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San Diego County Code of Regulatory Ordinances

CHAPTER 18. ADULT ENTERTAINMENT ESTABLISHMENTS AND PEEP SHOWS*

***Editor's note**--Chapter 18, Sheriff's Licensing Fee Ordinance, added by Ord. No. 8049 (N.S.), effective 5-7-92; repealed by Ord. No. 8278 (N.S.), effective 8-19-93; new Chapter 18, Adult Entertainment Establishments and Peep Shows, §§ 21.1801--21.1823, added by Ord. No. 8244 (N.S.), effective 6-17-93.

Cross reference(s)--UUniform licensing procedure, § 21.101 et seq.; entertainment license, § 21.2101 et seq.; sheriff's regulatory fees, § 21.1901; health and sanitation, Tit. 6; zoning and land use regulations, Tit. 8.

SEC. 21.1801. LEGISLATIVE PURPOSE AND FINDINGS.

(a) It is the purpose of this chapter to regulate adult entertainment establishments to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult entertainment establishments within the County. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(b) Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton V. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Thomas v. Chicago Park District,* 122 S. Ct. 775 (2002); *California v. LaRue*, 409 U.S. 109 (1972); *Davis v. Gates*, No. 91-56174, 1992 U.S. App. LEXIS 22417 (9th Cir., July 7, 1992); *KEV, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Alameda Books, Inc. v. City of Los Angeles*, 2002 U.S. Lexis 3424; *Colacurcio v. Kent*, 163 F.3d 545 (9th Cir. 1998); *North v. City of Gilroy*, 1996 U.S. App. LEXIS 5368 (9th Cir. 1996); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *L.J. Concepts, Inc. v. City of Phoenix*, CV-98-1583-EHC (D. Ariz. 1999), *aff'd per curiam*, No.99-17270 (9th Cir., Mar.30, 2000); *IDK, Inc. v. County of Clark*, 836 F.2d 1185 (9th Cir 1988); *Baby Tam & Co. v. City of Las Vegas*, 154 F.3d 1097 (9th Cir. 1998) *(Baby Tam I)*; *Baby Tam & Co. v. City of Las Vegas*, 199 F.3d 1111 (9th Cir. 2000) *(Baby Tam II)*; *Baby Tam & Co. v. City of Las Vegas*, 247 F.3d 1003 (9th Cir. 2001) *(Baby Tam III)*; *4805 Convoy, Inc. v. City of San Diego*, 183 F.3d 1108 (9th Cir. 1999); *Lydo Enterprises, Inc. v. City of Las Vegas*, 745 F.2d 1211 (9th Cir. 1984); *Tily B., Inc. v. City of Newport Beach*, 69 Cal. App. 4th 1 (Cal. Ct. App. 1998); *Sundance Saloon, Inc. v. City of San Diego*, 213 Cal. App. 3d 807 (Cal. Ct. App. 1989); 7978 Corporation v. Pitchess, 41 Cal. App. 3d 42 (Cal. Ct. App. 1974); *Deluxe Theater & Bookstore, Inc. v. City of San Diego*, 175 Cal. App. 3d 980 (Cal. Ct. App. 1985); *E. WA.P., Inc. v. City of Los Angeles*, 65 Cal. Rptr. 2d 325 (Cal. Ct. App. 1997); *City of National City v. Wiener*, 838 P.2d 223 (Cal. 1990); and other cases; and reports of secondary effects occurring in and around adult

entertainment establishments, including, but not limited to, Phoenix, Arizona - 1984; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma County, Oklahoma - 1986; Cleveland, Ohio - 1977; Dallas, Texas - 1997; Tucson, Arizona -1990; St Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York, New York - 1994; Phoenix, Arizona - 1995-98; and from summaries of several of the foregoing secondary effects reports; and also on findings from the paper entitled "Strip clubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Board finds:

(1) Adult Entertainment Establishments lend themselves to ancillary unlawful and unhealthy activities that cause deleterious secondary effects in the establishments and in the areas surrounding them. This chapter is designed to make the owners and operators of these establishments responsible, within constitutional boundaries, for the activities that occur on their premises.

(2) Certain employees of unregulated adult entertainment establishments defined in this chapter as adult cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation and oral and anal sex, occur at unregulated adult entertainment establishments, especially those which provide private or semi-private booths or cubicles for viewing films or videos or live striptease and sex shows.

