

O. 79-300  
(REVISED)

ORDINANCE NO. O-15151  
(New Series)

JAN 7 1980

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 33.0102, 33.0103 AND 33.0104; AMENDING SECTIONS 33.0304, 33.0401, 33.0501, 33.0502, 33.1006.3, 33.1006.4, 33.1405, 33.1410, 33.1501, 33.1520.2, 33.1520.3, 33.1520.6, 33.1560.2, 33.1625.2, 33.1625.3, 33.1625.5(e), 33.1625.8, 33.1625.10, 33.1625.11, 33.2003, 33.2007, 33.3301, 33.3302, 33.3303, 33.3304, 33.3305, 33.3318, 33.3406, 33.3506(a), 33.3508(a), 33.3510(a), 33.3510(b)(12), 33.3517, 33.3519, 33.3606(a), 33.3608(a), 33.3612, 33.3613 AND 33.3616; AND REPEALING SECTIONS 33.1501.1, 33.1501.9, 33.1501.13, 33.1501.14, 33.1520.5, 33.1520.7, 33.1520.8, 33.1550.1, 33.1550.2, 33.1550.5, 33.1550.11, 33.1550.12, 33.1560.4, 33.1560.5, 33.1560.7, 33.1630.1, 33.1630.2, 33.1655, 33.2006, 33.2008, 33.3306, 33.3307, 33.3308, 33.3309, 33.3310, 33.3311, 33.3312, 33.3317, 33.3520, 33.3521, 33.3522, 33.3617, 33.3618 AND 33.3619, RELATING TO POLICE REGULATED BUSINESSES.

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

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 33.0102, 33.0103 and 33.0104, to read as follows:

SEC. 33.0102 INSPECTIONS BY PEACE OFFICERS

The Chief of Police shall make, or cause to be made, regular inspections of all police regulated businesses licensed under the provisions of this Article. Any peace officer shall have free access, uninterrupted by any licensee or permittee or their employees, at all times to any police regulated business during normal operating hours.

SEC. 33.0103 POSTING OF LICENSES OR PERMITS

Except as otherwise specifically provided by the provisions of this code, all permits and licenses issued pursuant to this Article must be kept and posted in the following manner:

(a) Any licensee or permittee engaged in business at a fixed place of business shall keep the license issued posted in a conspicuous place upon the premises where such business is conducted;

(b) Any person engaged in business in the City of San Diego, but not operating from a fixed place of business, shall keep the license or permit issued to him upon his person at all times while engaging in such business;

(c) Each licensee or permittee shall at all times when requested, exhibit said license or permit to any peace officer or resident of The City of San Diego.

SEC. 33.0104 COST OF INVESTIGATION AND FEES

It is the policy of The City of San Diego that the cost of a license or permit application investigation and processing, and appeal hearing, as well as required enforcement of police regulated businesses, shall be borne by the applicant, licensee or permittee and current costs shall be reflected in the fees required for such license or permit.

Where a fee or a sum of money is referred to in this Article, the exact amount of such fee or sum of money shall be found in the City Clerk's composite rate

book. Where a fee or sum of money is required to recover costs incurred in enforcement of any of the provisions of this Article, the City Manager shall establish the appropriate amount of the fee which shall be maintained in the City Clerk's composite rate book in order to recover the City's actual costs incurred in providing required enforcement of the provisions of this Article.

Section 2. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.0304, 33.0401, 33.0501, 33.0502, 33.1006.3, 33.1006.4, 33.1405, 33.1410, 33.1501, 33.1520.2, 33.1520.3, 33.1520.6, 33.1560.2, 33.1625.2, 33.1625.3, 33.1625.5(e), 33.1625.8, 33.1625.10, 33.1625.11, 33.2003, 33.2007, 33.3301, 33.3302, 33.3303, 33.3304, 33.3305, 33.3318, 33.3406, 33.3506(a), 33.3508(a), 33.3510(a), 33.3510(b)(12), 33.3517, 33.3519, 33.3606(a), 33.3608(a), 33.3612, 33.3613 and 33.3616, to read as follows:

SEC. 33.0304 ISSUANCE OR DENIAL OF LICENSE OR PERMIT

Except as otherwise provided in this code, upon completion of the investigation, the Chief of Police or his designated representative shall issue the license or permit unless:

(1) The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application; or

(2) The operation of the business as proposed pursuant to the issuance or renewal of a license or permit

will not be in compliance with the building, fire, electrical, zoning, plumbing and health requirements as set forth in this code; or

(3) The applicant is under eighteen (18) years of age; or

(4) The applicant has had a similar type of license or permit previously revoked for good cause within one (1) year immediately preceding the date of the filing of the application, and can show no material changes in circumstances since such revocation; or

(5) The maintenance and operation of the business by the applicant will not comport with the peace, health, safety, convenience or general welfare of the public. This subsection shall not be applicable if the application is for a business involving free speech, free press or freedom of assembly.

