

ORDINANCE NUMBER O-16812 (NEW SERIES)

ADOPTED ON FEB 23 1987

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0101, 33.0102, 33.0103, 33.0104 AND BY ADDING SECTIONS 33.0105, 33.0106, 33.0107; DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0201, 33.0204 AND BY ADDING SECTION 33.0208 AND BY REPEALING SECTIONS 33.0203, 33.0206, 33.0207; DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0301, 33.0304, 33.0305, 33.0306 AND BY ADDING SECTIONS 33.0307, 33.0308; DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.0601; DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.0701.1, 33.0701.2, 33.0701.3, 33.0701.4, 33.0701.5, 33.0702.1, 33.0702.2, 33.0702.3, 33.0702.4, 33.0702.5; DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0901, 33.0902, 33.0903, 33.0903.3 AND BY REPEALING SECTIONS 33.0903.8, 33.0904; DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1006, 33.1006.3 AND BY ADDING SECTION 33.1009; DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1101, 33.1102, 33.1103, 33.1104, 33.1105, 33.1106; DIVISION 12 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.1201, 33.1202; DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1307; DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1401, 33.1402, 33.1405, 33.1406.1 AND BY REPEALING SECTION 33.1406; DIVISION 15 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1501, 33.1501.2, 33.1501.3, 33.1501.4, 33.1501.5, 33.1501.8, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520, 33.1520.1, 33.1520.2, 33.1520.3, 33.1530.1, 33.1530.4, 33.1540, 33.1540.1, 33.1540.2, 33.1540.4, 33.1550.3 AND BY ADDING SECTION 33.1570 AND BY REPEALING SECTIONS 33.1501.11, 33.1501.17, 33.1520.4, 33.1520.6, 33.1560, 33.1560.1, 33.1560.2, 33.1560.3, 33.1560.4, 33.1560.5, 33.1560.6, 33.1560.7, 33.1560.8, 33.1560.9, 33.1560.10, 33.1560.11, 33.1560.12, 33.1560.13, 33.1560.14, 33.1560.15, 33.1560.16, 33.1560.17, 33.1560.18, 33.1560.19; DIVISION 16 OF THE SAN

DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1601, 33.1601.2, 33.1601.3, 33.1610, 33.1610.2, 33.1610.3, 33.1615.2, 33.1620, 33.1635, 33.1636, 33.1638, 33.1645.1 AND BY ADDING SECTIONS 33.1600, 33.1670 AND BY REPEALING SECTIONS 33.1630, 33.1630.3, 33.1640, 33.1640.1, 33.1641.1, 33.1641.3, 33.1641.4, 33.1645; DIVISION 17 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1701; DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1801; DIVISION 19 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1901; DIVISION 20 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.2002, 33.2004, 33.2005, 33.2007; DIVISION 22 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.2201; DIVISION 25 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.2501, 33.2502, 33.2503, 33.2510, 33.2511, 33.2512, 33.2515, 33.2516; DIVISION 26 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.2601, 33.2601.1, 33.2601.2; DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.2711, 33.2712, 33.2714; DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.2901; DIVISION 32 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3200, 33.3204; DIVISION 35 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3506, 33.3508, 33.3510, 33.3513, 33.3513.1, 33.3513.2; DIVISION 36 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3604, 33.3606, 33.3610, 33.3615, 33.3616 OF THE SAN DIEGO MUNICIPAL CODE RELATING TO POLICE REGULATED BUSINESS REGULATIONS.

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

Section 1. That Chapter III, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.0101, 33.0102, 33.0103 and 33.0104 to read as follows:

**ARTICLE 3**

**POLICE REGULATED BUSINESS REGULATIONS**

**DIVISION 1**

**GENERAL PROVISIONS**

**SEC. 33.0101 POLICE REGULATED**

(a) That the occupations and businesses in the City of San Diego, listed in this Article and licensed by said City are deemed to be subject to such Police power, and are hereby designated by the classification, "Police Regulated."

(b) All occupations and businesses so designated, and all persons conducting or proposing to conduct the same, shall be subject to such investigation, rules and regulations as are required by this or other regulatory provisions of said City, as a prerequisite to the granting of a license for, or the conducting of such occupation or business.

(c) It shall be a misdemeanor for a responsible person, as defined in section 33.0208, to operate a business designated as "police regulated" by this Article without a valid police permit. The permit issued hereunder shall be in addition to any other license or permit required under any other provisions of the San Diego Municipal Code, including but not limited to the business licensing provisions of Chapter III, Article 1. A separate police permit is required for each police regulated business activity carried on at a specific location.

SEC. 33.0102 INSPECTIONS AND AUTHORITY OF PEACE  
OFFICERS OR POLICE EMPLOYEES

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 or regularly detailed and salaried police employee 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, and shall possess requisite enforcement and citation powers hereunder, including the power to arrest without a warrant whenever said employee has reasonable cause to believe that the person to be arrested has committed a violation of law or this Article in his presence, pursuant to Penal Code section 836.5.

The right of reasonable inspection hereunder to enforce the provisions of this Article shall be a condition of the issuance of a police permit, which condition the applicant or permittee shall acknowledge at the time of application or renewal. The right of inspection shall also include the right to require identification from responsible persons or employees on the premises. The refusal to allow inspection upon reasonable demand shall be grounds for the denial, suspension or revocation of a police permit.

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 together with the permits for any employees or entertainers required to be licensed under the provisions of this Article.

(b) through (c) No change.

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.

Unless otherwise specified, all original applications for City businesses which are designated as police regulated shall be accompanied by a nonrefundable fee which will cover the cost of any investigation deemed necessary by the Chief of Police.

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, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding sections 33.0105, 33.0106 and 33.0107 to read as follows:

SEC. 33.0105 CONSTRUCTION AND ENFORCEMENT

(a) Any requirement of this Article shall be both regulatory and penal in nature, except as to those sections or subsections specifically designated as regulatory. Regulatory provisions are enforceable through the issuance, denial, suspension or revocation of a license or permit. Penal provisions are enforceable through criminal proceedings. Injunctive remedies shall be applicable to either.

(b) The specific designation of a provision as regulatory within this Article shall not be interpreted to preclude any other section of the San Diego Municipal Code from being penal or regulatory in nature, nor otherwise impair the meaning and effect of section 11.12 of this Code.

(c) Action to deny, suspend or revoke a license or permit under this Article may be taken based on an act, omission, or attempt that contravenes the applicable provisions of this Article or of any other provision of law, without regard to whether a criminal complaint is filed or, if filed, without regard to the pendency of any proceeding, conviction or appeal thereunder. The regulatory and penal enforcement of any provision of this Article may proceed

separately and independently of each other, and the selection of one method shall not preclude other enforcement methods or proceedings, including injunctive relief, when appropriate.

(d) Whenever regulatory enforcement against an establishment is based on a violation of law or this Code by an employee that occurs on the premises or during the course of employment, it shall be competent to show that the owner, manager, operator or other responsible person caused or condoned the violation, or failed to take reasonable corrective action after timely written notice of the violation or of a continuing pattern thereof.

(e) Whenever regulatory enforcement against an establishment is based upon a violation of law or this Code occurring on the premises by a patron or patrons thereof, it shall be competent to show that the owner, manager, operator or other responsible person caused or condoned the violation or failed to take reasonable corrective action after timely written notice of the violation or of a continuing pattern thereof.

(f) Whenever written notice is required to be given under this Article, it shall be sent via first class mail addressed to the owner manager or other party of record designated in the application, and shall be considered effective, for purposes of notice, five calendar days after the posting thereof, irrespective of the time of actual receipt.

SEC. 33.0106 TRANSITION PROVISIONS

Where, as a result of any amendment to Articles 1 or 3 of Chapter III of this Code, an existing police regulated business is required to obtain a separate police permit, the Chief of Police shall issue such permit without payment of any additional investigative or regulatory fee, provided the following conditions exist:

- (a) There has been no change of ownership;
- (b) An investigative or regulatory fee was previously paid by the applicant or permittee;
- (c) There has been no change in the nature of the business or its operation or location.

Any police permit so issued shall be for the duration of any unrevoked business license previously issued to the existing police regulated business. The Chief of Police may adopt further rules and regulations to administratively aid in any transition required hereunder. The Chief of Police may also extend the annual expiration date of any police permit or licensing period in order to efficiently stagger renewal processing. A prorated fee shall not be required for an extension of a previously issued police permit. Any renewal thereafter shall be subject to the provisions of section 33.0307. Any police permit issued hereunder shall be subject to all provisions applicable to suspension or revocation of a police permit or license.



SEC. 33.0107 CONSTITUTIONALITY AND SEVERABILITY

If any portion of this Article, as existing or as hereafter amended, is for any reason held to be invalid, such decision shall not affect the remaining Divisions, sections or portions thereof. The Council hereby declares that it would have adopted the section or any portion thereof, irrespective of the fact that one or more portions be declared invalid, and to the extent such portions can be given effect without the invalid provisions or portions thereof, such invalid provisions or portions thereof shall be severable.

Section 3. That Chapter III, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.0201 and 33.0204 to read as follows:

SEC. 33.0201 DEFINITIONS AND INTERPRETATIONS

The following words and phrases listed in this Division whenever used in this Article shall be construed as defined in this Division unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

SEC. 33.0204 CHIEF OF POLICE

The words "Chief of Police," as used herein, shall be deemed to mean the Chief of Police of The City of San Diego, or any member or employee of the Police Department of The City of San Diego designated by the Chief of Police to act in

his place and stead in carrying out the provisions of this Article.

Section 4. That Chapter III, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by adding section 33.0208 to read as follows:

SEC. 33.0208 OTHER TERMS

(a) "Person." The term "person," as used in this Article, shall refer to any natural person or persons, or any legal business entity, such as a corporation. In the case of a corporation, it shall also include the corporate officers; in the case of a partnership, it shall include each and every partner.

(b) "Responsible person." The term "responsible person" includes each person, as herein defined, upon whom a duty, requirement or obligation is imposed by this Article, or who is otherwise responsible for the operation, management, direction or policy of a police regulated business. It shall also include an employee who is in the apparent charge of premises and who is present at the scene of a violation.

(c) "Violation." The term "violation" shall refer to an act or omission, or an attempt, which contravenes any of the provisions of this Article or other provisions of law, without regard to whether or not criminal proceedings are instituted against a responsible person, as herein defined.

