

Bonus Section A

San Francisco Police Code

ARTICLE 2

DISORDERLY CONDUCT

- Sec. 110. Ball Playing on Public Street Prohibited.
- Sec. 115. Bathing in Bay of San Francisco Regulated.
- Sec. 120. Begging in Public Streets, Etc., Prohibited.
- Sec. 120-1. Aggressive Soliciting Prohibited.
- Sec. 121. Loitering At or Near Cash Dispensing Machines Prohibited.
- Sec. 122. Aggressive Pursuit Prohibited.
- Sec. 123. Penalty.
- Sec. 125. Bribery of Police Officers Prohibited.
- Sec. 130. Defacement, Etc., of Property in Civic Center Prohibited.
- Sec. 131. Penalty.
- Sec. 132. Intoxicating Liquors Prohibited Upon Premises of San Francisco General Hospital.
- Sec. 133. Penalty.
- Sec. 136. Flags, Bunting, Etc., Injury to, Prohibited.
- Sec. 141. Confetti, Etc., Gathering, Sale and Possession of Used, Prohibited.
- Sec. 142. Penalty.
- Sec. 147. Disturbance of Peace, Use of Profane Language, Etc., Prohibited.
- Sec. 152. Drunkenness in Public Places Prohibited.
- Sec. 157. Crowds to Disperse on Order of Police Officer.
- Sec. 162. Fortune Telling, Etc., Advertising and Carrying on Business of, Prohibited.
- Sec. 163. Penalty.
- Sec. 168. Mechanical Contrivances to Reproduce Obscene Language, Etc., Prohibited.
- Sec. 169. Exhibition of Indecent Pictures, Figures, Etc., Prohibited.
- Sec. 170. Possession, Control, Etc., of Instruments, Etc., Prohibited.
- Sec. 171. Penalty.
- Sec. 176. Obscene, Lewd, Indecent Exhibitions, Etc., Prohibited.
- Sec. 177. Lewd Plays, Performances—Representation Prohibited.
- Sec. 182. Lewd and Indecent Advertising Prohibited.
- Sec. 183. Lewd Posters Prohibited.
- Sec. 193. Indecent Posters Prohibited.
- Sec. 194. Penalty.
- Sec. 199. Display of Representations of Sexual Organs Prohibited.
- Sec. 205. Obscene Language in Public Places Prohibited.
- Sec. 210. Obscene Language in Telephone Conversations Prohibited.
- Sec. 215. Lewd and Indecent Acts Prohibited.
- Sec. 220. Visiting House of Ill Fame for Unlawful Purpose Prohibited.
- Sec. 221. Knowingly Becoming Inmate of or Contributing to Support of House of Ill Fame Prohibited.
- Sec. 225. Soliciting Prostitution Prohibited.
- Sec. 226. Penalty.

General Panhandling Prohibited
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SEC. 120-1. AGGRESSIVE SOLICITING PROHIBITED. (a) **Findings.** The people of the City and County of San Francisco find that aggressive solicitation for money directed at residents, visitors, and tourists in areas of the City open to the public imperils their safety and welfare. This conduct in turn jeopardizes the City's economy by discouraging visitors and prospective customers from coming to San Francisco for business, recreation, and shopping. This conduct also threatens to drive City residents out of the City for their recreational and shopping activities. Further, the people find that aggressive solicitation undermines the public's basic right to be in and enjoy public places without fear that they will be pursued by others seeking handouts. The people further find that no state laws address or protect the public from these problems.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, including parks, to harass or hound another person for the purpose of inducing that person to give money or other thing of value.

(c) **Definitions.** For the purpose of this ordinance, an individual (solicitor) harasses or hounds another (solicitee) when the solicitor closely follows the solicitee and requests money or other thing of value, after the solicitee has expressly or impliedly made it known to the solicitor that the solicitee does not want to give money or other thing of value to the solicitor.

(d) **Penalties.**

(1) Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than \$50 or more than \$100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$200 or more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this section, if the defendant has been previously convicted of a violation of this section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this section a second time within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time, within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(e) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The voters hereby declare that they would have adopted this Section notwithstanding the

unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words. (Added by Proposition J, 11/3/92)

ATM Loitering Prohibited
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SEC. 121. LOITERING AT OR NEAR CASH DISPENSING MACHINES PROHIBITED. (a) **Findings.** The People of the City and County of San Francisco find that persons who loiter or linger at or near cash dispensing machines imperil the public's safety and welfare. Cash dispensing machines have become the site of robberies and assaults. Prohibiting loitering or lingering at or near such machines may decrease the incidence of these crimes by providing law enforcement officers with an additional crime fighting tool that does not infringe on any person's basic rights.

In addition, the People find that persons making legitimate use of cash dispensing machines have become intimidated and fearful for their safety because of the presence of persons loitering at or near the machines. No state law addresses this type of behavior or protects the public from these problems.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person to loiter or linger at or near any cash dispensing machine located on the exterior of any building.

(b) **Definitions.**

(1) For the purpose of this ordinance, a person loiters or lingers at or near a cash dispensing machine when the person remains within 30 feet of such a machine for a period of over one minute, while another person is conducting lawful business by using the cash dispensing machine. *

(2) For the purpose of this ordinance, a cash dispensing machine is any machine at which a person may obtain cash by inserting a coded card. Cash dispensing machines include what are commonly referred to as automatic teller machines.

(d) **Application.** This ordinance is not intended to prohibit any person from engaging in any lawful business that must be conducted within 30 feet of a cash dispensing machine, such as (1) conducting a transaction at a cash dispensing machine; (2) waiting in line to conduct a transaction at a cash dispensing machine; (3) accompanying or assisting another person, with that person's permission, in conducting a transaction at a cash dispensing machine; or (4) activities such as waiting for a bus at a bus stop or waiting in line to enter a theater or other business where the bus stop or line is within 30 feet of a cash dispensing machine. Lawful business does not include any activity that can be conducted more than 30 feet from a cash dispensing machine.

Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance. *

(e) **Penalties.**

(1) **First Conviction.** Any person violating any provision of this Section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than \$50 or more than \$100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$200 or more than \$500, and/or community service, for each provision violated, or by imprisonment in

the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(2) **Subsequent Convictions.** In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 or more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Section a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The People hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

After July 1, 1995, the Board of Supervisors shall have the power to amend or repeal this Ordinance if the Board finds that such amendment or repeal is in the best interest of the People of the City and County of San Francisco. (Added by Proposition J, 6/7/94) *