

FILE NO. 041488

ORDINANCE NO.

40-65

[Regulating Computer Rental Businesses.]

Ordinance adding Article 10.2 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers or renting computer time for purposes of gaming during certain times, requiring supervision, ~~prohibiting loitering~~, regulating waiting lists, posting hours of operation, and providing for a penalty.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough 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 adding a new Article 10.2, consisting of Sections 750 to 7523, to read as follows:

ARTICLE 10.2

REGULATION OF COMPUTER RENTAL BUSINESSES

SEC. 750. Operating Conditions for Computer Rental Businesses. Any person who owns or operates operating-("Operator") a business the primary operations of which are for the on-premises rental of computer time while the computer remains on the premises ("Computer Rental Business") shall ensure that comply with the following mandatory conditions and standards set forth in this Section. For purposes of this section, the on-premises rental of computer time shall be deemed to be the primary operations of the business if 90% or more of its annual gross revenue is derived from the on-premises rental of computers, are met:

1 (a) No An operator of a Computer Rental Business may not knowingly rent or allow
2 the operator's employees to knowingly rent person under the age of 18 may be allowed to use
3 joysticks, game pads, or other game controllers, or to rent time on a computer for purposes of playing
4 computer games, to any person under the age of 17 ("minor") during the school year from the day
5 after Labor Day to Memorial Day, Monday through Friday, except legal holidays, between the hours of
6 7:008:00 a.m. and 3:00 p.m., or and between the hours of 40:0011:00 p.m. and 78:00 a.m. on all days
7 preceding school days, and between 11:00 p.m. and 7:00 a.m. on all other days unless For
8 purposes of this section, "computer games" shall mean hardware and computer programs and
9 associated data capable of generating a display on a computer monitor, television screen,
10 liquid crystal display or similar medium for playing an interactive game designed for
11 recreational or entertainment purposes. This section shall not apply if the minor is
12 accompanied by a parent, legal guardian or authorized agent of the School District or school in which
13 the minor is enrolled, or the minor provides verifiable documentation from the School District or
14 school that he or she is not scheduled to be attending classes at that time.

15 (b) All Computer Rental Businesses shall employ or provide have adult attendants or
16 supervisors, age 18 or over, at a ratio of not less than one attendant/supervisor for each 25 computers.
17 The attendants/supervisors shall supervise the patrons on and about the premises to prevent conduct by
18 patrons that is injurious to the health, safety and general welfare of other patrons and the public.

19 (c) No loitering shall be allowed to loiter around any Computer Rental Business.
20 For purposes of this Section, a person loiters around a Computer Rental Business if he or she
21 remains within 20 feet of the entrance to such business for a period of over two minutes
22 without lawful business.

23 (dc) An operator of a Computer Rental Businesses may not maintain a waiting list beyond
24 in excess of the seating capacity of its waiting area.

1 (ed) An operator of a Computer Rental Business shall post the hours Hours of
2 operation and computer rental rates shall be posted in a conspicuous place.

3 (fe) Members of the Police Department shall have access to any Computer Rental Business
4 regulated by this Section at any and all times the business is in operation, and shall may inspect the
5 premises to ensure compliance with this Section.

6 (f) Nothing in this Article may be construed to prohibit any person operating a
7 Computer Renal Business from obtaining an extended hours premises permit purasant to
8 Article 15.2 of the Police Code.

9
10 SEC. 751. Signage. An operator of a Computer Rental Business may post a sign or
11 signs on or in the immediate vicinity of the cash register stating "MINORS NOT ALLOWED
12 DURING SCHOOL HOURS FOR PURPOSES OF PLAYING COMPUTER GAMES" or words
13 of similar meaning, which sign may refer this ordinance.

14
15 SEC. 752. Penalty. Any person who violates any provision of Section 750 shall be-guilty of an
16 infraction, the penalty for which shall be as follows:

17 (a) A fine of not less than \$100 nor more than \$250 for the first violation;

18 (b) A fine of not less than \$250 nor more than \$750 for a second infraction violation
19 occurring within six months of a prior infraction violation; and

20 (c) A fine of not less than \$750 nor more than a \$1,000 for a third and each subsequent
21 infraction violation occurring within six months of a prior infraction violation.

22
23 SEC. 753. Severability; Savings Clause. If any section, subsection, subdivision, paragraph,
24 sentence, clause or phrase of this Article, or any part thereof, is for any reason held to be
25 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not

1 affect the validity or effectiveness of the remaining portions of this Article. The Board of Supervisors
2 hereby declares that it would have passed each section, subsection, subdivision, paragraph, clause and
3 phrase thereof irrespective of whether any one or more sections, subsections subdivisions, paragraphs,
4 sentences, clauses or phrases be held unconstitutional or invalid or ineffective.

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

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8 By: Dorji Roberts
9 Dorji Roberts
Deputy City Attorney

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Ordinance

File Number: 041488

Date Passed:

Ordinance adding Article 10.2 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers or renting computer time for purposes of gaming during certain times, requiring supervision, regulating waiting lists, posting hours of operation, and providing for a penalty.

February 8, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Ammiano, Daly, McGoldrick

Excused: 1 - Mirkarimi

February 15, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 2 - Daly, McGoldrick

Absent: 1 - Mirkarimi

Excused: 1 - Alioto-Pier

February 15, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 6 - Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi

Excused: 1 - Alioto-Pier

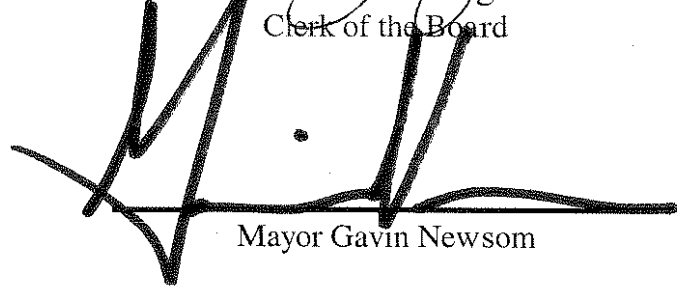
File No. 041488

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 15,
2005 by the Board of Supervisors of the City
and County of San Francisco.

02-26-05

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom