

ORDINANCE NUMBER O-17498 (NEW SERIES)

ADOPTED ON JUL 23 1990

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING AND RENUMBERING SECTIONS 33.1501.2, 33.1501.3 THROUGH 33.1501.5, 33.1501.8, 33.1501.10, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520.1 THROUGH 33.1520.3, 33.1530.1 THROUGH 33.1530.4 (RELATING TO CABARETS AND DANCE HALLS), 33.1540.1 THROUGH 33.1540.4, 33.1550.3 THROUGH 33.1550.5 (RELATING TO PUBLIC DANCES); 33.3300, 33.3301, 33.3302 (RELATING TO PEEP SHOW ESTABLISHMENTS); AND BY AMENDING SECTION 33.1638 (RELATING TO COMMERCIAL AMUSEMENT ESTABLISHMENT AND ASSEMBLAGES AND DEVICES); AND BY AMENDING SECTIONS 33.3301, 33.3313 THROUGH 33.3317, 33.3319, 33.3324 THROUGH 33.3326 (RELATING TO PEEP SHOWS); AND BY REPEALING SECTION 33.3323 (RELATING TO PEEP SHOWS); AND BY AMENDING SECTION 33.3608 AND BY AMENDING SECTION 33.3610(e) (RELATING TO NUDE ENTERTAINMENT); AND BY AMENDING CHAPTER X, ARTICLE 1, BY AMENDING SECTION 101.1801.3 (RELATING TO ADULT ENTERTAINMENT); AND BY AMENDING SECTIONS 33.1530, 33.1540 AND 33.1550 TO REFLECT THE RENUMBERING OF SECTION 33.1520.1; AND BY AMENDING SECTION 33.1641 TO REFLECT THE RENUMBERING OF SECTION 33.3301; AND BY AMENDING CHAPTER IV, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 42.0216 TO REFLECT THE RENUMBERING OF SECTION 33.3301.

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

Section 1. That Chapter III, Article 3, Division 15 of the San Diego Municipal Code be and the same is hereby amended by renumbering the following sections:

Section 33.1501.3 renumbered to Section 33.1503
Section 33.1501.8 renumbered to Section 33.1506
Section 33.1501.10 renumbered to Section 33.1507

ORDINANCE NUMBER O-17498 (NEW SERIES)

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AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING AND RENUMBERING SECTIONS 33.1501.2, 33.1501.3 THROUGH 33.1501.5, 33.1501.8, 33.1501.10, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520.1 THROUGH 33.1520.3, 33.1530.1 THROUGH 33.1530.4 (RELATING TO CABARETS AND DANCE HALLS), 33.1540.1 THROUGH 33.1540.4, 33.1550.3 THROUGH 33.1550.5 (RELATING TO PUBLIC DANCES); 33.3300, 33.3301, 33.3302 (RELATING TO PEEP SHOW ESTABLISHMENTS); AND BY AMENDING SECTION 33.1638 (RELATING TO COMMERCIAL AMUSEMENT ESTABLISHMENT AND ASSEMBLAGES AND DEVICES); AND BY AMENDING SECTIONS 33.3301, 33.3313 THROUGH 33.3317, 33.3319, 33.3324 THROUGH 33.3326 (RELATING TO PEEP SHOWS); AND BY REPEALING SECTION 33.3323 (RELATING TO PEEP SHOWS); AND BY AMENDING SECTION 33.3608 AND BY AMENDING SECTION 33.3610(e) (RELATING TO NUDE ENTERTAINMENT); AND BY AMENDING CHAPTER X, ARTICLE 1, BY AMENDING SECTION 101.1801.3 (RELATING TO ADULT ENTERTAINMENT); AND BY AMENDING SECTIONS 33.1530, 33.1540 AND 33.1550 TO REFLECT THE RENUMBERING OF SECTION 33.1520.1; AND BY AMENDING SECTION 33.1641 TO REFLECT THE RENUMBERING OF SECTION 33.3301; AND BY AMENDING CHAPTER IV, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 42.0216 TO REFLECT THE RENUMBERING OF SECTION 33.3301.

