

2-2-60

Assistant City Manager, Thomas Fletcher

City Clerk, Phillip Acker.

Issuance and denial of Cabaret Licenses.

Your attention is invited to Section 33.1501 and 33.1501.1 of the Municipal Code which regulates subject licenses.

Only one copy of the City Manager's recommendation for approval of a Cabaret license is received at the present time. We must return this to the License Department after the Council approves of the application. It would be appreciated if a copy could be provided for our files.

After reading Section 33.1501.1, it would appear that denials of applications for licenses should be also submitted to the Council for their final action. We have not recently received denials of applications. The Manning Cabaret license prompts me to raise this question to determine if this section has slipped by everybody's attention.

I would appreciate it if you would let me know the procedure the Manager's office will follow on this in order that I may gear my operations accordingly.

Phillip Acker, City Clerk.

PA:my

*License Dept
now making
copy for
club.
Keep orig document.*

**DIVISION 15
CABARETS—DANCE HALLS**

SEC. 33.1501 CABARET—LICENSE INVESTIGATION

Upon receipt of each application for a license to operate a cabaret, it shall be the duty of the City Manager of the City of San Diego to conduct such investigation as he may deem necessary to determine the truth of the matters set forth in the application, the character of the applicant, the character of the premises proposed to be occupied, and any other matters which the City Manager, or City Council, may deem pertinent or essential for the protection of the public welfare of the community.

Upon completion of the investigation, the City Manager shall report the result of such investigation to the City Council and shall specifically recommend to the City Council the approval or denial of the application.

SEC. 33.1501.1 CABARET—CITY COUNCIL GRANTS OR DENIES LICENSE

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 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 shall be deemed not to be a suitable or proper place therefor. Upon the denial of any application, the sum of Ten Dollars (\$10.00) shall be retained by the City of San Diego to cover the costs of investigation.

SEC. 33.1501.2 CABARET—ENTERTAINMENT REGULATED

It shall be unlawful for the owner, proprietor, manager, person in charge, or any employee of a place licensed under the provisions of this Chapter, 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 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 Chapter 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 paid entertainers to mingle with the patrons, guests or customers of such establishments during the period of time they are employed.

SEC. 33.1501.3 CABARET—ENTERTAINERS—ADULTS OF GOOD MORAL CHARACTER

It shall be unlawful for the owner, proprietor, manager or person in charge of a place licensed under the provisions of this Chapter to employ as entertainers in such place any person who is not at least twenty-one (21) years of age, and of good moral character.

SEC. 33.1501.4 CABARET—EMPLOYEES PROHIBITED FROM CERTAIN ACTS

It is hereby declared to be unlawful for any employee, concessionaire, or employee of any concessionaire to dance or drink with, or otherwise entertain patrons, guests, or customers in any place licensed under the provisions of this Chapter, except in the manner lawfully contracted for, under the provisions of this Chapter.

SEC. 33.1501.5 CABARET—EMPLOYEES PROHIBITED FROM ASSOCIATING WITH PATRONS

It is also declared to be unlawful for any employee provided for in this Division 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 Chapter from selling or serving food or drink to a customer, patron or guest of said place.

SEC. 33.1501.6 CABARET ACCESS TO PEACE OFFICER

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