If the license or permit is denied, the notification and reasons therefor shall be set forth in writing and sent to the applicant by means of registered mail, certified mail, or shall be hand delivered to the applicant.

SEC. 33.0401 SUSPENSION OR REVOCATION OF LICENSE OR PERMIT

In the event that any person holding a license or permit classified as police regulated as herein designated, shall violate or cause or permit to be violated any of the provisions of this Article, or any provision of any other Article, ordinance or law relating to or regulating said business or occupation, or shall conduct or carry on the

business in a manner which manifests a disability to perform properly the duties of the business or occupation as evidenced by the commission of an act or a series of acts, the Chief of Police, may, in addition to other penalties provided by ordinance, take action to suspend or revoke the license or permit issued for conducting or carrying on of the business or occupation. The action of the Chief of Police shall be subject to the appeal provisions of this code except that the Chief of Police may take immediate action with respect to a license or permit, if a subsequent hearing is provided, where there is an urgency of immediate action to protect the public from injury or harm, or where a license or permit has been issued based on material misrepresentations in the application and but for the material misrepresentations the license or permit would not have been issued.

SEC. 33.0501 RIGHT OF APPEAL--HEARING OFFICER

Any person who has been denied a license or permit, or any person whose license or permit issued pursuant to this Article has had action taken by the Chief of Police to suspend or revoke, may request a hearing conducted by a hearing officer selected by the City Manager. The request for a hearing must be in writing to the City Manager and must be made within ten (10) calendar days from the date of the action denying, suspending or revoking the license or permit. Failure to file the request for a hearing in a timely manner shall be grounds to deny a

hearing by the hearing officer. Upon receiving a written request for a hearing, the City Manager or his delegate shall cause a hearing to be set not less than five (5) nor more than thirty (30) calendar days from the date of receipt of the appeal and shall set forth in writing and send to the applicant, licensee or permittee by means of registered mail, certified mail or hand delivery notice of the hearing which shall be conducted to determine the existence of any facts which constitute grounds for the denial, suspension, or revocation of a license or permit. The notification shall include the date, time and place of hearing. The hearing shall be conducted by a hearing officer selected by the City Manager. The applicant, licensee or permittee may have the assistance of counsel or may appear by counsel and shall have the right to present evidence.

In the event that the applicant, licensee or permittee, or counsel representing the applicant, licensee or permittee fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for denial, suspension or revocation of the license or permit shall be considered un rebutted. The hearing officer may uphold the denial, suspension, revocation or other decision of the Chief of Police or may allow that which has been denied, reinstate that which has been suspended or revoked or reverse any other decision of the Chief of Police which is the subject of the appeal. A copy of the decision of the

hearing officer specifying findings of fact and the reasons for the decision shall be furnished to the applicant or licensee or the designated representative. The decision of the hearing officer shall be final ten (10) days from the action of the hearing officer except in the event of an appeal as provided in Section 33.0502. Except as to the emergency provisions of Section 33.0401, the effect of a decision by the Chief of Police shall be stayed while an appeal to the hearing officer is pending or until the time for filing such appeal has expired. The effect of a decision by the hearing officer shall be stayed while an appeal to the City Council is pending or until the time for filing such appeal has expired.

SEC. 33.0502 RIGHT OF APPEAL TO CITY COUNCIL

All appeals of hearing officer's decisions pursuant to this Article will be to the Public Services and Safety Committee of the City Council. When a permit or license authorized under the provisions of this Article is denied, suspended or revoked by the hearing officer, that decision shall be the final administrative remedy unless an appeal to the Public Services and Safety Committee is filed in writing with the City Clerk within ten (10) days of receipt of the hearing officer's written decision. When an appeal is filed with the City Clerk, it shall be placed on the Public Services and Safety Committee agenda for the limited purpose of determining whether the Committee will hear the appeal. The Committee will accept an appeal for hearing when any of the following situations are found to exist:

(1) The appellant was denied the opportunity to make a full and complete presentation to the hearing officer.

(2) New evidence is now available that was not available at the time of the hearing officer's hearing.

(3) The hearing officer's decision was arbitrary because no evidence was presented to the hearing officer that supports the decision.

(4) The appeal presents a citywide issue on which guidance of the City Council is required and the matter is of citywide significance.