(4) Offering and providing such unregulated space encourages unsanitary activities, which creates unhealthy conditions.

(5) Persons frequent certain adult cabarets, adult arcades, and other adult entertainment establishments for the purpose of engaging in illicit sexual activities within the premises of such adult entertainment establishments, or for the purpose of purchasing or selling illicit drugs.

(6) Numerous communicable diseases may be spread by activities occurring in adult entertainment establishments.

(7) According to research from the Kaiser Family Foundation, an estimated 650,000 to 900,000 Americans are infected with HIV. The number of new HIV infections occurring each year is now about 41,000. Men and women of all races are most likely to be infected by sexual contact.

(8) Relevant statistics revealed that a total of 117,521 AIDS cases have been reported in California through June of 2000. Of the 50 United States, California has the second- highest number of AIDS cases and represents more than 15% of the 753,907 AIDS cases reported.

(9) The Centers for Disease Control and Prevention have estimated that as many as 1 in 3 people with HIV do not know they are infected.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(14) Sanitary conditions in some adult entertainment establishments are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of adult entertainment establishments where persons view "adult" oriented films and live sexual shows.

(16) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(17) Adult Entertainment Establishments have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the adult entertainment establishments. Further, such a licensing procedure will give an incentive on the operators to see that the adult entertainment establishment is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult entertainment establishment, in ultimate possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult entertainment establishments.

(20) Requiring licensees of adult entertainment establishments to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing criminals and minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult entertainment establishment, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and will prevent the further secondary effects of crime, blight, and dissemination of illegal obscenity, child pornography, and to minors, materials harmful to them;

(22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this chapter is designed to prevent or who are likely to be witnesses to such activity.

(23) The fact that an applicant for an adult use has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this chapter.

(24) The barring of such individuals from employment in adult entertainment establishments for a specified period of years serves to prevent distribution of illegal material, to prevent conduct which leads to the transmission of sexually transmitted diseases, and to preclude the establishment of criminal enterprises within the County.

(25) The general welfare, health, and safety of the citizens of the County will be promoted by the enactment of this chapter.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1802. DEFINITIONS.

For the purpose of this chapter, "adult entertainment establishment" shall mean the activities listed in Section 6930 d., and as defined in Section 1110, of the San Diego County Zoning Ordinance. When any term is not defined in this chapter, the definitions in Section 1110 of the San Diego County Zoning Ordinance shall apply. The following additional definitions shall apply to this chapter:

(a) "Controlling Interest" means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote 20% or more of any class of voting securities of a business. The ownership, control, or power to vote 20% or more of any class of voting securities of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

(b) "Distinguished or Characterized by an Emphasis Upon" means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of Specified Sexual Activities or Specified Anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description "specified anatomical areas" or "specified sexual activities."

(c) "Employ, Employee, and Employment" describe and pertain to any person who performs any service on the premises of an adult entertainment establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises. This definition is provided solely for interpreting this chapter.

(d) "Establish or Establishment" means and includes any of the following:

(1) The opening or commencement of any adult entertainment establishment as a new business;

(2) The conversion of an existing business, whether or not an adult entertainment establishment, to any adult entertainment establishment;

(3) The addition of any adult entertainment establishment to any other existing adult entertainment establishment; or

(4) The relocation of any adult entertainment establishment.

(e) "Hearing Officer" means a County Hearing Officer appointed pursuant to sections 650 et seq. of the County Administrative Code.

(f) "Licensee" means a person in whose name a license to operate an adult entertainment establishment has been issued, as well as the individual or individuals listed as an applicant on the application for an adult entertainment establishment license. In case of an "employee," it shall mean the person in whose name the adult entertainment establishment employee license has been issued.

(g) "Nudity" or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, penis, anal cleft or cleavage with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

(h) "Operate or Cause to Operate" means to cause to function or to put or keep in a state of doing business. "Operator" means any persons on the premises of an adult entertainment establishment who is authorized to exercise overall operational control of the establishment or who causes to function or who puts or keeps in operation the establishment. A person may be found to be operating or causing to be operated an adult entertainment establishment whether or not that person is an owner, part owner, or licensee of the establishment.

