

(O-90-147)

ORDINANCE NUMBER O- 17452 (NEW SERIES)

ADOPTED ON APR 16 1990

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.0205 AND 33.2801 RELATING TO FRIENDSHIP CLUBS AND BY ADDING SECTIONS 33.2801 THROUGH 33.2822 RELATING TO ESCORT SERVICES; AND BY AMENDING SECTION 33.0304 RELATING TO THE LICENSING OF POLICE REGULATED BUSINESSES.

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

Section 1. That Chapter III, Article 3, Division 2 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 33.0205, as follows:

**SEC. 33.0205 FRIENDSHIP CLUB**

Section 2. That Chapter III, Article 3, Division 28 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 33.2801, as follows:

**SEC. 33.2801 FRIENDSHIP CLUB - POLICE REGULATED**

Section 3. That Chapter III, Article 3, Division 28 of the San Diego Municipal Code by and the same is hereby amended by adding Sections 33.2801 through 33.2822 to read as follows:

**DIVISION 28**

**ESCORT SERVICES**

**SEC. 33.2801 CITATION OF ORDINANCE**

This division may be cited as the San Diego Escort Service and Escorts Regulatory Ordinance.

**SEC. 33.2802 PURPOSE AND INTENT**

It is the purpose and intent of this division to provide for the orderly regulation of escort services and escorts in The City of San Diego by establishing certain minimum standards for the conduct of this type of business to protect the public order and the general welfare of the residents of The City of San Diego.

**SEC. 33.2803 ESCORT SERVICE - POLICE REGULATED**

The business of conducting an escort service or being an escort is hereby designated as "Police Regulated."

**SEC. 33.2804 DEFINITIONS**

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

(a) "Escort Service:" Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters. Excluded from this definition are any business, agency or person which provide escort services for older persons as defined in California Welfare and Institutions Code Section 9403, when

such services are provided as part of a social welfare and health program for such older persons.

(b) "Escort:" Any person who, for a fee, commission, hire, reward or profit, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters. Excluded from this definition are any persons employed by any business, agency or person excluded from the definition of "escort service" above.

(c) "Person:" An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, and any political subdivision thereof.

(d) "Operator:" Any person operating an escort service, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession.

(e) "Employee:" Any and all persons who work in or about or render any services whatsoever to the patrons or customers of an Escort Service and who receive compensation for such service.

(f) "Escort Service Permit:" Shall mean the business permit to operate an escort service required by this division.

(g) "Escort Permit:" Shall mean the permit to engage in the activities of an escort required by this division.

**SEC. 33.2805 ESCORT SERVICE - PERMIT REQUIRED**

It shall be unlawful for any person, as defined above, to engage in, conduct, carry on, or to permit to be engaged in, conducted or carried on, the operation of an escort service as herein defined, without a permit issued pursuant to the provisions of this division for each and every such business. The permit required hereby shall be in addition to any business tax required by this code.

**SEC. 33.2806 ESCORT SERVICE PERMIT**

(a) Any person, as defined above, desiring to obtain a permit to operate an escort service shall make an application to the Chief of Police or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation, inspection and enforcement of this division. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

(b) Each applicant for a permit to operate an escort service shall furnish the following information to the Chief of Police:

1. The full true name and any other names used by the applicant.

2. The present address and telephone number of the applicant.

3. The proposed address and name or names of the escort service.

4. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address.

5. Written proof that the applicant is at least eighteen (18) years of age.

6. Applicant's height, weight, color of eyes and hair.

7. Two photographs of the applicant of a size specified by the Chief of Police taken within thirty (30) days immediately preceding the date of application. One photograph shall be retained by the Chief of Police and one photograph shall be affixed to the permit.

8. Applicant's business, occupation and employment history for the three (3) years immediately preceding the date of application.

9. The business or permit history of the applicant including whether such applicant has ever had any license or permit issued by any agency or board, City, County or State revoked or suspended, or has had any professional or vocational license or permit revoked or suspended, and the reason therefor.

