

1 [Entertainment Commission Permits, Licenses and Fees.]

2

3 **Ordinance (1) amending the San Francisco Police Code by amending Sections 2.2, 2.9,**

4 **2.25, 2.26, 2.27, 2.31, 43, 43.2, 48 1037.2, and adding Sections 1060.1-1 and 1070.1-1, to**

5 **(i) increase the application fees for Place of Entertainment permits and permits for**

6 **Extended Hours Premises, and the annual license fees for Places of Entertainment and**

7 **Mechanical Amusement Devices, to defray the City's annual costs of Entertainment**

8 **Commission operations attributable to such permitted businesses, (ii) eliminate**

9 **distinctions between commercial and non-commercial uses for purposes of**

10 **loudspeaker permits (iii) and to make technical amendments and corrections, as**

11 **specified; (2) amending the San Francisco Business and Tax Regulations Code by**

12 **amending Sections 1.1, 1.2, 1.3, 1.51, 8, and 23, and adding Sections 249.17, 249.18,**

13 **and 249.19, to make technical amendments and corrections in conformity with the**

14 **amendments to the Police Code; and (3) making findings pursuant to the California**

15 **Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the**

16 **adjustments to the fees are not a "project" and that such fees are imposed for the**

17 **purpose of meeting operating expenses of the Entertainment Commission and Police**

18 **Department, including employee wage rates, fringe benefits and other direct and**

19 **indirect overhead charges attributable to such entertainment-related permits and**

20 **annual licenses.**

21 Note: Additions are single-underline italics Times New Roman;

22 deletions are ~~strikethrough italics Times New Roman~~.

23 Board amendment additions are double underlined.

24 Board amendment deletions are ~~strikethrough normal~~.

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

25 Section 1. Findings.

1 The Board of Supervisors finds and declares the following:

2 The San Francisco Entertainment Commission, established effective July 1, 2003,
3 assumed responsibility from the Police Department for issuing "entertainment-related
4 permits," including licenses and permits for loudspeakers, places of entertainment, extended
5 hours premises, billiard and pool tables, mechanical amusement devices, itinerant shows and
6 other amusements as set forth in the San Francisco Police Code. The Commission
7 coordinates review of entertainment-related permit applications and related investigations by
8 the Police Department, Planning Department, Department of Public Health, Department of
9 Parking and Traffic and other City departments and offices having a role in the review and
10 approval of the application depending on the type of permit and nature of the business or
11 activity proposed by the applicant. The most common types of permit applications received
12 by the Commission are for places of entertainment, extended hours premises, pool and
13 billiard tables, arcades and loudspeakers. Most applications require that the Commission
14 conduct a public hearing and post notice at the location of the proposed bar, nightclub or other
15 venue seeking an entertainment-related permit.

16 The Entertainment Commission is also responsible for promoting the responsible
17 operation of entertainment venues and events, establishing "good neighbor policies" and
18 imposing reasonable conditions on permits, to balance the cultural, economic, employment
19 and other benefits of a vibrant entertainment industry in San Francisco with the needs of
20 residents and businesses in the vicinity of entertainment venues and events. The
21 Commission, through its Executive Director, attempts to mediate disputes between the
22 operators of permitted venues and neighbors or other persons affected by nightclubs, bars,
23 pool halls and other places of entertainment and late night businesses.

24 The Entertainment Commission also assumed disciplinary and enforcement authority
25 from the Police Department to suspend and revoke entertainment-related permits of problem

1 venues, as set forth in the Police Code and Chapter 90 of the Administrative Code. The
2 suspension or revocation of such permits involves an administrative "due process hearing"
3 similar to a trial but not subject to formal rules of evidence applicable in court. In such
4 hearings a Deputy City Attorney, on behalf of the Executive Director of the Entertainment
5 Commission, Chief of Police or other appropriate City officer desiring to take disciplinary
6 action against the permit holder, presents evidence and argument to the Commission
7 regarding the alleged violations of the Police Code, permit conditions or other laws regarding
8 the conduct or condition of the venue. The permit holder or its counsel may present evidence
9 and argument to rebut the charges or mitigate the sanction if the Commission finds a violation.
10 In such proceedings a Deputy City Attorney, who is screened from the attorneys presenting
11 the case to suspend or revoke the permit, advises the Commission. The Commission
12 considers the evidence submitted at the hearing, deliberates and decides whether suspension
13 or revocation is warranted and, if so, the appropriate level of sanction within the range
14 authorized under the relevant provisions of the Police Code.

15 As part of the enabling legislation creating the Entertainment Commission, the Board of
16 Supervisors established a policy to set fees for entertainment-related permits and licenses at
17 levels sufficient to cover the estimated annual operating costs of the Commission. Under
18 Administrative Code §90.9, the Board of Supervisors must consider establishing fees for
19 entertainment-related permits at levels sufficient to cover the Commission's estimated annual
20 operating costs by the beginning of fiscal year 2005-2006. This ordinance amends the
21 existing fees charged for permit applications and annual license fees in connection with the
22 following types of entertainment-related permits issued by the Commission: extended hours
23 premises, loudspeaker, mechanical amusement devices (first machine) and place of
24 entertainment. As set forth in the analysis prepared by the Controller's Office, contained in
25 Board of Supervisors File No. 051027, the City's estimated annual costs of the Entertainment

1 Commission, including legal services provided by the City Attorney's Office, processing
 2 applications (including background and related investigations conducted by the Police
 3 Department), commission hearings and meetings, staff, employee wage rates, fringe benefits
 4 and associated direct and indirect overhead costs attributable to such entertainment related
 5 permits and licenses, is reflected in the revised rates.

6 The new fee schedule more closely reflects the City's costs of operating the
 7 Entertainment Commission attributable to processing applications for entertainment-related
 8 permits and the Commission's ongoing regulatory responsibilities with respect to businesses,
 9 events and venues required to obtain and renew such permits and licenses. The new fee
 10 schedule also covers the costs of services provided by the Police Department and City
 11 Attorney's Office for assisting the Commission to effectively perform its initial permitting and
 12 on-going regulatory oversight functions. The allocation of the City's costs among the one-time
 13 application fees and annual license fees, as adjusted by this ordinance, is based on the
 14 estimated number of applications processed and time expended by the Entertainment
 15 Commission, Police Department and City Attorney's Office, as set forth in the Controller's
 16 analysis. The fee increases will take effect beginning with fiscal year 2005-2006, and will be
 17 adjusted annually for inflation or deflation according to the relevant Consumer Price Index, as
 18 determined by the Controller. The adjustments to the specific entertainment-related fees are
 19 as follows:

TYPE OF FEE	DESCRIPTION	CURRENT FEE	PROPOSED FEE
Application	Extended Hours Premises	\$1,471	\$1,500
Annual License	Extended Hours Premises	\$347	\$370
Annual License	Mechanical Amusement Device (first machine)	\$190	\$256

1	Application	Place of Entertainment	\$1,471	\$1,500
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2
3 In adopting this ordinance, the Board intends to enable the City to recover its total
4 actual costs, but no more, incurred in connection with the entertainment-related permits and
5 annual licenses described above. The Board of Supervisors further finds that imposing and
6 calculating such fees as set forth in the Controller's analysis reasonable and appropriate, and
7 does not exceed the City's costs of operating the Entertainment Commission, including legal
8 services provided by the City Attorney's Office, processing applications (including background
9 and related investigations conducted by the Police Department), commission hearings and
10 meetings, staff, employee wage rates, fringe benefits and associated direct and indirect
11 overhead costs attributable to such entertainment related permits and licenses.

12 This ordinance also amends both the Police Code and Business and Tax Regulations
13 Code to make technical corrections, conforming changes to reflect the fee adjustments and
14 the previous transfer of responsibility for entertainment-related permits from the Police
15 Department to the Entertainment Commission. It also eliminates the distinction between
16 commercial and non-commercial uses when applying for loudspeaker permits because the
17 City's costs of processing such applications and issuing loudspeaker permits does not depend
18 on the content of the amplified sound.

19
20 Section 2. CEQA Findings.

21 The Board of Supervisors finds that the revisions to the fees for Entertainment-related
22 permits (as defined in Administrative Code Section 90.2(c)) are not a project as defined by the
23 California Environmental Quality Act pursuant to Public Resources Code Section
24 21080(b)(8)(A). The Board finds that the fees for permit applications and annual license fees
25 authorized by Sections 1060.1-1, 1060.2, 1070.1-1, 1070.2 of the Police Code, as amended

1 by this ordinance, is for the purpose of meeting operating expenses, including employee wage
2 rates and fringe benefits, attributable to such written findings.

3
4 Section 3. The San Francisco Police Code is hereby amended by amending Sections
5 2.2, 2.9, 2.25, 2.26, 2.27, 2.31, 43, 43.2, 48 and 1037.2, and 1060.29, and by adding Sections
6 1060.1-1 and 1070.1-1, to read as follows:

7
8 SEC. 2.2. FEE SETTING PROCEDURE.

9 Each year the Chief of Police *and Executive Director of the Entertainment Commission* shall
10 cause a report to be made of the revenues received from each type of fee collected by the
11 *Police Department and Entertainment Commission, respectively*, the costs incurred in providing
12 the services for which the fee is assessed, the anticipated costs for the ensuing fiscal year
13 and the rates which would be necessary to support such costs for each type of fee. Said
14 report shall be filed with the Controller no later than April 1st of each year pursuant to the
15 provisions of Section 3.17-2 of the San Francisco Administrative Code.

