civil penalties as
21 provided in Section 1074.69.

22
23 SEC. 1074.55. APPLICATIONS.

24 (a) Permits are nontransferable, except in accordance with this Article. All applications for
25 a Permit shall include the following information:

1 (1) If the applicant is an individual, the individual shall state his or her legal name,
2 including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen
3 (18) years of age.

4 (2) If the applicant is a partnership, the partners shall state the partnership's
5 complete name, address, the names of all partners, whether the partnership is general or limited, and
6 attach a copy of the partnership agreement, if any.

7 (3) If the applicant is a corporation, the corporation shall provide its complete
8 name, the date of its incorporation, evidence that the corporation is in good standing under the laws of
9 California, the names and capacities of all officers and directors, the name of the registered corporate
10 agent, and the address of the registered agent for service of process.

11 (4) The address information required by this subsection shall be the street address
12 for the physical location of the applicant's primary place of business. If the applicant's mailing address
13 is different than the street address, the applicant shall provide both addresses.

14 (b) If the applicant is an individual, he or she shall sign the application. If the applicant is
15 other than an individual, an officer of the business entity or an individual with a ten (10) percent or
16 greater interest in the business entity shall sign the application.

17 (c) If the applicant intends to operate the Live Adult Entertainment Business under a name
18 other than that of the applicant, the applicant shall file the fictitious name of the Live Adult
19 Entertainment Business and show proof of registration of the fictitious name.

20 (d) A detailed description of the type of Live Adult Entertainment Business for which the
21 Permit is requested and the proposed address where the Live Adult Entertainment Business will
22 operate, plus the names and addresses of the owners and lessors of the Live Adult Entertainment
23 Business site.

24 (e) The address to which notice of action on the application is to be mailed.
25

1 (f) If the applicant is an individual, the ownership interest of the applicant and his or her
2 title and position in the Live Adult Entertainment Business.

3 (g) A sketch or diagram showing the interior configuration of the premises, including a
4 statement of the total floor area occupied by the Live Adult Entertainment Business. The sketch or
5 diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with
6 marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

7 (h) A certificate and straight-line drawing prepared within thirty (30) calendar days prior
8 to application depicting the building and the portion thereof to be occupied by the Live Adult
9 Entertainment Business, and: (1) the property line of any other Live Adult Entertainment Business
10 within 1000 feet of the primary entrance of the Live Adult Entertainment Business for which a Permit is
11 requested; and (2) the property lines of any church, school, park, residential zone or use within 1000
12 feet of the primary entrance of the Live Adult Entertainment Business.

13 (i) A diagram of the off-street parking areas and premises entries of the Live Adult
14 Entertainment Business showing the location of the lighting system required by this Article.

15 (j) If the Entertainment Commission determines that the applicant has completed the
16 application improperly, or otherwise deems the application to be incomplete, the Entertainment
17 Commission shall, within ten (10) calendar days of receipt of the original application, notify the
18 applicant of such fact and, on request of the applicant, grant the applicant an extension of time of ten
19 (10) calendar days or less to submit a complete application. In addition, the applicant may request an
20 extension, not to exceed ten (10) calendar days, of the time for the Entertainment Commission to act on
21 the application. The time period for granting or denying a Permit shall be stayed during the period in
22 which the applicant is granted an extension of time.

23 (k) The fact that an applicant possesses other types of state or City permits or licenses does
24 not exempt the applicant from the requirement of obtaining a Permit.

1 SEC. 1074.56. INVESTIGATION AND ACTION ON APPLICATION.

2 (a) Upon receipt of a completed application and payment of the application and permit fees,
3 the Entertainment Commission shall immediately stamp the application as received and promptly
4 investigate the information contained in the application to determine whether the applicant shall be
5 issued a Permit.

6 (b) Within thirty (30) calendar days of receipt of the completed application, the
7 Entertainment Commission shall complete the investigation and conduct a public hearing on the
8 application. Not less than ten (10) calendar days prior to the hearing, the Entertainment Commission
9 shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on
10 which the proposed Live Adult Entertainment Business is to be operated. Such notice shall be prepared
11 by the Entertainment Commission and shall set forth a description of the Live Adult Entertainment
12 Business which the applicant intends to conduct. The applicant shall maintain said notice as posted the
13 required number of days. Notice of such hearing shall be mailed by the Entertainment Commission at
14 least seven (7) calendar days prior to the date of such hearing to any person who has filed a written
15 request for such notice. The Entertainment Commission may not continue or reschedule the public
16 hearing to a date that is more than thirty (30) calendar days after the receipt of a completed
17 application unless the applicant agrees in writing or upon the record during the public hearing or a
18 public meeting of Entertainment Commission to such continuance and waives the right to have the
19 application decided within the thirty calendar day period. If the applicant does not agree to such
20 continuance, the Entertainment Commission shall proceed with the public hearing and the failure to
21 mail or timely mail the notice shall not be ground to void the decision on the application.

22 (c) At the hearing, the Applicant and any other interested party, including the Police
23 Department or any other public agency, shall be allowed to submit evidence and present arguments
24 relevant to the determinations required for granting or denying the application under this Section and
25 Section 1074.57. The Entertainment Commission shall make a final decision upon the application at

1 the public hearing. The Entertainment Commission may continue the public hearing provided the
2 hearing is concluded and the final decision on the application is made within thirty (30) calendar days
3 of receipt of the completed application. The Entertainment Commission shall notify the applicant, and
4 any other interested party who has made a written request, of the final decision as follows:

5 (1) The Entertainment Commission shall write or stamp "Granted" or "Denied" on
6 the application and date and sign such notation.

7 (2) If the application is denied, the Entertainment Commission shall attach to the
8 application a statement of the reasons for denial.

9 (3) If the application is granted, the Entertainment Commission shall attach a
10 Permit to the application.

11 (4) The application as granted or denied and the Permit, if any, shall be placed in
12 the United States mail, first class postage prepaid, addressed to the applicant at the mailing address
13 stated in the application.

14 (c) The Entertainment Commission shall grant the application and issue the Permit upon
15 findings that the proposed business meets the location criteria of San Francisco Planning Code; unless
16 the application is denied for one or more of the reasons set forth in Section 1074.57.

17 (d) If the Entertainment Commission neither grants nor denies the application within thirty
18 (30) calendar days after it is stamped as received (except as provided in subsection (b) of this Section
19 or Section 1074.55(j)), the applicant may begin operating the Live Adult Entertainment Business for
20 which the Permit was sought, subject to strict compliance with the requirements of this Article.

21
22 SEC. 1074.57. PERMIT DENIAL.

23 The Entertainment Commission shall deny an application for a Permit for any of the following
24 reasons:

1 (a) The applicant, his or her employee, agent, partner, director, officer, shareholder, or
2 manager has knowingly made any false, misleading or fraudulent statement of material fact in the
3 application for a Live Adult Entertainment Business Permit.

4 (b) An applicant is under eighteen (18) years of age.

5 (c) The required application fee has not been paid.

6 (d) The Live Adult Entertainment Business or the building, structure, equipment, or location
7 thereof does not comply with applicable fire, safety, health, and zoning requirements.

8 (e) A Permit previously issued to the applicant, his or her employee, agent, partner,
9 director, officer, shareholder, or manager was revoked less than one year before the submission of the
10 application for a Permit.

11 (f) The applicant knowingly violated Sections 201, 202, 203, 221, 222, 223, 226, 351, 353,
12 432.5, 450, 510, 1174, 1198 or 2802 of the California Labor Code while operating a Live Adult
13 Entertainment Business less than one year before the submission of the application for a Permit, as
14 determined in a final order or decision of the California Labor Commission or a court of competent
15 jurisdiction.

16
17 SEC. 1074.58. ANNUAL RENEWAL.

18 Each Permit shall expire one (1) year from the date of issuance, and may be renewed only by
19 filing with the Entertainment Commission a written request for renewal, accompanied by the annual
20 permit fee, and a copy of the Permit to be renewed. The request for renewal shall be made at least
21 forty five (45) calendar days before the expiration date of the Permit. When made less than forty five
22 (45) calendar days before the expiration date, the expiration of the Permit will not be stayed.
23 Applications for renewal shall be acted on as provided herein for action upon applications for Permits.

1 SEC. 1074.59. TRANSFER OF PERMITS.

2 (a) A permittee may not operate a Live Adult Entertainment Business under the authority of
3 a Permit at any place other than the address of the business stated in the application for the Permit.

4 (b) A permittee may not transfer ownership or control of a Live Adult Entertainment
5 Business or transfer a Permit to another person unless and until the transferee obtains an amendment
6 to the Permit from the Entertainment Commission stating that the transferee is now the permittee. Such
7 an amendment may be obtained only if the transferee files an application with the Entertainment
8 Commission in accordance with Sections 1074.55 and 1074.56, accompanies the application with a
9 transfer fee in an amount set by ordinance of the Board of Supervisors, and the Entertainment
10 Commission determines in accordance with this Article that the transferee would be entitled to the
11 issuance of an original Permit.

12 (c) No Permit may be transferred when the Entertainment Commission has notified the
13 permittee that the Permit has been or may be suspended or revoked.

14 (d) Any attempt to transfer a Permit either directly or indirectly in violation of this section is
15 hereby declared void, and the Permit shall be deemed revoked.

16
17 SEC. 1074.61. SUSPENSION OR REVOCATION OF PERMITS.

18 The Entertainment Commission may suspend or revoke a Permit in accordance with the
19 procedures and standards of this Section.

20 (a) On determining that grounds for Permit revocation may exist, the Entertainment
21 Commission shall furnish written notice of the proposed suspension or revocation to the Permittee.
22 Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the
23 hearing is based, the pertinent Code sections, and a brief statement of the factual matters in support
24 thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the
25 Permittee, or shall be delivered to the Permittee personally, at least ten (10) calendar days prior to the

1 hearing date. Hearings shall be conducted in accordance with procedures established by the
2 Entertainment Commission, but at a minimum shall include the following:

3 (1) All parties involved shall have a right to offer testimonial, documentary, and
4 tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to
5 confront and cross-examine witnesses.

6 (2) Any relevant evidence may be admitted that is the sort of evidence upon which
7 reasonable persons are accustomed to rely in the conduct of serious affairs.

8 (3) Any hearing under this Section may be continued for a reasonable time for the
9 convenience of a party or a witness.

10 (4) The Entertainment Commission's decision may be appealed in accordance with
11 Section 1074.62.

12 (b) The Entertainment Commission may suspend or revoke a Permit, or take other
13 appropriate disciplinary action, for any of the following causes arising from the acts or omissions of
14 the Permittee, or an employee, agent, partner, director, stockholder, or manager of a Live Adult
15 Entertainment Business:

16 (1) The Permittee has knowingly made any false, misleading, or fraudulent
17 statement of material facts in the application for a Permit, or in any report or record required to be
18 filed with the City related to the Live Adult Entertainment Business.