10. All criminal convictions, except minor traffic offenses, and a statement of the dates and places of such conviction.

11. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter, together with the State and date of incorporation and names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this section pertaining to corporate applicants shall apply. The applicant corporation

or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such person shall complete and sign all application forms required of an individual under this division, but only one application fee shall be charged.

12. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted, and a copy of the lease or rental agreement.

13. Such other identification and information as may be required in order to discover the truth of the matters herein specified as required to be set forth in the application.

14. The Chief of Police may require the applicant to furnish fingerprints when needed for the purpose of establishing identification.

(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 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, unless:

1. The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application for the permit; or

2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, or partners, has within five (5) years immediately preceding the date of the filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses: 315, 316, or subdivision (a) or (b) of Section 647 of the California Penal Code, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of section 415 of the California Penal Code in satisfaction of, or as a substitute for, an original charge of a violation of section 315, 316 or subdivision (a) or (b) of section 647 of the California Penal Code; any offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any offense in another state which, if committed in this state would have been punishable as one or more of the heretofore mentioned offenses; or any violation of a statute, ordinance or regulation pertaining to the same or similar business operation; or



3. The operation of the business as proposed, if permitted, would not comply with all applicable building, fire, health and zoning laws; or

4. The applicant has had a massage technician, massage establishment, off-premises massage establishment, nude entertainment, escort service, rap parlor, nude photo studio or similar type of license or permit suspended for one (1) year or more, or revoked for good cause within three (3) years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or mitigating circumstances exist since the revocation or suspension; or

5. The applicant is under eighteen (18) years of age.

**SEC. 33.2807 ESCORT - PERMIT REQUIRED**

It shall be unlawful for any person to engage in the business of acting or act as an escort without a permit issued pursuant to the provisions of this division. Such persons when providing services as an escort shall have the permit in his or her immediate possession and shall exhibit the permit upon demand of any peace officer.

**SEC. 33.2808 ESCORT PERMIT**

(a) Any person desiring to obtain a permit to act as an escort shall make application to the Chief of Police, or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation and examination as required by this division. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

(b) Each applicant for a permit to act as an escort shall furnish the following information to the Chief of Police:

1. The full true name and any other names used by the applicant;
2. The present address and telephone number of the applicant;
3. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address;
4. Written proof that the applicant is at least eighteen (18) years of age;
5. Applicant's height, weight, color of eyes and hair;
6. Two photographs of the applicant of a size specified by the Chief of Police taken within

the last thirty (30) days immediately preceding the date of application. One photograph shall be retained by the Chief of Police and one photograph shall be affixed to the permit;

7. Applicant's business, occupation and employment history for the three (3) years immediately preceding the date of application;

8. The business or permit history of the applicant including whether such applicant has ever had any business, professional or vocational license or permit issued by an agency or board, City, County or State revoked or suspended, and the reason therefor;

9. All criminal convictions, except traffic violations, and a statement of the dates and places of such convictions;

10. The establishment or business locations, if any, at which the applicant expects to be employed.

11. Such other identification and information as may be required in order to discover the truth of the matters herein specified as required to be set forth in the application.

12. The Chief of Police may require the applicant to furnish fingerprints when needed for the purpose of establishing identification.

(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 of the application for such permit, unless:

1. The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application for the permit; or

2. The applicant has within five (5) years immediately preceding the date of the filing of the application been convicted of any of the following offenses: 315, 316, or subdivision (a) or (b) of Section 647 of the California Penal Code, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of section 415 of the California Penal Code in satisfaction of, or as a substitute for, an original charge of a violation of section 315, 316 or subdivision (a) or (b) of section 647 of the California Penal Code; any offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any offense in

another state which if committed in this state would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any violation of a statute, ordinance or regulation pertaining to the same or similar business operation; or

3. The applicant has had a massage technician, massage establishment, off-premises massage establishment, nude entertainment, escort service, rap parlor, nude photo studio or similar type of license or permit suspended for one (1) year or more, or revoked for good cause within three (3) years immediately preceding the date of the filing of the application, unless the applicant can show a material changes in circumstances or mitigating circumstances exist since the revocation or suspension; or

4. The applicant is under eighteen (18) years of age.

(e) A permit to act as an escort does not authorize the operation of an escort service. Any person obtaining a permit to act as an escort who desires to operate an escort service must separately apply for a permit therefor. A person who applies for a permit to operate an escort

service and who desires to act as an escort within said business, who pays the fee required by Section 33.2806 of this division, shall not be required to pay the fee required in this section.