(5) The hearing officer's decision is in conflict with adopted Council policy or the Municipal Code.

The Public Services and Safety Committee shall rely upon the record of the proceedings before the hearing officer and the written appeal. No oral presentations shall be made to the Public Services and Safety Committee by proponents or opponents of the appeal. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least three (3) members of the Committee vote in favor of hearing the appeal, the Consultant to the Public Services and Safety Committee shall set the appeal for hearing before the Public Services and Safety Committee. A majority vote of the Committee is required to overturn the decision of the hearing officer. The decision of the Committee to grant or deny the appeal



shall be the final administrative remedy unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

SEC. 33.1006.3 ISSUANCE OF LICENSE

Upon filing of the application, the Chief of Police may make, or cause to be made, an examination or investigation of the statements put forth in such application, or of the applicant and his affairs, in relation to the proposed closing-out sale. If the Chief of Police finds that the statements in the application are true, that the advertising to be used is not false, deceptive or misleading in any respect, and that the proposed methods of conducting the sale are not such as, in the opinion of the Chief of Police, would work a fraud or misrepresentation on the purchaser, then the Chief of Police shall issue a license to conduct such a sale in accordance with the provisions of this section; otherwise, the Chief of Police shall deny the application and refuse such license. No application for such license shall be accepted by the Chief of Police unless accompanied by a filing fee, no part of which shall be refundable. Provided, further, that whenever the goods, wares or merchandise is to be sold at public auction and is a stock of jewelry as described in Division 8 of this Article, then in that event the application required herein shall be accompanied by an additional sum of money. At the time of delivery of such license, the licensee shall sign the following agreement, to be witnessed

by the Chief of Police: "The above license is accepted by the undersigned upon the condition that licensee agrees to comply with, and abide by, all the provisions of Section 33.1006 and subsections thereof, of the San Diego Municipal Code."

SEC. 33.1006.4 CONDITIONS OF THE LICENSE

Any license issued under the provisions of this section shall authorize the conduct and advertising of the one type of sale named therein, and at location specified therein, for a period of not more than sixty (60) calendar days. Provided, however, that the Chief of Police may, upon a verified application therefor, renew said license for a period of not to exceed thirty (30) days, upon the payment of a renewal fee. Such verified petition for renewal shall, upon request of the Chief of Police, include a listing of such remainder goods, wares or merchandise remaining in stock from the original inventory and shall not contain any goods, wares or merchandise not named in the original application. If a sale is to be conducted at two or more locations, separate licenses must be obtained for each location at which said sale takes place. The conditions prescribed as precedent to the issuance of a license for one location shall be the same conditions to be satisfied for any and all licenses issued for more than one location. Stocks of merchandise in warehouses not located on the premises for which license is issued, shall be listed on

separate inventories. If sale of merchandise is to be conducted at the warehouse location, a separate license shall be required. No person who has not been the owner of record of a business for which such license is sought, for a period of at least three (3) months, shall be granted a license.

SEC. 33.1405 COMPLIANCE WITH REQUIREMENTS--ISSUANCE  
OF REGISTRATION CARD

Registration cards shall be issued to all applicants who have paid an application fee, who have complied with Section 33.1403 of this division and who have complied with all local, state and federal laws regulating such trade, business or employment, unless the proposed sales proposition shall include some element of trickery, fraud or deceit or the applicant has been convicted of a felony involving moral turpitude within the past seven (7) years or has been convicted of a felony involving moral turpitude and is on parole or has been convicted of any crime involving sexual matters within the previous ten years, in which case, in the interest of public safety and protection, the applicant shall not be registered or license issued. Registration cards shall be valid for one (1) year from the date of issuance. Registration cards may be renewed upon application, the payment of a fee, and compliance with this division.

SEC. 33.1410 CURB PAINTING SOLICITORS--SPECIAL  
REGISTRATION CARD

Solicitors engaged in painting or soliciting for the

painting of street numbers on curbs shall not so operate without carrying on their person a special registration card which shall state thereon the maximum charge for the service. Such cards shall be obtained upon application to the Chief of Police and payment of a permit fee. Solicitors shall comply strictly with the provisions of Section 62.07 of this code and shall exhibit to the householder the special registration card and shall call attention to the maximum charge stated thereon at the time of securing the permission required in Section 62.07. Any failure to comply with this section, and Section 62.07 shall not only be a misdemeanor but shall be grounds for the summary revocation and seizure of the special registration card.

SEC. 33.1501 CABARET--PURPOSE--LICENSE INVESTIGATION

(a) It is the purpose and intent of the Council that the operations of cabarets and dance halls, as defined in this code, should be regulated for the protection of the public and the preservation of the peace of the community.

(b) Upon receipt of each application for a license to operate a cabaret, it shall be the duty of the Chief of Police to investigate the truth of the matters set forth in the application, the character of the applicant, the character of the premises proposed to be occupied, whether the applicant will conduct the cabaret in accordance with the requirements set forth in the Municipal Code, and such other matters which the Chief of Police may determine to be essential for the protection of the public welfare.

SEC. 33.1520.2 PUBLIC DANCE--LICENSE FEES

- A. Class A license fee is payable semi-annually.
- B. Class B license fee is payable semi-annually.
- C. Class C license fee is payable for each occasion.
- D. Class D license fee is payable semi-annually.
- E. Class E license fee is payable semi-annually.
- F. Class F license fee is payable semi-annually.
- G. Class G license fee is payable semi-annually.
- H. Class H license fee is payable for each occasion.
- I. Class I license fee is payable semi-annually.

SEC. 33.1520.3 APPLICATIONS FOR LICENSE--INVESTIGATION FEE

All applications for license to be issued hereunder shall be accompanied by an investigation fee. In the event the license is granted, the sum shall be applied on the first license fee payable. In the event such license is denied, said application fee shall be and become the property of The City of San Diego.

SEC. 33.1520.6 PUBLIC DANCE--ISSUANCE, DENIAL

Upon the receipt of the City Treasurer of the investigatory results from the Chief of Police approving the issuance of a license under the terms of this code, the license shall be granted and shall be valid for one semi-annual period with the exception of a license issued under Section 33.1520.1, classifications C and H, which shall be valid for one occasion only.

SEC. 33.1560.2 SAME--PERMIT PROCEDURE

An application for a permit hereunder shall be in

writing upon a form to be furnished by the Chief of Police, containing such information as he shall require, and shall be filed with the Chief of Police not less than twenty (20) days before the date of said youth dance. Such application for permit shall be accompanied by adequate certification that the place or premises where the dance is to be held is reasonably adequate for the purpose and conforms with existing health, safety and fire requirements of The City of San Diego and specifying the maximum number of persons that may be safely accommodated at the dance. The application herein required shall set forth therein the following minimum information:

(a) The names and addresses of the applicant's officers;

(b) The date upon which the dance is to be held;

(c) The approximate attendance expected at said dance; and

(d) The names, addresses and phone numbers of all chaperons or supervisors. Two (2) chaperons at least twenty-five (25) years of age, one of whom must be a woman, shall be present for every fifty (50) youths present or part thereof.

Before receiving any application for permits, the Chief of Police shall require the payment of an application fee to cover the cost to the City of the investigation of the application and issuance of the permit.

SEC. 33.1625.2 APPLICATION--CONTENTS--LICENSE WORK  
PERMIT

An applicant for a cardroom license shall submit his application to the Chief of Police of The City of San Diego, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. Said application shall also be accompanied by a nonrefundable investigation fee in the case of a new cardroom as well as a separate nonrefundable fee in the case of an existing cardroom. The past criminal record, if any, of all persons financially or otherwise interested in the business shall be shown on such application. The term "persons financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, the owner or owners of the building, fixtures or equipment. The application shall also be accompanied by fingerprints of persons financially interested.

Employees in cardrooms must obtain a work permit from the Chief of Police; applications for such work permits shall be submitted under oath and contain such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper person to be employed in a cardroom. Each application for a work permit shall be accompanied by a nonrefundable investigation fee and said work permit when issued shall be valid for one (1) year.

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An annual separate nonrefundable renewal fee shall be to defray, in part, the cost of inspection, investigation and enforcement of the cardroom provisions.

Except as otherwise provided in this code, upon completion of the investigation, the Chief of Police shall issue the license or permit, unless the applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, has within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: any offense involving gambling specified in Sections 319-337.9 of the California Penal Code; any felony offense involving the sale of controlled substance specified in Sections 11054, 11055, 11056, 11057 or 11058 of the Health and Safety Code; Sections 266(i), 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code; any offense which requires registration as a sex offender under Penal Code Section 290; or any offense in another state, which if committed in this state would have been punishable as one or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; any offense of theft, embezzlement or moral turpitude; or any statute, ordinance, or regulation pertaining to the same or similar business operation; or which would manifest a disability to perform properly the duties of the business or occupation.

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SEC. 33.1625.3 REVOCATION OR SUSPENSION OF LICENSE

In addition to the grounds enumerated in Section 33.0401, in the event that any person holding a license or permit issued pursuant to this Division is convicted of any of those crimes contained in Section 33.1625.2, the Chief of Police may, in addition to other penalties provided by ordinance, suspend or revoke the license or permit.

SEC. 33.1625.5 REGULATIONS

First paragraph, subsections (a), (b), (c), and (d) remain the same.

(e) Cardrooms shall be located on the ground floor, and so arranged that the playing surface of each table is plainly visible from the sidewalk immediately adjacent to said cardroom.

Subsections (f), (g), and (h) remain the same.

SEC. 33.1625.8 INTOXICATING LIQUOR PROHIBITED

No alcoholic liquor or beverages shall be served, sold, consumed, or given away in any cardroom, and no cardroom shall have an entrance leading to any establishment which serves or sells intoxicating liquor.

SEC. 33.1625.10 TABLES SUPERVISED--IDENTIFICATION

Each card table shall have assigned to it a person whose duty shall be to supervise the game, and see to it that it is played strictly in accordance with the terms of this Division and with the provisions of the Penal Code of the State of California. It shall be unlawful for any

permittee, manager, employee, or any other person employed by or having any financial interest in any establishment holding a permit under the provisions of this Division, to be physically present at any time upon said premises without their identification card identifying them with the cardroom. Such identification card is to be prominently displayed on the outermost garment at approximately chest height, and such identification card shall at all times be readable, legible, and in good condition. No employee shall be allowed to commence work or remain upon said permitted premises who does not possess an identification card as issued by the Chief of Police.

#### SEC. 33.1625.11 EXTERIOR SIGNS

No signs or other insignia advertising or relative to cardrooms shall be permitted upon the exterior of any premises occupied as a cardroom or placed within the interior of the cardroom for the purpose of being displayed to the exterior of the cardroom, except the words "cardroom" and the name of the operator thereof. Such a sign shall be flush with the building and shall be not more than one and one-half feet by six feet in size.

#### SEC. 33.2003 FIGURE STUDIOS--PERMIT FEE

(a) No person shall operate a studio without first paying an original permit fee.

(b) No person shall operate a studio without paying a renewal permit fee due yearly from the date of issuance of the original permit.

SEC. 33.2007 FIGURE STUDIOS--GROUNDS FOR SUSPENSION  
AND REVOCATION OF STUDIO PERMIT

The Chief of Police shall take action to suspend or revoke a studio permit under the provisions of Section 33.0401 or upon a finding of any one of the following causes:

(a) That the studio is not being operated for the purpose of providing facilities for use by persons pursuing a course of study, including the artistic portrayal of the nude human form, and by persons who engage in artistic portrayal as a means of livelihood.

(b) That the permittee is not of good moral character. Anyone convicted of a morals offense shall be deemed not to be of good moral character for the purposes of this section.

(c) That a female or male model under eighteen (18) years of age was permitted or allowed to pose in the nude on the premises; or that a person under eighteen (18) years of age other than a person excepted under Section 33.2005 hereof, was admitted to any part of the premises in which a model was posing in the nude.

(d) That alcoholic beverages, as defined in Section 33.0202, have been sold, consumed or permitted upon the premises of a studio with the knowledge of the permittee.

SEC. 33.3301 DEFINITIONS

(A) "Peep Show Establishment" means any place to which the public is permitted or invited wherein coin or slug

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operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

(B) As used in this ordinance, the terms "specified sexual activities" and "specified anatomical areas" shall mean as follows:

(1) "Specified sexual activities" includes the following:

(a) The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts.

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy.

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

(2) "Specific anatomical areas" shall include the following:

(a) Less than completely and opaquely covered human genital, pubic region, buttocks, annus, or female breasts below a point immediately

above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(C) "Peep show device" means any coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machine, projector or other image producing device which shows images to five (5) or fewer persons at any one time and where the image so displayed is distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

SEC. 33.3302 PERMIT

No person shall operate a peep show establishment unless a permit for the operation of said establishment indicating the number of peep show devices permitted has been issued by the City Treasurer and remains in effect in conformity with the provisions of this code.

SEC. 33.3303 PERMIT TERM

No permit for a peep show establishment shall be issued by the City Treasurer for a period in excess of twelve (12) months. The expiration date of said permit shall be December 31 of each year.

SEC. 33.3304 PERMIT FEE

Every person owning or operating a peep show establishment shall pay a fee per twelve (12) months' period based on the number of peep show devices in the peep show

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establishment. Any person applying for a permit for a period of less than twelve (12) months shall pay a prorated fee.