19 (2) The Permittee, employee, agent, partner, director, stockholder, or manager of a
20 Live Adult Entertainment Business has knowingly allowed or permitted, and has failed to make a
21 reasonable effort to prevent the occurrence of any of the following on the premises of the Live Adult
22 Entertainment Business:

23 (i) Any act of unlawful sexual intercourse, sodomy, oral copulation, or
24 masturbation.

1 (ii) Use of the establishment as a place where unlawful solicitations for
2 sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

3 (iii) Any conduct constituting a criminal offense that requires registration
4 under Section 290 of the California Penal Code.

5 (iv) The occurrence of acts of lewdness, assignation, or prostitution,
6 including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision
7 b of Section 647 of the California Penal Code.

8 (v) Any act constituting a violation of provisions in the California Penal
9 Code relating to obscene matter or distribution of harmful matter to minors, including
10 but not limited to Sections 311 through 313.4.

11 (vi) Any violation of Sections 201, 202, 203, 221, 222, 223, 226, 351, 353,
12 432.5, 450, 510, 1174, 1198 or 2802 of the California Labor Code, if such determination
13 is set forth in a final order or decision of the California Labor Commission, San
14 Francisco Office of Labor Standards Enforcement, or court of competent jurisdiction.

15 (vii) Any conduct prohibited by this Article.

16 (3) Failure to abide by any disciplinary action previously imposed by an appropriate
17 City official.

18 (4) Failure to pay any final judgment or award for unpaid wages against the
19 Permittee rendered by the California Labor Commission, San Francisco Office of Labor Standards
20 Enforcement, federal or state administrative agency or a court of competent jurisdiction.

21 (c) After holding the hearing in accordance with the provisions of this Section, if the
22 Entertainment Commission finds and determines that there are grounds for disciplinary action, based
23 upon the severity of the violation, the Entertainment Commission shall impose one of the following: (1)
24 A warning; (2) Suspension of the Permit for a specified period not to exceed six months; (3) Revocation
25 of the Permit. The Entertainment Commission may impose reasonable conditions upon the Permit in

1 addition to the imposition of a warning or suspension of the Permit. If the Permittee has received three
2 warnings in a the two-year period preceding the date the Entertainment Commission makes a finding
3 that there are grounds for disciplinary action, the Entertainment Commission may not impose a
4 warning, and shall either suspend or revoke the Permit. If the Permittee has received two suspensions
5 in a the two-year period preceding the date the Entertainment Commission makes a finding that there
6 are grounds for disciplinary action, the Entertainment Commission may not impose a warning or
7 suspension, and shall revoke the Permit.

8
9 SEC. 1074.62. EXPEDITED ADMINISTRATIVE APPEALS AND JUDICIAL REVIEW;
10 EXHAUSTION OF ADMINISTRATIVE REMEDIES NOT REQUIRED.

11 (a) After denial of an application for a Permit, or after denial of renewal of a Permit, or
12 suspension or revocation of a Permit, the applicant or person to whom the Permit was granted may
13 seek review of such administrative action by the Entertainment Commission pursuant to California
14 Code of Civil Procedure Section 1094.8. A permittee, applicant, or interested party entitled to appeal a
15 decision of the Entertainment Commission on an application may but is not required to exhaust
16 administrative remedies by appealing the administrative action of the Entertainment Commission to the
17 Board of Appeals prior to seeking judicial review. The City shall make all reasonable efforts to
18 expedite judicial review.

19 (b) If the decision of the Entertainment Commission is appealed to the Board of Appeals
20 pursuant to Charter Section 4.106, the Board of Appeals shall give priority to such appeal, conduct a
21 public hearing thereon, and decide the matter within twenty (20) calendar days. Appeals to the Board
22 of Appeals shall be made within five (5) calendar days of the Entertainment Commission's decision on
23 an application.

1 SEC. 1074.63. LIVE ADULT ENTERTAINMENT BUSINESS DEVELOPMENT AND
2 PERFORMANCE STANDARDS.

3 A Live Adult Entertainment Business shall comply with all of the following:

4 (a) Maximum occupancy load, fire exits, aisles, and fire equipment shall be regulated,
5 designed and provided in accordance with the Fire Department and building regulations and standards
6 adopted by the City and County of San Francisco.

7 (b) No person may operate a Live Adult Entertainment Business in a manner that permits
8 the observation of any material or activities depicting, describing or relating to "Specified Sexual
9 Activities" or "Specified Anatomical Areas" from any public way or from any location outside the
10 building or area of such establishment. This provision shall apply to any display, decoration, sign,
11 show window, or other opening. No exterior door or window on the premises shall be propped or kept
12 open at any time while the business is open, and any exterior windows shall be covered with opaque
13 covering at all times.

14 (c) All off-street parking area and premise entries of the Live Adult Entertainment Business
15 shall be illuminated from dusk to two hours after closing hours of operation with a lighting system
16 which provides an average maintained horizontal illumination of one (1) foot candle of light on the
17 parking surface and/or walkways. The required lighting level is established in order to provide
18 sufficient illumination of the parking areas and walkways serving the business for the personal safety of
19 patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting
20 shall be shown on the required sketch or diagram of the premises.

21 (d) The premises within which the Live Adult Entertainment Business is located shall
22 provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be
23 audible anywhere on any adjacent property or public right-of-way or within any other building or other
24 separate unit within the same building.

1 (e) A Live Adult Entertainment Business may not be open for business between the hours of
2 2:00 a.m. and 6:00 a.m. on any particular day unless an extended hours premises permit has been
3 issued for the premises pursuant to Article 15.2 of San Francisco Police Code.

4 (f) The building entrance to a Live Adult Entertainment Business shall be clearly and
5 legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded
6 from entering the premises. Said notice shall be constructed and posted to the satisfaction of the
7 Entertainment Commission. No person under the age of eighteen (18) years may be permitted within
8 the premises at any time.

9 (g) All indoor areas of the Live Adult Entertainment Business within which patrons are
10 permitted, except rest rooms, shall be open to view at all times.

11 (h) It shall be unlawful for any person operating a Live Adult Entertainment Business in the
12 City and County of San Francisco, or any agent, employee, or representative thereof, to erect,
13 construct, maintain, or cause or permit to be erected, constructed or maintained, within such Live Adult
14 Entertainment any private rooms, booths, enclosures or compartments, or any closed stalls, or any
15 alcoves of any nature, except for areas for customers only which are partitioned off with permanent
16 clear Plexiglas or clear glass, which prevents physical contact between the patron and the entertainer
17 or other employees of the Live Adult Entertainment Business. The purpose of this subsection and
18 subsection (g) is to prohibit private booths, rooms, alcoves, cubicles, partitions, or other areas where a
19 patron and exotic dancer may engage in sexual activity without being viewed by other patrons, law
20 enforcement personnel, and other individuals.

21 (i) Restrooms may not contain video reproduction equipment.

22 (j) The floors, seats, walls, and other interior portions of the premises of a Live Adult
23 Entertainment Business shall be maintained clean and free from waste and bodily secretions. Presence
24 of human excrement, urine, semen, or saliva in any area of the premises (other than toilets) shall be
25

1 evidence of improper maintenance and inadequate sanitary controls; repeated instances of such
2 conditions may justify suspension or revocation of the Permit.

3 (k) All areas of the Live Adult Entertainment Business shall be illuminated at a minimum of
4 the 5 foot-candles, minimally maintained, and evenly distributed at ground level, except during
5 performances, at which times lighting shall be at least 2 foot-candles minimally maintained and evenly
6 distributed at ground level.

7 (l) The Live Adult Entertainment Business shall provide and maintain separate rest room
8 facilities for male patrons and employees, and female patrons and employees, or shall provide single-
9 user rest room facilities. Male patrons and employees shall be prohibited from using the rest room(s)
10 for females, and female patrons and employees shall be prohibited from using the rest room(s) for
11 males, except to carry out duties of repair, maintenance, and cleaning of the rest room facilities.
12 Transgender individuals may use the restroom of the gender with which he or she identifies. Rest
13 rooms shall not contain television monitors or other motion picture or video projection, recording, or
14 reproduction equipment.

15 (m) Except for businesses regulated by the Alcoholic Beverage Control Commission, the
16 Live Adult Entertainment Business shall provide the following if physically feasible:

17 (1) Separate dressing room facilities for exotic dancers, which are exclusively
18 dedicated to their use;

19 (2) A secure entrance/exit for exotic dancers, which is separate from the
20 entrance/exit used by patrons.

21 (n) Live Adult Entertainment Businesses shall employ security guards in order to maintain
22 the public peace and safety, based upon the following standards:

23 (1) At least one (1) security guard shall be on the premises at all times while the
24 business is open. If the occupancy limit of the premises is greater than thirty-five (35) persons, an
25 additional security guard shall be on duty.

1 (2) The Entertainment Commission may require the presence of additional security
2 guards if it determines additional guards are necessary in order to prevent any of the conduct listed in
3 Section 1074.61(b)(2) from occurring on the premises.

4 (3) Security guard(s) shall be charged with preventing violations of law and
5 enforcing compliance by patrons of the requirements of this Article. Security guards shall be
6 uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall
7 be duly licensed as a security guard as required by applicable provisions of state law. No security
8 guard required pursuant to this subsection may act as a door person, ticket seller, ticket taker, or
9 admittance person while acting as a security guard.

10 (o) The operator of any Live Adult Entertainment Business shall at all times comply with
11 applicable provisions of the California Labor Code with respect to the wages and working conditions
12 for exotic dancers, including but not limited to Sections 201, 202, 203, 221, 222, 223, 226, 351, 353,
13 432.5, 450, 510, 1174, 119 and 2802.

14 (p) The operator of any Live Adult Entertainment Business shall post, in a conspicuous
15 manner in an open and visible location on the premises to which patrons have access, a current
16 comprehensive schedule of compensation payable to exotic dancers. The operator shall notify the
17 Entertainment Commission, Office of Labor Standards Enforcement and Department on the Status of
18 Women in writing at least three (3) business days prior to any change in the compensation schedule.
19 The posted notice shall also provide the address and telephone number for the San Francisco Office of
20 Labor Standards Enforcement, the San Francisco Human Rights Commission, the San Francisco office
21 of the California State Labor Commission and the San Francisco office of the Wage and Hour Division
22 of the United States Department of Labor. The notice required by this subsection shall also be posted
23 in the dressing area used by exotic dancers, area(s) where dancers report for work, and all break
24 rooms and backstage areas where exotic dancers congregate while not performing. In addition, the
25 operator shall provide to all exotic dancers performing at Live Adult Entertainment Business with

1 brochures and other informational materials regarding the rights of workers under applicable federal,
2 state, and local labor laws as may be required by the Department on the Status of Women or San
3 Francisco Office of Labor Standards Enforcement. Such materials shall be provided to the operator by
4 the Department on the Status of Women or San Francisco Office of Labor Standards Enforcement.

