

(O-85-23)

ORDINANCE NUMBER O- 16279 (NEW SERIES)

ADOPTED ON SEP 10 1984

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0903 RELATING TO NEWSRACKS ON PUBLIC RIGHTS-OF-WAY.

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

Section 1. That Chapter VI, Article 2, Division 9 of the San Diego Municipal Code be and the same is hereby amended by amending Section 62.0903 to read as follows:

SEC. 62.0903 PROHIBITION

No person shall knowingly place or maintain in any newsrack which rests in whole or in part, upon, in, or on any portion of a public right-of-way, or which projects onto, into, or over any part of a public right-of-way, any publication or material which while in said newsrack exposes to public view:

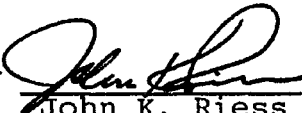
(a) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront.

(b) Any picture or illustration of genitals, pubic hair, perineums, anuses, or anal regions of any person where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.

(c) Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.

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 

John K. Riess
Deputy City Attorney

JKR:mem:210
7/25/84
Or.Dept:TLU
Form=o.none

SEP 10 1984

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input 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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *June A. Blackhall*, 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 13 1984

SEP 10 1984

~~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 *June A. Blackhall*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16279**

SEP 10 1984

Adopted

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1984 SEP 27 AM 9:02
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
City Administration Bldg.
202 "C" Street
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16279

**ORDINANCE NO. O-16279
(NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,
DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 62.0803 RELATING TO NEWSRACKS
ON PUBLIC RIGHTS-OF-WAY.**

This ordinance will regulate newspaper vending racks contain-
ing sexually explicit material in accordance with recent court deci-
sions.

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 AUGUST 13, 1984.

Passed and adopted by the Council of The City of San Diego
on SEPTEMBER 10, 1984.

AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
By JUNE A. BLACKNELL, Deputy.

(SEAL)
Publish Sept. 24, 1984

50-0800

I, Michael L. Ungashick, 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. O-16279
(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:

September 24, 1984

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

Dated at San Diego, California this 24th day of Sept., 19 84.

2" x 9.76 = 19.52

01450

Michael L. Ungashick
(Signature)