SEC. 33.3305 APPLICATIONS FOR PERMIT--INVESTIGATION FEE

All applications for a permit, or for the renewal of a permit, shall be accompanied by an investigation fee. In the event the permit is granted or renewed, the sum shall be applied to the permit fee as described in Section 33.3304. In the event such permit is denied, said application fee shall be and become the property of The City of San Diego.

SEC. 33.3318 MINIMUM LIGHTING

No person shall operate a peep show establishment unless a light level of no less than two (2) foot candles at floor level is maintained in every portion of said establishment to which the public is admitted.

SEC. 33.3406 TERM OF LICENSE AND FEES

A bingo license shall expire one year from the date of issuance or at any time sooner that any of the matters disclosed under Section 33.3404 change. It may be renewed for a maximum period of one (1) year any time within six (6) months from its date of expiration, upon application therefor.

The fee for a bingo license shall be assessed. There shall be no fee for renewal provided there is no change in the list of the members of the nonprofit, charitable organization who will operate the bingo game(s). For

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each name subsequently added or changed on the list there shall be a fee, not to exceed fee for an initial license. The appropriate fee shall accompany the submission of each application or renewal. The fee shall be used to defray the cost of issuing the license. If an application for a bingo license is denied, one-half of the license fee paid shall be refunded to the organization.

SEC. 33.3506 MASSAGE ESTABLISHMENT LICENSE

(a) Any person, association, partnership, or corporation desiring to obtain a license to operate a massage establishment shall make an application to the Chief of Police or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation, inspection and enforcement of this Division. An annual nonrefundable renewal fee shall also be charged to defray associated costs of investigation and enforcement.

Subsections (b), (c) and (d) remain the same.

SEC. 33.3508 OFF-PREMISES MASSAGE BUSINESS LICENSE

(a) Any person, association, partnership, or corporation desiring to obtain a license to conduct an off-premises massage business shall make an application to the Chief of Police or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of

investigation, inspection and enforcement of this Division. An annual nonrefundable renewal fee shall also be charged to defray associated costs of investigation and enforcement.

Subsections (b), (c), (d) and (e) remain the same.

SEC. 33.3510 MESSAGE TECHNICIAN PERMIT

(a) Any person desiring to obtain a permit to act as a massage technician shall make an application to the Chief of Police, or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation and examination as required by this Division. An annual nonrefundable renewal fee shall also be charged to defray associated costs of investigation and enforcement.

Subsections (b)(1) through (b)(11) remain the same.

(b)(12) Proof of successful completion of an examination prepared and conducted by the Department of Public Health of the County of San Diego wherein the applicant is required to demonstrate a basic knowledge of anatomy, physiology, hygiene and manual and mechanical massage. The examination shall include both a practical demonstration and a written test. The written test shall test the competency and ability of the applicant to engage in the practice of massage. A fee shall be paid to the City Treasurer by each applicant who takes the examination to defray the cost to the Health Department of adminis-



tering the examination. Such fee shall be paid for each examination taken by an applicant. Every applicant who fails to successfully complete such examination shall not be eligible for another examination until thirty (30) days after taking the previous examination. In lieu of passing the written portion of such examination, the applicant may furnish written proof of graduation from a school or institution of learning which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a residence course study of not less than one hundred (100) hours to be given in not more than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning, following the successful completion of such course of study or learning, and which school has been approved by the State Superintendent of Public Instruction pursuant to the California Education Code Section 29025.

Subsections (b)(13) and (b)(14), (c), (d) and (e) remain the same.

SEC. 33.3517 SALE OR TRANSFER

Thirty (30) days after the sale or transfer of any interest in a massage establishment or off-premises massage business, any license heretofore issued shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate

the massage establishment or off-premises massage business. A fee shall be payable for each such application involving sale or other transfer of any interest in an existing massage establishment or off-premises massage business. The provisions of Section 33.3506 of this division shall apply to any person, association, partnership, or corporation applying for a massage establishment license for premises previously used as such establishment.

Any such sale or transfer of any interest in any existing massage establishment or any application for an extension or expansion of the building or other place of business of the massage establishment shall require inspection and shall require compliance with Section 33.3513 of this division.

SEC. 33.3519 GROUND FOR SUSPENSION OR REVOCATION OF LICENSE OR PERMIT

In addition to the grounds enumerated in Section 33.0401, in the event that any person holding a license or permit issued pursuant to this division shall violate or cause or permit to be violated any of the provisions of this division or is convicted of any of those crimes contained in Section 33.3506(d)(2), the Chief of Police may, in addition to other penalties provided by ordinance, take action to suspend or revoke the license or permit of the licensee or permittee.

SEC. 33.3606 NUDE ENTERTAINMENT LICENSE

(a) Any person, association, partnership, or

corporation desiring to obtain a license to operate a nude entertainment business shall make an application to the Chief of Police or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation, inspection and enforcement of this division. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

Subsections (b), (c) and (d) remain the same.

SEC. 33.3608 NUDE ENTERTAINER PERMIT

(a) Any person desiring to obtain a permit to act as a nude entertainer shall make application to the Chief of Police, or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation and examination as required by this division. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

Subsections (b), (c), (d) and (e) remain the same.

SEC. 33.3612 CHANGE OF LOCATION

A change of location of a licensed nude entertainment business shall be approved by the Chief of Police provided all applicable provisions of this division are complied with and a nonrefundable change of location fee has been paid to the Chief of Police, and the new location complies with all applicable zoning, health, fire and safety codes.

0-15151

SEC. 33.3613 SALE OR TRANSFER

Thirty (30) days after the sale or transfer of any interest in a nude entertainment business, any license heretofore issued shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate the nude entertainment business. A fee shall be payable for each such application involving the sale or transfer of any interest in an existing nude entertainment business. The provisions of Section 33.3606 of this division shall apply to any person, association, partnership, or corporation applying for a nude entertainment business license for premises previously used as such businesses.

SEC. 33.3616 GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE OR PERMIT

In addition to the grounds enumerated in Section 33.0401, in the event that any person holding a license or permit issued pursuant to this division shall violate or cause or permit to be violated any of the provisions of this division or is convicted of any of those crimes contained in Section 33.3606(d)(2), the Chief of Police may, in addition to other penalties provided by ordinance, take action to suspend or revoke the license or permit of the licensee or permittee.

Section 3. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 33.1501.1, 33.1501.9, 33.1501.13, 33.1501.14, 33.1520.5,

33.1520.7, 33.1520.8, 33.1550.1, 33.1550.2, 33.1550.5, 33.1550.11,  
33.1550.12, 33.1560.4, 33.1560.5, 33.1560.7, 33.1630.1, 33.1630.2,  
33.1655, 33.2006, 33.2008, 33.3306, 33.3307, 33.3308, 33.3309,  
33.3310, 33.3311, 33.3312, 33.3317, 33.3520, 33.3521, 33.3522,  
33.3617, 33.3618 and 33.3619, as follows:

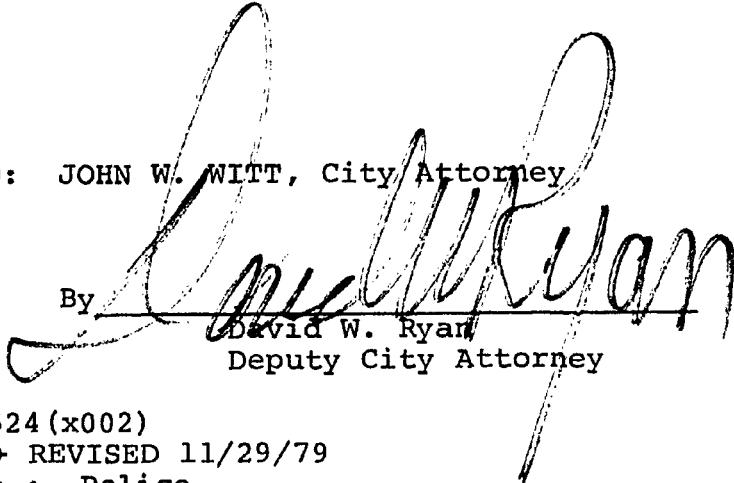
SEC. 33.1501.1	CABARET--APPEAL TO THE CITY COUNCIL
SEC. 33.1501.9	CABARET ACCESS TO PEACE OFFICER
SEC. 33.1501.13	OPERATION WITHOUT NOTICES POSTED PROHIBITED
SEC. 33.1501.14	INSPECTION BY CHIEF OF POLICE
SEC. 33.1520.5	PUBLIC DANCE APPLICATION PROCEDURE
SEC. 33.1520.7	PUBLIC DANCE--REVOCATION
SEC. 33.1520.8	PUBLIC DANCE--APPEAL
SEC. 33.1550.1	INSPECTIONS BY CHIEF OF POLICE
SEC. 33.1550.2	FREE ACCESS TO PEACE OFFICERS
SEC. 33.1550.5	LOITERING BY DRUNKS, DISSOLUTES PROHIBITED
SEC. 33.1550.11	FEMALE EMPLOYEES--ACTS PROHIBITED WITHOUT PERMIT
SEC. 33.1550.12	FEMALE EMPLOYEES--PERMITS REQUIRED
SEC. 33.1560.4	SAME--INVESTIGATION BY CHIEF OF POLICE
SEC. 33.1560.5	SAME--REVOCATION OR SUSPENSION
SEC. 33.1560.7	SAME--APPEAL
SEC. 33.1630.1	SAME--REVOCATION OF PERMIT
SEC. 33.1630.2	SAME--INSPECTION BY POLICE DEPARTMENT
SEC. 33.1655	FREE ACCESS TO PEACE OFFICERS
SEC. 33.2006	FIGURE STUDIOS--PERMIT REQUIRED FOR FEMALE EMPLOYEES
SEC. 33.2008	FIGURE STUDIOS--APPEAL TO COUNCIL
SEC. 33.3306	APPLICATIONS FOR PERMIT: INVESTIGATION

- SEC. 33.3307 ISSUANCE OR DENIAL OF PERMIT  
SEC. 33.3308 SUSPENSION OR REVOCATION OF PERMIT  
SEC. 33.3309 HEARING  
SEC. 33.3310 APPEAL  
SEC. 33.3311 NO PERMIT ONE YEAR AFTER REVOCATION  
SEC. 33.3317 PATRON VIEW OF DOORWAY  
SEC. 33.3520 HEARING  
SEC. 33.3521 STAY OF SUSPENSION OR REVOCATION  
SEC. 33.3522 APPEAL  
SEC. 33.3617 HEARING  
SEC. 33.3618 STAY OF SUSPENSION OR REVOCATION  
SEC. 33.3619 APPEAL

Section 4. 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

  
David W. Ryan  
Deputy City Attorney

DWR:rc:524 (x002)  
~~10/19/79~~ REVISED 11/29/79  
Or. Dept.: Police

JAN 7 1980

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<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"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 *Rita Andrews*, 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

DEC 10 1979

JAN 7 1980

\_\_\_\_\_, 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 *Rita Andrews*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15151 Adopted JAN 7 1980

CERTIFICATE OF PUBLICATION

RECORDED  
INDEXED  
JAN 21 1980  
SAN DIEGO COUNTY

San Diego, City of  
12th floor, City Admin. Bldg.  
202 C St.  
San Diego, CA 92101  
Attn: Rita Andrews

IN THE MATTER OF

NO.

AMENDING CHAPTER III, ARTICLE 3,  
OF THE SAN DIEGO MUNICIPAL CODE

Camille Simpson

I, \_\_\_\_\_, 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

ORDINANCE NO. 0-15151  
(New Series)

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:

January 22, 1980  
I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 22nd day of Jan., 19 80

*Camille Simpson*

(Signature)

5 <sup>3</sup>/<sub>4</sub> " - 38.35

**ORDINANCE NO. 0-15151**  
**(New Series)**  
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 33.0102, 33.0103 AND 33.0104; AMENDING SECTIONS 33.0304, 33.0401, 33.0501, 33.0502, 33.1006.3, 33.1006.4, 33.1405, 33.1410, 33.1501, 33.1520.2, 33.1520.3, 33.1520.6, 33.1560.2, 33.1625.2, 33.1625.4, 33.1625.5(a), 33.1625.8, 33.1625.10, 33.1625.11, 33.2003, 33.2007, 33.3301, 33.3302, 33.3303, 33.3304, 33.3305, 33.3318, 33.3400, 33.3508(a), 33.3508(e), 33.3510(a), 33.3510(b)(12), 33.3517, 33.3619, 33.3608(a), 33.3608(e), 33.3612, 33.3613 AND 33.3618; AND REPEALING SECTIONS 33.1501.1, 33.1501.9, 33.1501.13, 33.1501.14, 33.1520.5, 33.1520.7, 33.1520.8, 33.1550.1, 33.1550.2, 33.1550.6, 33.1550.11, 33.1550.12, 33.1560.4, 33.1560.5, 33.1560.7, 33.1630.1, 33.1630.2, 33.1655, 33.2006, 33.2008, 33.3306, 33.3307, 33.3308, 33.3308, 33.3310, 33.3311, 33.3312, 33.3317, 33.3520, 33.3521, 33.3522, 33.3617, 33.3618 AND 33.3619, RELATING TO POLICE REGULATED BUSINESSES.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced on December 10, 1979.  
Passed and adopted by the Council of The City of San Diego on January 7, 1980.  
AUTHENTICATED BY:  
BETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
(SEAL)  
By RITA ANDREWS, Deputy,  
Published January 22, 1980. 60-1271-2