(d) "Permit, Police Permit, or License." As used within this Article, the terms "permit," "police permit" or

"license" shall be synonymous. Each shall refer to a permit issued by or under the authority of the Chief of Police which authorizes a police regulated business to be operated at a specific location. Each is separate from any other permit, license or certificate that is required under any other provision of law. It shall not be a defense in any proceeding brought under this Article that a license or permit was issued under some other provision of law, nor shall the issuance of a permit under this Article be a defense to a violation under other sections of this Code.

(e) "Conviction." A conviction shall be complete for purposes of this Article upon entry of judgement upon a finding of guilty, or entry of a plea of guilty or a plea of nolo contendere or "no contest," irrespective of the pendency of any appeal or the results thereof.

(f) "Police Officer" or "Peace Officer," shall also include a regularly salaried and detailed police employee where the context so requires.

(g) "Establishment," in addition to any other meaning assigned by law, the term "establishment" shall include any person or business entity which owns, operates or conducts an activity or enterprise which is subject to regulation under this Article, and shall also include the building or structure or portion thereof or an exterior or outdoor situs upon which activity regulated under this Article occurs. The term shall be given as broad an interpretation as is possible to effectuate the regulatory purposes and intent of this Article.

(h) "Premises," in addition to any other meaning assigned by law, the term "premises" shall include any structure or portion thereof or exterior or outdoor situs or area in close proximity thereto which is under the lawful control of a responsible person and upon which activity occurs for which a responsible person has a duty within the meaning of this Article. The term shall be given as broad an interpretation as is possible to effectuate the regulatory purposes and intent of this Article.

Section 5. That Chapter III, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.0203 LOUD SPEAKERS -- SOUND AMPLIFIERS

SEC. 33.0206 PRIVATE STREET PATROL SERVICE

SEC. 33.0207 PRIVATE STREET PATROLMAN

Section 6. That Chapter III, Article 3, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.0301, 33.0304, 33.0305 and 33.0306 to read as follows:

SEC 33.0301 APPLICATIONS FORWARDED TO CHIEF OF POLICE

Upon the filing of the original application for a city license for any business or occupation herein designated as "POLICE REGULATED," the City Treasurer shall forward a copy of the application provided therefor to the Chief of Police.

SEC. 33.0304 ISSUANCE OR DENIAL OF LICENSE OR PERMIT

Except as otherwise provided in this Code, or to the extent not otherwise provided in this Article, upon

completion of the investigation the Chief of Police or his designated representative shall issue the license or permit unless:

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

(b) 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 other provisions of law; or

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

(d) The applicant has had a similar type of license or permit previously denied or 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 denial or revocation; or

(e) The maintenance and operation of the business by the applicant is or will be contrary to law; or

(f) The applicant has, within the five (5) years next preceding the date of application, been convicted of a crime in any jurisdiction involving theft, fraud, moral turpitude, physical violence, deceptive trade practices or other illegal business practices reasonably and narrowly related to the nature or conduct of the business for which application is made; or

(g) The applicant is under a period of suspension of a police permit for a business or occupation required to be licensed under this Article; or

(h) The applicant has had a temporary employee identification card issued pursuant to section 33.0308 cancelled for a violation of any provision of this Article; or

(i) The applicant has refused to consent to or unjustifiably allow inspection pursuant to section 33.0102.

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

SEC 33.0305 APPROVAL OR DENIAL STAMPED ON APPLICATION BY INVESTIGATING OFFICIAL

Whenever under this Article a license application coming within the classification "POLICE REGULATED" shall have been approved or denied, the said Chief of Police or official conducting such investigation shall indicate by writing or stamping with his signature "Approved" or "Denied" on the copy of the license application, and shall also notify the City Treasurer.

SEC 33.0306 TIME ALLOWED FOR INVESTIGATION

Notwithstanding any other provision of this Article to the contrary, if the Chief of Police shall fail to act on any license application within sixty (60) days from the date of

its delivery to him, said application shall be deemed to have been approved and the license shall be issued, provided, however, that the Chief of Police upon written notification to the applicant shall be allowed such additional time, not to exceed fourteen (14) days, as may reasonably be necessary to complete the investigation.

Section 7. That Chapter III, Article 3, Division 3 of the San Diego Municipal Code be and the same is hereby amended by adding sections 33.0307 and 33.0308 to read as follows:

SEC. 33.0307 TERM OF PERMIT AND RENEWAL

Any permit issued shall be valid for a period of one year from the date of issuance, except as to occasional events which shall be valid only for the specified duration. The Chief of Police may administratively extend a permit to allow efficient renewal processing. Each permit shall be annually renewed upon payment of the renewal fee specified in the City Clerk's Composite Rate Book, unless action is pending to revoke or suspend the permit. In this latter event, the Chief of Police shall administratively extend the term of the original permit during any appeal provided for in Division 5 of this Article, unless immediate action to suspend pursuant to section 33.0401 was justified.

SEC. 33.0308 TEMPORARY PERMITS FOR EMPLOYEES OF POLICE REGULATED BUSINESSES

Whenever an employee of a police regulated business is required to obtain a permit under other provisions of this Article, the Chief of Police is authorized to issue a

temporary permit card to such employee pending the approval or denial of the application for a regular permit. No temporary employee permit shall be issued without a satisfactory local law enforcement agency record check of the applicant. Any temporary employee permit so issued shall be valid for a period of sixty (60) days or until the date of approval or denial of the application for a regular permit, whichever shall occur first; provided, however, that such temporary card may be cancelled at any time for a violation of any of the provisions of this Article. The issuance of a temporary employee permit hereunder shall not authorize the continuation of employment in a police regulated business following the cancellation of the temporary permit or the denial of the regular application while pending the resolution of any appeal otherwise provided for by section 33.0401 of this Code. The City Manager shall establish nonrefundable charges to defray the costs of processing regular and temporary employee permits. These charges shall be listed in the City Clerk's Composite Rate Book.

Section 8. That Chapter III, Article 3, Division 6 of the San Diego Municipal Code be and the same is hereby amended by amending section 33.0601 to read as follows:

SEC. 33.0601 EXEMPT INSTITUTIONS

The provisions of this Article shall not be construed to require the payment of any permit fee by any federal, state, county or municipal organization, or any non-profit organization organized and qualified under the laws of the



United States or California as a tax-exempt organization. The issuance of a tax-exempt certificate by the California State Franchise Tax Board shall be conclusive evidence of such exempt status. When any such qualified non-profit organization is engaged in operating or conducting a business for which a permit is required by this Article, such non-profit organization shall obtain the required permit and shall remain subject to the regulatory provisions of this Article, but shall not be required to pay the fee therefor, provided the tax-exempt certificate or copy is furnished, except as to fees specifically provided for in Division 34 of this Article.

In order to obtain a free permit the non-profit organization shall file with the permit application a written statement setting forth the necessary facts including documentation in support of any claim for exemption from payment of the permit fee.

The required permit shall expire at midnight one calendar year from date of issue, or, on a specified date if for an occasional activity. Renewal shall be subject to the same provisions as the original application.

Section 9. That Chapter III, Article 3, Division 7 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.0701.1 NONCOMMERCIAL USE OF SOUND TRUCKS --  
REGISTRATION REQUIRED

SEC. 33.0701.2 ENDORSEMENT OF REGISTRATION STATEMENT

- SEC. 33.0701.3 REGISTRATION STATEMENT AMENDMENT
- SEC. 33.0701.4 REGISTRATION AND IDENTIFICATION
- SEC. 33.0701.5 REGULATIONS FOR USE
- SEC. 33.0702.1 COMMERCIAL USE SOUND TRUCK REGULATED --  
LICENSE REQUIRED
- SEC. 33.0702.2 APPLICATION FOR LICENSE
- SEC. 33.0702.3 ISSUANCE OF LICENSE
- SEC. 33.0702.4 POSSESSION AND DISPLAY OF LICENSE
- SEC. 33.0702.5 REGULATIONS FOR USE

Section 10. That Chapter III, Article 3, Division 9 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.0901, 33.0902, 33.0903 and 33.0903.3 to read as follows:

#### DIVISION 9

#### AUTO DISMANTLER

#### SEC. 33.0901 DEFINITIONS

For the purpose of this Division, an automobile dismantler is any person defined by Vehicle Code section 220 and not exempted by Vehicle Code section 221.

#### SEC. 33.0902 RECORDS REQUIRED - CONTENTS

Every automobile dismantler shall keep a record of the purchase, consignment, sales or exchange of each and every loose vehicle part which contains a serial number purchased, sold, or exchanged by him or them, which record shall contain the name and address of the person to or from whom he purchased, received, or sold the part and its serial number, and said record shall at all times be open to the inspection of the Chief of Police or any peace officer.

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SEC 33.0903 REGULATIONS -- GENERAL

It shall be unlawful for any person to engage in the business of an automobile dismantler, unless such business is carried on, maintained or conducted in compliance with the following regulations:

SEC 33.0903.3 REGULATIONS -- SIGNS

Any sign displayed by an auto dismantler shall conform to all applicable sign provisions of this Code.

Section 11. That Chapter III, Article 3, Division 9 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.0903.8 LICENSE - COMPLIANCE WITH REGULATIONS

SEC. 33.0904 DISMANTLING FOR SALVAGE PROHIBITED WITHOUT PERMIT

Section 12. That Chapter III, Article 3, Division 10 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.1006 and 33.1006.3 to read as follows:

SEC 33.1006 CLOSING-OUT SALES -- LICENSE REQUIRED

No person shall advertise or conduct a closing-out sale or sell or offer for sale any goods, wares or merchandise at a sale represented to be a closing-out sale without first obtaining a license to conduct such closing-out sale from the Chief of Police.

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. 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."

Section 13. That Chapter III, Article 3, Division 10 of the San Diego Municipal Code be and the same is hereby amended by adding section 33.1009 to read as follows:

SEC. 33.1009 USED AUTOMOBILE ADVERTISING REGULATED

It shall be unlawful for any used car dealer to advertise in any newspaper; or through any other medium that he has for sale any automobile, which automobile is not actually for sale at the premises at the time the

advertisement is inserted in the newspaper or medium and it shall be unlawful for any person not to discontinue the advertisement of any automobile within three (3) days after the selling of the same. The record and books of all used car dealers shall be open to the authorized representatives of The City of San Diego to determine whether or not any used car dealer has unlawfully advertised for sale cars which are not actually for sale at his premises at the time the advertisement of such vehicle is inserted in the newspaper or medium.

Section 14. That Chapter III, Article 3, Division 11 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.1101, 33.1102, 33.1103, 33.1104, 33.1105 and 33.1106 to read as follows:

#### DIVISION 11

JUNK DEALER, JUNK COLLECTOR,  
SECONDHAND DEALER, PAWN BROKER

#### SEC. 33.1101 RECORDS REQUIRED -- REPORTS REQUIRED

All junk dealers, as defined in Business and Professions Code section 21601, pawnbrokers, as defined in Financial Code section 21000, and dealers in secondhand articles as defined in Business and Profession Code section 21626 shall keep a record in accordance with state law of any and all articles acquired by purchase, pledge or otherwise. The record and the articles shall at all times during ordinary business hours be subject to inspection by any police officer of said City. Such person shall, in addition to keeping such

records, daily deliver to the Chief of Police, upon forms of a type and content which shall be approved by the Chief of Police for that purpose and setting forth a full, true and complete report of all such previously named articles acquired by purchase, pledge or otherwise by such persons during the entire calendar day preceding such report, together with the hour and date of the transaction and a reasonable description and true name of the person from whom such article was so acquired, as accurately as can be obtained by the person making such report. All records and forms shall be legible.

SEC. 33.1102 USE OF FICTITIOUS NAME PROHIBITED

It shall be unlawful for any person to sign or give a fictitious name or address upon the deposit, sale or pledge of any goods, wares, merchandise or a thing of value, or for use in the report form required to be made by the provisions of this Division or for use in the register required to be kept by other provisions of law. Any such report made, delivered or received pursuant to this Division shall be open only to the inspection of the Police Department of said City, unless ordered exhibited by a court of competent jurisdiction.

SEC. 33.1103 RECORDS OF LOANS

All pawnbrokers shall keep a record of all loans made by them, which shall at all times during ordinary business hours be open to inspection by any police officer of said City. Such record shall contain the names and addresses of all

persons to whom loans are made, a reasonable description of such persons, the amounts of money loaned, the length of time during which such loan is to continue, and the rate of interest exacted for such loans.

SEC. 33.1104 DISPOSAL OF MERCHANDISE -- REGULATIONS

It shall be unlawful for any pawnbroker, secondhand dealer, or junk dealer to sell or otherwise dispose of any article, merchandise, or thing within thirty (30) days, except to the pledgor, after the same has been received or purchased or to fail to keep such article, merchandise or thing unaltered, as pledged or purchased, in lots separate and apart from other articles, merchandise or things in the place of business of such pawnbroker, secondhand dealer, or junk dealer, for a period of thirty (30) days from the date of pledge or purchase thereof, except upon the approval of the Chief of Police of The City of San Diego. All transactions hereunder shall be conducted only on the licensed premises.

SEC. 33.1105 JUNK YARD -- OPERATING RULES

It shall be unlawful for any person to carry on, maintain or conduct a junk yard or to deal in secondhand articles in the City of San Diego, unless such business is carried on, maintained or conducted in compliance with the following regulations:

(a) That such business shall be carried on, maintained or conducted entirely inside an enclosed building or buildings, unless the premises on which such business is

carried on, maintained or conducted shall be entirely enclosed by a solid fence or wall constructed according to the requirements of the Building and Zoning Codes of said City.

(b) through (e) No change.

(f) That all gas, oil, or other inflammable liquid shall be drained and removed from any inoperable motor vehicle located thereon.

(g) No change.

(h) That no license shall hereafter be issued until the provisions of this Division have been complied with.

SEC. 33.1106 PAWNBROKERS, SECONDHAND DEALERS -- OPERATING HOURS

It shall be unlawful for any person conducting, managing or carrying on the business of pawnbroker or secondhand dealer to conduct such business between the hours of 9:30 p.m. and 8:30 a.m.

Section 15. That Chapter III, Article 3, Division 12 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.1201 LOTTERIES, GAMBLING DEVICES, PROHIBITED

SEC. 33.1202 RAFFLES, LOTTERY -- MERCHANDISE GIVEN AWAY -- BUSINESS LICENSE APPLICATION DENIED

Section 16. That Chapter III, Article 3, Division 13 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 33.1307 ADVERTISING REGULATED



Section 17. That Chapter III, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.1401, 33.1402, 33.1405 and 33.1406.1 to read as follows:

SEC. 33.1401 DEFINITIONS

(a) For the purposes of this Division the term "solicitor" shall also include "hawkers," "salesmen," and "peddlers," and shall mean all persons, both principal or agent, who go from house to house or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public place in the City of San Diego, by foot or vehicle, who sell or solicit either by sample or otherwise the sale for value of goods, wares, merchandise, services, magazines, periodicals, or other publications, or subscriptions for the same, regularly published newspapers excepted, for themselves or for firms which do or do not have an established place of business in the City of San Diego or who offer to sell or distribute for value to any person any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services.

(b) No change.

SEC. 33.1402 SOLICITORS, PEDDLERS, INTERVIEWERS --  
REGISTRATION AND IDENTIFICATION REQUIRED

All interviewers or solicitors, as defined, who go from house to house, or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public place in the City of San Diego, are hereby required to register with the

Police Department of The City of San Diego and to obtain an identification card showing such registration. Such persons, when so operating, shall display on the front of their person the identification card issued to them by the San Diego Police Department, and shall, in any case, exhibit said identification card on demand of any peace officer.

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 five (5) 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 (10) 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 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. 33.1406.1 HOURS FOR SOLICITING

No person shall operate as a solicitor without having registered and obtained an identification card, from 9:00 p.m. to 8:00 a.m., local time, except by prior appointment.

Section 18. That Chapter III, Article 3, Division 14 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 33.1406 FIXED LOCATION

Section 19. That Chapter III, Article 3, Division 15 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.1501, 33.1501.2, 33.1501.3, 33.1501.4, 33.1501.5, 33.1501.8, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520, 33.1520.1, 33.1520.2, 33.1520.3, 33.1530.1, 33.1530.4, 33.1540, 33.1540.1, 33.1540.2, 33.1540.4 and 33.1550.3 to read as follows:

SEC. 33.1501 CABARET, PUBLIC DANCES AND DANCE HALLS --  
PURPOSE INVESTIGATION -- REGULATION

(a) The Council of The City of San Diego finds that the operations of cabarets, public dances and dance halls, as defined in this Division, present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with the attendant adverse public safety impact on the surrounding business and residential community. Therefore, it is the purpose and intent of this Division that the operations of cabarets, public dances and dance halls shall be regulated as a matter of public safety through the issuance of a police permit by the Chief of Police, and to require the operators thereof as a condition of the issuance of the permit to be responsible for patron conduct upon and in the vicinity of the licensed premises and to make adequate

provisions for security, crowd control and patron conduct so as to curb and minimize disturbances as a result of the operation of the permitted premises, as specified in section 33.1570.

(b) All applicants for a cabaret, public dance or dance hall permit shall complete a form approved and furnished by the Chief of Police. The Chief of Police shall investigate and process the application in accordance with this Article.

(c) Definitions:

1. Cabaret - A cabaret is any commercial establishment where alcoholic beverages are served or dispensed and which features, allows or provides live entertainment. A cabaret may permit patron dancing without obtaining a public dance permit, subject to the requirements of this Article. A "cabaret" under this Division does not include an "adult cabaret" with nude entertainment which is separately licensed and regulated pursuant to Division 36 of this Article. However, any establishment that otherwise qualifies as a cabaret but is required to be licensed pursuant to Division 36 of this Article, and which claims exemption pursuant to section 33.3615(a) or which is exempted by section 33.3615(a), shall be regulated under the provisions of this Division. Upon final administrative or legal determination of such exemption, the establishment will thereafter comply with the requirements of the applicable Division.

2. Public Dance or Dance Hall - A public dance or dance hall is any establishment, other than a private residence located in a single family or multi-family residential structure, which admits persons, whether for a fee or not, for the purpose of or which allows patron dancing to recorded or live music or sound, whether rhythmic or non-rhythmic. In the context of this Article, the term "dance hall" includes a "public dance", and vice versa. Any public dance or dance hall which also provides live entertainment, other than a live band or vocalist accompanying a live band, shall comply with all requirements applicable to both cabarets and to public dances under this Division.

3. "Live Entertainment" - Live entertainment refers to any artistic, theatrical, dramatic, athletic, or similar performance by persons and/or animals, designed to entertain the spectators thereof. It shall not include "nude entertainment" which is defined and regulated under Division 36 of this Article.

(d) Regulation - Except as provided in this Division:

1. It shall be unlawful to operate a cabaret, dance hall or public dance without a permit.

2. It shall be unlawful for any responsible person conducting, managing, operating, or maintaining any cabaret, public dance or dance hall licensed under this Article or for any employee thereof, knowingly: to harbor, admit or allow to remain on or within the licensed premises or on any parking

lot or similar facility leased or operated by or otherwise made available to or used by the licensed premises, any intoxicated person, any disorderly person as defined in Penal Code section 415, any person under the age of eighteen (18) years not lawfully on the licensed premises, or any other person whose conduct is in violation of law and which otherwise materially interferes with the operation of the licensed premises or use thereof by patrons. Regulatory only.

3. Three or more repeated failures within a period of one (1) year by the management of any cabaret, dance hall or public dance to take reasonable steps to control patron misconduct within the context of the preceding subsection, after written notice of each violation by management has been provided to the management by the Chief of Police, shall be grounds for the suspension or revocation of any cabaret permit or public dance or dance hall permit issued under this Article. It shall be competent to show that three or more written notices were sent to the management outlining the violations and those acts or omissions on the part of management which contributed to the patron misconduct, or which represented the failure of management to take reasonable steps to prevent or minimize such disturbances. This regulatory action may be taken independently of any other grounds for suspension or revocation of the permit.

SEC. 33.1501.2 CABARET -- ENTERTAINMENT REGULATED

(a) It shall be unlawful for the owner, proprietor, manager, person in charge, or any employee of a place licensed under the provisions of this Article, to harbor, admit or receive, or to allow or permit in such place, any entertainment except that which is furnished by the person or persons who own and operate the business conducted at such place, and such entertainment, other than strolling musicians, must be only upon a stage, platform or dance floor; and the patrons, guests, or customers shall at all times be excluded from such stage, platform or dance floor during the progress of an entertainment. The owner, proprietor, manager or responsible person in charge of any place licensed under the provisions of this Article shall provide a reasonable passageway through any part of the room used by customers, guests, or patrons for the ingress and egress of the entertainers to the stage, platform or dance floor where such entertainment is being presented. It shall be unlawful for any paid entertainers, except strolling musicians, as defined in (b) hereof, to mingle with or physically contact the patrons, guests, or customers of such establishments during the period of time they are employed.

(b) The term "strolling musician" is defined as an entertainer who performs by playing a musical instrument while moving among the patrons, guests, or customers in a place licensed under the provisions of this Article.

Strolling musicians shall be fully clothed and shall accept no tips or gratuities for their service from patrons, guests, or customers. All other provisions of this Division shall apply to strolling musicians.

(c) This section is regulatory within this Division.

SEC. 33.1501.3 CABARET -- ENTERTAINERS

It shall be unlawful for the owner, proprietor, manager or responsible person in charge of a place licensed under the provisions of this Article to employ as entertainers in such place any person who is not at least eighteen (18) years of age.

SEC. 33.1501.4 CABARET -- EMPLOYEES PROHIBITED FROM CERTAIN ACTS

It is hereby declared to be unlawful for any employee, concessionaire, or employee of any concessionaire to dance or drink with or otherwise entertain patrons, guests, or customers in any place licensed under the provisions of this Article, except in the manner lawfully authorized under the provisions of this Article.

SEC. 33.1501.5 CABARET -- EMPLOYEES PROHIBITED FROM ASSOCIATING WITH PATRONS

It is also declared to be unlawful for any employee provided for in this Division to leave the cabaret where he or she may be employed or to in any way associate with any guest, patron or customer of said cabaret during the hours of employment; nothing herein contained shall be construed, however, to prevent any employee of a place licensed under the provisions of this Article from selling or serving food



or drink to a customer, patron or guest of said place.

Regulatory only within this Division.

SEC. 33.1501.8 CABARET EMPLOYEES -- PERCENTAGE COMPENSATION PROHIBITED

It shall be unlawful for any person to compensate any person employed in or about a cabaret at a rate determined by a percentage of moneys received or sales made, or to permit any person so employed to be so compensated.

SEC. 33.1501.12 NOTICES POSTED

The Chief of Police shall furnish and cause to be furnished, printed notices containing a summary or synopsis of the provisions of this Division to the proprietors or managers of every place licensed under the provisions of this Article. Said notices shall be printed in type of not less than twelve point in size, and it shall be the duty of the owner, proprietor and person having the charge and control of said place to post one of said notices in each ladies restroom and one in each gentlemen's restroom where patrons are admitted; one in each male entertainers' dressing room and one in each female entertainers' dressing room.

Regulatory only.

SEC. 33.1501.15 CABARET -- HOURS OF OPERATION

All cabarets shall be closed and all patrons and guests shall vacate the licensed premises between 2:00 a.m. and 6:00 a.m., except for cabarets that have been issued a special permit by the Chief of Police to operate between 2:00 a.m. and 6:00 a.m., provided all following conditions are met:

(a) That any operation thereof after 2:00 a.m. shall not conflict with any zoning law or conditional use permit;

(b) That the establishment is more than 300 feet from any single family or multi-family residence, other than commercial hotels, motels and similar establishments for temporary lodging, measured by a straight line between the closest structural wall of the residence and the closest property line of the establishment;

(c) That the licensed premises have not been operated in violation of law during the preceding six months.

Any special permit issued under this section may be revoked for any violation of law or this Code reasonably related to the hours and conditions of operation.

#### SEC. 33.1501.16 ADEQUATE LIGHTING REQUIRED

All places licensed under the provisions of this Article shall be adequately lighted during the hours such places are open.

#### SEC. 33.1510 PUBLIC DANCE -- DEFINITION

Public dance is any dance not held or given in a private home or residence as defined in section 33.1501.

#### SEC. 33.1520 PUBLIC DANCE -- LICENSE REQUIRED

No person shall sponsor, conduct, manage, control or hold a public dance unless a license has been issued in conformity with the provisions of this Article.

SEC. 33.1520.1 PUBLIC DANCE -- CLASSIFICATION OF LICENSES  
AND EXEMPTIONS

Dance licenses permitting dancing on premises where beverages containing more than one-half of one percent alcohol by volume are served shall be issued by The City of San Diego in the manner and upon the terms and conditions hereinafter specified:

(a) A "Class A" license is required where the public may dance any time at a fixed location and where the specified premises are open for business on a day-to-day basis. The fact that dancing may be conducted on premises where alcohol is served must be displayed on the face of the "Class A" license.

(b) A "Class B" license is required where dancing is not continuous but is conducted not more than three (3) days per week at a fixed location and on a fixed day or days. The day or days, location of dances permitted and fact that dancing is permitted on premises where alcohol is served, are to be displayed on the face of the "Class B" license.

(c) A "Class C" license is required where a dance is conducted as a single occasion at a fixed location and on a fixed day. The day, location and the fact that dancing is permitted on premises where alcohol is served must be displayed on the face of the "Class C" license.

(d) A "Class D" license is required where a dance is conducted by a bona fide club at a fixed location and day.

"Club" means an organization, corporation or association created by competent authority which is the owner, lessee or occupant of premises being operated solely for religious, social, educational, fraternal, patriotic, political, or athletic purposes and the operation of which is not primarily for financial gain. The day, location and the fact that dancing may be conducted on premises where alcohol is served must be displayed on the face of the "Class D" license.

Dance licenses permitting dancing on premises or on that portion of the premises where no beverages containing more than one-half of one percent alcohol by volume are sold, served or consumed shall be issued by The City of San Diego in the manner and upon the terms and conditions hereinafter specified.

(e) A "Class E" license is required where the public may dance any time at a fixed location and where the specified premises are open for business on a day-to-day basis. The fact that no alcoholic beverage is to be sold, served or consumed on the dance premises must be displayed on the face of the "Class E" license.

(f) A "Class F" license is required where dancing is not continuous but is conducted not more than three (3) days per week at a fixed location or locations and at a fixed day or days. The day, location of dances permitted and fact that no alcoholic beverage is to be sold, served or consumed on the dance premises are to be displayed on the face of the "Class F" license

(g) A "Class G" license is required where a dance is conducted as a single occasion at a fixed location and on a fixed day. The day, location and the fact that no alcoholic beverage is to be sold, served or consumed on the dance premises is to be displayed on the face of the "Class G" license.

(h) A "Class H" license is required where a dance is conducted by a bona fide club at a fixed location and day. "Club" is an organization, corporation or association created by competent authority which is the owner, lessee or occupant of premises being operated solely for religious, social, educational, fraternal, patriotic, political, or athletic purposes and the operation of which is not primarily for gain. The day, location and the fact that no alcoholic beverage is to be sold, served or consumed on the dance premises is to be displayed on the face of the "Class H" license.

EXCEPTION - No permit shall be required for any dance sponsored by any agency of the City of San Diego, the County of San Diego, the various Boards of Education, or of any other political subdivision of the State of California or any non-profit organization, such as Boy Scouts, Little League, Boys Club, etc., whose primary objective is the sponsoring and control of youth activities and child welfare, provided all the following conditions exist and are complied with during the dance:

1. No person eighteen (18) years of age or older is admitted as a guest, unless such person is a bonafide student at or member of the sponsoring agency or organization;

2. No alcoholic beverages are served, consumed or permitted on the premises;

3. Chaperons from the sponsoring agency are present on the premises at the rate of one adult at least twenty-five (25) years of age or older for every one hundred (100) guests, and;

4. The dance shall finish by 12:00 a.m. and the premises and adjoining parking lots are promptly vacated by all guests.

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 for each occasion.
- (h) Class H license fee is payable semi-annually.

The license fees required hereunder are set forth in the City Clerk's Composite Rate Book.

SEC. 33.1520.3 APPLICATIONS FOR LICENSE -- INVESTIGATION FEE

All applications for license to be issued hereunder shall be accompanied by an investigation fee as set forth in the City Clerk's Composite Rate Book.

SEC. 33.1530.1 TRANSPORTATION OF ALCOHOLIC BEVERAGE BY PATRON PROHIBITED

No patron, customer or visitor shall bring, carry or transport into any room, place or space where dancing is permitted under the terms of section 33.1520.1 of the Code, any bottle or other container containing any alcoholic beverages.

SEC. 33.1530.4 MTNORS PROHIBITED -- EXCEPTIONS

No person under twenty-one (21) years of age shall enter or remain upon dance premises licensed under section 33.1520.1, Classifications A, B, C or D of this Code, nor shall an owner, proprietor, manager or responsible person in charge of any place licensed under the above provisions of this Code, or any employee of such place, harbor, admit, receive or permit to be on, or remain in or about such place any person under the age of twenty-one (21) years, unless such person is accompanied by his or her parent or legal guardian, provided, however, that the foregoing provisions shall not prohibit the entry of such persons into any dining room located in or about premises occupied by a hotel or inn of sixty (60) rooms or more and actually maintained and operated as a bona fide part of such hotel business; and

further provided that the foregoing provisions shall not prohibit entry of such persons into any dining room located in or about premises occupied by a hotel or inn of any size for the purpose of ordering or consuming food in the event that special permission for the entry of such persons is obtained by an owner, proprietor, manager or responsible person in charge of any place licensed under the above provisions from the Chief of Police. No owner, proprietor, manager or responsible person in charge of any place licensed under the above provisions of this Code, or any employee of such place, shall employ any person under the age of twenty-one (21) years, except as authorized by law. Regulatory only within this Article.

SEC. 33.1540 PUBLIC DANCE -- REGULATION OF CLASSES E, F, G AND H

The following regulations apply only to dances licensed under Classifications E, F, G and H of section 33.1520.1 of this Code.

SEC. 33.1540.1 ALCOHOLIC BEVERAGES

No person shall sell, give away, store, bring, or knowingly permit another to sell, give away, store, or bring, alcoholic beverages on premises where dancing is conducted pursuant to a license issued under section 33.1520.1 Classifications E, F, G and H of this Code.

SEC. 33.1540.2 PERSONS UNDER EIGHTEEN PROHIBITED

Except as authorized in this Division, no person under eighteen (18) years of age shall be on or about dance



premises licensed under section 33.1520.1, classification E, F, G, or H of this Code unless accompanied by a parent or legal guardian or spouse who is at least 18 years of age. No owner or person in charge of any place licensed under the above provisions of this Code, or any employee of said place, shall harbor, receive or permit to be or remain in or about such place any minor under the age of eighteen (18) years, unless accompanied by a parent or legal guardian or spouse who is at least 18 years of age. No owner or person in charge of any place licensed under the above provisions of this Code, or any employee of said place, shall employ any person under the age of eighteen (18) years, except as is authorized by the Labor Code.

SEC. 33.1540.4 PRIVATE POLICE REQUIRED

The Chief of Police may require the employment of private security personnel by the licensee as determined by the number and age of the participants at the dance. The Chief of Police may require one private security guard for every one hundred (100) dance participants and a minimum of one private security guard for every exit and entrance where the participants are under 25 years of age, and a lesser number for participants above 25 years of age.

SEC. 33.1550.3 CLOSING HOURS

All public dancing facilities shall be closed and the places cleared of guests and patrons between 2:00 a.m. and 6:00 a.m. All patrons and guests shall vacate the licensed premises between 2:00 a.m. and 6:00 a.m., except for dances

that have been issued a special permit by the Chief of Police to operate between 2:00 a.m. and 6:00 a.m. provided all following conditions are met: 1) That any operation thereof after 2:00 a.m. shall not conflict with any zoning law or conditional use permit; 2) That the establishment is not located within 300 feet of any single family or multi-family residence, other than commercial hotels, motels and similar establishments for temporary lodging, measured by a straight line between the closest structural wall of the residence and the closest property line of the establishment; and 3) That the licensed premises have not been operated in violation of law during the preceding six months. Any special permit issued under this section may be revoked for any violation of law or this Code reasonably related to the hours and conditions of operation.

Section 20. That Chapter III, Article 3, Division 15 of the San Diego Municipal Code be and the same is hereby amended by adding section 33.1570 to read as follows:

SEC. 33.1570 RESPONSIBILITY FOR PATRON CONDUCT

(a) As a condition of the issuance of a police permit to operate a cabaret, public dance or dance hall, the owner or operator or other responsible person shall: 1) Observe all laws applicable to noise abatement, particularly those contained in Chapter V of the Code; 2) Control the conduct of patrons so as to prevent or minimize the incidence of disorderly or unlawful conduct by such patrons upon the premises or immediately adjacent thereto within a distance of

100 feet measured in a straight line from the nearest edge of the building or property line of the licensed premises;

3) Cause the orderly dispersal of persons from the vicinity of the regulated premises at closing time, and not allow them to congregate in the vicinity in a disorderly fashion. The repeated failure of the management or a responsible person of the regulated premises to take reasonable steps to control patron conduct or to take adequate precautions to curb such disorders or conduct during the hours of operation of the premises or at closing time after written notice of each violation has been provided to management shall be grounds for the suspension or revocation of the permit issued under this Division. It shall be competent to show that three or more written notices were sent to the management within a one-year period outlining the violations and those acts or omissions on the part of management which contributed to the patron misconduct, or represented the failure of management to take reasonable steps to prevent or minimize such disturbances.

(b) The Chief of Police shall be further authorized to require the employment of a sufficient number of security personnel to provide crowd control during the event and dispersal at the conclusion thereof, based on the nature of the event, the number in attendance, the ages of the patrons, the potential for disorderly conduct, the nature of the surrounding neighborhood and the likelihood of interference from other sources or businesses in the area, and such other

factors as the Chief of Police may determine to be particularly applicable to the regulated event or premise.

(c) The Chief of Police is hereby authorized to cause a regulated cabaret, public dance or dance hall to close down operations and disperse all patrons for the remainder of the daily operation whenever disorderly patron conduct shall reach a magnitude as to present a clear threat to the public safety and well-being of the patrons and general public in the vicinity.

(d) This section is regulatory only.

Section 21. That Chapter III, Article 3, Division 15 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

- SEC. 33.1501.11 LEWD OR DISSOLUTE PERSONS PROHIBITED
- SEC. 33.1501.17 LEWD, SUGGESTIVE ENTERTAINMENT PROHIBITED
- SEC. 33.1520.4 PUBLIC DANCE -- APPLICATION FORM
- SEC. 33.1520.6 PUBLIC DANCE -- ISSUANCE, DENIAL
- SEC. 33.1560 YOUTH DANCES - DEFINITIONS
- SEC. 33.1560.1 YOUTH DANCES - PERMIT NECESSARY
- SEC. 33.1560.2 SAME - PERMIT PROCEDURE
- SEC. 33.1560.3 SAME - EXCEPTIONS
- SEC. 33.1560.6 SAME - EXPIRATION AND RENEWAL
- SEC. 33.1560.8 SAME - LIGHTING OF HALL
- SEC. 33.1560.9 SAME - PARKING - LIGHTING
- SEC. 33.1560.10 SAME - ATTENDANCE
- SEC. 33.1560.11 SAME - USE OF ALCOHOLIC BEVERAGES PROHIBITED
- SEC. 33.1560.12 SAME - TIME LIMIT FOR DANCES

- SEC. 33.1560.13 SAME - PARTICIPATION OF ADULTS PROHIBITED
- SEC. 33.1560.14 SAME - LOITERING
- SEC. 33.1560.15 SAME - ADVERTISING
- SEC. 33.1560.16 SAME - INSPECTION
- SEC. 33.1560.17 SAME - PRIVATE POLICE EMPLOYED
- SEC. 33.1560.18 SAME - FINANCIAL REPORT
- SEC. 33.1560.19 SAME - RULES AND REGULATIONS

Section 22. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.1601, 33.1601.2, 33.1601.3, 33.1610, 33.1610.1, 33.1610.2, 33.1610.3, 33.1615.2, 33.1620, 33.1635, 33.1636, 33.1638 and 33.1645.1 to read as follows:

**DIVISION 16**

**COMMERCIAL AMUSEMENT ESTABLISHMENT  
AND ASSEMBLAGES AND DEVICES**

SEC. 33.1601 SHOOTING GALLERY - REGULATED

(a) No change.

(b) "Shooting Gallery" within the meaning of this Division means any establishment where any game of skill or chance which utilizes a gun, whether real or simulated, in combination with any target movable or immovable, is located.

SEC. 33.1601.2 SHOOTING GALLERY - REGULATED

The Chief of Police is hereby authorized and empowered to issue a permit to the owner or person in charge, as the agent or servant of the owner of an indoor shooting gallery, as defined in subsection (b) of section 33.1601.1 of this Code, to remain open and/or for playing to continue herein

after 2:00 a.m. for special occasions upon such terms, under such conditions and for a limited number of days, as deemed advisable.

SEC. 33.1601.3 SHOOTING GALLERY - PERMIT REQUIRED

(a) It shall be unlawful for any persons owning or being in charge, as the agent or servant of the owner of a shooting gallery or the business conducted therein, to operate said gallery without a permit issued pursuant to this Article.

(b) If such shooting gallery utilizes an "explosive" cartridge containing gunpowder and/or a "firearm" as defined in section 53.10 of this Code, the Chief of Police, shall make such investigation as may be deemed to be sufficient to determine if the method of operation of the proposed shooting gallery is consistent with the safety of the public.

SEC. 33.1610 POOLROOM, BILLIARD HALL - PURPOSE OF REGULATIONS - HOURS OF CLOSING

(a) It is the purpose and intent of the Council that the operations of poolrooms should be regulated for the protection of the public, especially the youth of the City, and the preservation of the peace of the community. A poolroom or billiard hall is defined as any establishment where five (5) or more coin operated or standard pool or billiard tables are installed.

(b) It is hereby declared to be unlawful for any owner, manager or responsible person in charge of any poolroom or billiard hall to keep or permit the same to remain open

between the hours of 2:00 a.m. and 6:00 a.m.; provided, however, that if pool or billiard tables are kept in connection with another lawful business or pastime permitted by law to remain open until a later hour, said pool or billiard tables in a licensed pool, room or billiard hall must be covered between 2:00 a.m. and 6:00 a.m., and no play thereon permitted.

SEC. 33.1610.1 HOURS OF PLAY

It is further declared to be unlawful for any person to play, cause to be played, or permit to be played pool, billiards, or any similar game in any poolroom or billiard hall in said City, between the hours of 2:00 a.m and 6:00 a.m.

SEC. 33.1610.2 MINOR LOITERING IN BILLIARD OR POOL HALL - PROHIBITED

It shall be unlawful for any person under the age of sixteen (16) years, to visit, enter, or loiter in any billiard room or poolroom in the City of San Diego, unless said person is accompanied by his or her parent or legal guardian who is at least sixteen (18) years of age.

SEC. 33.1610.3 PROPRIETOR PERMITTING MINOR LOITERING IN BILLIARD OR POOL HALL - PROHIBITED

It shall be unlawful for any proprietor, manager, or responsible person in charge of any billiard room or poolroom in the City of San Diego to allow any person under the age of sixteen (16) years to visit, enter or loiter in such place unless said person is accompanied by his or her parent or legal guardian who is over the age of eighteen (18) years.

SEC. 33.1615.2 EXCEPTIONS TO HOURS OF PLAY

The Chief of Police is hereby authorized and empowered to issue a permit to the owner or person in charge, as the agent or servant of the owner of an indoor bowling alley, to remain open and/or for playing to continue therein after 2:00 a.m. for special occasions upon such terms, under such conditions and for a limited number of days, as deemed advisable.

SEC. 33.1620 CIRCUS, CARNIVAL, RODEO - REGULATED

It shall be unlawful for any person to conduct, operate or maintain any circus, carnival, rodeo or similar entertainment or exhibition at any single location or address in the City of San Diego without a permit, and for any period of time or periods of time in excess of a total of fifteen (15) days within any six (6) months period of time.

SEC. 33.1635 ARCADE LICENSE APPROVAL REQUIRED BY CHIEF OF POLICE

No person shall conduct or operate any arcade within the City of San Diego, without a police permit. As used herein, an "Arcade" is any establishment (other than a pool hall or billiard hall defined in section 33.1610) open to the public with six or more games of skill or amusement defined in section 33.1641 installed on the premises. An arcade includes any lawful business establishment not otherwise police regulated that installs six or more games of skill or amusement.



SEC. 33.1636 THEATERS, REVUES - AND OTHER COMMERCIAL  
RECREATIONAL ASSEMBLAGES

No person shall conduct or carry on any theater, show or revue, or any other commercial recreational assemblage within the City of San Diego without a license approved by the Chief of Police.

SEC. 33.1638 PROHIBITED CONDUCT

It shall be unlawful for any responsible person in any commercial amusement establishment or any commercial place of recreational assemblage licensed herein, to operate any gambling game or to permit any lewd conduct or obscene material in or about or in connection with the general operation of such premises, or to permit the sale or consumption of any alcoholic beverage on premises not specifically licensed for such sale or consumption or to harbor, admit or receive or to permit to be or remain in or about such place any lewd person of either sex, any intoxicated or disorderly person or any person under the influence of intoxicating liquors, or any person whose conduct while present in said premises creates a violation of any of the provisions of the Code of this City or the State of California, or which in any way materially interferes with the proper management or control of such commercial premises. Regulatory only within this Division.

SEC. 33.1645.1 MINORS ON PREMISES AFTER 10:00 P.M.  
PROHIBITED

It shall be unlawful for the owner, proprietor, manager or other responsible person in charge of any place licensed under the provisions of this Division, or for any employee of such amusement establishment to harbor, admit, receive or permit to be on or remain in or about such place after 10:00 p.m., any minor under the age of eighteen (18) years, unless such minor is accompanied by his or her parent, spouse, or legal guardian or an adult who has been authorized by a parent, spouse or legal guardian at least eighteen years of age.

Section 23. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and the same is hereby amended by adding sections 33.1600 and 33.1670 to read as follows:

SEC. 33.1600 COMMERCIAL AMUSEMENT ESTABLISHMENTS AND  
COMMERCIAL RECREATIONAL ASSEMBLAGES --  
REGULATED

(a) Purpose and Intent - The Council of the City of San Diego finds that commercial amusement establishments and commercial recreational assemblages present an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, particularly at closing times, with an attendant adverse public safety impact on the surrounding business and residential community. Therefore, it is the purpose and intent of this Division to regulate commercial amusement establishments and commercial

recreational assemblages not otherwise specifically regulated in this Article as police regulated businesses, and to require the operators as a condition of the issuance of a permit to be responsible for patron conduct upon and in the vicinity of the establishment and to make adequate provisions for security, crowd control and patron conduct so as to curb and minimize disturbances as a result of the operation of the premises.

(b) Definitions - The term "commercial amusement establishment" shall refer to any business establishment to which the general public is invited to participate in games of skill or chance, and which charges an admission fee or playing charge. Such establishments include, but are not limited to the following illustrative types of amusement businesses: arcades, bowling alleys, pool rooms, billiard parlors, shooting galleries, skating rinks, and the like.

The term "commercial recreational assemblage" shall refer to any establishment to which members of the general public are invited or to any assemblage of 50 or more persons, for any duration of time, for an admission fee or event charge to observe live entertainment, e.g. the artistic, theatrical, dramatic, athletic, or similar entertainment by other persons or animals, or combination thereof. Such establishments include, but are not limited to the following: carnivals, circuses, rodeos, concerts, theaters, (except motion picture theaters not providing live entertainment), and similar establishments or enterprises.

The term "entertainment" specifically excludes nude entertainment which is regulated under Division 36 of this Article and performances by the students at educational institutions as defined by the Education Code where such performances are part of an educational or instructional curriculum or program.

NOTE: If any establishment that would otherwise qualify for regulation under this Division but is required to be licensed under Division 36 of this Article shall claim exemption from the application of that Division pursuant to section 33.3615(a), then such establishment shall be subject to regulation under this Division pending any administrative or legal determination to establish its true status.

(c) Regulation - It shall be unlawful to operate a commercial amusement establishment or commercial recreational assemblage without a police permit. Such permit issued pursuant to this Division shall be issued pursuant to the conditions specified herein, whether of general application, or of specific application to a particular type of amusement.

(d) The issuance of a police permit to operate a commercial amusement establishment or commercial recreational assemblage shall authorize the conduct of any amusement business or combination thereof specifically regulated under this Division, with the proviso that the operator or other responsible person, as defined in this Article, shall comply with all requirements applicable to each category of regulated amusement or recreation located at the premises and the requirements of section 33.1670.

SEC. 33.1670 RESPONSIBILITY FOR PATRON CONDUCT

(a) As a condition of the issuance of a police permit to operate a commercial amusement establishment or commercial recreational assemblage, the owner or operator or other responsible person shall: 1) Observe all laws applicable to noise abatement, particularly those contained in Chapter V of this Code; 2) Control the conduct of patrons so as to prevent or minimize the incidence of disorderly or unlawful conduct by such patrons upon the premises or immediately adjacent thereto and within a distance of 100 feet measured in a straight line from the nearest edge of the building or property line of the licensed premises; 3) Cause the orderly dispersal of persons from the vicinity of the regulated premises at closing time and not allow them to congregate in a disorderly fashion. The repeated failure of the management of the regulated premises to take reasonable steps to control patron conduct or to take adequate precautions to curb such disorders or conduct during the hours of operation of the premises or at closing time after written notice of such violation has been provided to management shall be grounds for the suspension or revocation of the permit issued under this Division. It shall be competent to show that three or more written notices were sent to the management within a one-year period outlining the nature of the violations and those acts or omissions on the part of management which contributed to the patron misconduct, or which represented

the failure of management to take reasonable steps to prevent or minimize such disturbances.

(b) The Chief of Police shall be further authorized to require the employment of a sufficient number of security personnel to provide crowd control during the event and dispersal at the conclusion thereof, based on the nature of the event, the number in attendance, the ages of the patrons, the potential for disorderly conduct, the nature of the surrounding neighborhood and the likelihood of interference from other sources or businesses in the area, and such other factors as the Chief of Police may determine to be particularly applicable to the regulated event or premise.

(c) The Chief of Police is hereby authorized to cause a regulated commercial recreational assemblage or commercial amusement establishment to close down operations and disperse all patrons for the remainder of the daily operation whenever disorderly patron conduct shall reach a magnitude as to present a clear threat to the public safety and well-being of the patrons and general public in the vicinity.

(d) This section is regulatory only.

Section 24. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.1630 SOCIAL CLUBS - PERMITS FOR BRIDGE GAMES

SEC. 33.1630.3 SAME - GAMES WITHOUT PERMIT PROHIBITED

SEC. 33.1640 MECHANICAL MUSICAL INSTRUMENT -- DISTURBING THE PEACE PROHIBITED

SEC. 33.1640.1 DEFINITIONS

SEC. 33.1641.1 GAMES OF SKILL OR AMUSEMENT - REGULATED

SEC. 33.1641.3 REQUIREMENTS: POSTING AND KEEPING OF LICENSE

SEC. 33.1641.4 CONSTRUCTION OF SECTION

SEC. 33.1645 COMMERCIAL AMUSEMENTS -- EMPLOYMENT OF MINORS  
PROHIBITED

Section 25. That Chapter III, Article 3, Division 17 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 33.1701 REGISTER OF EMPLOYEES -- BADGE OR CAP NUMBER

Section 26. That Chapter III, Article 3, Division 18 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 33.1801 QUALIFICATION EXAMINATION

Section 27. That Chapter III, Article 3, Division 19 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 33.1901 APPLICATION FOR PERMIT

Section 28. That Chapter III, Article 3, Division 20 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.2002, 33.2004, 33.2005 and 33.2007 to read as follows:

SEC. 33.2002 FIGURE STUDIOS -- PERMIT REQUIRED

The operation of a studio is hereby designated "police regulated." No person shall operate a studio without first obtaining a permit from the Chief of Police.

SEC. 33.2004 FIGURE STUDIOS -- STANDARD FOR ISSUANCE OF  
STUDIO PERMIT

(a) No change.

(b) No studio permit shall be issued to any person under eighteen (18) years of age, nor to a corporation any of whose officers are under eighteen (18) years of age.

SEC. 33.2005 FIGURE STUDIOS -- EXCEPTIONS TO PERMITS

No permit shall be required for any studio which is operated by the University of California, or any State College or public junior college, or where the Chief of Police is furnished satisfactory evidence that the person, firm, association, partnership or corporation operating it has met the requirements established in the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma.

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 has been convicted of a crime involving physical violence, sexual assault, lewd or lascivious conduct, or prostitution. A conviction is deemed final for purposes of this section upon announcement of a guilty verdict; the pendency of an appeal shall not preclude revocation or suspension.

(c) through (d) No change.

Section 29. That Chapter III, Article 3, Division 22 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 33.2201 SALE OF STRUCTURES TO BE MOVED -- REGULATED

Section 30. That Chapter III, Article 3, Division 25 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.2501 POSTING OF RATES

SEC. 33.2502 CHARGES IN EXCESS OF POSTED RATES PROHIBITED

SEC. 33.2503 POSTING OF RULES AND REGULATIONS OF ESTABLISHMENT

SEC. 33.2510 REGISTERS AT HOTELS, APARTMENT HOUSES, ROOMING HOUSES

SEC. 33.2511 REGISTRATION OF GUESTS

SEC. 33.2512 REGISTRATION OF VEHICLES AND TRAILERS

SEC. 33.2515 TRAILER PARKS -- ENTRY AND INSPECTION

SEC. 33.2516 TRAILER PARKS -- TRAILERS FRONTING ON ROADWAY

Section 31. That Chapter III, Article 3, Division 26 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.2601 DEFINITIONS

SEC. 33.2601.1 "PURVEYORS"

SEC. 33.2601.2 "SERVICE OR SERVICES"

Section 32. That Chapter III, Article 3, Division 27 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.2711, 33.2712 and 33.2714 to read as follows:

SEC. 33.2711 MERCHANDISE COUPONS -- DEFINED

For the purposes of this Division, "merchandise coupon" means any coupon, certificate, ticket, book, card or passbook which represents the value or a discounted value of goods, wares, merchandise or services, whether or not consideration is paid by the person who is to redeem the coupon.

"Merchandise coupon" does not include trading stamps, as defined by general law, or any merchandise coupon directly issued by and redeemable at a business establishment having a fixed place of business within the City.

SEC. 33.2712 MERCHANDISE COUPONS -- PERMIT REQUIRED

No person shall sell, offer to sell, solicit the sale of, or take orders for, or distribute or deliver, for the payment of a fee or charge which is less than seventy-five percent (75%) of the retail value of like goods, wares, merchandise or service at any establishment where the coupon may be redeemed in The City of San Diego, a merchandise coupon, without first obtaining a police permit.

SEC. 33.2714 MERCHANDISE COUPONS -- REGULATIONS

Every person who engages in any of the activities for which a police permit is required by section 33.2712 shall:

(a) Make no statement or representation or advertise, in the course or scope of such activity, either in writing or orally:

1. That the intended recipient is the winner of any drawing or contest, unless such drawing or contest has been knowingly entered prior thereto by such recipient.

2. That The City of San Diego, or any department thereof, has approved of such activity.

(b) Announce to the intended recipient his name and the name of the individual or organization whom he represents.

(c) Not sell any merchandise coupons unless the name, business address and telephone number of the permittee is placed thereon, and has first furnished a copy of such merchandise coupon to the Chief of Police.

Section 33. That Chapter III, Article 3, Division 29 of the San Diego Municipal Code be and the same is hereby amended by amending section 33.2901 to read as follows:

SEC. 33.2901 PRIVATE STREET PATROL SERVICE AND PATROLMEN - REGULATED

(a) Definitions - "Private street patrol service" or "Private street patrolmen" as used in this Division shall mean any person, firm or corporation licensed or required to be licensed by the provisions of Business and Professions

Code Division 3, Chapter 11.5 (commencing with section 7512) to furnish security and patrol or escort services for the protection of persons or property. It shall also include, for purposes of this Division, motor vehicle or motorcycle escort services provided for a motor vehicle procession of one or more vehicles, even if said escort service is not required to be licensed under State law.

(b) It shall be unlawful for any person, firm or corporation to engage in the business of conducting or maintaining any private street patrol service in The City of San Diego:

1. Without having applied for a private street patrol service permit for such activity from The City of San Diego; or

2. After having received notice from The City of San Diego that such application for a permit has been denied; or

3. After having received notice from The City of San Diego that such permit has been suspended or revoked.

Section 34. That Chapter III, Article 3, Division 32 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.3200 and 33.3204 to read as follows:

SEC. 33.3200 DEFINITIONS

For the purpose of this Division, the following terms are defined:

(a) No change.

(b) "Swap Meet" is the activity as defined by Business and Professions Code section 21661 carried on in a swap lot.

(c) through (d) No change.

SEC. 33.3204 TRADING AREA - REGULATIONS

No person shall operate a swap meet without a police permit. All swap meets shall be conducted only in a building, structure, or in an area enclosed by a fence which is sufficient to enable the owner or operator to control effectively the ingress and egress of persons and merchandise.

Section 35. That Chapter III, Article 3, Division 35 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.3506, 33.3508, 33.3510, 33.3513, 33.3513.1 and 33.3513.2 to read as follows:

SEC. 33.3506 MASSAGE ESTABLISHMENT LICENSE

(a) No change.

(b) Each applicant for a license to operate a massage establishment shall furnish the following information to the Chief of Police.

1. through 6. No change.

7. Two photographs of applicant one inch by one inch in size, taken within one (1) month immediately preceding the date of application. One photograph shall be retained by the Chief of Police and one photograph shall be affixed to the license.

8. through 14. No change.

(c) The Chief of Police shall have a reasonable time, not to exceed sixty (60) days, in which to investigate the application and background of the applicant.

(d) A license shall be issued within sixty (60) days of receipt of the application to any applicant who has furnished all of the information required by this section in the application for such license, provided:

1. through 6. No change.

SEC. 33.3508 OFF-PREMISES MASSAGE BUSINESS LICENSE

(a) through (b) No change.

(c) The Chief of Police shall have a reasonable time, not to exceed sixty (60) days, in which to investigate the application and background of the applicant.

(d) A license shall be issued within sixty (60) days of receipt of the application to any applicant who has furnished all of the information required by this Division in the application for such license, provided:

1. through 4. No change.

(e) Off-premises massage operations shall be carried on only between the hours of 7:00 a.m. and 10:30 p.m.

SEC. 33.3510 MASSAGE TECHNICIAN PERMIT

(a) No change.

(b) No change.

1. through 5. No change.

6. Two photographs of applicant one inch by one inch in size taken within one (1) month immediately preceding the date of application. One photograph shall be retained by the Chief of Police and one shall be affixed to the permit.

7. through 11. No change.

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 administering 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.

13. through 14. No change.

(c) The Chief of Police shall have a reasonable time, not to exceed sixty (60) days, in which to investigate the application and background of the applicant.

(d) A permit shall be issued within sixty (60) days of receipt of the application to any applicant who has furnished all of the information required by this section in the application for such permit, provided:

1. through 6. No change.

(e) No change.

SEC. 33.3513 MESSAGE 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 massage establishment unless each and all of the following requirements are met:

(a) through (p) No change.

(q) Each establishment shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patron's specified anatomical areas. No common use of such covering shall be permitted, and reuse is prohibited unless having been adequately cleaned. In addition, no owner, operator, responsible managing employee, manager, or permittee in charge of or in control of a massage



establishment shall permit a massage to be given unless the patron is covered by the covering provided by the establishment. Regulatory only within this Division.

(r) With the exception of bathrooms, showers and dressing rooms, no owner, operator, responsible managing employee, manager, or permittee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used by the patrons or which can be viewed by patrons from such an area, unless the person's specified anatomical areas are fully covered. Regulatory only within this Division.

(s) No owner, operator, responsible managing employee, manager or permittee in charge of or in control of a massage establishment shall permit any massage technician to be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the massage technician is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck excluding the arms, with the following exception: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. The covering, which includes trousers, pants or shorts, will be of an opaque material and will be maintained in a clean and sanitary condition. Regulatory only within this Division.

(t) No owner, operator, responsible managing employee, manager or permittee in charge of or in control of a massage establishment shall during the course of any service or task associated with the operation of a massage operation permit any person to massage, or intentionally touch the specified anatomical areas of another person. Regulatory only within this Division.

SEC. 33.3513.1 OFF-PREMISES MASSAGE BUSINESS -- OPERATING REQUIREMENTS

(a) No owner, operator, responsible managing employee, manager, or permittee in charge of or in control of any off-premises massage business shall knowingly permit a massage technician to give a massage or to be in any room with a patron unless the patron's specified anatomical areas are fully covered. Regulatory only within this Division.

(b) No owner, operator, responsible managing employee, manager, or permittee in charge of or in control of any off-premises massage business shall knowingly permit any massage technician who is employed by or associated with the off-premises massage business to perform any service or task while in the presence of any patron of an off-premises massage business, unless the massage technician is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exception: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully

covered to the base of the neck, excluding the arms. The covering, which includes trousers, pants, or shorts, will be of any opaque material and will be maintained in a clean and sanitary condition. Regulatory only within this Division.

(c) No owner, operator, responsible managing employee, manager or permittee in charge of or in control of an off-premises massage business shall knowingly allow any employee or massage technician associated with the off-premises massage business to massage or intentionally touch the specified anatomical areas of another person. Regulatory only within this Division.

(d) through (h) No change.

#### SEC. 33.3513.2 MASSAGE TECHNICIAN -- OPERATING REQUIREMENTS

(a) No massage technician, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered. Regulatory only within this Division.

(b) No massage technician shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the massage technician is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exception: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the

body above that point is fully covered to the base of the neck, excluding the arms. In addition, no massage technician shall perform any task or service while in the presence of any patron of an off-premises massage business unless the massage technician is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exception: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. For purposes of this subsection, the covering, which includes trousers, pants or shorts, will be of an opaque material and will be maintained in a clean and sanitary condition. Regulatory only within this Division.

(c) No massage technician, while performing any task for service associated with the business of massage, shall massage or intentionally touch the specified anatomical areas of another person. Regulatory only within this Division.

Section 36. That Chapter III, Article 3, Division 36 of the San Diego Municipal Code be and the same is hereby amended by amending sections 33.3604, 33.3606, 33.3610, 33.3615 and 33.3616 to read as follows:

SEC. 33.3604 DEFINITIONS

Whenever used in this Division, the following words and phrases shall mean:

(a) No change.

0-16812

(b) "Nude Entertainment Business" shall mean any establishment or business where any individual, firm, association, partnership, corporation, or combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted, or carried on "nude entertainment," as defined in this Division. It includes an adult cabaret, and bars and other establishments commonly known as "topless."

(c) through (f) No change.

(g) "Adult Cabaret" is an establishment serving food or alcoholic or nonalcoholic beverages and which provides "nude entertainment".

#### SEC. 33.3606 NUDE ENTERTAINMENT LICENSE

(a) No change.

(b) Each applicant for a license to operate a nude entertainment business shall furnish the following information to the Chief of Police:

1. through 6. No change.

7. Two photographs of the applicant of a size specified by the Chief of Police taken within one (1) month immediately preceding the date of application. One photograph shall be retained by the Chief of Police and one photograph shall be affixed to the license.

8. through 14. No change.

(c) The Chief of Police shall have a reasonable time, not to exceed sixty (60) days, in which to investigate the application and the background of the applicant.

(d) A license shall be issued within sixty (60) days of receipt of the application to any applicant who has furnished all of the information required by this section in the application for such license, unless:

1. through 6. No change.

SEC. 33.3610 NUDE ENTERTAINMENT BUSINESSES -- 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 nude entertainment business unless each and all of the following requirements are met:

(a) Each person employed or acting as a nude entertainer shall have a valid permit issued pursuant to the provisions of this Division, and it shall be unlawful for any owner, operator, responsible managing employee, manager or permittee in charge of or in control of a nude business to employ or permit any person to act as a nude entertainer who is not in possession of a valid, unrevoked Nude Entertainer Permit, which permit shall be prominently displayed with the permit required of the business.

(b) through (d) No change.

(e) No nude entertainer shall dance with or otherwise be within six (6) feet of a patron while on licensed premises. Regulatory only within this Article.

(f) No responsible person, as defined in this Article, shall permit or allow at licensed premises any patron to

approach within six (6) feet of a nude entertainer, or permit or allow a nude entertainer to approach within six (6) feet of a patron. Regulatory only within this Article.

(g) All employees of nude entertainment businesses, other than nude entertainers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region, and the breasts of a female including the areola thereof. Regulatory only within this Article.

#### SEC. 33.3615 EXEMPTIONS

Except as to the provisions of section 33.3610 (e), (f) and (g), the provisions of this Division shall not apply to the following:

(a) Any theater, concert hall, or similar establishment which is primarily devoted to theatrical performances. Any establishment claiming exemption from regulation pursuant to this subsection shall be subject to licensing and regulation pursuant to Divisions 15 or 16 of this Article, as appropriate, pending administrative or legal determination as to its exempt status under this Division.

(b) through (c) No change.

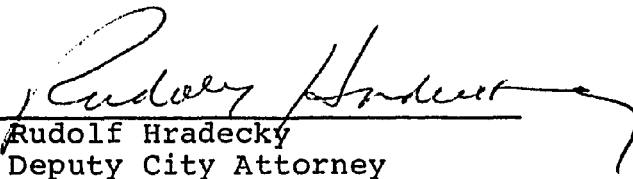
0-16812

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, suspend or revoke the license or permit of the licensee or permittee.