16 The Controller shall file said report with the Board of Supervisors no later than May
17 15th of each year and the Board of Supervisors shall, by ordinance, establish or readjust the
18 rates for the filing fees and license fees. The rates set shall be equal to, but not greater than,
19 the rates necessary to support the costs of providing the services for which each fee is
20 assessed.

1 SEC. 2.9. PERMITS ISSUED BY THE POLICE DEPARTMENT OR
2 ENTERTAINMENT COMMISSION.

3 Since the following permits have no license in connection therewith, they will not be
4 delivered to the Tax Collector, but will be issued directly from the office of the Police
5 Department or Entertainment Commission, as the case may be.

6 Change in Color Scheme.

7 Closing-Out Sale.

8 Dance Hall Keeper, One Night Dance.

9 ~~Loudspeaker, Non-commercial.~~

10 ~~Sound Truck, Non-commercial.~~

11
12 SEC. 2.25. DETERMINATION OF PERCENTAGE OF FEES CREDITED TO OTHER
13 DEPARTMENTS.

14 Each year the Controller shall determine what percentage of the money charged
15 for any filing fee is charged in order to offset the costs incurred by City departments *other than*
16 *the Police Department* in regulating and inspecting permits issued by the Police Department and
17 Entertainment Commission, and the Controller shall credit the appropriate percentage of such
18 fees ~~shall be credited by the Police Department~~ to the other department as required by the
19 Charter and Municipal Code.

20
21 SEC. 2.26. SCHEDULE OF PERMITS AND FILING FEES.

22 The following filing fees, payable in advance to the City and County of San
23 Francisco, are required when submitting applications for permits to the Police Department or
24 Entertainment Commission:
25

1	TYPE OF PERMIT	FILING FEE	
2	Permit Amendment/Additional Partner	\$	81
3	Amusement Park	871	
4	Antique Shop	558	
5	Auto Wrecker	664	
6	Ball or Ring Throwing Games	477	
7	Balloon and Kite Advertising	367	
8	Billiard Parlor	456	
9	Bingo Games	112	
10	Amendment to Permit	112	
11	Circus	648	
12	Closing-Out Sale	413	
13	Dance Hall Keeper	1,401	
14	Amendment to Permit	660	
15	One Night Dance	40	
16	Dealer in Firearms and/or Ammunition	961	
17	Renewal	218	
18	Discharge of Cannon	400	
19	Distributor of Advertising		
20	Class A	524	
21	Class B	459	
22	Driverless Auto Rental	631	
23	Encounter Studio		
24	Owner	725	
25	Employee	202	

1	Escort Service		
2	Owner	709	
3	Employee	202	
4	Extended Hours Permit	1,401	<u>1,500</u>
5	Amendment to Permit	660	
6	Fortuneteller	357	
7	Funeral Procession Escort	224	
8	Insignia and Uniform	13	
9	General Soliciting Agent	252	
10	Itinerant Show	680	
11	Itinerant Show/Nonprofit [fee set by Police Code Section 1017.2]		100
12	Junk Dealer	945	
13	Junk Gatherer		
14	Resident	439	
15	Nonresident	370	
16	Licensed Tour Guide	272	
17	Loudspeaker	<u>416</u>	
18	Commercial	416	
19	Nonecommercial	49	
20	Vehicle	416	
21	Masked Ball	779	
22	Massage Establishment	1,684	
23	Masseur/Masseuse	202	
24	Trainee	202	
25	Mechanical Amusement Devices	568	

1	Mechanical Contrivance	568
2	Miniature Golf Course	586
3	Mobile Caterer	775
4	Additional Stop	73
5	Assistant	73
6	Transfer of Stop	73
7	Museum	645
8	Nude Models in Public Photographic Studio	
9	Owner	704
10	Employee	202
11	Off-Heliport Landing Site	477
12	One Night Event	255
13	Outcall Massage	462
14	Pawnbroker	763
15	Peddler	
16	Fish, Vegetables, Fruit	525
17	Food for Human Consumption	525
18	Nonfood	330
19	Employee	77
20	Pedicab Driver	77
21	Pedicab Owner	
22	First Pedicab	372
23	Each Additional Pedicab	84
24	Photographer, Public Place	
25	Owner	429

