

[Police Code - Regulating Public Nudity in Restaurants and Public Seating Areas]

Ordinance amending the San Francisco Police Code Section 1071.1 to: 1) prohibit public nudity in restaurants; and 2) prohibit sitting on public benches or public seating areas without clothing or some other separate material between the person's genitals, buttocks, or anal region and the seating surface.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Police Code is hereby amended by amending Section 1071.1, to read as follows:

SEC. 1071.1. PROHIBITION. REGULATING PUBLIC NUDITY IN RESTAURANTS AND PUBLIC SEATING AREAS.

(a) Waiters, Waitresses, and Entertainers. Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including but not limited to, alcoholic beverages; ~~(a)~~ (1) exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or ~~(b)~~ (2) exposes or employs 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 ~~(c)~~ (3) exposes any portion of the female breast at or below the areola thereof; or ~~(d)~~ (4) employs any device or covering which is intended to simulate such portion of the breast.

(b) Members of the Public in Restaurants and on Public Seating. Except as provided herein, every person is guilty of an infraction who, (1) while present as a customer in the public eating and

1 drinking areas of an establishment whose primary business is to serve food, exposes his or her genitals,
2 buttocks, or anal region; or (2) sits on any public bench, public steps, or other public seating area
3 without clothing or other separate material as a barrier between his or her genitals, buttocks, or anal
4 region and the public seating. Any person who violates this Section 1071.1(b) shall be deemed guilty of
5 an infraction and upon conviction thereof such person shall be punished by a fine not to exceed one
6 hundred dollars (\$100) for a first violation, and not to exceed two hundred dollars (\$200) for a second
7 violation of this Section 1071.1(b) within a twelve-month period. Upon the third or subsequent
8 conviction within a twelve-month period, such person shall be deemed guilty of a misdemeanor and
9 shall be punished by a fine not to exceed \$1,000 or by imprisonment in the County Jail for a period not
10 to exceed one year or by both such fine and imprisonment. This Section 1071.1(b) shall not apply to
11 children under the age of sixteen years.

12
13 Section 2. Effective Date. This ordinance shall become effective 30 days from the
14 date of passage.

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

18 By:


19 ADINE VARAH
20 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

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

File Number: 110967

Date Passed: November 08, 2011

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October 20, 2011 Public Safety Committee - RECOMMENDED

November 01, 2011 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

November 08, 2011 Board of Supervisors - FINALLY PASSED

File No. 110967

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
11/8/2011 by the Board of Supervisors of the
City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved