

(O-89-144)

ORDINANCE NUMBER O- 17266 (NEW SERIES)

ADOPTED ON MAR 20 1989

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 62.0902 AND SECTION 62.0903 RELATING  
TO NEWSRACKS ON PUBLIC RIGHTS-OF-WAY.

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

Section 1. That Chapter V, Article 8, of the San Diego  
Municipal Code be and the same is hereby amended by amending  
Section 62.0902 to read as follows:

**SECTION 62.0902 DEFINITIONS**

Whenever the following words and phrases are  
used in this division, they shall have the meaning  
ascribed to them in this section:

No change in subsection (a).

(b) "Nudity" shall mean the showing with less  
than a fully opaque covering of the genitals, pubic  
hair, perineum, anus or anal region of any person,  
other than a child under the age of puberty, or any  
portion of the breast at or below the areola  
thereof of any female person, other than a child  
under the age of puberty.

(c) "Sexual Conduct" shall mean an act of  
sexual intercourse, masturbation, homosexuality,

sodomy, bestiality, anal intercourse, oral copulation, flagellation, or other act of sexual arousal involving any physical contact with a person's clothed or unclothed genitals, pubic region, pubic hair, perineum, anus or anal region, or, if such person be a female, breast.

No changes in subsections (d) and (e)

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

**SECTION 62.0903 PROHIBITION**

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

No change in subsection (a)

(b) Any pictorial material depicting nudity where such material has as its purpose or effect sexual arousal, gratification or affront.

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

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 *Nina B. Deane*  
Nina B. Deane  
Deputy City Attorney

NBD:mk:mb  
12/29/88  
Or.Dept:Pol.  
O-89-144  
Form=o.code

55 (b)

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote: MAR 20 1989

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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.

(Seal)

By *Charles G. Abdelnour* 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

FEB 27 1989

MAR 20 1989

....., and on .....

~~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 *Charles G. Abdelnour* Deputy.

Office of the City Clerk, San Diego, California

Ordinance *0-17266* Number ..... Adopted MAR 20 1989

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89 FEB 16 PM 2:19  
CITY CLERKS OFFICE  
SAN DIEGO, CA

89 FEB 16 2019

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LET'S GO

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UNRECORDED BY:

UNRECORDED BY:

- Mr. [illegible]
- Mr. [illegible]
- Mr. [illegible]
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- Mr. [illegible]
- Mr. [illegible]
- Mr. [illegible]
- Mr. [illegible]

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CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK  
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CITY ADMINISTRATION BLDG.  
SAN DIEGO, CA 92101

RECEIVED  
CITY CLERK'S OFFICE  
89 APR 13 AM 10:04  
SAN DIEGO, CALIF.  
CK

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, OF THE  
SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0902 AND  
SECTION 62.0903 RELATING TO NEWSRACKS ON PUBLIC  
RIGHTS-OF-WAY.

NO.

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 NUMBER 0-17266 (NEW SERIES)

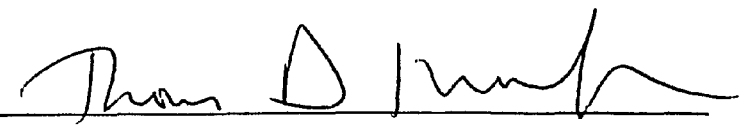
**ORDINANCE NUMBER 0-17266 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0902 AND SECTION 62.0903 RELATING TO NEWSRACKS ON PUBLIC RIGHTS-OF-WAY.  
This ordinance amends Chapter VI, Article 2, by amending the sections regarding definitions and prohibitions in order to be internally consistent and in accordance with current law.  
A complete copy of the Ordinance is available for 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 FEB 27 1989  
Passed and Adopted by the Council of The City of San Diego on MAR 20 1989  
AUTHENTICATED BY: MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
(SEAL)  
By MAYDELL L. PONECORVO, Deputy  
Pub. April 3 1989

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 3

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

Dated at San Diego, California this 3 day of APRIL, 19 89.



(Signature)

2 1/8" x 2 = \$47.38