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

Section 1. That Chapter III, Article 3, Division 15 of the San Diego Municipal Code be and the same is hereby amended by renumbering the following sections:

Section 33.1501.3	renumbered to	Section 33.1503
Section 33.1501.8	renumbered to	Section 33.1506
Section 33.1501.10	renumbered to	Section 33.1507

Section 33.1501.12 renumbered to Section 33.1508
Section 33.1501.15 renumbered to Section 33.1509
Section 33.1501.16 renumbered to Section 33.1510
Section 33.1510 renumbered to Section 33.1511
Section 33.1520.1 renumbered to Section 33.1521
Section 33.1520.2 renumbered to Section 33.1522
Section 33.1520.3 renumbered to Section 33.1523
Section 33.1530.1 renumbered to Section 33.1531
Section 33.1530.2 renumbered to Section 33.1532
Section 33.1530.3 renumbered to Section 33.1533
Section 33.1530.4 renumbered to Section 33.1534
Section 33.1540.1 renumbered to Section 33.1541
Section 33.1540.2 renumbered to Section 33.1542
Section 33.1540.3 renumbered to Section 33.1543
Section 33.1540.4 renumbered to Section 33.1544
Section 33.1550.3 renumbered to Section 33.1551
Section 33.1550.4 renumbered to Section 33.1552
Section 33.1550.5 renumbered to Section 33.1553

Section 2. That Chapter III, Article 3, Division 15 section 33.1501.2 of the San Diego Municipal Code is hereby renumbered to section 33.1502 and amended to read as follows:

SEC. 33.1502 CABARET -- ENTERTAINMENT REGULATED

(a) It is 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 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.

No changes in subsections (b) and (c).

Section 3. That Chapter III, Article 3, Division 15, section 33.1501.4 of the San Diego Municipal Code is hereby renumbered to section 33.1504 and amended to read as follows:

SEC. 33.1504 CABARET - EMPLOYEES PROHIBITED FROM CERTAIN ACTS

It is unlawful for any employee, concessionaire or employee of any concessionaire to dance or drink with 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. This section is an administrative licensing regulation only and not subject to criminal penalty.

Section 4. That Chapter III, Article 3, Division 15, section 33.1501.5 of the San Diego Municipal Code is hereby renumbered to section 33.1505 and amended to read as follows:

SEC. 33.1505 CABARET - EMPLOYEES PROHIBITED FROM ASSOCIATING WITH PATRONS

It is unlawful for any employee provided for in this division to leave the cabaret where he or she may be employed with any guest, patron or customer of said cabaret during the hours of employment including during breaks of an hour or less; 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. This section is an administrative licensing regulation only and not subject to criminal penalty.

Section 5. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and the same is hereby amended by amending Section 33.1638 to read as follows:

SEC. 33.1638 PROHIBITED CONDUCT

(a) It is 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. This subsection is an administrative licensing regulation only and not subject to criminal penalty.

(b) 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 commercial recreational assemblage, including a theater or revue, in violation of sections 33.3610(e), 33.3610(f) and 33.3610(g). This subsection is an administrative licensing regulation only and not subject to criminal penalty.

Section 6. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 33.3323.

Section 7. That Chapter III, Article 3, Division 33 of the San Diego Municipal Code be and the same is hereby amended by renumbering the following sections:

Section 33.3300 renumbered to Section 33.3301

Section 33.3302 renumbered to Section 33.3303

Section 8. That Chapter III, Article 3, Division 33, Section 33.3301 of the San Diego Municipal Code is hereby renumbered to Section 33.3302 and amended to read as follows:

SEC. 33.3302 DEFINITIONS

No change in subsection (a).

(b) "Peep show device" means any device which displays still or moving images in a peep show booth as defined in section 33.3301(c) upon payment of a fee or other consideration. It does not include a video game or similar electronic device

which displays a computer created image on a screen or any similar game of skill or amusement defined in section 33.1641. Neither does it include televisions, video tape machines or other image producing device located within: (a) hotels, motels or similar commercial lodging establishments which are licensed as such; or (b) transportation facilities or waiting rooms such as bus and train stations or airport terminals.

(c) "Peep booth" means any room, booth, partial enclosure or partitioned area of any room in which a peep show device is located, with a seating capacity of five or fewer persons. It does not include a mini-motion picture theater which is an establishment with a seating capacity of more than five (5) but less than fifty (50) persons where still or motion images are regularly shown to an audience of more than five (5) but less than fifty (50) persons at any one time.

(d) "Person" means any 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.