1	Solicitor	77	
2	Photographic Solicitor		
3	Owner	429	
4	Employee	77	
5	Place of Entertainment	1,401	<u>1,500</u>
6	Amendment to Permit	660	
7	Poker	894	
8	Amendment to Permit	79	
9	Public Bathhouse	1,122	
10	Public Outcry Sales	716	
11	Pushcart Peddler	594	
12	Recreational Equipment Vendor	408	
13	Rodeo Exhibition/Wild West Show		651
14	Second Hand Dealer	558	
15	Second Hand Dealer, Auto Accessories		558
16	Shooting Gallery	723	
17	Skating Rink	693	
18	Street Photographer		
19	Owner	379	
20	Solicitor	231	
21	Tow Car Driver	198	
22	Tow Car Firm	575	
23	Trade-In Dealer	713	
24	Valet Parking		
25	Fixed Location	535	

1 Annual Special Event 350
 2 Vehicle for Hire, Nonmotorized 644

3

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

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

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

9

10	TYPE OF PERMIT	LICENSE FEE
11	Amusement Park	\$ 310
12	Antique Shop	52
13	Auto Wrecker	408
14	Ball or Ring Throwing Games	136
15	Balloon and Kite Advertising	75 per quarter
16	Billiard Parlor	
17	First Table	125
18	Each Additional Table	12
19	Bingo Game	66
20	Cabaret	263
21	Circus	275 per day
22	Dance Hall Keeper	354
23	Dealer in Firearms and/or Ammunition	378
24	Discharge of Cannon	41 per day
25	Distributor of Advertising	

1	Class A	112	
2	Class B	29	
3	Driverless Auto Rental	269	
4	Encounter Studio		
5	Owner	426	
6	Employee	48	
7	Escort Service		
8	Owner	432	
9	Employee	75	
10	Extended Hours Permit	347 <u>370</u>	
11	Fortuneteller	40	
12	Funeral Procession Escort	96	
13	General Soliciting Agent	74	
14	Itinerant Show, Each Concession	36 per day	
15	Junk Dealer	454	
16	Junk Gatherer		
17	Resident	86	
18	Nonresident	86	
19	Licensed Tour Guide	128	
20	Loudspeaker, Commercial	135	
21	Masked Ball	194 per day	
22	Massage Establishment	463	
23	Masseur/Masseuse	75	
24	Trainee	75 per 90-day permit	
25	Mechanical Amusement Devices		

1	First Machine	190 <u>256</u>
2	Each Additional Machine	29
3	Mechanical Contrivance	
4	First Machine	144
5	Each Additional Machine	22
6	Miniature Golf Course	137
7	Mobile Caterer	582
8	Assistant	41
9	Museum	172
10	Nude Models in Public Photography Studio	
11	Owner	408
12	Employee	75
13	Off-Heliport Landing Site	32 per day
14	Outcall Massage	393
15	Pawnbroker	447
16	Peddler	
17	Fish, Vegetables, Fruit	624
18	Food for Human Consumption	624
19	Nonfood	166
20	Employee	67
21	Pedicab Driver	22
22	Pedicab Owner	
23	First Pedicab	277
24	Each Additional Pedicab	139
25	Photographer, Public Place	

1	Owner	172	
2	Solicitor	66	
3	Photographic Solicitor		
4	Owner	139	
5	Employee	66	
6	Place of Entertainment	347	
7	Poker	261	
8	Public Bathhouse	364	
9	Public Outcry Sales	246	
10	Pushcart Peddler	624	
11	Recreational Equipment Vendor	261	
12	Rodeo Exhibition/Wild West Show		125 per day
13	Second Hand Dealer	53	
14	Second Hand Dealer, Auto Accessories	53	
15	Shooting Gallery	136	
16	Skating Rink	300	
17	Street Photographer		
18	Owner	137	
19	Solicitor	67	
20	Tow Car Driver	28	
21	Tow Car Firm		
22	First Tow Truck	457	
23	Each Additional Tow Truck	182	
24	Trade-In Dealer	513	
25	Valet Parking		

1	Fixed Location	222
2	Annual Special Event	139
3	Vehicle for Hire, Nonmotorized	139

4

5 SEC. 2.31. ANNUAL ADJUSTMENT OF FEES.

6 Beginning with fiscal year 2003-2004, fees set in Sections 2.26 and 2.27 may be
7 adjusted each year, without further action by the Board of Supervisors, to reflect changes in
8 the relevant Consumer Price Index, as determined by the Controller.

9 No later than April 15th of each year, the Police Department and Entertainment
10 Commission shall submit its current fee schedule to the Controller, who shall apply the price
11 index adjustment to produce a new fee schedule for the following year.

12 No later than May 15th of each year, the Controller shall file a report with the Board of
13 Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient
14 revenue to support the costs of providing the services for which each fee is assessed, and (b)
15 the fees do not produce revenue which is *significantly* more than the costs of providing the
16 services for which each fee is assessed.

17

18 SEC. 43. PERMITS FOR USE OF LOUDSPEAKER OR SOUND AMPLIFYING
19 EQUIPMENT OUTSIDE BUILDINGS OR OUT OF DOORS.

20 ~~(a) — Noncommercial Uses. Upon application made as herein provided and subject to the~~
21 ~~provisions of Sections 47.2 and 49 of this Code, the Entertainment Commission shall issue a permit for~~
22 ~~use of a loudspeaker or sound amplifying equipment not attached to nor operated in or upon sound~~
23 ~~trucks to project sound outside of any building or at any location out of doors in any part of said City~~
24 ~~and County for the following purposes only:~~

1 ~~(1) To make appeals on behalf of charity, subject to Sections 590 through 596 of this Code,~~
2 ~~whenever applicable;~~

3 ~~(2) To amplify announcements and other matters during and as a part of public events;~~

4 ~~(3) To publish affairs of interest to the public, not described in Subsection (b) hereof.~~

5 ~~(ab) Use of Loudspeakers for Commercial Purposes.~~ Upon application made as herein
6 provided and subject to the provisions of Sections 47.2 and 49 of this Code, the Entertainment
7 Commission, at its discretion, may issue a permit for use of a loudspeaker or sound amplifier
8 not attached to sound trucks to project sound outside of any building or at any location out of
9 doors in any part of said City and County at such times and upon such days as ~~he~~ it may
10 designate, for any lawful purpose. ~~the following purposes:~~

11 ~~(1) To announce contests, sporting events, ceremonials and other games, divertissements or~~
12 ~~commercial events, and to broadcast music or entertainment in connection therewith for the~~
13 ~~information or amusement of persons there assembled.~~

14 ~~(2) To advertise commercial products or services.~~

15 ~~(be) Information Required for Permit.~~ Application to the Entertainment Commission for a
16 permit to use a loudspeaker or sound amplifier as herein provided shall be made on a form
17 available at the office of the Entertainment Commission and shall contain the following
18 information:

19 (1) The name and address of applicant;

20 (2) The purpose for which sound amplification will be used;

21 (3) Location at which loudspeaker or amplifier will be placed;

22 (4) Hours during which sound will be amplified; and

23 (5) Dates upon which sound amplification will be made

1 SEC. 43.2. LICENSE FEE ~~FOR COMMERCIAL LOUDSPEAKERS.~~

2 Upon granting the loudspeaker permit for *commercial purposes*, the *Chief of Police*
3 *Entertainment Commission* shall forward the permit to the Tax Collector *if the permit authorizes*
4 *sound amplification for seven or more days in a calendar year*, who shall issue a license upon
5 payment by the applicant of the license fee, payable in advance.

6
7 SEC. 48. ~~COMMERCIAL ADVERTISING BY SOUND TRUCK LICENSED AND~~
8 ~~REGULATED~~, LICENSE REQUIRED.

9 It shall be unlawful for any person to use or cause to be used any sound truck in the
10 City and County of San Francisco for *any purpose commercial advertising purposes* before an
11 application has been filed with the Entertainment Commission as provided in Section 47(a) of
12 this Code; the applicant has expressly assumed responsibility for performance of all matters
13 and observance of all restrictions contained in Section 47.2 of this Code; the Entertainment
14 Commission has approved the application and issued a permit at its discretion, as provided in
15 Section 652 et seq. of this Code; and a license has been obtained from the Tax Collector as
16 therein provided. The terms and conditions of Section 682 et seq. of this Code apply with full
17 force and effect to the licensing of all sound trucks used for *commercial advertising any purpose*
18 within the City and County of San Francisco.

19
20 SEC. 1037.2. LICENSE FEE.

21 Every person, firm or corporation owning, leasing or maintaining any billiard
22 table, pool table, or combination table, for the use of patrons of any place of business, shall
23 pay *an annual* license fee *to the Tax Collector, payable in advance*, for the first such table and
24 additional license fee for each additional such table in any such place of business. *The permit*
25 *shall be nontransferable.*

1 The annual license fee prescribed in this Section is due and payable on a calendar year basis,
2 starting January 1st of each year. Fees for new permits issued after the first day of January of a
3 particular year shall be prorated with regard to the calendar year on a monthly basis.

4
5 SEC. 1060.1-1. LICENSE FEES.

6 Every person granted a place of entertainment permit by the Entertainment Commission under
7 this Article shall pay to the Tax Collector an annual license fee, payable in advance.

8 The license fee prescribed in this Section is due and payable on a calendar year basis, starting
9 January 1st of each year. Fees for new permits issued after the first day of January of a particular year
10 shall be prorated with regard to the calendar year on a monthly basis. The amount of the license fee
11 for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of this Code, and such amount shall
12 be adjusted for inflation commencing with the 2006-2007 fiscal year, and annually thereafter, in
13 accordance with section 2.31 of this Code.