**SEC. 33.2809 OPERATIVE DATE - ESCORT SERVICES, ESCORTS**

All persons operating an escort service or acting as an escort at the time this division becomes effective shall apply for an escort service permit or escort permit, as described in this division, within thirty (30) days of the effective date of this division.

**SEC. 33.2810 ESCORT SERVICES - 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 an escort service unless each and all of the following requirements are met:

(a) Each person employed or acting as an escort 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 an escort service to employ or permit any person to act as an escort who is not in possession of a valid, unrevoked escort permit.

(b) The possession of a valid escort service permit does not authorize the possessor to perform services for which an escort permit is required.

(c) Every owner, operator, responsible managing employee, manager or permittee in charge of or in control of an escort service shall maintain a daily register, approved as to form by the Police Department, containing the following information:

1. The identification of all employees employed by such establishment together with a duplicate of each of said employee's escort permit;

2. The hours of employment of each employee for each day; and

3. The true identity of each patron as it appears on bona fide documentary evidence of identity issued by a governmental agency, the city and state of each patron's residence, hours of employment of escort service, name of escort or employee providing escort services, location and place where escort services took place, and fee charged.

(d) The daily register shall at all times during the establishment's business hours be subject to inspection by the Police Department and shall be kept on file for one year on the premises.

(e) This section is regulatory only  
within this Division.

**SEC. 33.2811 THROUGH SEC. 33.2813 RESERVED**

**SEC. 33.2814 INSPECTION**

The Police Department shall, from time to time and at least twice a year, make an inspection of each escort service in the City of San Diego for the purposes of determining that there is compliance with the provisions of this division and the laws of the State of California.

**SEC. 33.2815 NAME OF BUSINESS**

No escort service shall be operated under any name or conducted under any designation not specified in the permit for that business.

**SEC. 33.2816 TELEPHONE NUMBER OR NUMBERS OF BUSINESS**

All telephone numbers or listings of the escort service shall be reported in writing to the Chief of Police within ten (10) days of the telephone number becoming operative or inoperative.

**SEC. 33.2817 CHANGE OF LOCATION**

A change of location of an escort service as permitted in this division shall be approved by the Chief of Police provided all applicable provisions of this division are complied with and a nonrefundable change of location fee has been paid to the Chief of Police, and the new location



complies with all applicable zoning, health, fire and safety codes.

**SEC. 33.2818 SALE OR TRANSFER**

Thirty (30) days after the sale or transfer of any interest in an escort service, any permit heretofore issued shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate the escort service. A fee shall be payable for each such application involving the sale or transfer of any interest in an existing escort service. The provisions of Section 33.2806 of this division shall apply to any person, association, partnership, or corporation applying for escort service permit for premises previously used as such businesses.

**SEC. 33.2819 PATRONS OBLIGATION**

No person who is a patron of an escort service shall place or cause to be placed in the daily register a false name, or false city and state of that patron's address.

**SEC. 33.2820 RULES AND REGULATIONS**

The Chief of Police may adopt rules and regulations supplemental to the provisions of this division and not in conflict therewith.

**SEC. 33.2821 GROUNDS FOR SUSPENSION OR  
REVOCATION OF 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 33.2806(d)2, the Chief of Police may, in addition to other penalties provided by ordinance, take action to suspend or revoke the permit of the permittee.

**SEC. 33.2822 CONSTITUTIONALITY**

If any section, subsection, sentence, clause or phrase of this division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this division. The Council hereby declares that it would have adopted the division and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 33.0304 to read as follows:

**SEC. 33.0304 ISSUANCE OR DENIAL OF LICENSE OR PERMIT**

No change to Subsections (a) through (e).

(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 as a result of a plea bargain, entered a plea of guilty or nolo contendere to any lesser included offense in substitution for, or satisfaction of any of the above described offenses; or has been convicted of other illegal business practices reasonably and narrowly related to the nature or conduct of the business for which application is made; or

No change to Subsections (g) through (i).

Section 5. 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 *Richard L. Pinckard*  
Richard L. Pinckard  
Deputy City Attorney

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OLD LANGUAGE - STRIKEOUT  
NEW LANGUAGE - UNDERLINE

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,  
OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING  
SECTIONS 33.0205 AND 33.2801 RELATING TO  
FRIENDSHIP CLUBS AND BY ADDING SECTIONS  
33.2801 THROUGH 33.2822 RELATING TO ESCORT  
SERVICES; AND BY AMENDING SECTION 33.0304  
RELATING TO THE LICENSING OF POLICE REGULATED  
BUSINESSES.

DIVISION 28

ESCORT SERVICES

SEC. 33.2801 CITATION OF ORDINANCE

This division may be cited as the San Diego  
Escort Service and Escorts Regulatory Ordinance.

SEC. 33.2802 PURPOSE AND INTENT

It is the purpose and intent of this division  
to provide for the orderly regulation of escort  
services and escorts in The City of San Diego by  
establishing certain minimum standards for the  
conduct of this type of business to protect the  
public order and the general welfare of the  
residents of The City of San Diego.

SEC. 33.2803 ESCORT SERVICE - POLICE REGULATED

The business of conducting an escort service  
or being an escort is hereby designated as "Police  
Regulated."

SEC. 33.2804 DEFINITIONS

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

(a) "Escort Service:" Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters. Excluded from this definition are any business, agency or person which provide escort services for older persons as defined in California Welfare and Institutions Code Section 9403, when such services are provided as part of a social welfare and health program for such older persons.

(b) "Escort:" Any person who, for a fee, commission, hire, reward or profit, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters. Excluded from this definition are any persons employed by any business, agency or person excluded from the definition of "escort service" above.

(c) "Person:" An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, excepting the United States of America, the State of California, and any political subdivision thereof.

(d) "Operator:" Any person operating an escort service, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession.

(e) "Employee:" Any and all persons who work in or about or render any services whatsoever to the patrons or customers of an Escort Service and who receive compensation for such service.

(f) "Escort Service Permit:" Shall mean the business permit to operate an escort service required by this division.

(g) "Escort Permit:" Shall mean the permit to engage in the activities of an escort required by this division.

**SEC. 33.2805 ESCORT SERVICE - PERMIT REQUIRED**

It shall be unlawful for any person, as defined above, to engage in, conduct, carry on, or to permit to be engaged in, conducted or carried

on, the operation of an escort service as herein defined, without a permit issued pursuant to the provisions of this division for each and every such business. The permit required hereby shall be in addition to any business tax required by this code.

**SEC. 33.2806 ESCORT SERVICE PERMIT**

(a) Any person, as defined above, desiring to obtain a permit to operate an escort service shall make an application to the Chief of Police or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation, inspection and enforcement of this division. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

(b) Each applicant for a permit to operate an escort service shall furnish the following information to the Chief of Police:

1. The full true name and any other names used by the applicant.

2. The present address and telephone number of the applicant.

3. The proposed address and name or names of the escort service.

4. Each residence and business address of the applicant for the three (3) years

immediately preceding the date of the application,  
and the inclusive dates of each such address.

5. Written proof that the applicant is  
at least eighteen (18) years of age.

6. Applicant's height, weight, color of  
eyes and hair.

7. Two photographs of the applicant of a  
size specified by the Chief of Police taken within  
thirty (30) days immediately preceding the date of  
application. One photograph shall be retained by  
the Chief of Police and one photograph shall be  
affixed to the permit.

