

ORDINANCE NO. 507 (NEW SERIES)

AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING CABARETS AND PLACES WHERE BEER, LIGHT WINES AND/OR SOFT DRINKS ARE DISPENSED AND ENTERTAINMENT IS PROVIDED IN THE CITY OF SAN DIEGO, CALIFORNIA, PROVIDING THE PENALTY FOR THE VIOLATION HEREOF, AND REPEALING ORDINANCE NO. 7761, APPROVED JUNE 18, 1919, AND ORDINANCE NO. 7810, APPROVED JULY 30, 1919.

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

Section 1. It shall be unlawful for any person, firm or corporation to engage in or carry on in The City of San Diego, California, the business of a cabaret or place where beer, light wines and/or soft drinks are dispensed and entertainment is provided by paid entertainers without having first secured from said city a license to do so, according to each and every requirement in this ordinance, or without complying with each and every regulation pertaining to such business contained herein.

Section 2. That the City Treasurer shall issue all licenses provided for by this ordinance, but no license shall be issued except upon the authorization and consent of the City Manager and confirmation by the City Council, nor without the payment of the amount hereinafter required to be paid therefor.

All licenses herein provided for shall be due and payable on the 1st day of October of each year, and all such licenses shall expire on the 30th day of September of the following year.

Section 3. The rate of license shall be as follows:

For every cabaret, and every place in The City of San Diego, where beer and/or light wines and/or soft drinks are dispensed and where entertainment is provided by paid entertainers, the sum of Twenty-five Dollars (\$25.00) per year, payable semi-annually, in advance, in addition to the regular dance hall license.

Section 4. Said License shall be substantially in the following form:

"This is to certify that (here insert the name) with the receipt of the City Treasurer thereon written for the sum of dollars is hereby authorized to keep, conduct and carry on (here describe business) for the term of from the date hereof, at (here specifically describe location).

"Dated this day of 19
Treasurer of The City of San Diego, California."

Section 5. All licenses shall be signed by the Treasurer and the amount to be paid therefor shall be paid to the City Treasurer, and his receipt therefor endorsed thereon before the delivery thereof.

Section 6. All applications for li-

enses to be issued hereunder shall be filed with the City Manager; but no application shall be filed unless applicant has deposited with the City Treasurer the annual license fee herein provided. Applicants may submit in writing the proposed location of the premises to be licensed, with the City Manager, prior to the filing of application for license, and it shall be the duty of the City Manager and Chief of Police to investigate the character of the premises proposed to be licensed and the propriety of the use of such premises for the conduct of the business proposed to be licensed, and it shall be the duty of the City Manager and Chief of Police within ten (10) days from receipt of such submission, to notify the applicant in writing of their findings. All applications for a license hereunder shall be referred by the City Manager to the Chief of Police for a full investigation of the truth of the matters set forth in such application, the character of the applicant, the character of the premises proposed to be licensed and any other matters upon which the City Manager may desire to be informed. The Chief of Police shall within five (5) days file with the City Manager a report in writing concerning the result of his investigations. Within five (5) days after receipt of any such report from the Chief of Police, the City Manager shall transmit such report to the City Council and shall specifically recommend to the City Council the allowance or disallowance of the license for which application has been made.

The City Manager shall also recommend to the City Council for cause at any time the suspension or revocation of any license granted or issued hereunder, and in case of such recommendation for suspension or revocation, the City Manager shall give written notice thereof to the licensee, stating his reasons.

Section 7. The Council shall, after receipt of the recommendation of the City Manager, by resolution, allow or disallow the license.

The Council shall have the power to deny any application if it shall determine that the applicant, or the person who is to have the direct management of the premises, is not a suitable or proper person to carry on the business for which a license is sought, or if the premises proposed to be used in the conduct of the business to be licensed shall be deemed not to be a suitable or proper place therefor. Upon the denial of any application, the amount so deposited with the City Treasurer shall be returned to the applicant.

Section 8. No person, firm or corporation to whom a license has been issued under the provisions of this ordinance, who fails for more than fifteen days after the expiration of the time specified in said license to apply for a renewal thereof, shall be entitled to such renewal, but the license theretofore issued shall be deemed to be forfeited and application must be made to the City Treasurer as in the case of an original application. Whoever shall fail for more than fifteen days after

the expiration of any license issued under the provisions of this ordinance to apply for a renewal thereof, shall be required to pay a penalty of ten per cent. (10%) of the amount of the license fee. Such penalty shall be collected by the City Treasurer at the time of the issuance of a new license, if a new license be applied for, provided the establishment continue to function without interruption.

Section 9. It shall be unlawful for the owner, proprietor, manager, person in charge, or any employee of a place licensed under the provisions of this ordinance, to harbor, admit or receive, or to allow or permit in such place any entertainment except that which is furnished by entertainers who are hired and paid by the person or persons who own and operate the business conducted at such place, and such entertainment 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 person in charge of any place licensed under the provisions of this ordinance shall provide a reasonable passage-way 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 paid entertainers to mingle with the patrons, guests or customers of such establishment during the period of time they are employed.

Section 10. It shall be unlawful for the owner, proprietor, manager or person in charge of a place licensed under the provisions of this ordinance to employ as entertainers in such place any person who is not at least eighteen (18) years of age, and of good moral character.

Section 11. It is hereby declared to be unlawful for any person employed in any place licensed under the provisions of this ordinance, to dance or drink with, or otherwise entertain patrons, guests or customers of said place except in the manner lawfully contracted for under the provisions of this ordinance, and no such entertainment is to be permitted in said place except that provided on the stage, platform or dance floor as provided in Section 9 of this ordinance.

