

(O-88-108)

ORDINANCE NUMBER O- 17041 (NEW SERIES)

ADOPTED ON MAR 21 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:

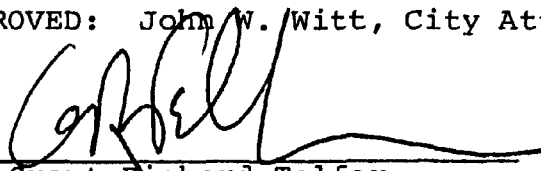
**SEC. 33.1550.3 CLOSING HOURS**

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

By   
Grant Richard Telfer  
Deputy City Attorney

GRT:lfs  
12/14/87  
Or.Dept:Police  
O-88-108

MAR 21 1988

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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input type="checkbox"/>	<input checked="" 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.

(Seal)

By *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 7 1988

MAR 21 1988

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17041 Adopted MAR 21 1988

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1988 JAN 28 AM 8 02  
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