(i) "Regularly Features or Regularly Shown" means a consistent and substantial course of conduct, such that the sexually explicit films or semi-nude performances exhibited constitute an ongoing and intentional

objective of the business and are promoted as such.

(j) "Semi-nude" or "semi-nudity" means a state of dress in which opaque clothing covers no more than the genitals, penis, anal cleft, cleavage, pubic area, vulva and nipple of the female breast as well as portions of the body covered by supporting straps or devices.

(k) "Specified criminal activity" means any of the following offenses:

(1) Any sexual offense punishable as a felony, described in Penal Code sections 261-269; any offense involving obscene material punishable as a felony, described in Penal Code sections 311.1-311.12; any offense for keeping, maintaining or participating in a house of prostitution as described in Penal Code sections 315, 316, 318; any offense for soliciting, agreeing to engage in or engaging in an act of prostitution as described in Penal Code section 647(b); any felony offense requiring registration under Penal Code section 290 except for Penal Code section 314; sale of any controlled substance on Schedules I-V of the Health and Safety Code or any other felony involving moral turpitude; criminal attempt, conspiracy, solicitation to commit any of the foregoing offenses; or offenses committed in another jurisdiction which, had the predicate acts been committed in California, would constitute any of the specified offenses or criminal attempt, conspiracy or solicitation to commit any of the specified offenses; for which:

(A) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(B) Less than five years have elapsed since the date of conviction, or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(C) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four month period.

(2) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(l) "Transfer of Ownership or Control" of an adult entertainment establishment means any of the following:

(1) The sale, lease, or sublease of the establishment;

(2) The transfer of securities which constitute a controlling interest in the establishment, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(m) "Viewing Room" means the room, booth, or area where a patron of an adult entertainment establishment would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1803. LICENSE REQUIRED.

(a) It shall be unlawful for any person to operate an "adult entertainment" establishment in the unincorporated area of the County without a valid adult entertainment establishment license.

(b) Except for any person issued a license under subsection (a), it shall be unlawful for any person to be an employee, as defined in this chapter, of an adult entertainment establishment in the unincorporated area of the County without a valid adult entertainment establishment employee license.

(c) An application for an adult entertainment establishment license shall be filed at the office of the Sheriff on a form provided by the Sheriff. The application shall be signed by the applicant.

(d) An application for an adult entertainment establishment employee license shall be filed in person at the office of the Sheriff on a form provided by the Sheriff. The application shall be signed by the applicant.

(e) Within five days of receipt of an application, the Sheriff shall determine the completeness of the application and shall notify the applicant in writing if the application is deemed incomplete. An application shall be considered complete when it contains the following information:

(1) The applicant's full true name and any other names or aliases used in the preceding five years.

(2) Current business address or another mailing address of the applicant.

(3) Written proof of age, in the form of a birth certificate or driver's license or other picture identification document issued by a governmental agency.

(4) If the application is for an adult entertainment establishment license, the establishment name, location, legal description, mailing address and phone number (if one currently exists) of the proposed adult entertainment establishment.

(5) If the application is for an adult entertainment establishment license, the name and address of the statutory agent or other agent authorized to receive service of process.

(6) A statement whether the applicant has been convicted or has pled guilty or nolo contendre to a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

The information provided pursuant to paragraphs (1) through (6) of this subsection shall be supplemented by notice in writing by certified mail, return receipt requested, to the Sheriff within 10 working days of a change of circumstances which would render the information originally submitted false or incomplete.

(f) An application for an adult entertainment establishment license shall be accompanied by a sketch or diagram showing the configuration of the premises, including general demarcations of where goods will be displayed, performances will be conducted, or where films or other visual media will be exhibited, along with a statement of total floor space occupied by the establishment. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with section 21.1813 of this chapter shall submit a diagram meeting the requirements of that section.

(g) If a person who wishes to operate an adult entertainment establishment is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate an adult entertainment establishment is other than an individual, each officer, director, general partner or other person who will manage or participate directly in the decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under section 21.1804 and each applicant shall be considered a licensee if a license is granted. Each licensee granted a license under subsection (c) shall not be required to also obtain an adult entertainment establishment employee license.

(h) A license required by this chapter is in addition to any other licenses or permits required by the County or State to engage in the business or occupation. Persons engaged in the operation of adult entertainment establishments or in employment in adult entertainment establishment shall comply with all other applicable local, State, and federal laws, ordinances, and statutes, including zoning ordinances, as may be required.

(i) The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the Sheriff on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9751 (N.S.), effective 2-10-06; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1804. ISSUANCE OF LICENSE.

(a) Upon the filing of an application under section 21.1803 for an adult entertainment establishment license and subject to subsection (d) below, the Sheriff shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the Sheriff's final decision to deny or grant the license. Within 30 days of the initial filing date of the application, the Sheriff shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Sheriff shall approve the issuance of a license unless one or more of the following is found by a preponderance of evidence to be true:

(1) An applicant is less than 18 years of age.

(2) An applicant has failed to provide information as required by section 21.1803 for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee required by this chapter has not been paid.

(4) An applicant has been convicted of a specified criminal activity, as defined in this chapter.

(5) The adult entertainment establishment premises are not in compliance with the interior configuration requirements of this chapter.

(b) Upon the filing of an application under section 21.1803 for an adult entertainment establishment employee license, the Sheriff shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the County to deny or grant the license. Within 30 days of the initial filing date of the application, the Sheriff shall either issue a license to the applicant or issue to the applicant a written letter of intent to deny the application. The Sheriff shall approve the issuance of a license unless one or more of the following is found by a preponderance of evidence to be true:

(1) An applicant is less than 18 years of age.

(2) An applicant has failed to provide information as required by section 21.1803 for issuance of a license or has falsely answered a question or request for information on the application form.

(3) The license application fee required by this chapter has not been paid.

(4) An applicant has been convicted of a specified criminal activity, as defined in this chapter.

(c) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for an adult entertainment establishment, the address of the adult entertainment establishment. The adult entertainment establishment license shall be posted in a conspicuous place at or near the entrance to the adult entertainment establishment so that it may be easily read at any time. An adult entertainment establishment employee shall keep the employee's license on his person or on the premises where the licensee is then working or performing and shall produce the license for inspection upon request by a law enforcement officer or other County official performing a function connected with the enforcement of this chapter.

(d) No adult entertainment establishment license, including a temporary establishment license issued under this section or a provisional establishment license issued under section 21.1823, shall become

effective unless and until an Administrative Permit has been issued in accordance with County Zoning Ordinance section 6930.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9751 (N.S.), effective 2-10-06; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1805. NO TRANSFER OF LICENSE.

A licensee shall not transfer the license issued under this chapter to another person, nor shall a licensee operate an adult entertainment establishment at a location other than the one for which the license was issued.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1806. ADULT ENTERTAINMENT ESTABLISHMENT LICENSE FEE.

The initial license and annual renewal fees for an adult entertainment establishment license or an adult entertainment establishment employee license shall be set by the Board of Supervisors at an amount determined by the Board sufficient to pay the cost of administering the licenses issued pursuant to this chapter and are contained in section 21.1901.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1807. EXPIRATION OF LICENSE.

Each license shall remain valid for a period of one year from the date of issuance unless otherwise suspended or revoked. The license may be renewed only by making application and payment of the applicable license fee.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1808. HOURS OF OPERATION.

It shall be unlawful for any owner, operator, manager or employee of an adult entertainment establishment, other than an adult hotel/motel, to allow the establishment to remain open for business between the hours of 2:00 a.m. and 6:00 a.m. of any day.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1809. PRIVATE CLUB.

No adult entertainment establishment licensed pursuant to this chapter may allow the premises to be used for the purpose of conducting a private club between the hours of 2:00 a.m. and 6:00 a.m.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1810. NO MINORS ALLOWED / WINDOWS AND DOORS.

(a) It shall be unlawful for any person under 18 years of age to enter, be present in or remain in any adult entertainment establishment. It shall also be unlawful for an adult entertainment establishment licensee or an adult entertainment establishment employee licensee to knowingly allow any person under 18 years of age to enter, be present in or remain in any adult entertainment establishment.

(b) All exterior windows and doors of an adult entertainment establishment shall be opaque so as to prevent visibility at all times from outside the structure into the interior of the entertainment establishment.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1811. REGULATIONS CONCERNING LIVE PUBLIC NUDITY.

It is unlawful for an adult entertainment establishment licensee to knowingly violate the following regulations or to knowingly allow an employee or other person to violate the following regulations as applicable:

(a) No person in an adult entertainment establishment shall knowingly or intentionally appear in a state of nudity in an area where patrons are admitted, regardless of whether such public nudity is expressive in nature.