8. Applicant's business, occupation and  
employment history for the three (3) years  
immediately preceding the date of application.

9. The business or permit history of the  
applicant including whether such applicant has ever  
had any license or permit issued by any agency or  
board, City, County or State revoked or suspended,  
or has had any professional or vocational license  
or permit revoked or suspended, and the reason  
therefor.

10. All criminal convictions, except minor  
traffic offenses, and a statement of the dates and  
places of such conviction.

11. If the applicant is a corporation, the  
name of the corporation shall be set forth exactly



as shown in its Articles of Incorporation or Charter, together with the State and date of incorporation and names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this section pertaining to corporate applicants shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such person shall complete and sign all application forms required of an individual under this division, but only one application fee shall be charged.

12. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted, and a copy of the lease or rental agreement.

13. Such other identification and information as may be required in order to discover

the truth of the matters herein specified as required to be set forth in the application.

14. The Chief of Police may require the applicant to furnish fingerprints when needed for the purpose of establishing identification.

(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 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, unless:

1. The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application for the permit; or

2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, or partners, has within five (5) years immediately preceding the date of the filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses: 315, 316, or subdivision (a)

or (b) of Section 647 of the California Penal Code,  
or when the prosecution accepted a plea of guilty  
or nolo contendere to a charge of a violation of  
section 415 of the California Penal Code in  
satisfaction of, or as a substitute for, an  
original charge of a violation of section 315, 316  
or subdivision (a) or (b) of section 647 of the  
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registration as a sex offender with the Chief of  
Police under Penal Code Section 290; any offense in  
another state which, if committed in this state  
would have been punishable as one or more of the  
heretofore mentioned offenses; or any violation of  
a statute, ordinance or regulation pertaining to  
the same or similar business operation; or

3. The operation of the business as  
proposed, if permitted, would not comply with all  
applicable building, fire, health and zoning laws;  
or

4. The applicant has had a massage  
technician, massage establishment, off-premises  
massage establishment, nude entertainment, escort  
service, rap parlor, nude photo studio or similar  
type of license or permit suspended for one (1)  
year or more, or revoked for good cause within  
three (3) years immediately preceding the date of  
the filing of the application, unless the applicant

can show a material change in circumstances or mitigating circumstances exist since the revocation or suspension; or

5. The applicant is under eighteen (18) years of age.

**SEC. 33.2807 ESCORT - PERMIT REQUIRED**

It shall be unlawful for any person to engage in the business of acting or act as an escort without a permit issued pursuant to the provisions of this division. Such persons when providing services as an escort shall have the permit in his or her immediate possession and shall exhibit the permit upon demand of any peace officer.

**SEC. 33.2808 ESCORT PERMIT**

(a) Any person desiring to obtain a permit to act as an escort shall make application to the Chief of Police, or his designated representative. An annual nonrefundable fee shall accompany the submission of each application to defray, in part, the cost of investigation and examination as required by this division. An annual nonrefundable renewal fee shall be charged to defray associated costs of investigation and enforcement.

(b) Each applicant for a permit to act as an escort shall furnish the following information to the Chief of Police:

1. The full true name and any other names used by the applicant;
2. The present address and telephone number of the applicant;
3. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates of each such address;
4. Written proof that the applicant is at least eighteen (18) years of age;
5. Applicant's height, weight, color of eyes and hair;
6. Two photographs of the applicant of a size specified by the Chief of Police taken within the last thirty (30) days immediately preceding the date of application. One photograph shall be retained by the Chief of Police and one photograph shall be affixed to the permit;
7. Applicant's business, occupation and employment history for the three (3) years immediately preceding the date of application;
8. The business or permit history of the applicant including whether such applicant has ever had any business, professional or vocational license or permit issued by an agency or board, City, County or State revoked or suspended, and the reason therefor;

9. All criminal convictions, except traffic violations, and a statement of the dates and places of such convictions;

10. The establishment or business locations, if any, at which the applicant expects to be employed.

11. Such other identification and information as may be required in order to discover the truth of the matters herein specified as required to be set forth in the application.

