

AN EMERGENCY ORDINANCE PURSUANT TO SECTION 17  
OF THE CHARTER OF THE CITY OF SAN DIEGO  
ESTABLISHING AN INTERIM ZONING ORDINANCE  
PROHIBITING THE ESTABLISHMENT OR SUBSTANTIAL  
ENLARGEMENT OF ANY ADULT ENTERTAINMENT ACTIVITY  
WITHIN 1000 FEET OF A CHURCH.

MAR 3 1981

WHEREAS, The City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to react when the public health, safety and general welfare of its citizens are jeopardized; and

WHEREAS, The City of San Diego, under the provisions of Municipal Code, Section 101.0203.1, is empowered to adopt, as an emergency measure, a temporary interim zoning ordinance to protect and preserve the public health, safety and welfare; and

WHEREAS, the Council of The City of San Diego finds that the development and initiation of adult entertainment establishments, as listed in Municipal Code, Section 101.1810, within 1000 feet of churches will cause and is causing substantial adverse impact on the health, safety and welfare of vast numbers of citizens of the City of San Diego by substantially impeding and interfering with the reasonable and orderly religious activities of those citizens; and

WHEREAS, The City of San Diego is considering amendments to the zoning provisions of the Municipal Code which relate to the proximity of adult entertainment establishments to churches; and

WHEREAS, the City Council finds that establishing adult entertainment activities within 1000 feet of churches would, pending City consideration of amendments to the Municipal Code relating to proximity of such activities, defeat and frustrate the forthcoming public deliberations concerning the need for such amendments; and

WHEREAS, the City Council finds that it is essential and imperative, to preserve the public health, safety and welfare, that an ordinance be adopted which will become effective immediately upon its introduction to prohibit the location of adult entertainment activities within 1000 feet of any church pending consideration by the Planning Commission and City Council of a permanent ordinance concerning the proximity of adult entertainment activities and churches; NOW, THEREFORE,

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

1. Prohibition. No person shall cause or permit the establishment or substantial enlargement of any adult entertainment activity listed in Municipal Code Section 101.1810, and permitted by the zone applicable to the property, if such establishment is within 1000 feet of a church as defined in Section 2 of this ordinance.

2. Church Defined. For purposes of this ordinance, a church is defined as an institution which people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a

secular connotation and shall include buildings in which religious services of any denomination are held.


3. Measure of Distance. The distance between any adult entertainment establishment and any church shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall of the adult entertainment establishment to the closest property line of the church.

4. Applicability. The provisions of this ordinance shall be applicable to all land within the City of San Diego, including all planned districts now in existence or hereafter established.

5. Effective Date and Duration. This ordinance is declared to be an emergency measure required for the immediate protection and preservation of the public health, safety and welfare, pursuant to Section 17 of the Charter of The City of San Diego, and shall take effect immediately and continue in force for a period of 120 days from the day of adoption thereof by two-thirds of the members of the City Council.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
2/27/81  
Or.Dept.:Councilwoman Golding  
630

MAR 3 1981

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"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Maxwell L. Paulsen*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **MAR 3 1981**, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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 *Maxwell L. Paulsen*, Deputy.

Office of the City Clerk, San Diego, California

MAR 3 1981

Ordinance Number 0-15460 Adopted .....