(b) No employee in an adult entertainment establishment shall knowingly or intentionally appear in a state of semi-nudity in an area where patrons are admitted, unless the employee is at least six feet from the nearest area occupied by patrons and on a stage elevated at least 18 inches from the floor.

(c) No employee, who regularly appears in a state of semi-nudity in the adult entertainment establishment, shall knowingly or intentionally receive any pay or gratuity directly from any patron or for any patron to knowingly or intentionally pay or give any gratuity directly to any employee who appears in a state of semi-nudity in the adult entertainment establishment.

(d) No employee who regularly appears in a state of semi-nudity in an adult entertainment establishment shall knowingly or intentionally touch a customer or the clothing of a customer while on the premises of the establishment.

A sign in a form to be prescribed by the Sheriff summarizing the provisions of paragraphs (a), (b), (c) and (d) of this section shall be posted near the entrance of the adult entertainment establishment so as to be clearly visible to patrons upon entry.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1812. VIOLATIONS KNOWINGLY COMMITTED.

Notwithstanding anything to the contrary in this code, for the purposes of this chapter, only acts knowingly committed by an employee may constitute grounds to suspend or revoke an employee's license. An employee's act may only be imputed to the licensee of the adult entertainment establishment for purposes of determining the licensee violated this chapter if an officer, director or general partner or person who managed, supervised or controlled the operation of the establishment premises knowingly allowed the act to occur at the establishment.

(Added by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1813. DIAGRAM SHOWING CONFIGURATION OF ADULT ARCADE / PEEP SHOW.

(a) Each application for an adult entertainment establishment license for an "Adult Arcade/Peep Show" shall contain a diagram of the interior of the establishment showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the establishment in which patrons will not be allowed. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place where the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the establishment to an accuracy of plus or minus six inches. The Sheriff may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the establishment has not been altered since it was prepared.

(b) The interior of the establishment shall be configured so that there is an unobstructed view from a manager's station of every area where patrons are allowed, except restrooms, including the interior of each viewing room. A manager's station shall not exceed 40 square feet of floor area. If the establishment has more than one manager's stations designated, the interior of the establishment shall be configured so that there is an unobstructed view from at least one manager's station of each area of the establishment where any patron is allowed. The view required in this paragraph must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is inside the establishment. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, or walls at all times that any patron is present inside the establishment.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1814. PEEP SHOW BOOTHS -- MINIMUM CORRIDOR WIDTH.

No person shall operate a peep show booth in which the width of any adjacent corridor is less than 44 inches. A nonconforming peep show booth with an adjacent corridor measuring at least 42 inches in width on June 17, 1993, may remain nonconforming as to the width of the corridor unless and until the booth is remodeled or rebuilt or new booths are constructed.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1815. PEEP SHOW BOOTHS -- MINIMUM DOORWAYS AND ENTRANCES.

(a) No person shall operate a peep show booth unless there are no fewer than two doorways of a width no less than 36 inches which provide ingress or egress from any room in which a peep show booth is located. Doorways shall be unlocked during business hours.

(b) No person shall operate a peep show booth in which the height and width of any entrance to the booth is less than 80 inches and 36 inches respectively. A nonconforming peep show booth with an entrance measuring at least 78 inches in height and 34 inches in width on June 17, 1993, may remain nonconforming as to the width of such entrance or entrances unless and until the booth is remodeled or rebuilt or new booths are constructed. No door, curtain, or obstruction of any kind shall be installed within the entrance to a peep show booth.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1816. PEEP SHOW BOOTHS -- MINIMUM SIZE AND REQUIRED SIGNS, DEVICE LOCATION, OCCUPANT LOAD AND ENFORCEMENT.

(a) No person shall operate a peep show booth unless the interior of the viewing area of each peep show booth is a minimum of 24 square feet in floor area, with a minimum width of four feet.

(b) A sign shall be maintained in a conspicuous location in each peep show booth which reads as follows: "This booth is subject to inspection at any time. Patrons have no expectation of privacy while watching peep show devices."

(c) A sign shall be placed above the entrance to each peep show booth which reads as follows: "Only one person may be present in a peep show booth at any one time."