14
15 SEC. 1060.29. ONE NIGHT EVENT PERMIT.

16 (a) It shall be unlawful for any person without a valid Place of Entertainment
17 permit to conduct, promote, or sponsor or to cause or to permit to be conducted, promoted, or
18 sponsored any one night occurrence of "entertainment" as defined by this Article without first
19 obtaining a One Night Event permit from the Entertainment Commission.

20 (b) Any place or premises for which a permit to operate a one night event is
21 sought must conform to all existing health, safety, zoning and fire ordinances of the City and
22 County of San Francisco; must have a valid public eating place permit from the Department of
23 Public Health, and is subject to all other requirements of this Article. The Entertainment
24 Commission may issue a permit under this Section conditional upon the applicant receiving
25 the other required permits.

1 (c) Every person desiring a permit pursuant to this Article shall file an
2 application with the Entertainment Commission upon a form provided by the Entertainment
3 Commission and shall pay a filing fee. Every application for a permit under this Article shall
4 be verified as provided in the California Code of Civil Procedure for the verification of
5 pleadings.

6 (d) Any place or premises where a one night event is to be held must have a
7 Security Plan. Proof of such shall be provided by permit applicant at the time of application
8 for a one night event permit.

9 (e) The Entertainment Commission shall grant a permit pursuant to this
10 Article unless it finds that:

11 (i) The building, structure, equipment or location of the proposed one night
12 event does not comply with or fails to meet all of the health, zoning, fire and safety
13 requirements or standards of all the laws of the State of California or ordinances of the City
14 and County of San Francisco applicable to such business operation; or

15 (ii) The building, structure, equipment or location of the proposed one night
16 event cannot adequately accommodate the type and volume of vehicle and pedestrian traffic
17 anticipated; or

18 (iii) The building, structure, equipment or location of the proposed one night
19 event lack adequate safeguards to prevent emissions of noise, glare, dust and odor that
20 substantially interfere with the public health, safety and welfare or the peaceful enjoyment of
21 neighboring property.

22 (iv) The building, structure, or location of the proposed one night event does
23 not have an adequate security plan as required by this Section.

1 (f) An applicant whose application for a permit has been denied pursuant to
2 this Section may appeal to the Board of Permit Appeals. The applicant is not required to
3 exhaust his or her administrative remedies before the Board of Appeals.
4

5 SEC. 1070.1-1. LICENSE FEES.

6 Every person granted an extended hours premises permit by the Entertainment Commission
7 under this Article shall pay to the Tax Collector an annual license fee, payable in advance.

8 The license fee prescribed in this Section is due and payable on a calendar year basis, starting
9 January 1st of each year. Fees for new permits issued after the first day of January of a particular year
10 shall be prorated with regard to the calendar year on a monthly basis. The amount of the license fee
11 for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of this Code, and such amount shall
12 be adjusted for inflation commencing with the 2006-2007 fiscal year, and annually thereafter, in
13 accordance with section 2.31 of this Code.

14
15 Section 4. The San Francisco Business and Tax Regulations Code is hereby amended
16 by amending Sections 1.1, 1.2, 1.3, 1.51, 8, and 23, and by adding Sections 249.17, 249.18,
17 and 249.19, to read as follows:
18

19 SEC. 1.1. AMUSEMENT PARKS.

20 For the establishment, maintenance and operation of amusement parks - by the
21 Police Department Entertainment Commission.
22

23 SEC. 1.2. MASQUERADE BALLS.

24 For the holding of masquerade balls - the Police Department Entertainment
25 Commission.

1
2 SEC. 1.3. CIRCUSES OR WILD WEST SHOWS.

3 For the holding of circuses or wild west shows - by the ~~Police Department~~
4 Entertainment Commission.

5 SEC. 1.51. MOTION PICTURE THEATERS, THEATERS, PUBLIC ASSEMBLY
6 UNITS, AND OPEN-AIR ASSEMBLY UNITS.

7 For the maintenance of motion picture theaters, theaters, and for the
8 maintenance, operation and use of public assembly units and open-air assembly unit - by the
9 Fire Department; subject to the approval of the Bureau of Building Inspection; for the
10 operation of motion picture theaters, closed- circuit television theaters, ~~live entertainment in~~
11 ~~theaters~~ or any combination thereof - by the Police Department; for the operation of live
12 entertainment in theaters – by the Entertainment Commission.

13
14 SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.