(e) "Operator" means any person operating an establishment, which maintains peep show devices, 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.

Section 9. That Chapter III, Article 3, Division 33 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3313, 33.3314, 33.3315, 33.3317, 33.3319, 33.3324, 33.3325 and 33.3326 to read as follows:

SEC. 33.3313 PEEP BOOTH CONSTRUCTION

No person shall operate a peep show establishment unless the peep booths are constructed of material which has a flame spread rating of Class III when tested in accordance with Standard 42-1, Uniform Building Code (1988 Edition), adopted and incorporated by reference herein.

SEC. 33.3314 MINIMUM AISLE WIDTH

(a) No person shall operate a peep show establishment in which the width of any primary continuous aisle located between or adjacent to peep booths or secondary aisles, walkways or hallways is less than forty-four inches (44"). An example of a primary continuous aisle is shown in Figure 1. Notwithstanding section 33.3326, a nonconforming establishment with a primary aisle or aisles measuring at least forty-two inches (42")

in width on the effective date of this regulation may remain nonconforming as to the width of the primary aisle or aisles unless and until the peep booth establishment is remodeled or rebuilt or new booths are constructed.

(b) No person may operate a peep show establishment in which the width of any secondary aisle, hallway or walkway located between or adjacent to a primary continuous aisle and a peep booth is less than twenty-eight inches (28"). An example of a secondary aisle is shown in Figure 1. Notwithstanding section 33.3326, a nonconforming establishment with a secondary aisle measuring at least twenty-four inches (24") width on the effective date of this regulation may remain nonconforming as to the width of the secondary aisle unless and until the establishment is rebuilt or remodeled or new booths are constructed.

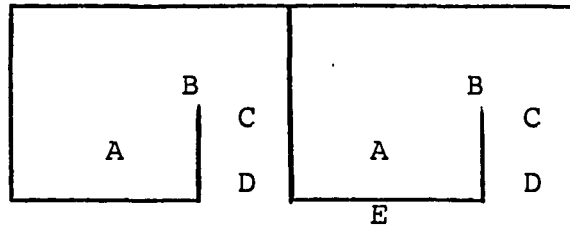


Figure 1 (SEC. 33.3314) - Illustration of the following peep booth terms:

- A - Viewing area
- B - Entrance to viewing area
- C - Secondary aisle, hallway or walkway
- D - Entrance to peep booth
- E - Primary continuous aisle

SEC. 33.3315 MINIMUM DOORWAYS AND ENTRANCES

(a) No person shall operate a peep show establishment unless there are no fewer than two doorways of a width no less than thirty-six inches (36") which provide ingress or egress from any room in which a peep show booth is located provided however that one (1) doorway shall be sufficient in the event the Fire Chief should so determine. Doorway or doorways shall be unlocked during business hours.

(b) No person shall operate a peep show establishment in which the height and width of any entrance to a peep booth is less than seventy-two inches (72") and twenty-eight inches (28") respectively. Notwithstanding section 33.3326, a nonconforming establishment with entrances measuring at least twenty four inches (24") width on the effective date of this regulation may remain nonconforming as to the width of such entrance or

entrances unless and until the establishment is rebuilt or remodeled or new booths are constructed.

SEC. 33.3317 VISIBILITY OF THE INTERIOR

No person shall operate a peep show establishment unless the complete interior of each peep booth is visible from the entrance to the viewing area of the peep booth.

SEC. 33.3319 PEEP BOOTH MINIMUM SIZE AND OCCUPANCY LOAD

(a) No person shall operate a peep show establishment unless the interior of the viewing area and of the adjacent secondary aisle of each peep booth is a minimum of twenty (20) square feet in floor area.

(b) Only one customer or patron may be present in a peep booth at any one time. The maximum occupancy load of each peep booth shall be conspicuously posted by the operator at the entrance of each peep booth and shall remain posted at all times.

(c) The maximum occupancy load of each room in which peep booths are located shall be one person per fifteen (15) square feet.

(d) It shall be the responsibility of the operator of a peep show establishment to enforce the provisions of this section and it is unlawful for the operator to maintain a peep booth establishment in violation of this section.

