(0-88-108)

ORDINANCE NUMBER O-17041 (NEW SERIES)
ADOPTED ON MAR 2 1 1988

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.0106 RELATING TO TRANSITION PROVISIONS AND SECTION 33.1550.3 RELATING TO CLOSING HOURS.

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

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 33.0106 to read as follows:

SEC. 33.0106 TRANSITION PROVISIONS

Where, as a result of any amendment to
Articles 1 or 3 of Chapter III of this Code, any
business is required to obtain a police permit for
activities previously conducted by that business
under this code without such permit being required,
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.

Section 2. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 33.1550.3 to read as follows:

SEC. 33.1550.3 CLOSING HOURS

All public dancing facilities shall be closed and the premises cleared of patrons and guests between 2:00 a.m. and 6:00 a.m., except for dance facilities that have been issued a special after hours dancing permit by the Chief of Police. The Chief of Police shall issue a special after hours dancing permit to any holder of a public dancing

permit as provided for in section 33.1520.1 upon payment of the investigatory fee as provided for in section 33.0104, provided all the 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 closet 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 is not included within the provisions of Section 33.0106 and may be revoked for any violation of law or this Code reasonably related to the hours and conditions of operation.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John /W. /Witt, City Attorney

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Grant Richard Telfer Deputy City Attorney

GRT:1fs 12/14/87

Or.Dept:Police

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| Passed and adopted by the Council of The C by the following vote: | City of San Diego | on | WAIL & 1 | | |
| Council Members | Yeas | Nays | Not Present | Ineligible | |
| Abbe Wolfsheimer | Ø | | | | |
| Ron Roberts | | | | | |
| Gloria McColl | | | $ \mathbf{Z} $ | | |
| H. Wes Pratt | | | u u | | |
| Ed Struiksma | | | <u>u</u> | | |
| J. Bruce Henderson | Ø | 닐 | 닏 | Ц | |
| Judy McCarty | | | 님 | 님 | |
| Bob Filner | | 112 | 닐 | Ц | |
| Mayor Maureen O'Connor | | لسا | L | Ш | |
| 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. | | | | |
| (Seal) | Ву | 9ac | Bova | rd Dep | |
| I HEREBY CERTIFY that the foregodelapsed between the day of its introduct MAR 7 1988 I FURTHER CERTIFY that said organizations | ion and the day | of its final | 2 1 1988 | , on | |
| I FURTHER CERTIFY that the real less than a majority of the members elect of each member of the Council and the said ordinance. | ted to the Counc | il, and that | there was avail | able for the considera | |
| | | City Cl | | BDELNOUR an Diego, California. | |
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Ordinance O-17041 Adopted MAR 21 1988

RECEIVED CITY CLERK'S OFFICE 1988 JAN 28 AM 8 02 SAN DIEGO, CALIF.

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CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO 202 C STREET, 2ND FLOOR SAN DIEGO, CA 92101 ATTN: ELLEN BOVARD

IN THE MATTER OF AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.0106 RELATING TO TRANSITION PROVISIONS AND SECTION 33.1550.3 RELATING TO CLOSING HOURS. NO.

GRDINANCE NUMBER O-17041 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER III, ARTICLEIA, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION SS.0166 RELATING TO TRANSITION PROVISIONS AND SECTION SS.0150.3 RELATING TO CLOSING HOURS.

This ordinance amends the San Diego Municipal Code by clarifying the applicability of transition provisions to police regulated businesses, apedifically closing hours for public dances. A complete copy of the ordinance is available fee inspection in the officer of the City Cierk of The City of San Diego, 2nd floor, City Administration Building, 2021 "C" Street, San Diego, CA 92101. Introduced on March 7, 1988
Passad end adopted by the Council of The City of San Diego on March 21, 1988
AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, California CHARLES G. ABDELNOUR
BITY CIERK Of The City of San Diego, California
By ELLEN BOVARD, Deputy

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| of the United State age of eighteen year matter. I am the newspaper of ger Saturdays and Sumwhich newspaper the Superior Courthe date of January | ars, and not a pa principal clerk heral circulation days, in the City has been adjudg t of the County | rty to or interest of the San Dia, printed and y of San Diego, ed a newspaper of San Diego, S | y aforesaid; I sted in the ab iego Daily ' published of County of Sa r of general of State of Cali | am over the pove- entitled franscript, a daily, except an Diego, and circulation by |
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ORDINANCE NUMBER O-17041 (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:

APRIL 4

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

Dated at San Diego, California this 4 day of APRIL 19 88

22 lines x .98 = 43.12 2" x 2 x 10.78 = 43.12