15 Except for variance decisions and place of entertainment, extended hours premises,
16 and loudspeaker permits issued by the Entertainment Commission, appeals to the Board of Appeals
17 shall be taken within 15 days from the making or entry of the order or decision from which the
18 appeal is taken. Appeals of variance decisions shall be taken within 10 days. Appeals shall
19 be taken by filing a notice of appeal with the Board of Appeals and paying to said Board at
20 such time a filing fee as follows:

21 (a) Zoning Administrator, Planning Department, Director of Planning and
22 Planning Commission.

23 (1) For each appeal from the Zoning Administrator's variance decision the
24 fee shall be \$400.

1 (2) For each appeal from any order, requirement, decision or other
2 determination (other than a variance) made by the Zoning Administrator, the Planning
3 Department or Commission or the Director of Planning, including an appeal from disapproval
4 of a permit which results from such an action, the fee shall be \$400.

5 (b) Department of Building Inspection.

6 (1) For each appeal from a Department of Building Inspection denial,
7 conditional approval or granting of a residential hotel or apartment conversion permit the fee
8 shall be \$350.

9 (2) For each appeal from the granting or denial of a building demolition, or
10 other permit (other than residential hotel conversion) the fee shall be \$100.

11 (3) For each appeal from the imposition of a penalty only the fee shall be
12 \$200.

13 (c) Police Department *and Entertainment Commission*.

14 (1) For each appeal from the denial or granting of a *Police* permit or license
15 issued *by the Police Department or Entertainment Commission* to the owner or operator of a
16 business the fee shall be \$250; for each such permit or license issued to an individual
17 employed by or working under contract to a business, the fee shall be \$100.

18 (2) For each appeal from the revocation or suspension of a *Police* permit or
19 license issued *by the Police Department or Entertainment Commission* the fee shall be \$250 for an
20 entity or individual.

21 (d) Department of Public Works. For each appeal from the decision of the
22 Director of the Department of Public Works concerning street tree removal by a City agency,
23 commission, or department the fee shall be \$75.

24 (e) For each appeal from any other order or decision the fee shall be \$200.
25

1 (f) For requests for rehearing under Section 16 of this Article the fee shall be
2 \$100.

3 (g) For requests for jurisdiction the fee shall be \$100.

4 (h) An exemption from paying the full fee specified in Subsections (a), (b),
5 (c), (d), (e), (f), and (g) herein may be granted upon the filing under penalty of perjury of a
6 declaration of indigency on the form provided and approved by the Board. All agencies of the
7 City and County of San Francisco are exempted from these fees.

8 Notice of appeal shall be in such form as may be provided by the rules of the
9 Board of Appeals.

10 On the filing of any appeal, the Board of Appeals shall notify in writing the
11 department, board, commission, officer or other person from whose action the appeal is taken
12 of such appeal. On the filing of any appeal concerning a structural addition to an existing
13 building, the Board of Appeals shall additionally notify in writing the property owners of
14 buildings immediately adjacent to the subject building.

15 The Board of Appeals shall fix the time and place of hearing, which shall be not
16 less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not
17 later than 60 days after such filing or a reasonable time thereafter. In the case of a fixed
18 pedestal newsrack permit, a place of entertainment permit or an extended-hours premises
19 permit, the Board of Appeals shall set the hearing not less than 15 days after the filing of said
20 appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a
21 motion for rehearing. With respect to any decision of the Board of Appeals related to any
22 "dwelling" in which "protected class members" are likely to reside (each as defined in
23 Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of
24 Administrative Code Chapter 87 which requires, among other things, that the Board of
25 Appeals not base any decision regarding the development of such units on information which

1 may be discriminatory to any member of a "protected class." Pending decision by the Board of
2 Appeals, the action of such department, board, commission, officer or other person from
3 which an appeal is taken, excluding (1) actions of revocation or suspension of permit by the
4 Director of Public Health when determined by the Director to be an extreme public health
5 hazard and (2) actions of the Zoning Administrator or Director of the Department of Building
6 Inspection stopping work under or suspending an issued permit, shall be suspended.

7
8 SEC. 23. ACTION ON OTHER APPLICATIONS.

9 All other applications for the issuance, transfer or revocation of permits shall be
10 subject to action on or issuance by the department or office specified by law or ordinance;
11 provided, however, that those classes of business or occupation required to secure quarterly
12 or other periodical permits from the Entertainment Commission or Police, Health or Fire
13 Departments, respectively, as provided by ordinance shall, after their original approval and
14 issuance thereof by the department concerned, be subject to issuance by the Tax Collector
15 for each successive period on the application of the person, firm or corporation conducting
16 such business or occupation. The Tax Collector is hereby authorized to issue the license for
17 the next quarter or other period fixed by law or ordinance unless:

- 18 1. The department issuing the permit files written objection with the Tax
19 Collector to such renewal or continuance;
- 20 2. The permittee does not have a current business tax registration
21 certificate, when such business tax registration certificate is required pursuant to *Section 1003*
22 *of Part III of the San Francisco Municipal Code Article 12 of the Business and Tax Regulations Code.*

23 In case of any such objection by the department concerned, or when the
24 permittee does not have a current business tax registration certificate when so required by
25 *Section 1003 of Part III of the San Francisco Municipal Code Article 12 of the Business and Tax*

1 Regulations Code, the license applied for shall not be continued or renewed by the Tax
2 Collector, and the applicant therefor must file application with said department for the renewal
3 or continuance of the original permit.