(d) The signs required by this section shall be at least six by eight inches in size and printed with dark ink on a light contrasting background with letters at least one quarter inch in height.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1817. PEEP SHOW DEVICES -- MAXIMUM NUMBER.

No person shall operate an adult entertainment establishment in which the number of peep show devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which a peep show device is located. The maximum number of peep show devices permitted in any room or partitioned portion of a room in an adult entertainment establishment shall be conspicuously posted on a sign and shall remain posted at the entrance to the room. The signs shall comply with the requirements of section 21.1816(d).

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1818. PEEP SHOW -- MANAGEMENT.

(a) No person shall operate a peep show unless a manager is on duty to ensure its lawful operation and is located at a manager's station which has an unobstructed view of the entrance to each peep show booth. The view required by this subsection must be by direct line of sight from the manager's station. No person shall be employed or act as a manager of an adult entertainment establishment unless and until such person has been licensed by the Sheriff under the procedure set forth at section 21.1803 and paid the fee specified at section 21.1806 of this chapter.

(b) No alteration in the configuration or location of a manager station or viewing room may be made where the alteration fails to conform to the standards of this chapter.

(c) The operator and every employee who is present while the establishment is open for business shall have the following duties:

(1) To ensure that no patron is allowed access to any area of the establishment which has been designated as an area in which patrons will not be allowed in the application filed pursuant to this chapter.

(2) To ensure that no "specified sexual activity" occurs in the establishment.

(3) To ensure that not more than one person is present in a viewing room at any time.

(4) To ensure that no openings of any kind exist between viewing rooms.

(5) To require any patron to immediately leave the establishment upon discovering the patron making or attempting to make an opening of any kind between viewing rooms or in a viewing booth with one or more other patrons.

(6) To immediately secure and prevent any patron from entering any viewing rooms upon discovering an opening between viewing rooms.

(d) The operator shall also have the following additional duties:

(1) To inspect the walls between viewing rooms for openings of any kind at least once each business day.

(2) To conspicuously post all the following signs, that comply with section 21.1816(d), in well-lighted entry areas of the establishment:

(A) No loitering is allowed in viewing rooms;

(B) Only one person is allowed in viewing rooms at a time;

(C) Sexual activity on the premises is prohibited;

(D) Making openings between viewing rooms is prohibited; and

(E) Violators will be required to leave the premises.

(3) To ensure that floor coverings in viewing rooms are non-porous, easily cleanable surfaces, with no rugs or carpeting.

(4) To ensure that all wall surfaces and seating surfaces in viewing rooms are constructed of or permanently covered by non-porous easily cleanable material.

(5) To ensure that the establishment is clean and sanitary. These duties shall be deemed fulfilled if the operator complies with the following cleaning procedures:

(A) The operator maintains a regular cleaning schedule of at least two cleanings per day, documented by written logs;

(B) The operator provides an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business is collected from the premises for disposal at a lawful solid waste disposal facility at least once each week;

(C) Thorough cleaning of the entire interior of any viewing room is done using a disinfectant. Cleaning shall include floors, walls, doors, seats, monitors, video cameras, and windows and other surfaces.

(e) It shall be unlawful for any person having a duty under this section to knowingly fail to fulfill that duty.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1819. INSPECTION.

(a) Adult entertainment establishment operators and adult entertainment establishment employees shall allow officers or agents of the County to inspect, from time to time on an occasional basis, the portions of the adult entertainment establishment premises where patrons are allowed. The purpose of the inspections is to ensure that when the adult entertainment establishment is open for business the operator and all employees are complying with this chapter. This section shall be narrowly construed by the County to authorize reasonable inspections and not to authorize harassing or excessive inspections. A licensee's

knowing or intentional refusal to allow an inspection shall not constitute a misdemeanor, but shall constitute a violation of this section for purposes of license denial, suspension, and/or revocation.

(b) This section does not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1820. REGULATORY VIOLATIONS, ENFORCEMENT AND CIVIL PENALTIES.

(a) An adult entertainment establishment or employee licensed under this chapter who knowingly violates, disobeys, neglects, fails or refuses to comply with this chapter shall be guilty of a regulatory violation. Each day a regulatory violation occurs is a separate regulatory violation for the purpose of license suspension or revocation.

(b) In addition to taking action to suspend or revoke the license of an establishment or employee licensed under this chapter the County may institute civil proceeding to enjoin regulatory violations and seek civil penalties for the violations. The County may also bring an administrative enforcement action as authorized under this code. Nothing in this section, however, and no action taken to enforce any violation of this chapter shall exempt any person from being prosecuted for any criminal act committed under local, state, or federal laws which results from violating this chapter.

(c) The County may recover a civil penalty of up to $2,500 for every separate violation of this chapter knowingly committed by an adult entertainment establishment or employee licensed under this chapter, or a person who is required to obtain a license under this chapter. In determining the amount of civil penalties the court shall take into consideration the nature, circumstances, extent, duration and gravity of the violation or violations, the ability to pay, any prior history of violations, and such other matters as justice may require.

(Added by Ord. No. 8278 (N.S.), effective 8-19-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1821. VIOLATION -- LICENSE SUSPENSION.

The Sheriff may issue a notice of intent to suspend the license of any adult entertainment establishment if the licensee has knowingly violated this chapter or knowingly allowed any employee to violate this chapter. The Sheriff may also issue a notice of intent to suspend the license of any employee for knowingly violating this chapter. The maximum period of suspension shall be 30 days.

(Added by Ord. No. 8278 (N.S.), effective 8-19-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1822. REVOCATION.

(a) The Sheriff may issue a notice of intent to revoke an adult entertainment establishment license or an adult entertainment establishment employee license if the licensee commits two or more grounds for suspension within 12 months.

(b) The Sheriff may issue a notice of intent to revoke an adult entertainment establishment license or, in the case of an employee, an adult entertainment establishment employee license, for one instance of a violation of the following:

(1) The licensee has knowingly given false information in the application for the license.

(2) The adult entertainment establishment licensee has knowingly allowed the illegal possession, use, or sale of controlled substances on the premises, or in the case of an employee, the adult entertainment establishment employee licensee has knowingly engaged in the illegal possession, use, or sale of controlled substances on the premises.

(3) The adult entertainment establishment licensee has knowingly allowed prostitution at the establishment or, in the case of an employee, the adult entertainment establishment employee licensee has knowingly allowed or has engaged in prostitution at any licensed establishment.

(4) The adult entertainment establishment licensee knowingly operated the adult entertainment establishment during a period of time when the license was suspended or, in the case of an employee, the adult entertainment establishment employee licensee has been employed as an adult entertainment establishment employee at a time when the employee's license was suspended.

(5) The adult entertainment establishment licensee has knowingly allowed any specified sexual activity to occur at a licensed establishment or, in the case of an employee, the adult entertainment establishment employee licensee has knowingly allowed or has engaged in any specified sexual activity at any licensed establishment.

(c) The fact that any licensee is appealing a related criminal conviction for an act that is grounds for revoking the license shall have no effect on the revocation proceeding.

(d) If after the notice and hearing procedure described in section 21.1823, the Hearing Officer revokes a license, the revocation shall continue for one year and the licensee shall not be issued an adult entertainment establishment license or adult entertainment establishment employee license for one year from the date revocation becomes effective, provided that, if the conditions of section 21.1823(b) are met, a provisional license shall be granted pursuant to that section. If, prior to or subsequent to a revocation based solely on subsection (b)(1) of this section, the Hearing Officer finds that the basis for revocation has been corrected or abated, the applicant shall be granted a license if at least 90 days have elapsed since the date of the correction or abatement of the defect. If the license was revoked under subsections (b)(2), (b)(3), (b)(4), or (b)(5) of this section, an applicant may not be granted another license until at least one year has elapsed.

(Added by Ord. No. 8278 (N.S.), effective 8-19-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1823. HEARING: DENIAL, REVOCATION, AND SUSPENSION; APPEAL.

(a) When the Sheriff determines to deny a person a license under this chapter, or to suspend or revoke a person's license issued under this chapter, the Sheriff shall send written notice of its proposed action to the person at the person's last known address. The notice shall include the reasons for the Sheriff's proposed action.

(b) A person receiving a notice described in subsection (a) above, the "respondent," may treat the notice of proposed action as a license denial, suspension or revocation, as applicable, and seek immediate judicial review. In the alternative, the respondent may first seek administrative review under this section.

