

O. 78-23  
(REVISED)

ORDINANCE NO. 12424 AUG 28 1978  
(New Series)

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 33 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.3321 AND ADDING SECTIONS 33.3325 AND 33.3326; AND AMENDING CHAPTER IV, ARTICLE 2, DIVISION 2, BY ADDING SECTION 42.0216, RELATING TO HEALTH REQUIREMENTS OF PEEP SHOW ESTABLISHMENTS.

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

Section 1. That Chapter III, Article 3, Division 33 of the San Diego Municipal Code be and the same is hereby amended by amending Section 33.3321 and adding Sections 33.3325 and 33.3326, to read as follows:

SEC. 33.3321 FREE ACCESS TO CITY MANAGER OR DELEGATE

No person shall deny the City Manager or his delegate free access to a peep show establishment for purposes of a reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations.

SEC. 33.3325 PEEP SHOW ESTABLISHMENTS--OPERATING REQUIREMENTS

No person, association, partnership, or corporation shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a peep show establishment unless each and all of the following requirements are met:

(a) A minimum of one (1) toilet and wash basin shall be provided for the patrons in every peep show establishment. Each wash basin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

(b) In toilet rooms, a waterproof floor covering shall be provided which extends up the walls at least six (6) inches and shall be coved at the floor-wall juncture with at least a 3/8 inch radius. Walls of toilet rooms shall be smooth, waterproof and kept in good repair.

(c) All walls, ceilings, floors, booths and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Toilet rooms shall be thoroughly cleaned at least once each day the business is in operation.

(d) All establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

SEC. 33.3326 OPERATIVE DATE--OPERATING REQUIREMENTS

Any person, association, partnership or corporation

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engaging in, conducting, or carrying on the operation of a peep show establishment on the effective date of Section 33.3325 shall comply with subsections (c) and (d) of Section 33.3325 within thirty (30) days of the effective date of that section. Any person, association, partnership or corporation engaging in, conducting or carrying on the operation of a peep show establishment on the effective date of Section 33.3325 shall comply with subsections (a) and (b) of Section 33.3325 no later than six (6) months after the effective date of that section.

Section 2. That Chapter IV, Article 2, Division 2, of the San Diego Municipal Code be and the same is hereby amended . . . by adding Section 42.0216 to read as follows:

SEC. 42.0216 PEEP SHOW ESTABLISHMENTS--REGULATED

Health regulated businesses shall include peep show establishments as defined in Section 33.3301 of this Code.

Section 3. 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 Eugene P. Gordon  
Eugene P. Gordon  
Deputy City Attorney

EPG:rc:524.4  
~~7/13/78~~ REVISED 8/3/78  
Or. Dept.: Police

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12124

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

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<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.

(Seal)

By Betty Gooding 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

AUG 14 1978

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, 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.

(Seal)

By Betty Gooding Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number

12424

Adopted AUG 28 1978

*llc*

SEC. 33.3321 FREE ACCESS TO CITY MANAGER OR DELEGATE

No person shall deny the City Manager or his delegate free access to a peep show establishment for purposes of a reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations.

SEC. 33.3325 PEEP SHOW ESTABLISHMENTS--OPERATING REQUIREMENTS

No person, association, partnership, or corporation shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a peep show establishment unless each and all of the following requirements are met:

(a) A minimum of one (1) toilet and wash basin shall be provided for the patrons in every peep show establishment. Each wash basin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

(b) In toilet rooms, a waterproof floor covering shall be provided which extends up the walls at least six (6) inches and shall be covered at the floor-wall juncture with at least a 3/8

inch radius. Walls of toilet rooms shall be smooth, waterproof and kept in good repair.

(c) All walls, ceilings, floors, booths and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Toilet rooms shall be thoroughly cleaned at least once each day the business is in operation.

(d) All establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

SEC. 33.3326 OPERATIVE DATE--OPERATING REQUIREMENTS

Any person, association, partnership or corporation engaging in, conducting, or carrying on the operation of a peep show establishment on the effective date of Section 33.3325 shall comply with subsections (c) and (d) of Section 33.3325 within thirty (30) days of the effective date of that section. Any person, association, partnership or corporation engaging in, conducting or carrying on the operation of a peep show establishment on the effective date of Section 33.3325 shall comply with subsections (a) and (b) of Section 33.3325 no later than six (6) months after the effective date of that section.

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SEC. 42.0216 PEEP SHOW ESTABLISHMENTS--REGULATED

Health regulated businesses shall include peep  
show establishments as defined in Section 33.3301 of  
this Code.

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ATTORNEY(S)

San Diego, City of  
12th Fl. City Admin. Bldg.  
202 C Street  
San Diego, CA 92101  
Attn: B. Goldberg

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

HEALTH REQUIREMENTS OF PEEP SHOW ESTABLISHMENTS

ORDINANCE NO. 12424

(New Section)

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 33 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.3321 AND ADDING SECTIONS 33.3325 AND 33.3326; AND AMENDING CHAPTER IV, ARTICLE 2, DIVISION 2, BY ADDING SECTION 42.0216, RELATING TO HEALTH REQUIREMENTS OF PEEP SHOW ESTABLISHMENTS.

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Section 2. That Chapter IV, Article 2, Division 2, of the San Diego Municipal Code be and the same is hereby amended by adding Section 42.0216 to read as follows:

SEC. 42.0216 PEEP SHOW ESTABLISHMENTS-REGULATED  
Health regulated businesses shall include peep show establishments as defined in Section 33.3301 of this Code.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. Introduced on August 14, 1978. Passed and adopted by the Council of The City of San Diego on August 28, 1978.

AUTHENTICATED BY:  
PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.

(SEAL)  
By BETTY GOLDBERG, Deputy.  
Pub. Sept. 11, 1978

60-9122

I, EVE C. LASH, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

September 11, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 11th day of Sept., 1978.

(Signature)

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