It is also declared to be unlawful for any employee provided for in this ordinance, to leave the cabaret where he or she may be employed, or to in any way associate with any guest, patron or customer of said cabaret during the hours of employment; nothing herein contained shall be construed, however, to prevent any employee of a place licensed under the provisions of this ordinance from selling or serving food or drink to a customer, patron or guest of said place.

Section 12. Any peace officer of The City of San Diego or of the State of California, or any officer or official of the United States Government charged with the duty of

enforcing police laws of the United States Government, shall have free access at all times to any establishments as provided for herein, and said place licensed under the provisions of this ordinance shall be closed at any time upon the order of the Chief of Police of The City of San Diego, good cause appearing therefor.

Section 13. It shall be unlawful for the owner, proprietor, manager or person in charge of the place licensed under the provisions of this ordinance, or for any employee of said place, to knowingly harbor, admit, receive, or to permit to be, or remain in or about such place, any minor under the age of eighteen (18) years, unless accompanied by a parent or legal guardian; or any lewd or dissolute person of either sex, any drunken or boisterous person or any person under the influence of intoxicating liquors, or any person whose conduct while present in said place tends to create a violation of any of the provisions of this ordinance, or of any of the laws of this City, or State of California, or which tends in any way to corrupt the good morals of any person or persons attending said cabaret, or in any way interfere with the proper management and control of said cabaret.

Section 14. NOTICES POSTED IN CABARETS. The Chief of Police of The City of San Diego shall furnish and cause to be furnished, printed notices containing a summary or synopsis of the provisions of this ordinance, to the proprietors or managers of every place licensed under the provisions of this ordinance. Said notices shall be printed in type of not less than twelve point in size, and it shall be the duty of the owner, proprietor and person having the charge and control of said place to post one of said notices in each ladies' dressing-room, and one in each gentlemen's dressing-room where patrons are admitted; one in each male entertainers' room and one in each female entertainers' room.

It is hereby declared to be unlawful for any place licensed under the provisions of this ordinance, to be open, or to remain open for the use of the public, unless said notices are kept posted as herein provided. It shall be considered a violation of this ordinance for a proprietor, owner or manager, or person having the charge of said business, to refuse to immediately replace any notice herein provided for, upon demand of the inspector or any peace officer of The City of San Diego or State of California.

Section 15. INSPECTOR'S DUTY. The Inspector shall visit as often as necessary to keep himself and the Chief of Police informed of conditions, every dance hall and cabaret in the City, making regular reports of his inspection to the Chief of Police. He shall see that the terms of this ordinance are carried out and enforced. He shall report any violations immediately and shall cause to be prosecuted any person violating the provisions or terms of this ordinance.

Section 16. CABARETS TO BE

CLOSED AT 2:00 O'CLOCK A. M. All cabarets shall be closed and the place cleared of its guests and patrons on or before the hour of 2:00 o'clock A. M.

Section 17. ILLUMINATION. All places licensed under the provisions of this ordinance shall be adequately lighted during the hours such places are open and entertaining guests.

Section 18. No entertainment shall be given in any cabaret in The City of San Diego, of a lewd, suggestive, vulgar or immoral type. Entertainers shall not use objectionable or obscene language, and shall not sing songs of lewd, obscene or of a vulgar character.

Section 19. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the City Jail not exceeding thirty (30) days, or by both such fine and imprisonment, and the Council of said City of San Diego is hereby authorized, for any cause which it may deem sufficient, to revoke at any time any license issued under the provisions of this ordinance. A conviction for a violation of any of the terms or provisions of this ordinance may operate to suspend or revoke a permit or license authorized by this ordinance. If at any time, for any cause, the license of a cabaret or place mentioned within the provisions of this ordinance shall be suspended or revoked, at least thirty (30) days shall have elapsed before another license or permit shall be given for dancing or conducting such place of amusement in or upon said premises.

Section 20. That Ordinance No. 7761 of the ordinances of The City of San Diego, entitled, "An ordinance providing for licensing and regulating soft drink cabarets, and places where non-intoxicating drinks are dispensed and entertainment is provided in The City of San Diego, California, and repealing Ordinance No. 7260 of said City," approved June 18, 1919, and Ordinance No. 7810 of said City, entitled, "An ordinance amending Ordinance No. 7761 of the ordinances of The City of San Diego, California, entitled: 'An ordinance providing for licensing and regulat-

ing soft drink cabarets and places where non-intoxicating drinks are dispensed and entertainment is provided in The City of San Diego, California, and repealing Ordinance No. 7260 of said City," approved July 30, 1919, be and the same are hereby repealed.

Section 21. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause or phrase is declared unconstitutional or void.

Section 22. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Passed and adopted by the Council of The City of San Diego, California, this 4th day of September, 1934, by the following vote, to-wit:

YEAS—Councilmen Bennett, Cameron, Davis, Warburton, Rossi, Anderson and Irones;

NAYS—Councilmen: None;

ABSENT—Councilmen: None.

ATTEST:

RUTHERFORD B. IRONES,
Mayor of The City of San Diego,
California.

(SEAL) ALLEN H. WRIGHT,
City Clerk of The City of San Diego,
California.

By FRED W. SICK, Deputy.
I HEREBY CERTIFY that, as to the foregoing ordinance, the provisions of Section 16 of the Charter of The City of San Diego requiring the reading of ordinances on two separate calendar days prior to passage, was, by a vote of not less than five members of the Council, dispensed with; and that said ordinance was by a vote of not less than five members of the Council put on its final passage at its first reading this 4th day of September, 1934.

(SEAL) ALLEN H. WRIGHT,
City Clerk of The City of San Diego,
California.

By FRED W. SICK,
Deputy.