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- (b) The applicant has within five years immediately preceding the date of the filing of the application *been convicted* of a charge of violating any lesser included or lesser related offense, including California Penal Code section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed in Section 33.3307(a).
- (c) The applicant has *been convicted* of any offense which requires registration as a sex offender under California Penal Code section 290.  
(“*Grounds for Denial of Peep Show Booth Establishment Permit*” added 11-20-2000 by O-18890 N.S.)

**§33.3308 Minimum Doorways**

It is unlawful for any *person* to operate a *peep show establishment* unless there are at least two doorways that each are a minimum of 36 inches wide. The doorway shall provide ingress or egress from any room in which a *peep show booth* is located unless the Fire Chief determines that one doorway is sufficient. Doorways shall stay unlocked during business hours.

(“*Minimum Doorways and Entrances*” renumbered from Sec. 33.3315, retitled to “*Minimum Doorways*” and amended 11-20-2000 by O-18890 N.S.)

**§33.3309 Minimum Aisle Width**

- (a) It is unlawful for any *person* to operate a *peep show establishment* in which the width of any primary continuous aisle located between or adjacent to *peep show booths* is less than 44 inches. An example of a primary continuous aisle is shown in Figure 1.

**FIGURE 1**

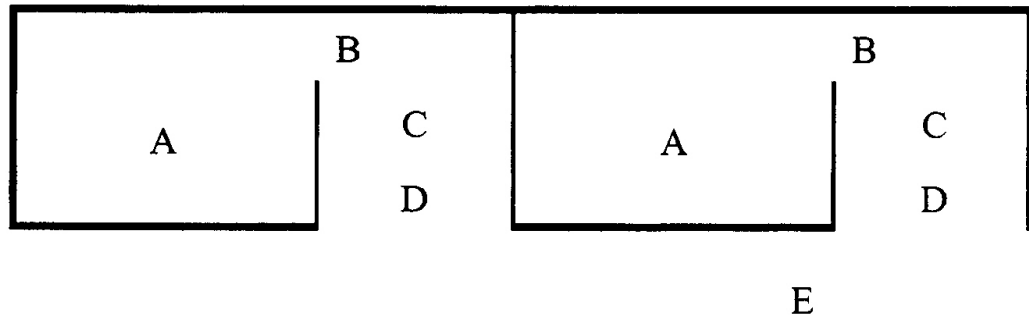


Figure 1 (SEC. 33.3309) Illustration of the following peep show booth terms:

- (A) Viewing area
  - (B) Entrance to viewing area
  - (C) Secondary aisle, hallway or walkway
  - (D) Entrance to peep show booth
  - (E) Primary continuous aisle
- (b) It is unlawful for any *person* to operate a *peep show establishment* where there is any secondary aisle, hallway or walkway located between or adjacent to a primary continuous aisle and a *peep show booth*. An example of a secondary aisle is shown in Figure 1.

(“*Minimum Aisle Width*” renumbered from Sec. 33.3314 and amended 11-20-2000 by O-18890 N.S.)

**§33.3310 Peep Show Booth Minimum Size and Occupancy Load**

- (a) Except as provided in Section 33.3326, it is unlawful for any *person* to operate a *peep show establishment* unless the floor area of the interior of the viewing area of each *peep show booth* is a maximum of fifteen square feet.
- (b) A *peep show booth* shall not contain seating accommodations designed for use by more than one person at any one time. This subsection is regulatory only.
- (c) The *responsible person* shall not allow more than one person in a *peep show booth* at any one time. This subsection is regulatory only.

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- (d) It is unlawful for any person to enter or remain in any *peep show booth* that is occupied by another person.
- (e) Each *peep show booth* shall have an interlock mechanism on its door which prevents activation of the *peep show device* unless the *peep show booth* door is closed and locked.
- (f) The *responsible person* on the premises must be able to open the door to the *peep show booth* at all times and the *responsible person* must open the door upon request of a *peace officer* when that officer is inspecting the premises, investigating criminal activity, or investigating violations of this Code.  
(*“Peep Booth Minimum Size and Occupancy Load” renumbered from Sec. 33.3319, retitled to “Peep Show Booth Minimum Size and Occupancy Load” and amended 11-20-2000 by O-18890 N.S.*)  
(*Amended 11-3-2006 by O-19549 N.S.; effective 12-3-2006.*)

### §33.3311 Peep Show Booth Entrances and Walls

The entrance to each *peep show booth* shall face a primary continuous aisle as described in Section 33.3309, and shall have a door. The entire viewing area of the *peep show booth* must be visible from the primary continuous aisle when the door is open.

The walls, and door of a *peep show booth* shall extend downward no further than eighteen inches above the floor.  
(*“Peep Show Booth Entrances and Walls” added 11-20-2000 by O-18890 N.S.*)  
(*Amended 11-3-2006 by O-19549 N.S.; effective 12-3-2006.*)

### §33.3312 Legs and Supports of Peep Show Booths

A *peep show booth* shall have no more than four legs or supports. Any material used for legs or supports shall not exceed three and one-half inches square. With the exception of the legs or supports, nothing shall obstruct the view of any part of the viewing area which is within eighteen inches of the floor of any *peep show booth*.  
(*“Legs and Supports of Peep Show Booths” added 11-20-2000 by O-18890 N.S.*)

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**§33.3313 Signage Required**

- (a) A sign setting forth the following information shall be maintained in a conspicuous location in each *peep show booth*:
- “NOTICE: It is unlawful for this booth to be occupied by more than one person at any one time. This booth is subject to inspection at any time by management or peace officers. There is no expectation of privacy for any person entering or remaining inside this booth.”
- (b) All signs required by Section 33.3314(a) shall be at least six by eight inches in size and be printed with dark ink upon a light contrasting background with letters at least one-quarter inch in height.
- (c) There shall be a light or lighted sign on the exterior of each *peep show booth* which indicates whether the *peep show device* is in use and whether the booth is occupied.

*(“Peep Booth Construction” repealed; “Signage Required” added 11-20-2000 by O-18890 N.S.)*

**§33.3314 Apertures Prohibited**

The *responsible person* shall not create or maintain any *peep show booth* with an aperture which permits contact or communication between occupants of any two or more *peep show booths*. This section is regulatory only.

*(“Minimum Aisle Width” renumbered to Sec. 33.3309; “Apertures Prohibited” added 11-20-2000 by O-18890 N.S.)*

**§33.3315 Sufficient Lighting Required**

The *responsible person* shall ensure that there is sufficient lighting along the floor of the *peep show booths* to allow inspection of the viewing area that is visible from the main continuous aisle. Lighting is deemed sufficient if it is at least six foot candles at floor level.

*(“Minimum Doorways and Entrances” renumbered to Sec. 33.0308 and retitled; “Sufficient Lighting Required” added 11-20-2000 by O-18890 N.S.)*

**§33.3316 Walkways and Aisles**

All walkways, aisles and hallways of *peep show establishments* 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 *persons*.

*(“Lighted Exit Signs” repealed; “Walkways and Aisles” added 11-20-2000 by O-18890 N.S.)*

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**§33.3317 Video Monitoring**

There shall be a system of monitoring all areas of the *peep show establishment* open to the public, except rest rooms, either by direct viewing or by a system of video monitoring which allows viewing of each monitored area at least every sixty seconds by the *responsible person* on the *premises*.

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. (*“Visibility of the Interior” repealed; “Video Monitoring” added 11-20-2000 by O-18890 N.S.*)

**§33.3318 Peep Show Booths for the Physically Disabled**

Any *peep show* built for use by a physically disabled *person* shall be clearly marked with a sign stating “Disabled Only.” It is unlawful for any *responsible person* to allow this booth to be used by any person other than a physically disabled person. Any *peep show booth* built for use by a physically disabled person may exceed the floor area requirements of Section 33.3310. (*“Minimum Lighting” repealed; “Peep Show Booths for the Physically Disabled” added 11-20-2000 by O-18890 N.S.*)

**§33.3319 Toilets; Wash Basins; Trash Receptacles**

A minimum of one 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. (*“Peep Booth Minimum Size and Occupancy Load” renumbered to Sec. 33.3310, retitled and amended; “Toilets; Wash Basins; Trash Receptacles” added 11-20-2000 by O-18890 N.S.*)

**§33.3320 Waterproof Floor Covering**

In every *peep show establishment*, a waterproof covering shall be provided in each toilet room, which extends up the walls at least six inches. The floor covering shall be covered at the floor-wall juncture with at least a three-eighth inch radius. Walls of toilet rooms shall be smooth, waterproof and kept in good repair. (*“Maximum Number of Devices” repealed; “Waterproof Floor Covering” added 11-20-2000 by O-18890 N.S.*)

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**§33.3321 Sanitary Condition Required**

- (a) All walls, ceilings, floors, booths and all other physical facilities of *peep show establishments* shall be in good repair and maintained in a clean and sanitary condition.
- (b) Toilet rooms shall be thoroughly cleaned at least once each day the business is in operation.
- (c) The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions.

The presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary control.

*(“Free Access to City Manager or Delegate” repealed; “Sanitary Condition Required” added 11-20-2000 by O-18890 N.S.)*

**§33.3322 Control of Vermin Required**

All *peep show booth establishments* shall be maintained and operated 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.

*(“Injunctive Relief” repealed; “Control of Vermin Required” added 11-20-2000 by O-18890 N.S.)*

**§33.3323 Persons Under 18 Prohibited**

It is unlawful for any *responsible person* to allow anyone under the age of eighteen in a *peep show establishment*.

*(“Exclusions” repealed; “Persons Under 18 Prohibited” added 11-20-2000 by O-18890 N.S.)*

**§33.3324 Hours of Operation**

It is unlawful for any *person* to operate a *peep show booth* or *peep show device* between the hours of 2:00 a.m. and 6:00 a.m. on weekdays and 4:00 a.m. and 6:00 a.m. on weekends and holidays. Permit holders shall not be granted an after-hours permit pursuant to Division 8.

*(“Variance” repealed; “Hours of Operation” added 11-20-2000 by O-18890 N.S.) (Amended 11-3-2006 by O-19549 N.S.; effective 12-3-2006.)*

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**§33.3325 Criminal Activity Prohibited**

Each *responsible person* shall ensure that no criminal activity occurs on the *premises*, including inside the *peep show booths*.

*(“Peep Show Establishments — Operating Requirements” repealed; “Criminal Activity Prohibited” added 11-20-2000 by O-18890 N.S.)*