12. The Chief of Police may require the applicant to furnish fingerprints when needed for the purpose of establishing identification.

(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 of the application for such permit, unless:

1. The applicant has knowingly made a false or misleading statement of a material fact or omission of a material fact in the application for the permit; or

2. The applicant has within five (5) years immediately preceding the date of the filing of the application been convicted of any of the following offenses: 315, 316, or subdivision (a) or (b) of Section 647 of the California Penal Code, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of section 415 of the California Penal Code in satisfaction of, or as a substitute for, an original charge of a violation of section 315, 316 or subdivision (a) or (b) of section 647 of the California Penal Code; any offense which requires registration as a sex offender with the Chief of Police under Penal Code Section 290; any offense in another state which if committed in this state would have been punishable as one or more of the heretofore mentioned offenses; any offense involving the use of force or violence upon the person of another; any offense involving theft, embezzlement, or moral turpitude; or any violation of a statute, ordinance or regulation pertaining to the same or similar business operation; or

3. The applicant has had a massage technician, massage establishment, off-premises massage establishment, nude entertainment, escort service, rap parlor, nude photo studio or similar type of license or permit suspended for one (1)

year or more, or revoked for good cause within  
three (3) years immediately preceding the date of  
the filing of the application, unless the applicant  
can show a material changes in circumstances or  
mitigating circumstances exist since the revocation  
or suspension; or

4. The applicant is under eighteen (18)  
years of age.

(e) A permit to act as an escort does not  
authorize the operation of an escort service. Any  
person obtaining a permit to act as an escort who  
desires to operate an escort service must  
separately apply for a permit therefor. A person  
who applies for a permit to operate an escort  
service and who desires to act as an escort within  
said business, who pays the fee required by Section  
33.2806 of this division, shall not be required to  
pay the fee required in this section.

SEC. 33.2809 OPERATIVE DATE - ESCORT SERVICES,  
ESCORTS

All persons operating an escort service or  
acting as an escort at the time this division  
becomes effective shall apply for an escort service  
permit or escort permit, as described in this  
division, within thirty (30) days of the effective  
date of this division.

SEC. 33.2810 ESCORT SERVICES - 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 an escort service unless each and all of the following requirements are met:

(a) Each person employed or acting as an escort 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 an escort service to employ or permit any person to act as an escort who is not in possession of a valid, unrevoked escort permit.

(b) The possession of a valid escort service permit does not authorize the possessor to perform services for which an escort permit is required.

(c) Every owner, operator, responsible managing employee, manager or permittee in charge of or in control of an escort service shall maintain a daily register, approved as to form by the Police Department, containing the following information:

1. The identification of all employees employed by such establishment together with a duplicate of each of said employee's escort permit;

2. The hours of employment of each employee for each day; and

3. The true identity of each patron as it appears on bona fide documentary evidence of identity issued by a governmental agency, the city and state of each patron's residence, hours of employment of escort service, name of escort or employee providing escort services, location and place where escort services took place, and fee charged.

(d) The daily register shall at all times during the establishment's business hours be subject to inspection by the Police Department and shall be kept on file for one year on the premises.

(e) This section is regulatory only within this Division.

**SEC. 33.2811 THROUGH SEC. 33.2813 RESERVED**

**SEC. 33.2814 INSPECTION**

The Police Department shall, from time to time and at least twice a year, make an inspection of each escort service in the City of San Diego for the purposes of determining that there is compliance with the provisions of this division and the laws of the State of California.

**SEC. 33.2815 NAME OF BUSINESS**

No escort service shall be operated under any name or conducted under any designation not specified in the permit for that business.

**SEC. 33.2816 TELEPHONE NUMBER OR NUMBERS OF BUSINESS**

All telephone numbers or listings of the escort service shall be reported in writing to the Chief of Police within ten (10) days of the telephone number becoming operative or inoperative.

**SEC. 33.2817 CHANGE OF LOCATION**

A change of location of an escort service as permitted in this division shall be approved by the Chief of Police provided all applicable provisions of this division are complied with and a nonrefundable change of location fee has been paid to the Chief of Police, and the new location complies with all applicable zoning, health, fire and safety codes.

**SEC. 33.2818 SALE OR TRANSFER**

Thirty (30) days after the sale or transfer of any interest in an escort service, any permit heretofore issued shall be null and void. A new application shall be made by any person, firm, or entity desiring to own or operate the escort service. A fee shall be payable for each such application involving the sale or transfer of any interest in an existing escort service. The provisions of Section 33.2806 of this division shall apply to any person, association, partnership, or corporation applying for escort service permit for premises previously used as such businesses.

SEC. 33.2819 PATRONS OBLIGATION

No person who is a patron of an escort service shall place or cause to be placed in the daily register a false name, or false city and state of that patron's address.

SEC. 33.2820 RULES AND REGULATIONS

The Chief of Police may adopt rules and regulations supplemental to the provisions of this division and not in conflict therewith.

SEC. 33.2821 GROUNDS FOR SUSPENSION OR  
REVOCATION OF 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 33.2806(d)2, the Chief of Police may, in addition to other penalties provided by ordinance, take action to suspend or revoke the permit of the permittee.

SEC. 33.2822 CONSTITUTIONALITY

If any section, subsection, sentence, clause or phrase of this division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this

division. The Council hereby declares that it would have adopted the division and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SEC. 33.0304 ISSUANCE OR DENIAL OF LICENSE OR PERMIT**

No change to Subsections (a) through (e).

(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 as a result of a plea bargain, entered a plea of guilty or nolo contendere to any lesser included offense in substitution for, or satisfaction of any of the above described offenses; or has been convicted of other illegal business practices reasonably and narrowly related to the nature or conduct of the business for which application is made; or

No change to Subsections (g) through (i).

51

APR 16 1990

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"/>
John Hartley	<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"/>
Linda Bernhardt	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Maureen O'Connor*, 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

APR 02 1990

APR 16 1990

....., 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 *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17452 Adopted APR 16 1990

RECEIVED  
90 MAR 22 AM 11:11  
CITY CLERKS OFFICE  
SAN DIEGO, CA

RECEIVED  
CITY CLERK'S OFFICE  
90 MAY -3 PM 12:25  
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
CITY ADM. BLDG., 2ND FLOOR  
SAN DIEGO, CA. 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF  
THE SAN DIEGO MUNICIPAL CODE...

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 0-17452 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 33.0205 AND 33.2801 RELATING TO ESCORT SERVICES; AND BY ADDING SECTIONS 33.2801 THROUGH 33.2822 RELATING TO ESCORT SERVICES; AND BY AMENDING SECTION 33.0304 RELATING TO THE LICENSING OF POLICE REGULATED BUSINESSES.  
This ordinance repeals sections 33.0205 and 33.2801 of the San Diego Municipal code; amends section 33.0304 relating to the licensing of police regulated businesses; and adds sections 33.2801 through 33.2822 relating to the orderly regulation of escort services and escorts in The City of San Diego by establishing certain minimum standards for the conduct of these businesses to protect the public order and general welfare of the residents of The City of San Diego.  
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 APRIL 2, 1990 Passed and Adopted by the Council of The City of San Diego on APRIL 16, 1990  
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. PONTECORVO, Deputy  
Pub. April 30 178730

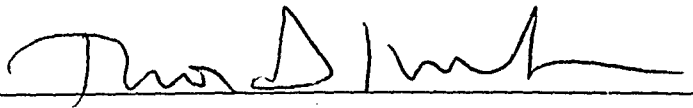
ORDINANCE NUMBER 0-17452 (NEW SERIES)

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:

APR. 30

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

Dated at San Diego, California this 30 day of APR, 19 90

  
(Signature)

2 3/4 x 2 = 65.12