Section 37. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, or June 1, 1987, whichever shall be the later date.

APPROVED: JOHN W. WITT, City Attorney

By   
Rudolf Hradecky  
Deputy City Attorney

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SAN DIEGO, CALIF.

FEB 23 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
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 Struiksma	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Ellen Board*, Deputy.

(Seal)

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

FEB 9 1987

FEB 23 1987

~~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 *Ellen Board*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Ordinance Number 016812 Adopted FEB 23 1987

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3

ORDINANCE NO. O-16812 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0101, 33.0102, 33.0103, 33.0104 AND BY ADDING SECTIONS 33.0105, 33.0106, 33.0107; DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0201, 33.0204 AND BY ADDING SECTION 33.0208 AND BY REPEALING SECTIONS 33.0203, 33.0206, 33.0207; DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0301, 33.0304, 33.0305, 33.0306 AND BY ADDING SECTIONS 33.0307, 33.0308; DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.0601; DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.0701.1, 33.0701.2, 33.0701.3, 33.0701.4, 33.0701.5, 33.0702.1, 33.0702.2, 33.0702.3, 33.0702.4, 33.0702.5; DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.0901, 33.0902, 33.0903, 33.0903.3 AND BY REPEALING SECTIONS 33.0903.8, 33.0904; DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1006, 33.1006.3 AND BY ADDING SECTION 33.1009; DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1101, 33.1102, 33.1103, 33.1104, 33.1105, 33.1106; DIVISION 12 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.1201, 33.1202; DIVISION 13 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1307; DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1401, 33.1402, 33.1405, 33.1406.1 AND BY REPEALING SECTION 33.1406; DIVISION 15 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1501, 33.1501.2, 33.1501.3, 33.1501.4, 33.1501.5, 33.1501.8, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520, 33.1520.1, 33.1520.2, 33.1520.3, 33.1530.1, 33.1530.4, 33.1540, 33.1540.1, 33.1540.2, 33.1540.4, 33.1550.3 AND BY ADDING SECTION 33.1670 AND BY REPEALING SECTIONS 33.1501.11, 33.1501.17, 33.1520.4, 33.1520.6, 33.1560.33.1560.1, 33.1560.2, 33.1560.3, 33.1560.4, 33.1560.5, 33.1560.6, 33.1560.7, 33.1560.8, 33.1560.9, 33.1560.10, 33.1560.11, 33.1560.12, 33.1560.13, 33.1560.14, 33.1560.15, 33.1560.16, 33.1560.17, 33.1560.18, 33.1560.19; DIVISION OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1601, 33.1601.2, 33.1601.3, 33.1610, 33.1610.2, 33.1610.3, 33.1615.2, 33.1620, 33.1635, 33.1636, 33.1638, 33.1645.1 AND BY ADDING SECTIONS 33.1600, 33.1670 AND BY REPEALING SECTIONS 33.1630, 33.1630.3, 33.1640, 33.1640.1, 33.1641.1, 33.1641.3, 33.1641.4, 33.1645; DIVISION 17 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1701; DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1801; DIVISION 19 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.1901; DIVISION 20 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.2002, 33.2004, 33.2005, 33.2007; DIVISION 22 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 33.2201; DIVISION 25 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.2501, 33.2502, 33.2503, 33.2510, 33.2511, 33.2512, 33.2515, 33.2516; DIVISION 28 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.2801, 33.2801.1, 33.2801.2; DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.2711, 33.2712, 33.2714; DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.2801; DIVISION 32 OF THE SAN DIEGO

THOMAS D. KELLEHER

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. O-16812 (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:

MARCH 9

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

Dated at San Diego, California this 9 day of MARCH, 19 87.

*Thomas D. Kelleher*  
(Signature)

19 7/8" x \$10.24 = \$407.04

**MUNICIPAL CODE BY AMENDING SECTIONS 33.3200, 33.3204; DIVISION 35 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3506, 33.3508, 33.3510, 33.3513, 33.3513.1, 33.3513.2; DIVISION 36 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3604, 33.3606, 33.3610, 33.3615, 33.3616 OF THE SAN DIEGO MUNICIPAL CODE RELATING TO POLICE REGULATED BUSINESS REGULATIONS.**

This ordinance amends sections of the San Diego Municipal Code to establish that businesses which are classified as Police regulated are required to obtain a Police permit. The permit would be subject to denial, suspension or revocation and is separate from the Business Tax receipt issued by the City Treasurer.

The ordinance provides that the Police permit may be suspended or revoked for specified acts or omissions directly related to public or patron safety. These acts or omissions may be on the part of either management or patrons. Management will also be responsible for providing adequate security and crowd control for selected classes of businesses with a high potential for disorderly conduct by customers.

The following synopsis for the proposed changes highlights the principal areas of the revisions:

**Division 1**

**General Provisions.** Revised to clearly indicate that police regulated businesses are required to have a permit issued by the Chief of Police. Provision for inspection as a condition of licensing is created, along with clarification of the power to arrest being vested in regularly detailed and salaried police department employees along with sworn police officers. Clarifies that provisions are both regulatory and penal and delineates enforcement options. Transition authority regarding transfer of licenses from existing establishments is granted to the Chief of Police.

**Division 2**

**Definitions.** Revises or adds definitions of "person," "responsible person," "violation," "permit," "establishment" and "premises."

**Division 3**

**Applications.** Adds new grounds for the denial of a permit, including the refusal to consent to or allow inspection and conviction of specified categories of crimes. Allows for temporary employee identification cards to be issued; extends the time for investigation of an application from 30 to 60 days, with an additional 14 days extension upon notice to the applicant; provides for the term of a permit to be annual.

**Division 6**

**Exemptions.** Redefines the category of institutions that shall be exempt from payment of regulatory fee by reference to the tax-exempt status of such organization. Holds such institutions to the permit regulations in the same manner as businesses that pay a fee.

**Division 7**

**Sound Trucks.** Repeals entire division and removes existing provisions to Chapter V, Article 9.5 under Noise Abatement. Makes minor changes in titles and sound scale (85db).

**Division 9**

**Auto Dismantlers.** Revised to apply to Auto Dismantler only since auto wreckers are covered by the Vehicle Code. Requires operator to keep record of loose parts which contain an identification number.

**Division 10**

**Advertising.** Minor revisions clarify or remove outdated language and add new section 33.1009 concerning used automobile advertising formerly included in Division 13.

**Division 11**

**Junk Dealers, etc.** Adds a reference to the Business and Professions Code and the Financial Code to define junk dealers, pawn brokers, and secondhand dealers. Deletes reference to "junk collectors."

**Division 13**

**Used Car Dealer.** Repealed, except section 33.1307 which is moved to Division 10.

**Division 14**

**Solicitors.** Minor revisions made to clarify or eliminate outdated language and repeals section 33.1406 prohibiting soliciting without the permission of a shopkeeper.

**Division 15**

**Cabarets and Dance Halls.** Redefines cabarets as commercial establishments which sell alcoholic beverages and provide live entertainment and/or dancing. Specifically excluded are "adult cabarets" featuring "nude entertainment" which are regulated in Division 36, but incorporates provisions to regulate nude entertainment that is exempted under the "theater" exception of Division 36. Public dances and dance halls are similarly regulated. Generally, closing hours of 2:00 a.m. are established, with authorization to extend such hours in nonresidential areas if permissible under zoning laws and if premises have not been in violation for previous six months. Minor revisions are made to the age of patrons to conform to existing practice as permitted by the alcohol beverage control laws. Requires management to provide crowd control and patron security to minimize disorderly conduct and noise and ensure orderly dispersal of patrons.

**Division 16**

**Commercial Recreation Establishments and Recreational Assemblages.** Defines commercial establishments where patrons play games of skill or chance, or assemble to see live entertainment, and requires management to provide security and control patron disorders, noise and ensure orderly dispersal at conclusion of events. Specifically excludes nude entertainment but incorporates regulatory scheme for so called exempted theatrical performances from Division 36 (nude entertainment). Makes a minor revision to definitions of "games of skill," and defines arcades as place where six or more games of skill or amusement are maintained, and designates pool rooms or billiard parlors as places when five or more tables are installed.

**Division 17**

**Messenger Service.** Repealed. No longer need to regulate.

**Division 18**

**Swimming Instructor.** Repealed. No longer need to regulate.

**Division 19**

**Professional Baseball.** Repealed. No longer need to regulate.

**Division 20**

**Figure Studios.** Minor revisions to remove outdated language.

**Division 25**

**Hotels/Innkeepers.** Repeals this division and moves all existing sections to Chapter V, Article 2, as a general police regulation. These provisions regulate rental rates and signs in hotels and motels and the duty to maintain register books.

**Division 26**

**Rebates by purveyors of goods.** Repealed. No longer need to regulate.

**Division 27**

**Merchandise Coupons.** Clarifies definition of "merchandise coupons," and requires permittees to include their name address and phone number on the coupon.

**Division 29**

**Street Patrols and Patrolmen.** Redefines this category of police regulated business pursuant to the Business and Professions Code.

**Division 32**

**Swap Meets.** Redefines swap meets in accordance with Business and Professions Code and clarifies that a police permit is needed.

**Division 35**

**Massage Parlors.** Increases from 30 to 60 days the time allowed for investigation of applicant because of delays in obtaining criminal history check from California State Department of Justice. Changes the hours of operation of off-premises massage operation from 7:00 a.m. to 10:30 p.m. to conform with on-premise hours. Reduces the size of required photographs of applicants to one inch by one inch in size. This change will make the requirements for photographs the same for all police regulated businesses. Makes certain provisions regulatory regarding the draping of patrons and prohibitions against the touching of specified anatomical areas by the massage technician.

**Division 36**

**Nude entertainment.** Adds definition of "adult cabaret" as a commercial establishment serving food or beverages (alcoholic or nonalcoholic) and providing nude entertainment as a regulated business, and limits patrons and performers to a distance of not less than six (6) feet from each other, and further requires employees to wear coverings over specified anatomical areas; increases the time for processing applications from 30 to 60 days, and provides that an establishment that claims exemption from this Division as a "Theater" shall be regulated under Division 15 or 16, as applicable, pending final determination of such exempt status.

A complete copy of the ordinance is available for public inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on February 9, 1987

Passed and adopted by the Council of the City of San Diego on February 23, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. March 9