

Dance Halls

ORDINANCE NO. 8873 AUG 22 1963
(New Series)

AN ORDINANCE AMENDING DIVISION 15, OF
ARTICLE 3 OF CHAPTER III OF THE SAN DIEGO
MUNICIPAL CODE BY ADDING THERETO CERTAIN
LANGUAGE TO SECTIONS 33.1501 AND 33.1501.2
THEREOF GOVERNING THE OPERATION OF CABARETS.

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

Section 1. That Division 15, Article 3, Chapter III
of the San Diego Municipal Code be amended by adding thereto
certain language to Sections 33.1501 and 33.1501.2, to read
as follows:

"SEC. 33.1501 CABARET--PURPOSE--LICENSE
INVESTIGATION.

(a) It is the purpose and intent of the
Council that the operations of cabarets and dance
halls, as defined in this Code, should be regulated
for the protection of the public and the preserva-
tion of the peace of the community.

(b) Upon receipt of each application for
a license to operate a cabaret, it shall be the
duty of the City Manager to investigate the truth
of the matters set forth in the application, the
character of the applicant, the character of the
premises proposed to be occupied, whether the
applicant will conduct the cabaret in accordance
with the requirements set forth in the municipal
code, and such other matters which the City Manager
may determine to be essential for the protection
of the public welfare.

Within fifteen (15) days of receipt of the
application, the City Manager shall complete the
investigation and shall grant or deny the license
to operate the cabaret. If the City Manager denies

said license, then he shall set forth in writing the reasons for the denial thereof.

"SEC. 33.1501.2 CABARET--ENTERTAINMENT REGULATED.

(a) 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, 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 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, except strolling musicians, as defined in (b) hereof, to mingle with the patrons, guests, or customers of such establishments during the period of time they are employed.

(b) The term "strolling musician" is defined as an entertainer who performs by playing a musical instrument while moving among the patrons, guests, or customers in a place licensed under the provisions of this Chapter. Strolling musicians shall

be fully clothed and shall accept no tips or gratuities for their service from patrons, guests, or customers. All other provisions of this division shall apply to strolling musicians."

Section 2. A violation of any provision or the failure to comply with any of the requirements established by this ordinance shall constitute a misdemeanor. Any person convicted of such violation or such failure shall be punishable by a fine of not more than \$500.00, or by imprisonment in the City Jail for a period of not more than six months or by both such fine and imprisonment. The provisions of Section 11.12 of the San Diego Municipal Code shall apply.

Section 1. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by _____

APPROVED: ALAN M. FIRESTONE, City Attorney

By JOHN W. WITT
Deputy City Attorney