SEC. 33.3324 VARIANCE

The Chief of Police, or his delegate, is empowered in the administration of this division to permit such variance or deviation from the regulations hereof as will effectuate the purpose and intent hereof. A request for a variance shall be in writing and addressed to the Chief of Police. The request must set forth the proposed deviation, including the specific sections sought to be deviated from and the reasons a variance is sought. The Chief of Police has thirty (30) days to grant or deny the variance. If a written decision is not issued within thirty (30) days, the variance shall be deemed to be denied.

The denial of a request for a variance may be appealed to the City Manager in the same manner as set forth in sections 33.0501 and 33.0502 for the appeal from the denial of a license or permit.

SEC. 33.3325 PEEP SHOW 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 peep show establishment unless each and all of the following requirements are met:

(a) A minimum of one (1) toilet and wash basin shall be provided for the patrons in every

peep show establishment. Each wash basin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room. This subsection is an administrative licensing regulation only and not subject to criminal penalty.

(b) In toilet rooms, a waterproof floor covering shall be provided which extends up the wall at least six (6) inches and shall be coved at the floor-wall juncture with at least a 3/8 inch radius. Walls of toilet rooms shall be smooth, waterproof and kept in good repair. This subsection is an administrative licensing regulation only and not subject to criminal penalty.

(c) All walls, ceilings, floors, booths and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Toilet rooms shall be thoroughly cleaned at least once each week day the business is in operation. This subsection is an administrative licensing regulation only and not subject to criminal penalty.

(d) All establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin,

including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination. This subsection is an administrative licensing regulation only and not subject to criminal penalty.

(e) All entrances to peep booth viewing areas, primary and secondary aisles, walkways and hallways shall be maintained free of any obstruction such as a door, curtain, panel, board, slat, ribbon, cord, rope, chain or other device unless the area is out of service prior to or while being cleaned or repaired, in which case a sign shall indicate it is closed to all customers or patrons.

(f) A sign setting forth the following information shall be maintained in a conspicuous location in each peep booth:

This booth is subject to inspection at any time. Patrons have no expectation of privacy while watching peep show devices.

All such signs shall be at least six by eight inches (6"x8") in size and be printed with dark ink upon a light contrasting background with letters at least one quarter inch ($\frac{1}{4}$ ") in height.

(g) There shall be not more than one secondary aisle, hallway or walkway located

between or adjacent to any primary continuous aisle and the entrance to any peep booth. The total length of any such secondary aisle, hallway or walkway shall not be greater than the length of any one wall of a peep booth and shall not contain any walls with an angle less than 180 degrees.

Section 10. That Chapter III, Article 3, Division 36 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3608 and 33.3610 to read as follows:

SEC. 33.3326 OPERATIVE DATE -- OPERATING REQUIREMENTS

All peep show establishments shall be in compliance with all applicable Building and Fire Code regulations and sections 33.3314, 33.3315, 33.3317, 33.3319, 33.3320 and 33.3325(e) through (g) of this code on or before a date six months after the date of the enactment of this section.

SEC. 33.3608 NUDE ENTERTAINER PERMIT

No changes in subsections (a) and (b).

(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, 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 subdivisions (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 sections 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 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 change in circumstances or mitigating circumstances exist since the revocation or suspension; or

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

No change in subsection (e).

**SEC. 33.3610 NUDE ENTERTAINMENT BUSINESSES --
OPERATING REQUIREMENTS**

No changes to subsections (a) through (d).

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

No changes to subsections (f) and (g).

Section 11. That Chapter X, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.1801.3 to read as follows:

SEC. 101.1801.3 ADULT ENTERTAINMENT ESTABLISHMENT

An adult entertainment establishment is any place of business at which one or more of the following activities is conducted.

No changes in subsections (A) and (B).

(C) ADULT MINI-MOTION PICTURE THEATER

An establishment with a seating capacity of more than five (5) but less than fifty (50) persons where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown to an audience of more than five (5) but less than fifty (50) persons at any one time and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

(D) ADULT PEEP SHOW ESTABLISHMENT

Any place to which the public is permitted or invited wherein devices which display still or moving images are maintained in a peep booth as defined in section 33.3302(c) upon payment of a fee or other consideration in which a substantial portion of the total presentation time of the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

No changes in subsections (E) through (N).

Section 12. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended to reflect the

renumbering of Section 33.1520.1 by amending newly renumbered Sections 33.1531, 33.1532, 33.1533, 33.1534, 33.1541, 33.1542 and 33.1553, by deleting reference to Section 33.1520.1 wherever it shall appear in the text of these sections, and in its place make reference to Section 33.1521.

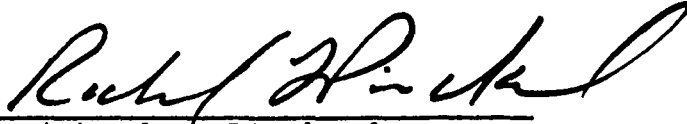
Section 13. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended to reflect the renumbering of Section 33.1520.1, by deleting reference to Section 33.1520.1 wherever it shall appear in the text of Sections 33.1530, 33.1540 and 33.1550, and in its place make reference to Section 33.1521.

Section 14. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended to reflect the renumbering of Section 33.3301, by deleting reference to Sections 33.3301 where it appears in the text of Section 33.1641, and in its place make reference to Section 33.3302.

Section 15. That Chapter IV, Article 2, of the San Diego Municipal Code be and the same is hereby amended to reflect the renumbering of Section 33.3301, by deleting reference to Section 33.3301 where it appears in the text of Section 42.0216, and in its place make reference to Section 33.3302.

Section 16. 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
Deputy City Attorney

NBD:RLP:lfs:mk

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Or.Dept:Police

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CITY CLERK'S OFFICE
SAN DIEGO, CA

Passed and adopted by the Council of The City of San Diego on JUL 23 1990,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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

JUL 9 1990

JUL 23 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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17498

JUL 23 1990

Adopted

CERTIFICATE OF PUBLICATION

RECEIVED *AC*
CITY CLERK'S OFFICE
90 AUG -9 AM 10:37
SAN DIEGO, CALIF.

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

IN THE MATTER OF

NO.

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

ORDINANCE NUMBER O-17498 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING AND RENUMBERING SECTIONS 33.1501.2, 33.1501.3 THROUGH 33.1501.5, 33.1501.8, 33.1501.10, 33.1501.12, 33.1501.15, 33.1501.16, 33.1510, 33.1520.1 THROUGH 33.1520.3, 33.1530.1 THROUGH 33.1530.4 (RELATING TO CABARETS AND DANCE HALLS), 33.1540.1 THROUGH 33.1540.4, 33.1550.3 THROUGH 33.1550.5 (RELATING TO PUBLIC DANCES) 33.3300, 33.3301, 33.3302 (RELATING TO PEEP SHOW ESTABLISHMENTS); AND BY AMENDING SECTION 33.1638 (RELATING TO COMMERCIAL AMUSEMENT ESTABLISHMENT AND ASSEMBLAGES AND DEVICES); AND BY AMENDING SECTIONS 33.3301, 33.3313 THROUGH 33.3317, 33.3319, 33.3324 THROUGH 33.3326 (RELATING TO PEEP SHOWS); AND BY REPEALING SECTION 33.3323 (RELATING TO PEEP SHOWS); AND BY AMENDING SECTION 33.3608 AND BY AMENDING SECTION 33.3610(a) (RELATING TO NUDE ENTERTAINMENT); AND BY AMENDING CHAPTER X, ARTICLE 1, BY AMENDING SECTION 101.1501.3 (RELATING TO ADULT ENTERTAINMENT); AND BY AMENDING SECTIONS 33.1530, 33.1540 AND 33.1550 TO REFLECT THE RENUMBERING OF SECTION 33.1520.1.

This ordinance updates the regulatory provisions governing the interaction between cabaret employees and patrons while on the premises of a cabaret. This ordinance also expands the provisions pertaining to the construction of peep booths and the operation of peep show establishments, and distinguishes those provisions as either regulatory or criminal. This ordinance also modifies the basis for denying a permit application for a nude entertainer permit. Additionally, this ordinance renumbers several sections of the municipal code.

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 July 9, 1990.
Passed and adopted by the Council of The City of San Diego on July 23, 1990

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

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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

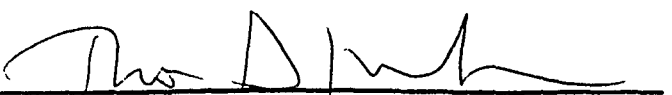
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is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

AUG. 6

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

Dated at San Diego, California this 6TH day of AUG, 19 90


(Signature)

~~_____~~ 4 1/2 x 2 = 106.56