4 The Tax Collector shall, within 45 days after the expiration of the period covered
5 by any quarterly or other periodical permit, notify the department authorized to issue said
6 permit of the failure of any permit holder to apply for a renewal or a continuance thereof, and
7 shall likewise immediately notify the Chief of Police or Entertainment Commission, as the case
8 may be, of any delinquency on the part of any permit holder in paying the fees required by law
9 or ordinance for such permit.

10
11 Sec. 249.17. PLACE OF ENTERTAINMENT. Every person as defined in Section 6.2-15 of this
12 Code conducting business or engaging in an activity for which a place of entertainment permit is
13 required under Article 15.1 of the San Francisco Police Code shall pay an annual license fee. The
14 amount of the fee for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of the Police Code,
15 and such amount shall be adjusted for the 2006-2007 fiscal year and annually thereafter in accordance
16 with Section 2.31 of the Police Code.

17
18 Sec. 249.18. EXTENDED HOURS PREMISES. Every person as defined in Section 6.2-15 of
19 this Code conducting business or engaging in an activity for which an extended hours premises permit
20 is required under Article 15.2 of the San Francisco Police Code shall pay an annual license fee. The
21 amount of the license fee for the 2005-2006 fiscal year shall be as set forth in Section 2.27 of the Police
22 Code, and such amount shall be adjusted for the 2006-2007 fiscal year and annually thereafter in
23 accordance with section 2.31 of the Police Code.

1 Sec. 249.19. MECHANICAL AMUSEMENT DEVICE. Every person as defined in Section 6.2-
2 15 of this Code conducting business or engaging in an activity for which a mechanical amusement
3 device permit is required under Article 15 of the San Francisco Police Code shall pay an annual
4 license fee. The amount of the license fee for the 2005-2006 fiscal year shall be as set forth in Section
5 2.27 of the Police Code, and such amount shall be adjusted for the 2006-2007 fiscal year and annually
6 thereafter in accordance with section 2.31 of the Police Code.

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9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11
12 By: Dorji Roberts
13 Dorji Roberts
14 Deputy City Attorney

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25
Mayor Gavin Newsom



City and County of San Francisco

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

Tails

Ordinance

File Number: 051027

Date Passed:

Ordinance (1) amending the San Francisco Police Code by amending Sections 2.2, 2.9, 2.25, 2.26, 2.27, 2.31, 43, 43.2, 48 1037.2, and adding Sections 1060.1-1 and 1070.1-1, to (i) increase the application fees for Place of Entertainment permits and permits for Extended Hours Premises, and the annual license fees for Places of Entertainment and Mechanical Amusement Devices, to defray the City's annual costs of Entertainment Commission operations attributable to such permitted businesses, (ii) eliminate distinctions between commercial and non-commercial uses for purposes of loudspeaker permits (iii) and to make technical amendments and corrections, as specified; (2) amending the San Francisco Business and Tax Regulations Code by amending Sections 1.1, 1.2, 1.3, 1.51, 8, and 23, and adding Sections 249.17, 249.18, and 249.19, to make technical amendments and corrections in conformity with the amendments to the Police Code; and (3) making findings pursuant to the California Environmental Quality Act, Public Resources Code Section 21080(b)(8)(A), that the adjustments to the fees are not a "project" and that such fees are imposed for the purpose of meeting operating expenses of the Entertainment Commission and Police Department, including employee wage rates, fringe benefits and other direct and indirect overhead charges attributable to such entertainment-related permits and annual licenses.

July 12, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 19, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 26, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 051027

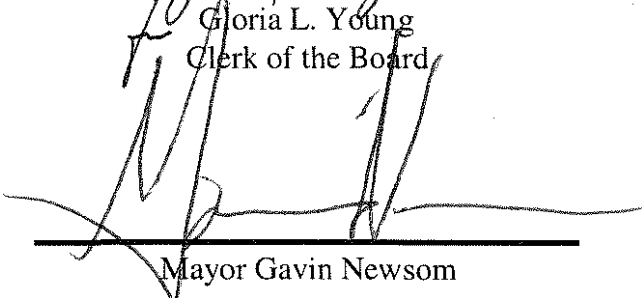
I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

JUL 29 2005

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom