Article 2: Public Rights–of–Way and Land Development

Division 9: Newsracks on Public Right–of–Way


§62.0901 Purpose and Intent

The Council of The City of San Diego finds and declares that:

(a) The public display of pictorial material depicting nudity and sexual conduct in publications contained in newsracks located on public right–of–way is patently offensive and harmful to passersby when readily visible to them, and is detrimental to a healthy moral environment to which persons of the City of San Diego are entitled.

(b) Such public displays are thrust indiscriminately on children and unwilling adults and constitute assaults upon individual privacy.

(c) Every person is entitled to use the public right–of–way in the City of San Diego without being subjected to such public displays.

(d) Such public displays constitute a public nuisance.

(e) The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals and general welfare of persons in the City of San Diego in their use of public rights–of–way.

(“Purpose and Intent” added 5–2–1974 by O–11312 N.S.)

§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:

(a) “Newsrack” shall mean any self–service or coin–operated box, container, storage unit, or other dispenser installed, used or maintained for the display, sale or distribution of publications.
San Diego Municipal Code
Chapter 6: Public Works and Property,
Public Improvement and Assessment Proceedings
(6-2000)

§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.

(a) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront.

(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.

(Amended 3–20–1989 by O–17266 N.S.)