

12190

O 78-52

OCT 19 1977

ORDINANCE NO.
(New Series)

WHEREAS, the electors of the City of San Diego at the election held on September 20, 1977 voted for the City Council to amend Section 56.53 of the San Diego Municipal Code to prohibit nudity on all public beaches without exception;

NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 6, Division 5 of the San Diego Municipal Code be and it is hereby amended by amending Section 56.53 to read as follows:

SEC. 56.53. NUDITY ON PUBLIC LANDS.

a. PURPOSE AND INTENT. The presence of persons who are nude and exposed to public view in or on public rights of way, public parks, public beaches or any other public land, or in or on any private property open to public view from any public right of way, public beach, public park, or other public land, is offensive to members of the general public unwillingly exposed to such persons. The provisions of this section are enacted for the purpose of securing and promoting the public health, morals and general welfare of all persons in the City of San Diego.

b. DEFINITIONS. Whenever in this section the word "nude" is used, it shall mean devoid of an opaque

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OCT 4 1978

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covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the breast at or below the areola thereof of any female person.

Whenever in this section the term "public right of way" is used, it shall mean any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, square, and any other similar public way.

c. NUDITY PROHIBITED. No person over the age of ten years shall be nude and exposed to public view in or on any public right of way, public park, public beach or waters adjacent thereto, or other public land, or in or on any private property open to public view from any public right of way, public beach, public park, or other public land.

d. The provisions of this section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment located on public land.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Robert S. Teaze
Robert S. Teaze
Assistant City Attorney

RST:rb 503.9
REV. 9-22-77

Orig.Dept.: Council

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OCT 19 1977

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen.	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 5 1977

OCT 19 1977

, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

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1977 SEP 26 AM 8 17
SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Ordinance Number **12190** Adopted **OCT 19 1977**