5 (q) The requirements of this Section shall be deemed conditions of Live Adult Entertainment
6 Business Permit approvals, and failure to comply with every such requirement shall be grounds for (i)
7 suspension or revocation of the Permit issued pursuant to this Article, or (ii) denial of an application to
8 renew the Permit.

9
10 SEC. 1074.64. DISPLAY OF PERMIT.

11 Every Live Adult Entertainment Business shall display at all times during business hours the
12 permit issued pursuant to the provisions of this Article for such Live Adult Entertainment Business in a
13 conspicuous place so that the same may be readily seen by all persons entering the premises.

14
15 SEC. 1074.65. EMPLOYMENT OF AND SERVICES RENDERED TO PERSONS UNDER THE
16 AGE OF EIGHTEEN (18) YEARS PROHIBITED.

17 (a) It shall be unlawful for any permittee, operator, or other person in charge of any Live
18 Adult Entertainment Business to employ, or provide any service for which it requires such permit, to
19 any person who is not at least eighteen (18) years of age.

20 (b) It shall be unlawful for any permittee, operator, or other person in charge of any Live
21 Adult Entertainment Business to permit to enter, or remain within the Live Adult Entertainment
22 Business, any person who is not at least eighteen (18) years of age.

1 SEC. 1074.66. INSPECTION.

2 An Applicant or Permittee shall allow representatives of the Office of Labor Standards
3 Enforcement, Entertainment Commission, Health Department, Fire Department, Police Department,
4 Planning Department, Commission on the Status of Women, Human Rights Commission and other City
5 departments or agencies to inspect the premises of a Live Adult Entertainment Business for the purpose
6 of insuring compliance with the laws and the development and performance standards applicable to
7 Live Adult Entertainment Businesses, at any time it is occupied or open for business. A person who
8 operates a Live Adult Entertainment Business or his or her agent or employee is in violation of the
9 provisions of this section if he or she refuses to permit such lawful inspection of the premises at any
10 time it is occupied or open for business.

11
12 SEC. 1074.67. REGULATIONS NONEXCLUSIVE.

13 The provisions of this Article regulating Live Adult Entertainment Businesses are not intended
14 to be exclusive and compliance therewith shall not excuse noncompliance with any other ordinance
15 pertaining to the operation of businesses as adopted by the Board of Supervisors of the City and County
16 of San Francisco, or any regulation pertaining to the operation of businesses promulgated thereunder.

17
18 SEC. 1074.68. TIME LIMIT FOR FILING APPLICATION FOR PERMIT.

19 All persons who possess an outstanding business registration certificate issued by the tax
20 collector or place of entertainment permit issued under Article 15.1 of the Police Code issued for the
21 operation of a Live Adult Entertainment Business, must apply for and obtain a Live Adult
22 Entertainment Permit within one hundred and eighty (180) calendar days of the effective date of this
23 Article. Failure to do so and continued operation of a Live Adult Entertainment Business, or the
24 continued performances depicting specified anatomical areas or specified sexual activities in a Live
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1 Adult Entertainment Business after such time without a Live Adult Entertainment Permit, shall
2 constitute a violation of Section 1074.54 of this Article.

3
4 SEC. 1074.69. CIVIL PENALTIES.

5 Any person operating a Live Adult Entertainment Business in violation of this Article shall be
6 liable for a civil penalty not to exceed the amount of \$1,000 for each day or portion thereof that the
7 person operates or continues to operate such business in violation of this Article. Except as authorized
8 by Section 1074.71, the penalty shall be assessed and recovered in a civil action brought by the City
9 Attorney on behalf of the City and County of San Francisco. Any monies recovered pursuant to this
10 section shall be deposited into the Treasury of the City and County of San Francisco.

11
12 SEC. 1074.70. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

13 In undertaking the adoption and enforcement of this Article, the City and County is assuming an
14 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers
15 and employees, an obligation for breach of which it is liable in money damages to any person who
16 claims that such breach proximately caused injury.

17
18 SEC. 1074.71. PRIVATE RIGHT OF ACTION.

19 (a) Any individual who performs work or provides services on the premises of a Live Adult
20 Entertainment Business, acting as a private attorney general, may prosecute a civil action on behalf of
21 herself or himself and on behalf of current or former employees, to assess and collect civil penalties for
22 violations of this Article, including but not limited to the provisions of the Labor Code specified in
23 Section 1047.63(p) of this Article, subject to the following:

24 (1) If the violation of this Article is predicated on a violation of the Labor Code, then
25 the individual must be an "aggrieved employee" as defined in Labor Code Section 2699(c) to prosecute

1 such action and shall comply with and be subject to the procedural and substantive requirements set
2 forth in the Private Attorneys General Act of 2004, Labor Code Sections 2698 et seq., including but not
3 limited to provisions governing notice, opportunity for cure, liability for and amount of civil penalty,
4 entitlement to attorneys' fees and costs, review and approval by the court of penalties sought in
5 settlements, and distribution of civil penalties recovered.

6 (2) If the violation of this Article is not predicated on a violation of the Labor Code,
7 an action to recover civil penalties by an individual who works or provides services at a Live Adult
8 Entertainment Business ("aggrieved individual") for a violation of this Article shall be subject to the
9 following requirements:

10 (A) The aggrieved individual shall give written notice by certified mail to the
11 Entertainment Commission, City Attorney and the permittee of the specific provisions of this Article
12 alleged to have been violated, including the facts and theories to support the alleged violation..

13 (B) The Entertainment Commission shall notify the permittee and the
14 aggrieved individual by certified mail that it does not intend to investigate the alleged violation within
15 45 calendar days of the postmark date of the notice received pursuant to paragraph (2)(A). Upon
16 receipt of that notice or, if no notice is provided, within 50 calendar days of the postmark date of the
17 notice given pursuant to paragraph (2)(A), the aggrieved individual may commence a civil action
18 pursuant to this Section.

19 (C) If the Entertainment Commission or other City department intends to
20 investigate the alleged violation, it shall notify the permittee and the aggrieved individual by certified
21 mail of its decision within 45 calendar days of the postmark date of the notice received pursuant to
22 paragraph (2)(A). Within 120 calendar days of the postmark date of the notice of the decision to
23 investigate, the City may investigate the alleged violation and take any appropriate action. Upon
24 completion of the City's investigation, the Entertainment Commission or other investigating City
25 department shall notify the permittee and aggrieved individual by certified mail of its decision that

1 either (i) no action is warranted, with a brief explanation of the basis for the decision, (ii) action has
2 been taken or initiated, or will be initiated, in connection with the alleged violation, with a brief
3 description of the action, or (iii) no further action will be taken. If the City has not informed the
4 permittee and the aggrieved individual of its decision within 130 calendar days of the postmark date of
5 the notice received pursuant to paragraph (2)(A), or if the City's notice is that no further action will be
6 taken, an aggrieved individual may bring a civil action under this Section. If the City's notification is
7 that no action by the City is warranted or action has been taken or initiated, or will be initiated, the
8 aggrieved individual may not bring a civil action under this Section. The inability of an aggrieved
9 individual to bring an action under this Section to assess and collect civil penalties shall not impair the
10 right of the individual to pursue any other legal or administrative remedy against the permittee or
11 operator of the Live Adult Entertainment Business held by the individual.

12 (D) An aggrieved individual who prevails in an action under this Section
13 shall be entitled to reasonable attorneys' fees and costs, and 25% of civil penalties recovered. The
14 remaining 75% of civil penalties recovered in such action shall be deposited into the in the Treasury of
15 the City and County of San Francisco. The amount of the civil penalties may not exceed \$1,000 per
16 day for each day or portion thereof that the person operated or continues to operate such business in
17 violation of this Article.

18 (b) If the alleged violation of this Article is a failure to act by the City, or any of its
19 departments, divisions, commissions, boards, agencies, or employees, there shall be no civil penalty.

20 (c) Violations of this Article by an operator of a Live Adult Entertainment Business shall be
21 deemed an unfair or fraudulent business practice or act for purposes of Section 17200 of the Business
22 and Professions Code, and shall subject the operator to enforcement under Chapter 5 of Part 2 of
23 Division 7 of the Business and Professions Code (commencing with Section 17200). Any person may
24 pursue representative claims or relief on behalf of others if the person meets the standing requirements

25

1 of Section 17204 Business and Professions Code and complies with Section 382 of the Code of Civil
2 Procedure.

3
4 SEC. 1074.72. SEVERABILITY.

5 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Article or
6 any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of
7 competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining
8 portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would
9 have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof
10 irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences,
11 clauses, or phrases be declared unconstitutional, or invalid, or ineffective."

12
13 Section 2. Sections 791, 791.1, 791.2 and 791.3, of Article 11.2 of the San Francisco
14 Police Code are hereby amended to read as follows:

15
16 "SEC. 791. DEFINITIONS.

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

19 (a) Adult Bookstore. An establishment having 25 percent or more of its total
20 inventory or product lines books, magazines or periodicals which are distinguished or
21 characterized by their emphasis on matter depicting, describing or relating to "Specified
22 Sexual Activities" or "Specified Anatomical Areas" as defined herein, or an establishment
23 which devotes 25 percent or more of its floor or display space to the sale or display of such
24 material. The term "product line" refers to items which are all identical, such as numerous
25 copies of the same book or periodical.

1 (b) ~~—Adult Theater. A theater as defined herein which is used more than 10 percent of its~~
2 ~~presentation time, measured on an annual basis, for the exhibition or display of entertainment which is~~
3 ~~distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified~~
4 ~~Sexual Activities” or “Specified Anatomical Areas” as defined herein.~~

5 (e) Specified Sexual Activities.

- 6 1. Human genitals in a state of sexual stimulation or arousal;
- 7 2. Acts of human masturbation, sexual intercourse or sodomy;
- 8 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female
9 breast.

10 (d) Specified Anatomical Areas.

- 11 1. Less than completely and opaquely covered
 - 12 (a) Human genitals, pubic hair, buttock, natal cleft, perineum, anal region, and
 - 13 (b) Female breast at or below the areola thereof; and
- 14 2. Human male genitals in a discernibly turgid state, even if completely and opaquely
15 covered.

16 (e) Person. An individual, firm, partnership, joint adventure, association, social club,
17 fraternal organization, joint stock company, corporation, estate trust, business trust, receiver,
18 trustee, syndicate, or any other group or combination acting as a unit excepting the United
19 States of America, the State of California, and any political subdivision of either thereof.

20 (f) Entertainment. Any act, play, revue, pantomime, scene, song, dance act, or
21 song and dance act, conducted or participated in by one or more persons, whether or not
22 such person or persons are compensated for such performance.

23 (g) Operator. Any person operating an ~~adult theater or an~~ adult bookstore in the City
24 and County of San Francisco, including, but not limited to, the owner or proprietor of such
25

1 premises, lessee, sublessee, mortgagee in possession, or any other person operating such
2 ~~adult theater or~~ adult bookstore.

3 ~~(h) — Theater. A building or part of a building intended to be used for the specific purposes of~~
4 ~~presenting entertainment, as defined herein, or displaying motion pictures, slides or closed circuit~~
5 ~~television pictures before an individual or assemblage of persons, whether such assemblage be of a~~
6 ~~public, restricted or private nature, except a home or private dwelling and for which no fee, by way of~~
7 ~~an admission charge, is made.~~

8

9 SEC. 791.1. REGULATIONS OF SIGNS.

10 It shall be unlawful for the operator of an ~~adult theater or~~ adult bookstore in the City and
11 County of San Francisco to place or cause to be placed or maintained in such a location as
12 can be viewed by persons on any public street, any sign or signs, photographic, pictorial or
13 other graphic representations, that depict in whole or in part the following:

14 (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality,
15 oral copulation or flagellation.

16 (2) Scenes wherein a person displays the vulva or the anus or the genitals.

17 (3) Scenes wherein artificial devices are employed to depict, or drawings are
18 employed to portray, any of the prohibited signs, photographs or graphic representations
19 described above.

20

21 SEC. 791.2. VISIBILITY FROM THE STREET.

22 No operator of an ~~adult theater or~~ adult bookstore in the City and County of San
23 Francisco shall permit, or cause to be permitted, any stock in trade which depicts, describes
24 or relates to "Specified Sexual Activities" or "Specified Anatomical Areas," as defined herein,
25 to be viewed from the street, sidewalk or highway.

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SEC. 791.3. PENALTY — MISDEMEANOR OR INFRACTION.

Any operator of an ~~adult theater or~~ an adult bookstore who knowingly violates or permits to be violated any provision of this Article shall be guilty of an infraction or a misdemeanor.

(a) If charged as an infraction the penalty shall be as follows:

(1) Upon a first conviction thereof, such person shall be punished by a fine not to be less than \$50 nor to exceed \$500;

(2) Upon a second conviction thereof, such person shall be punished by a fine not to be less than \$250 nor to exceed \$500;

(3) Upon a third conviction thereof, such person shall be punished by a fine not to be less than \$400 nor to exceed \$500;

(b) If charged as a misdemeanor the penalty, upon conviction of such person, shall be by imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding \$1,000, or by both such fine and imprisonment;

(c) The complaint charging such violation shall specify whether the violation charged is a misdemeanor or an infraction."

Section 3. Article 15.1 of the San Francisco Police Code is hereby amended by amending Section 1060 and repealing Section 1060.9.1, 1060.10 and 1060.13, as follows:

SEC. 1060. DEFINITIONS.

For the purpose of this Article, the following words and phrases shall mean and include:

(a) "Place of Entertainment." Every premises to which patrons or members are admitted which serves food, beverages, or food and beverages, including but not limited to

1 alcoholic beverages, for consumption on the premises and wherein entertainment as defined
2 in Subsections (b); or (c); ~~or (e)~~ is furnished or occurs upon the premises.

3 (b) "Entertainment." Any act, play, review, pantomime, scene, song, dance act,
4 song and dance act, or poetry recitation, conducted or participated in by any professional
5 entertainer in or upon any premises to which patrons or members are admitted.

6 "Entertainment," in addition, is defined to mean and include the playing upon or use by
7 any professional entertainer of any instrument that is capable of or can be used to produce
8 musical sounds or percussion sounds, including but not limited to, reed, brass, percussion or
9 string-like instruments, or recorded music presented by a live disc jockey on the premises.

10 (c) "Entertainment," Continued. "Entertainment" also includes a fashion or style
11 show in which the models are professional entertainers, except when conducted by a bona
12 fide nonprofit club or organization as a part of the social activities of such club or organization,
13 and when conducted solely as a fundraising activity for charitable purposes.

14 (d) "Professional Entertainer." A person who is compensated for his or her
15 performance.

16 ~~(e) "Entertainment," Continued; Exhibition of Human Body. "Entertainment" also includes~~
17 ~~the act of any female professional entertainer, while visible to any customer, who exposes the breast or~~
18 ~~employs any device or covering which is intended to simulate the breast, or wears any type of clothing~~
19 ~~so that the breast may be observed.~~

20 (f) "Person." Any person, individual, firm, partnership, joint venture, association,
21 social club, fraternal organization, joint stock company, corporation, estate, trust, business
22 trust, receiver, trustee, syndicate or any other group or combination acting as a unit excepting
23 the United States of America, the State of California, and any political subdivision of either
24 thereof.

1 (g) "Operator." Any person operating a place of entertainment in the City and
2 County of San Francisco, including, but not limited to, the owner or proprietor of such
3 premises, lessee, sublessee, mortgagee in possession, permittee or any other person
4 operating such place of entertainment or amusement.

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

12 (i) "Admission Charge." Any charge for the right or privilege to enter any place of
13 entertainment including a minimum service charge, a cover charge or a charge made for the
14 use of seats and tables, reserved or otherwise.

15 (j) "Tax Collector." Tax Collector of the City and County of San Francisco.

16 (k) "Security Plan." A plan that (i) provides at least 1 security guard for every 100
17 persons authorized by the Occupancy Permit, (ii) secures a 50 foot perimeter in all directions
18 around the location of the Place of Entertainment to prevent injury to persons and/or damage
19 to property, and (iii) provides for the orderly disbursement of persons and traffic from the
20 Place of Entertainment. The Entertainment Commission, in consultation with the San
21 Francisco Police Department, shall develop rules and regulations implementing this section.

22
23 ~~SEC. 1060.9.1. REQUIREMENT FOR STAGE.~~

24 ~~Entertainers whose breasts are exposed to view shall perform only upon a stage at least 18~~
25 ~~inches above the immediate floor level and removed at least 6 feet from the nearest patron.~~

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~~SEC. 1060.10. BOOTHES.~~

~~It shall be unlawful for any person operating a place of entertainment under the provisions of this Article in the City and County of San Francisco, or any agent, employee or representative thereof, to erect, construct, maintain, or cause or permit to be erected, constructed or maintained, within such place of entertainment any private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of any nature, so arranged that the inner portion of the same shall not at all times be visible from any point in the place of entertainment where such rooms, booths, enclosures, compartments, stalls or alcoves should be reasonably within view.~~

~~SEC. 1060.13. MINORS.~~

~~No person under 21 years of age shall enter, be, or remain in or on any premises on or in which any exhibition of the human body, as defined in Sec. 1060(f), is presented and permittee shall not permit such a person to enter, be, or remain in or on any such premises.~~

Section 4. Article 15.2 of the San Francisco Police Code is hereby amended by repealing Section 1070.13 thereof, as follows:

~~SEC. 1070.13. BOOTHES.~~

~~It shall be unlawful for any person operating an extended hours premises under the provisions of this Article, in the City and County of San Francisco, or any agent, employee or representative thereof, to erect, construct, maintain, or cause or permit to be erected, constructed or maintained, within such extended hours premises any private rooms, booths, enclosures or compartments, or any closed stalls, or any alcoves of any nature, so arranged that the inner portion of the same shall not at~~

1 ~~all times be visible from any point in the extended hours premises where such rooms, booths,~~
2 ~~enclosures, compartments, stalls, or alcoves should be reasonably within view.~~

3
4 Section 5. The San Francisco Police Code is hereby amended by repealing Article 15.4
5 thereof, as follows:

6
7 ~~SEC. 1072.1. DEFINITIONS. For the purposes of this Article, the following words and~~
8 ~~phrases shall mean and include:~~

9 (a) ~~— Theater. A building, playhouse, room, hall, or other place having therein a permanent~~
10 ~~stage upon which movable scenery is or may be placed and upon which theatrical or vaudeville or~~
11 ~~similar performances are given, with seats so arranged in proximity to such stage that a body of~~
12 ~~spectators may have an unobstructed view of said stage, the primary function of which is to serve as the~~
13 ~~locale of such performance.~~

14 (b) ~~— Encounter Studio. An establishment to which patrons or members are invited and is so~~
15 ~~arranged as to provide booths, cubicles, room or rooms, compartments or stalls wherein an entertainer~~
16 ~~provides entertainment as defined herein to patrons or members or groups of members or patrons~~
17 ~~within the aforesaid booths, cubicles, room or rooms, compartments or stalls.~~

18 (c) ~~— Entertainment. Any act, play, review, pantomime, scene, song, dance act, song and~~
19 ~~dance act, modeling, conversation, appearance or any other live act, demonstration, exhibition, or~~
20 ~~poetry recitation, conducted or participated in by any person in or upon any premises to which patrons~~
21 ~~or members are admitted. “Entertainment” also includes a fashion or style show, except when~~
22 ~~conducted by a bona fide nonprofit club or organization as part of the social activities of such club or~~
23 ~~organization, and when conducted solely as a fund-raising activity for charitable purposes.~~

24 ~~“Entertainment,” in addition, is defined to mean and include the playing upon or use of any~~
25 ~~instrument that is capable of or can be used to produce musical sounds or percussion sounds, including~~

1 *but not limited to reed, brass, percussion or stringlike instruments; provided, further, that*
2 *“entertainment” is defined to mean any instrument or device capable of producing or reproducing*
3 *sound.*

4 *(d) — Person. An individual, firm, partnership, joint adventure, association, social club,*
5 *fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee,*
6 *syndicate, or any other group or combination acting as a unit, excepting the United States of America,*
7 *the State of California, and any political subdivision of either thereof.*

8 *(e) — Operator. Any person operating an Encounter Studio, including but not limited to the*
9 *owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in*
10 *possession.*

11 *(f) — Bona Fide Nonprofit Clubs or Organizations. Any fraternal charitable, religious or*
12 *benevolent, or any other nonprofit organization, having a regular membership association primarily*
13 *for mutual social, mental, political and civil welfare to which admission is limited to members and*
14 *guests and revenue accruing therefrom to be used exclusively for the benevolent purposes of said*
15 *organization and which organization or agency is exempt from taxation under the Internal Revenue*
16 *Laws of the United States as a bona fide fraternal, charitable, religious, benevolent or nonprofit*
17 *organization.*

18 *(g) — Entertainer. An entertainer, for the purposes of this Article, is any person who performs*
19 *any act enumerated in Section 1072.1(e) of this Article within an Encounter Studio whether for any*
20 *consideration or not.*

21 *(h) — Employee. Any and all persons who work in or about or render any services whatsoever*
22 *to the patrons or customers of an Encounter Studio and who receives compensation for such service.*

23 *(i) — Specified Sexual Activities. (1) Human genitals in a state of sexual stimulation or*
24 *arousal; (2) Acts of human masturbation, sexual intercourse or sodomy; and (3) Fondling or other*
25 *erotic touching of human genitals, pubic region, buttock or female breast.*

1 (j) — ~~Specified Anatomical Areas. (1) Less than completely and opaquely covered: (a) human~~
2 ~~genitals, pubic hair, buttock, natal cleft, perineum, anal region, and (b) female breast at or below the~~
3 ~~areola thereof; and (2) Human male genitals in a discernibly turgid state, even if completely and~~
4 ~~opaquely covered.~~

5
6 ~~SEC. 1072.2. PERMIT REQUIRED. It shall be unlawful for any person to engage in, conduct~~
7 ~~or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City~~
8 ~~and County of San Francisco, the operation of an Encounter Studio as herein defined, without first~~
9 ~~having obtained a permit from the Entertainment Commission.~~

10
11 ~~SEC. 1072.3. EMPLOYEE PERMIT REQUIRED DISPLAY. It shall be unlawful for any~~
12 ~~entertainer or other employee to work in or about, or to perform any services for a customer of an~~
13 ~~Encounter Studio without first securing a permit from the Entertainment Commission.~~

14 ~~Every person to whom an employee permit is granted pursuant to the provisions of this Article~~
15 ~~shall display said permit in plain view on his person at all times while on an Encounter Studio premises~~
16 ~~in such a manner that the same may be readily seen by customers on the premises. Said permit shall~~
17 ~~contain a recent photograph of the entertainer as well as said entertainer's name and permit number.~~

18
19 ~~SEC. 1072.4. FILING AND FEE PROVISION. Every applicant desiring a permit to maintain,~~
20 ~~operate or conduct an Encounter Studio shall file an application with the Entertainment Commission~~
21 ~~upon a form provided by said Entertainment Commission and pay a filing fee which shall not be~~
22 ~~refundable. Each such applicant shall pay an additional fee of \$500 which shall be used by the~~
23 ~~Entertainment Commission to investigate said applicant's application as provided in Section 1072.6~~
24 ~~herein. Any unused portion of such additional fee shall be returned to the applicant at the conclusion of~~
25 ~~the hearing on his application provided by Section 1072.1.~~

1
2 ~~SEC. 1072.5. EMPLOYEE PERMIT. Application to Entertainment Commission. Every~~
3 ~~applicant for an Employee Permit for an Encounter Studio shall file an application with the~~
4 ~~Entertainment Commission on a form provided by said Entertainment Commission and pay a filing fee~~
5 ~~which shall not be refundable. Said applicant shall file for a permit within 30 days of the effective date~~
6 ~~of this Article.~~

7
8 ~~SEC. 1072.6. APPLICATION FOR ENCOUNTER STUDIO PERMIT. The application for a~~
9 ~~permit to operate an Encounter Studio shall set forth the proposed place of business and facilities~~
10 ~~therefor and the name and address of each applicant.~~

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

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

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

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

15 ~~(d) — Three 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 application.~~

18 ~~(f) — All criminal convictions except minor traffic violations.~~

19 ~~(g) — If the applicant is a corporation, the name of the corporation shall be set forth exactly as~~
20 ~~shown in its articles of incorporation together with the names and residence addresses of each of the~~
21 ~~officers, directors, and each stockholder holding more than 10 percent of the stock or beneficial~~
22 ~~ownership of the corporation. If the applicant is a partnership, the application shall set forth the name~~
23 ~~and the residence addresses of each of the partners, including limited partners. If one or more of the~~
24 ~~partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.~~

1 (h) — ~~Whether applicant or any other person who will be directly engaged in the management~~
2 ~~or operation of the Encounter Studio has been previously granted permits or licenses to engage in a~~
3 ~~business or occupation by the State of California or by the City and County of San Francisco, any of~~
4 ~~which permits or licenses has/have been revoked by the granting authority because of violation of law~~
5 ~~or violation of rules promulgated by the regulating agency where the issuing agency or the regulating~~
6 ~~agency is either the Alcoholic Beverage Control Commission or the San Francisco Entertainment~~
7 ~~Commission. The Entertainment Commission shall not take into account such revocation if the~~
8 ~~applicant suffered such revocation at least three years prior to the date of the application.~~

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

11 (j) — ~~Nothing contained herein shall be construed to deny to the Entertainment Commission~~
12 ~~the right to take the fingerprints and additional photographs of the applicant, nor shall anything~~
13 ~~contained herein be construed to deny the right of said Entertainment Commission to confirm, by~~
14 ~~independent investigation, the truth and accuracy of the above information.~~

15
16 ~~SEC. 1072.7. APPLICATION FOR EMPLOYEE OF AN ENCOUNTER STUDIO. The~~
17 ~~employee of an Encounter Studio filing for a permit shall furnish the following information:~~

18 ~~(a) — Name.~~

19 ~~(b) — Residence address.~~

20 ~~(c) — Encounter Studio in which the employee is currently working.~~

21 ~~(d) — Two previous addresses immediately prior to the present address of the applicant.~~

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

23 ~~(f) — Written proof that applicant is at least 18 years of age.~~

24 ~~(g) — Three portrait photographs of at least 2" x 2".~~

1 (h) — ~~Previous employment of the applicant for three years immediately preceding the date of~~
2 ~~application.~~

3 (i) — ~~All criminal convictions except minor traffic violations.~~

4 (j) — ~~Such other identification and information necessary to discover the truth of the matters~~
5 ~~hereinbefore specified.~~

6 (k) — ~~Whether applicant or any other person who will be directly engaged in the management~~
7 ~~and operation of the Encounter Studio has been previously granted permits or licenses to engage in a~~
8 ~~business or occupation by the State of California or the City and County of San Francisco, any of~~
9 ~~which permits or licenses has/have been revoked by the granting authority.~~

10 (l) — ~~Nothing contained herein shall be construed to deny the Entertainment Commission the~~
11 ~~right to take the fingerprints and additional photographs of the applicant, nor shall anything contained~~
12 ~~herein be construed to deny the right of said Entertainment Commission to confirm, by independent~~
13 ~~investigation, the truth and accuracy of the above information.~~

14
15 ~~SEC. 1072.8. VERIFICATION OF APPLICATION. Every application for a permit under this~~
16 ~~Article shall be verified as provided in the Code of Civil Procedure of the State of California for the~~
17 ~~verification of pleadings.~~

18
19 ~~SEC. 1072.9. CORPORATE, APPLICANTS; EXEMPTION. The provisions of Section~~
20 ~~1072.6(a), (b), (c), (d), (e) and (f) entitled "Application for Permit" relating to requirement for~~
21 ~~corporate applicants shall not apply to any of the following:~~

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

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

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

3
4 ~~SEC. 1072.10. CORPORATE PERMITTEE; MAINTENANCE OF STOCK REGISTER;~~
5 ~~REPORT. (A) Any corporation holding a permit under this Article shall maintain a stock register at~~
6 ~~the principal office of the corporation in San Francisco and the stock register shall be available to the~~
7 ~~Entertainment Commission for inspection. Such corporation shall report to the department in writing~~
8 ~~any of the following:~~

9 ~~(1) — Issuance or transfer of any shares of stock or beneficial ownership thereof to any~~
10 ~~person where the issuance or transfer results in the person owning 10 percent or more of the~~
11 ~~corporate stock.~~

12 ~~(2) — Change in any of the corporate officers which are required by Section 821 of the~~
13 ~~Corporations Code.~~

14 ~~(3) — Change of the members of its Board of Directors.~~

15 ~~The report shall be filed with the Entertainment Commission within 30 days after the issuance~~
16 ~~or transfer of corporate stock or beneficial ownership thereof, change in corporate officers, or change~~
17 ~~in members of the Board of Directors, as the case may be.~~

18 ~~(B) — The provisions of this Section shall not apply to any of the following:~~

19 ~~(1) — A corporation, the stock of which is listed on a stock exchange in this state or in~~
20 ~~the City of New York, State of New York.~~

21 ~~(2) — A bank, trust company, financial institution or title company to which a permit is~~
22 ~~issued in a fiduciary capacity.~~

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

1 ~~SEC. 1072.11. NOTICE OF HEARING.~~ *When an application is filed for a permit under this*
2 *Article, the Entertainment Commission shall fix a time and place for a public hearing thereon. Not less*
3 *than 10 days before the date of such hearing, the Entertainment Commission shall cause to be posted a*
4 *notice of such hearing in a conspicuous place on the property in which or on which the proposed*
5 *Encounter Studio is to be operated. Such posting of notice shall be carried out by the Entertainment*
6 *Commission, and the applicant shall maintain said notice as posted for the required number of days.*

7
8 ~~SEC. 1072.12. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS.~~ *The*
9 *Entertainment Commission, upon receiving an application for an Encounter Studio permit, shall refer*
10 *the application to the Bureau of Building Inspection, the Fire Department, and the City Planning*
11 *Department which departments shall inspect the premises proposed to be operated as an Encounter*
12 *Studio and shall make written recommendations to the Entertainment Commission concerning*
13 *compliance with the codes that they administer.*

14
15 ~~SEC. 1072.13. ISSUANCE OF PERMIT FOR AN ENCOUNTER STUDIO.~~ *The Entertainment*
16 *Commission shall issue a permit within 14 days following a hearing if all requirements for an*
17 *Encounter Studio described in this Article are met and shall issue a permit to all persons who apply to*
18 *perform Encounter Studio services unless he finds:*

19 (1) ~~That the operation as proposed by the applicant if permitted would not have complied~~
20 ~~with all applicable laws, including, but not limited to the Building, City Planning, Housing and Fire~~
21 ~~Code of the City and County of San Francisco or regulations by the Entertainment Commission.~~

22 (2) ~~That the operation as proposed by the applicant if permitted would not result in a~~
23 ~~density of more than one Encounter Studios, Massage Establishments, Adult Theaters or Adult~~
24 ~~Bookstores within an area of 500 square feet of the premises for which a permit is sought.~~

1 (3) — ~~That the applicant and any other person who will be directly engaged in the~~
2 ~~management and operation of an Encounter Studio has been convicted of any of the following offenses~~
3 ~~or convicted of an offense within, or without the State of California that would have constituted any of~~
4 ~~the following offenses if committed within the State of California:~~

5 (a) — ~~An offense involving conduct which requires registration pursuant to Section 290~~
6 ~~of the Penal Code;~~

7 (b) — ~~An offense involving the use of force and violence upon the person of another.~~

8 (c) — ~~An offense involving sexual misconduct with children;~~

9 (d) — ~~An offense as defined in Sections 311, 647(a), 647a, 647(b), 315, 316, 318 or 266~~
10 ~~through 267 inclusive of the Penal Code of the State of California;~~

11 (e) — ~~The applicant has had revoked his license or permit issued by either the~~
12 ~~Alcoholic Beverage Control Commission of the State of California or the San Francisco Entertainment~~
13 ~~Commission.~~

14 (4) — ~~That the applicant or any other person who will be directly engaged in the management~~
15 ~~and operation of the Encounter Studio has had a permit or license to engage in a business or~~
16 ~~occupation granted by the State of California or the City and County of San Francisco revoked by the~~
17 ~~granting authority.~~

18 ~~The Entertainment Commission shall issue a permit to any person convicted of any of the crimes~~
19 ~~described in Subsections (3a), (3b), (3c), (3d), or (3e) of this Section or subjected to a license or permit~~
20 ~~revocation as described in Subsection (4) of this Section if he finds that the termination of any disability~~
21 ~~resulting from such conviction or revocation occurred at least three years to the date of the application~~
22 ~~and the applicant has had no subsequent felony convictions of any nature, no subsequent misdemeanor~~
23 ~~convictions for crimes mentioned in this Section and no permit or license revocations as mentioned in~~
24 ~~Subsection (4) of this Section.~~

1 ~~SEC. 1072.14. APPLICATIONS BARRED FOR ONE YEAR. Whenever any application is filed~~
2 ~~for a permit under this Article and said application has been denied by the Entertainment Commission,~~
3 ~~or a permit issued under this Article has been revoked, and no appeal has been taken to the Board of~~
4 ~~Permit Appeals or when any appeal from such denial or revocation has been taken to the Board of~~
5 ~~Permit Appeals and said Board has concurred in the judgment or order of denial or revocation, said~~
6 ~~application for said permit, or for a like permit for the same location or by the same applicant shall not~~
7 ~~be heard by the Entertainment Commission until the expiration of one year from the date of the~~
8 ~~previous denial or revocation of said permit or application and there shall be no appeal to said Board~~
9 ~~of Permit Appeals for failure or refusal to hear any such application or appeal within said one year~~
10 ~~period.~~

11 ~~SEC. 1072.15. ISSUANCE OF EMPLOYEE PERMITS. The Entertainment Commission shall~~
12 ~~issue a permit within 14 days following a hearing unless he finds that the applicant has had a permit or~~
13 ~~license to engage in a business or occupation granted by the State of California or the City and County~~
14 ~~of San Francisco revoked by the granting authority or that the applicant has been convicted of any of~~
15 ~~the following offenses or if convicted of an offense within or without the State which would have~~
16 ~~constituted any of the following offenses if committed within the State of California:~~

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

19 ~~(b) — An offense involving the use of force and violence on the person of another.~~

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

21 ~~(d) — An offense as defined in Sections 311, 647(a), 647a, 647(b), 315, 316, 318 or 266~~
22 ~~through 267 inclusive of the Penal Code of the State of California.~~

23 ~~(e) — The applicant has had revoked his license or permit issued by either the Alcoholic~~
24 ~~Beverage Control Commission of the State of California or the San Francisco Entertainment~~
25 ~~Commission.~~

1 ~~The Entertainment Commission shall issue a permit to any person subjected to a revocation as~~
2 ~~described in this Section or to any person convicted of any of the crimes enumerated in Subsections (a),~~
3 ~~(b), (c), (d), or (e) of this Section if he finds that the termination of any disability resulting from such~~
4 ~~conviction or revocation occurred at least three years prior to the date of the application and the~~
5 ~~applicant has had no subsequent felony convictions of any nature, no subsequent misdemeanor~~
6 ~~convictions for crimes mentioned in this Section and no subsequent permit revocations mentioned in~~
7 ~~this Section.~~

8
9 ~~SEC. 1072.16. REVOCATION OR SUSPENSION OF PERMIT. Any permit issued for an~~
10 ~~Encounter Studio or employee may be revoked or suspended by the Entertainment Commission after a~~
11 ~~hearing, in any case where any of the provisions of this Article or local or State law are violated or~~
12 ~~where any employee of the permittee has engaged in any conduct which violates any of the state or~~
13 ~~local laws or ordinances at permittee's place of business, or in any case where the permittee or licensee~~
14 ~~refuses to permit any duly authorized Police officer of the City and County of San Francisco to inspect~~
15 ~~the premises or the operations therein.~~

16
17 ~~SEC. 1072.17. EMPLOYMENT OF PERSONS UNDER THE AGE OF 18 PROHIBITED. It~~
18 ~~shall be unlawful for any owner, proprietor, manager or other person in charge of any Encounter~~
19 ~~Studio to employ any person who is not at least 18 years of age.~~

20
21 ~~SEC. 1072.18. AGE OF CUSTOMER. It shall be unlawful for any owner, proprietor, manager~~
22 ~~or other person in charge of an Encounter Studio to allow any person under the age of 18 years to~~
23 ~~patronize an Encounter Studio as a customer or patron.~~

1 ~~SEC. 1072.19. SALE OR TRANSFER. Upon sale, transfer or relocation of an Encounter~~
2 ~~Studio, the permit and license therefor shall be null and void unless approved as provided in Section~~
3 ~~1072.24 herein; provided, however, that upon the death or incapacity the permittee the Encounter~~
4 ~~Studio may continue in business for a reasonable period of time to allow for an orderly transfer of the~~
5 ~~permit.~~

6 ~~If the permittee is a corporation, a transfer of 25 percent of the stock ownership of the permittee~~
7 ~~will be deemed to be a sale or transfer and the permit and license therefor shall be null and void unless~~
8 ~~approved as provided in Section 1072.24 herein; provided, however, that the provision shall not apply~~
9 ~~to a permittee corporation, the stock of which is listed on a stock exchange in this state or in the City~~
10 ~~and County of San Francisco, New York, State of New York, or which is required by law to file periodic~~
11 ~~reports with the Securities and Exchange Commission unless approved as provided in Section 1072.19~~
12 ~~herein.~~

13
14 ~~SEC. 1072.20. NAME AND PLACE OF BUSINESS CHANGE OF LOCATION. No person~~
15 ~~granted a permit pursuant to this Article shall operate under any name or conduct his business under~~
16 ~~any designation for any location not specified in his permit.~~

17
18 ~~SEC. 1072.21. DISPLAY OF PERMIT. Every person to whom or for whom a permit to operate~~
19 ~~an Encounter Studio shall have been granted pursuant to the provisions of this Article shall display~~
20 ~~said permit in a conspicuous place within the Encounter Studio so that the same may be readily seen by~~
21 ~~persons entering the premises.~~

22
23 ~~SEC. 1072.22. INSPECTION. The Entertainment Commission shall, from time to time and at~~
24 ~~least twice a year, make an inspection of each Encounter Studio in the City and County of San~~
25 ~~Francisco for the purposes of determining that the provisions of this Article are complied with.~~

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~~SEC. 1072.23. DAILY REGISTER. Every person who engages in, conducts, or carries on the operation of an Encounter Studio shall keep a daily register, approved as to form by the Entertainment Commission, of the following information:~~

~~(a) — The identification of all employees employed by such establishment, together with a duplicate of each of said employees' employee permit;~~

~~(b) — The hours of employment of each employee for each day;~~

~~(c) — The rooms, cubicles, booths, compartments or stalls assigned to or used by each employee for that day and the time at which each employee used or was assigned to each room, cubicle, booth, compartment or stall; and~~

~~(d) — All patrons, with said patrons' true full names, residential street, city and state addresses and hours of arrival and the rooms, cubicles, booths, compartments or stalls used by each patron, if any.~~

~~Said daily register shall at all times during business hours be subject to inspection by the Entertainment Commission and by the Health Department and shall be kept on file for one year on the premises.~~

~~SEC. 1072.24. PROHIBITED ACTIVITIES. (A) No person, while acting as an entertainer in an Encounter Studio, shall:~~

~~(1) — Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or~~

~~(2) — Expose or employ any device, costume or cover which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or~~

~~(3) — Expose any portion of the female breast at or below the areola thereof; or~~

1 (4) — ~~Employ any device or covering which is intended to simulate such portion of the~~
2 ~~breast; or~~

3 (5) — ~~Touch a customer; or~~

4 (6) — ~~Permit a customer or patron to touch an entertainer; or~~

5 (7) — ~~Leave the encounter studio with or meet a customer or patron outside of said~~
6 ~~premises.~~

7 (B) — ~~No person who is a patron of an Encounter Studio shall place, or cause to be placed in~~
8 ~~the daily register false name, or residential street, city and state addresses.~~

9
10 ~~SEC. 1072.25. SOLICITATION OF TRADE. No operator or employee of an Encounter Studio~~
11 ~~shall permit or allow or cause any person or employee to solicit trade on the public sidewalk or shall~~
12 ~~engage in such activity.~~

13
14 ~~SEC. 1072.26. LIGHTING. Every Encounter Studio shall be lighted throughout to an intensity~~
15 ~~of at least 12 foot candles during all hours of operation.~~

16
17 ~~SEC. 1072.27. NOISE. It shall be unlawful for any operator or employee of an Encounter~~
18 ~~Studio to make or continue, or cause, or permit to be made or continued, any vocal or instrumental~~
19 ~~music and related sounds, whether live or reproduced mechanically by radio, television, stereo or~~
20 ~~otherwise, so as to create any sound or noise which would cause the sound level (noise level) measured~~
21 ~~at any point within the Encounter Studio to exceed the sound level of 55 decibels, measured on the A-~~
22 ~~weighted scale as defined in the American National Standard S-1.4-1971.~~

23
24 ~~SEC. 1072.28. BOOTHS AND CUBICLES. It shall be unlawful for any operator of an~~
25 ~~Encounter Studio to maintain or construct any booth, cubicle, room or rooms, compartment or stall~~

1 ~~that is so arranged that the entire interior portion of same is not visible from the exterior of the booth,~~
2 ~~cubicle, room or rooms, compartment or stall. No booth, cubicle, room, compartment or stall shall be~~
3 ~~so maintained or constructed so that the entrance to same may be blocked by a door or curtain or~~
4 ~~similar device.~~

5
6 ~~SEC. 1072.29. HOURS OF OPERATION. Encounter Studios shall be operated only between~~
7 ~~the hours of 10:00 a.m., and 10:00 p.m., of the same day.~~

8
9 ~~SEC. 1072.30. SIGNS REGULATED. No sign or signs which, in whole or in part, advertise~~
10 ~~any Encounter Studio and which sign or signs use the words “nude,” “topless,” “bottomless,”~~
11 ~~“naked,” or words of like import in any language, or which, either expressly or by implication, indicate~~
12 ~~that any act which is prohibited by this Article or by state or local law is available or performed in said~~
13 ~~Encounter Studio, shall be maintained, erected, used or placed in upon or adjacent to the outside or~~
14 ~~inside of any building where it is visible from public streets or from adjacent buildings and premises,~~
15 ~~the purposes of which sign is intended to attract, lure or entice customers.~~

16
17 ~~SEC. 1072.31. SIGNS; CONTINUED. No operator of an Encounter Studio shall permit, or~~
18 ~~cause to be permitted, any sign to be posted on the premises which depicts, describes or relates to~~
19 ~~“Specified Sexual Activities” or “Specified Anatomical Areas” as defined herein.~~

20
21 ~~SEC. 1072.32. SIGNS REQUIRED. (a) — Each operator of an Encounter Studio shall post~~
22 ~~and display signs in a conspicuous place, one inside and one outside the Encounter Studio which lists~~
23 ~~the services provided by said studio and the fee or charge for each such service;~~

24 ~~(b) — Each operator of an Encounter Studio shall post and display signs in a conspicuous~~
25 ~~place, one inside and one outside the Encounter Studio which read as follows: “THIS ENCOUNTER~~

1 ~~STUDIO IS REGULATED BY THE CITY AND COUNTY OF SAN FRANCISCO. UPON ENTRY, ALL~~
2 ~~PATRONS MUST SIGN A REGISTER, GIVING THEIR TRUE NAME AND ADDRESS. THE SIGNING~~
3 ~~OF A FALSE NAME AND/OR GIVING A FALSE ADDRESS WILL BE DEEMED A MISDEMEANOR.~~
4 ~~ENTERTAINERS ARE: (1) NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT;~~
5 ~~(2) NOT PERMITTED TO REMOVE THEIR CLOTHING; (3) NOT PERMITTED TO EXPOSE~~
6 ~~BREASTS OR GENITAL AREAS; (4) NOT PERMITTED TO TOUCH OR BE TOUCHED BY~~
7 ~~CUSTOMERS; (5) NOT PERMITTED TO LEAVE WITH OR MEET A CUSTOMER OFF THE~~
8 ~~PREMISES.”~~

9 (c) ~~— The signs described above must be printed in upper case block letters no less than one~~
10 ~~inch in height and 1/4 inch in width. Each such sign shall state the required information in English,~~
11 ~~Spanish, Chinese and Japanese.~~

12
13 ~~SEC. 1072.33. ENTERTAINMENT, VISIBILITY FROM THE STREET. No operator of an~~
14 ~~Encounter Studio shall permit or cause to be permitted or allow any entertainment as defined in this~~
15 ~~Article in such a manner that said entertainment would be visible at any time from the street, sidewalk~~
16 ~~or highway.~~

17
18 ~~SEC. 1072.34. ADVERTISING. No operator of an Encounter Studio shall place or cause to be~~
19 ~~placed or distribute or cause to be distributed any advertising brochures, pamphlets, handbills, posters,~~
20 ~~announcements, or the like, that depict the human form or portions thereof, or contain such wording in~~
21 ~~such a manner that such depictions of the human form or portions thereof or words would violate~~
22 ~~Section 1072.25 of this Article if such pictorial representation were on a sign upon or adjacent to an~~
23 ~~Encounter Studio.~~

24
25

1 ~~SEC. 1072.35. LOCKED DOORS. No operator of an Encounter Studio shall lock or otherwise~~
2 ~~bar the entrance door to the Encounter Studio through which customers or patrons are customarily~~
3 ~~admitted during the hours of operation. If there is more than one door through which customers or~~
4 ~~patrons are customarily admitted, only one such door need remain in an unlocked condition during the~~
5 ~~hours of operation.~~

6 ~~Nothing in this Section shall be construed to relieve the owner, manager, proprietor or person~~
7 ~~in charge of an Encounter Studio from compliance with the several sections of Part II, Chapter IV of~~
8 ~~the San Francisco Municipal Code (Fire Code).~~

9
10 ~~SEC. 1072.36. COUNSELING OR ASSISTING. No person shall permit, counsel or assist any~~
11 ~~other person in the violation of any provision of this Article.~~

12
13 ~~SEC. 1072.37. EXEMPTIONS. The provisions of Section 1072.2 relating to requirement for a~~
14 ~~permit shall not apply to an Encounter Studio operated by any public agency or by any educational or~~
15 ~~social agency, or any bona fide charitable organization as defined in Section 1072.1(f) herein.~~

16
17 ~~SEC. 1072.38. EXEMPTIONS CONTINUED. This Article shall not apply to any of the~~
18 ~~following who hold current, unrevoked licenses or certificates from the State of California:~~

19 ~~(a) — Physicians as defined in Section 4033 of the Business and Professions Code;~~

20 ~~(b) — Drugless Practitioners as defined in Section 2138 of the Business and Professions Code;~~

21 ~~(c) — Psychiatric Technicians as defined in Section 4502 of the Business and Professions~~
22 ~~Code;~~

23 ~~(d) — Psychologist as defined in Section 2903 of the Business and Professions Code; or~~

24 ~~(e) — Persons working under the immediate control and direction of persons specified in~~
25 ~~Subsections (a), (b), (c) or (d) of this Section.~~

1
2 ~~SEC. 1072.39. EXEMPTIONS CONTINUED. This Article shall not apply to:~~

3 ~~(a) — A theater, concert hall, or similar establishment which is primarily devoted to~~
4 ~~theatrical performances;~~

5 ~~(b) — Any act authorized or prohibited by any state statute;~~

6 ~~(c) — Entertainment as defined in Section 1060(e), Article 15.1 of this Code, and as~~
7 ~~regulated by Section 1060.9.1 of said Code.~~

8
9 ~~SEC. 1072.40. LICENSE FEES. Every permittee who conducts or assists in conducting or~~
10 ~~permitting any Encounter Studio as defined herein shall pay to the Tax Collector an annual license fee~~
11 ~~payable in advance. The license fee prescribed in this Section is due and payable on a calendar year~~
12 ~~basis starting 45 days after the effective date of this Article prorated with regard to the calendar year~~
13 ~~on a monthly basis. Fees for new licenses issued after the first day of January, 1974 or in any~~
14 ~~subsequent calendar year shall be prorated with regard to the calendar year on a monthly basis.~~

15
16 ~~SEC. 1072.40-1. EMPLOYEE LICENSE. Every person engaged as an employee of an~~
17 ~~Encounter Studio who requires a permit from the Entertainment Commission pursuant to the provisions~~
18 ~~of Section 1072.3 of this Article shall pay an annual license fee.~~

19
20 ~~SEC. 1072.41. TRANSFER OR ASSIGNMENT OF PERMIT. No permit shall be transferable~~
21 ~~or assignable except with the written consent of the Entertainment Commission. An application for such~~
22 ~~a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial~~
23 ~~application. The written application for such transfer shall contain the same information as requested~~
24 ~~herein for initial application for such a permit.~~

1 ~~SEC. 1072.42. PENALTY, MISDEMEANOR OR INFRACTION. Any person who violates any~~
2 ~~provisions of this Article shall be deemed guilty of a misdemeanor or an infraction.~~

3 ~~(a) — If charged as an infraction the penalty, upon conviction of such person, shall be by a~~
4 ~~fine not exceeding \$500;~~

5 ~~(b) — If charged as a misdemeanor the penalty, upon conviction of such person, shall be by~~
6 ~~imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding~~
7 ~~\$1,000, or by both such fine and imprisonment;~~

8 ~~(c) — The complaint charging such violation shall specify whether the violation charged is a~~
9 ~~misdemeanor or an infraction. Such charging decisions shall be at the sole discretion of the District~~
10 ~~Attorney;~~

11 ~~(d) — Nothing herein shall prohibit the District Attorney from exercising the sole discretion~~
12 ~~vested in him by law to charge an operator, employee, or any other person associated with an~~
13 ~~Encounter Studio with violating this or any other local or state law.~~

14
15 ~~SEC. 1072.43. PENALTY LIMITED SUSPENSION OR REVOCATION. Any permit issued~~
16 ~~under the terms of this Article may be suspended for a period of 30 days by the Entertainment~~
17 ~~Commission if the Entertainment Commission deems after a noticed hearing, that violation of the~~
18 ~~regulations or any provisions of the Municipal Code has occurred. A permit may be revoked for such~~
19 ~~violations as set forth in Section 1072.16, above.~~

20
21 ~~SEC. 1072.44. TIME LIMIT FOR OBTAINING PERMIT. All premises required to obtain a~~
22 ~~permit and license pursuant to this Article must obtain a permit within 45 days of the effective date of~~
23 ~~this Article; failure to do so shall make continued operation of said Encounter Studio a violation of~~
24 ~~Section 1072.42 hereof. Permits must be obtained from the Entertainment Commission as Sections~~
25 ~~1072.2, 1072.3, 1072.4, 1072.5, and 1072.6 provide.~~

1
2 ~~SEC. 1072.45. SEVERABILITY. — If any section, subsection, subdivision, paragraph, sentence,~~
3 ~~clause or phrase of this Article, or application thereof to any person or circumstances, is for any~~
4 ~~reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such~~
5 ~~decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part~~
6 ~~thereof. The Board of Supervisors hereby declares that it would have passed such section, subsection,~~
7 ~~subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more~~
8 ~~sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared~~
9 ~~unconstitutional or invalid or ineffective.~~

10
11 ~~SEC. 1072.41. TRANSFER OR ASSIGNMENT OF PERMIT. No permit shall be transferable~~
12 ~~or assignable except with the written consent of the Entertainment Commission. An application for such~~
13 ~~a transfer shall be in writing and shall be accompanied by the same filing fee as for an initial~~
14 ~~application. The written application for such transfer shall contain the same information as requested~~
15 ~~herein for initial application for such a permit.~~

16
17 ~~SEC. 1072.42. PENALTY, MISDEMEANOR OR INFRACTION. Any person who violates any~~
18 ~~provisions of this Article shall be deemed guilty of a misdemeanor or an infraction.~~

19 ~~(a) — If charged as an infraction the penalty, upon conviction of such person, shall be by a~~
20 ~~fine not exceeding \$500;~~

21 ~~(b) — If charged as a misdemeanor the penalty, upon conviction of such person, shall be by~~
22 ~~imprisonment in the County Jail for a period not to exceed six months or by a fine not exceeding~~
23 ~~\$1,000, or by both such fine and imprisonment;~~

1 (c) — ~~The complaint charging such violation shall specify whether the violation charged is a~~
2 ~~misdemeanor or an infraction. Such charging decisions shall be at the sole discretion of the District~~
3 ~~Attorney;~~

4 (d) — ~~Nothing herein shall prohibit the District Attorney from exercising the sole discretion~~
5 ~~vested in him by law to charge an operator, employee, or any other person associated with an~~
6 ~~Encounter Studio with violating this or any other local or state law.~~

7
8 ~~SEC. 1072.43. PENALTY LIMITED SUSPENSION OR REVOCATION. Any permit issued~~
9 ~~under the terms of this Article may be suspended for a period of 30 days by the Entertainment~~
10 ~~Commission if the Entertainment Commission deems after a noticed hearing, that violation of the~~
11 ~~regulations or any provisions of the Municipal Code has occurred. A permit may be revoked for such~~
12 ~~violations as set forth in Section 1072.16, above.~~

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15 ~~permit and license pursuant to this Article must obtain a permit within 45 days of the effective date of~~
16 ~~this Article; failure to do so shall make continued operation of said Encounter Studio a violation of~~
17 ~~Section 1072.42 hereof. Permits must be obtained from the Entertainment Commission as Sections~~
18 ~~1072.2, 1072.3, 1072.4, 1072.5, and 1072.6 provide.~~

19
20 ~~SEC. 1072.45. SEVERABILITY. — If any section, subsection, subdivision, paragraph,~~
21 ~~sentence, clause or phrase of this Article, or application thereof to any person or circumstances, is for~~
22 ~~any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction,~~
23 ~~such decision shall not affect the validity or effectiveness of the remaining portions of this Article or~~
24 ~~any part thereof. The Board of Supervisors hereby declares that it would have passed such section,~~
25 ~~subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any~~

1 ~~one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared~~
2 ~~unconstitutional or invalid or ineffective.~~

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1 Section 6. Article 1 of the San Francisco Police Code is hereby amended by amending
2 Sections 2.26 and 2.27, to read as follows:

3
4 SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.

5 The following filing fees, payable in advance to the City and County of San
6 Francisco, are required when submitting applications for permits to the Police Department or
7 Entertainment Commission:

8

9	TYPE OF PERMIT	FILING FEE
10	Permit Amendment/Additional Partner	\$ 81
11	Amusement Park	871
12	Antique Shop	558
13	Auto Wrecker	664
14	Ball or Ring Throwing Games	477
15	Balloon and Kite Advertising	367
16	Billiard Parlor	456
17	Bingo Games	112
18	Amendment to Permit	112
19	Circus	648
20	Closing-Out Sale	413
21	Dance Hall Keeper	1,401
22	Amendment to Permit	660
23	One Night Dance	40
24	Dealer in Firearms and/or Ammunition	961
25	Renewal	218

1	Discharge of Cannon	400
2	Distributor of Advertising	
3	Class A	524
4	Class B	459
5	Driverless Auto Rental	631
6	Encounter Studio	
7	Owner	725
8	Employee	202
9	Escort Service	
10	Owner	709
11	Employee	202
12	Extended Hours Permit	1,500
13	Amendment to Permit	660
14	Fortuneteller	357
15	Funeral Procession Escort	224
16	Insignia and Uniform	13
17	General Soliciting Agent	252
18	Itinerant Show	680
19	Itinerant Show/Nonprofit [fee set by Police Code Section 1017.2]	100
20	Junk Dealer	945
21	Junk Gatherer	
22	Resident	439
23	Nonresident	370
24	Licensed Tour Guide	272
25	<u>Live Adult Entertainment</u>	<u>[INSERT AMOUNT]</u>

1	Loudspeaker	416
2	Vehicle	416
3	Masked Ball	779
4	Massage Establishment	1,684
5	Masseur/Masseuse	202
6	Trainee	202
7	Mechanical Amusement Devices	568
8	Mechanical Contrivance	568
9	Miniature Golf Course	586
10	Mobile Caterer	775
11	Additional Stop	73
12	Assistant	73
13	Transfer of Stop	73
14	Museum	645
15	Nude Models in Public Photographic Studio	
16	Owner	704
17	Employee	202
18	Off-Heliport Landing Site	477
19	One Night Event	255
20	Outcall Massage	462
21	Pawnbroker	763
22	Peddler	
23	Fish, Vegetables, Fruit	525
24	Food for Human Consumption	525
25	Nonfood	330

1	Employee	77	
2	Pedicab Driver	77	
3	Pedicab Owner		
4	First Pedicab	372	
5	Each Additional Pedicab	84	
6	Photographer, Public Place		
7	Owner	429	
8	Solicitor	77	
9	Photographic Solicitor		
10	Owner	429	
11	Employee	77	
12	Place of Entertainment	1,500	
13	Amendment to Permit	660	
14	Poker	894	
15	Amendment to Permit	79	
16	Public Bathhouse	1,122	
17	Public Outcry Sales	716	
18	Pushcart Peddler	594	
19	Recreational Equipment Vendor	408	
20	Rodeo Exhibition/Wild West Show		651
21	Second Hand Dealer	558	
22	Second Hand Dealer, Auto Accessories		558
23	Shooting Gallery	723	
24	Skating Rink	693	
25	Street Photographer		

1	Owner	379
2	Solicitor	231
3	Tow Car Driver	198
4	Tow Car Firm	575
5	Trade-In Dealer	713
6	Valet Parking	
7	Fixed Location	535
8	Annual Special Event	350
9	Vehicle for Hire, Nonmotorized	644

11 SEC. 2.27. SCHEDULE OF LICENSE FEES FOR PERMITS ISSUED BY THE
 12 POLICE DEPARTMENT OR ENTERTAINMENT COMMISSION.

13 The following license fees are payable to the Tax Collector for permits issued by the
 14 Police Department or Entertainment Commission and, when applicable, for their renewal:

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

17	TYPE OF PERMIT	LICENSE FEE
18	Amusement Park	\$ 310
19	Antique Shop	52
20	Auto Wrecker	408
21	Ball or Ring Throwing Games	136
22	Balloon and Kite Advertising	75 per quarter
23	Billiard Parlor	
24	First Table	125
25	Each Additional Table	12

1	Bingo Game	66	
2	Cabaret	263	
3	Circus	275 per day	
4	Dance Hall Keeper	354	
5	Dealer in Firearms and/or Ammunition	378	
6	Discharge of Cannon	41 per day	
7	Distributor of Advertising		
8	Class A	112	
9	Class B	29	
10	Driverless Auto Rental	269	
11	<i>Encounter Studio</i>		
12	Owner	426	
13	Employee	48	
14	Escort Service		
15	Owner	432	
16	Employee	75	
17	Extended Hours Permit	370	
18	Fortuneteller	40	
19	Funeral Procession Escort	96	
20	General Soliciting Agent	74	
21	Itinerant Show, Each Concession	36 per day	
22	Junk Dealer	454	
23	Junk Gatherer		
24	Resident	86	
25	Nonresident	86	

1	Licensed Tour Guide	128
2	<u>Live Adult Entertainment</u>	_____
3	Loudspeaker, Commercial	135
4	Masked Ball	194 per day
5	Massage Establishment	463
6	Masseur/Masseuse	75
7	Trainee	75 per 90-day permit
8	Mechanical Amusement Devices	
9	First Machine	256
10	Each Additional Machine	29
11	Mechanical Contrivance	
12	First Machine	144
13	Each Additional Machine	22
14	Miniature Golf Course	137
15	Mobile Caterer	582
16	Assistant	41
17	Museum	172
18	Nude Models in Public Photography Studio	
19	Owner	408
20	Employee	75
21	Off-Heliport Landing Site	32 per day
22	Outcall Massage	393
23	Pawnbroker	447
24	Peddler	
25	Fish, Vegetables, Fruit	624

1	Food for Human Consumption	624
2	Nonfood	166
3	Employee	67
4	Pedicab Driver	22
5	Pedicab Owner	
6	First Pedicab	277
7	Each Additional Pedicab	139
8	Photographer, Public Place	
9	Owner	172
10	Solicitor	66
11	Photographic Solicitor	
12	Owner	139
13	Employee	66
14	Place of Entertainment	350
15	Poker	261
16	Public Bathhouse	364
17	Public Outcry Sales	246
18	Pushcart Peddler	624
19	Recreational Equipment Vendor	261
20	Rodeo Exhibition/Wild West Show	125 per day
21	Second Hand Dealer	53
22	Second Hand Dealer, Auto Accessories	53
23	Shooting Gallery	136
24	Skating Rink	300
25	Street Photographer	

1	Owner	137
2	Solicitor	67
3	Tow Car Driver	28
4	Tow Car Firm	
5	First Tow Truck	457
6	Each Additional Tow Truck	182
7	Trade-In Dealer	513
8	Valet Parking	
9	Fixed Location	222
10	Annual Special Event	139
11	Vehicle for Hire, Nonmotorized	139

12
13 Section 7. The San Francisco Business and Tax Regulations Code is hereby amended
14 by adding Section 249.20, to read as follows:

15
16 Sec. 249.20. Live Adult Entertainment Business. Every person as defined in Section 6.2-15 of
17 this Code conducting business or engaging in an activity for which a Live Adult Entertainment Permit
18 is required under Article 15.7 of the San Francisco Police Code shall pay an annual license fee. The
19 amount of the license fee for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of the Police
20 Code, and such amount shall be adjusted for the 2006-2007 fiscal year and annually thereafter in
21 accordance with section 2.31 of the Police Code.

22
23 Section 8. CEQA Findings.

24 The Board of Supervisors finds that this ordinance is enacted in order to mitigate the
25 threat posed to the public peace, health, or safety by Live Adult Entertainment Businesses. In

1 this regard, the findings set forth in Section 1 of this ordinance are incorporated herein by
2 reference. This ordinance either provides for the replacement of existing regulations
3 applicable to adult-oriented entertainment businesses. Live Adult Entertainment Businesses
4 uses are already allowed under the City's existing zoning regulations and there is no
5 possibility that this ordinance may have a significant adverse effect on the environment, and
6 therefore the adoption of this ordinance is exempt from CEQA pursuant to Section
7 15061(b)(3) of the CEQA guidelines. In addition, the Board of Supervisors finds that the
8 regulatory fees imposed under this ordinance are not a "project" as defined by the California
9 Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8)(A), and
10 are for the purpose of meeting the operating expenses, including employee wage rates and
11 fringe benefits, and other direct and indirect overhead expenses of the City and County of San
12 Francisco attributable to the permitting and regulation of Live Adult Entertainment Businesses
13 as defined in Police Code Section 1074.53, as enacted by this Ordinance.

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

By: _____
Dorji Roberts
Deputy City Attorney