(c) A respondent who elects to seek administrative review shall within 10 days of the date of the notice request a hearing from the Sheriff. The request for hearing shall include the reasons the respondent believes the license should not be denied, suspended or revoked. Within five days after the Sheriff receives the hearing request it shall notify the respondent of the date, time and location of the hearing and the hearing shall be held within 10 days of the date the Sheriff receives the hearing request, unless the respondent requests more time to prepare for the hearing. The Sheriff shall immediately issue the respondent a provisional license upon receipt of the hearing request. A provisional license for an adult entertainment establishment shall, however, be subject to section 21.1804(d).

(d) An administrative review hearing conducted under this section shall be conducted by a County Hearing Officer appointed pursuant to County Administrative Code sections 650 et seq. The Sheriff shall request the Clerk of the Board of Supervisors select a hearing officer on a rotating basis from the list of appointed hearing officers.

(e) At the administrative hearing the respondent shall have the opportunity to present evidence and witnesses and cross-examine any witness who testifies at the hearing. The hearing shall take no longer than two days, unless extended at respondent's request or as necessary to satisfy due process requirements. The hearing officer shall issue a written decision within five days after the hearing is concluded.

(f) The hearing officer's decision shall state whether there are sufficient grounds for the Sheriff's proposed action. If the hearing officer upholds the Sheriff's proposed action the decision shall advise the respondent of the right to challenge the decision in a court of competent jurisdiction. A provisional license issued under this section shall expire unless the respondent files an action for Administrative Mandamus under subsection (g) below. If the hearing officer finds the Sheriff's decision to deny a license cannot be upheld, the hearing officer shall direct the Sheriff to issue the license and the Sheriff shall issue the license within five days of the hearing officer's decision. If the hearing officer finds that there are not sufficient grounds to suspend or revoke a license, the Sheriff's notice of proposed action shall be deemed withdrawn.

(g) A respondent who elects to seek immediate judicial review after receiving a notice as provided in subsection (a) or who seeks to challenge a hearing officer's decision upholding the Sheriff's proposed action in subsection (f) shall have the right to bring an action in a court of competent jurisdiction. The County hereby designates the license denial, suspension or revocation described in this chapter to be eligible for expedited judicial review pursuant to California Code of Civil Procedure section 1094.8. If the applicant files an action for Administrative Mandamus as provided in section 1094.8 to challenge the Sheriff's denial, suspension or revocation of a license the Sheriff shall immediately issue the applicant a provisional license. The provisional license shall allow the respondent to continue operation of the adult entertainment establishment or to continue employment as an adult entertainment establishment employee and will expire upon the court's entry of a judgment on the action brought under section 1094.8.

(h) If a respondent does not request an administrative hearing or file an action for Administrative Mandamus within 21 days of the date of the Sheriff's notice to deny, suspend or revoke an adult entertainment establishment license or adult entertainment employee license, the Sheriff's determination shall be final.

(Added by Ord. No. 8278 (N.S.), effective 8-19-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1824. PUBLIC NUISANCE AND ABATEMENT, REMOVAL AND/OR ENJOINMENT.

One violation of the provisions listed in section 21.1823(b)(1)(5) shall constitute a public nuisance. Two or more violations of any other provisions of this chapter within 12 months shall also constitute a public nuisance. The public nuisance may be abated using the Public Nuisance Abatement Procedures contained in this code or in a civil action under section 21.1820. The remedies provided in this section are cumulative and not exclusive of any other remedy, right of action, or proceeding, provided by law.

(Added by Ord. No. 8278 (N.S.), effective 8-19-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

SEC. 21.1825. SEVERABILITY.

If any provision or clause of this chapter or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given

effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

(Added by Ord. No. 8244 (N.S.), effective 6-17-93; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07)

CHAPTER 19. SHERIFF'S REGULATORY FEES*

***Editor's note--**Chapter 18, Sheriff's Licensing Fee Ordinance, consisting of section 21.1801, added by Ord. No. 8036 (N.S.), effective 4-2-92; chapter repealed and provisions reenacted as Chapter 19, § 21.1901, as amended by Ord. No. 8278 (N.S.), effective 8-19-93.

SEC. 21.1901. FEES.

The fees for the licenses, permits and registration certificates issued by the Sheriff and services provided by the Sheriff pursuant to this code shall be as follows:

(a) LICENSES AND PERMITS

(1) Adult Entertainment Employee License: Initial fee $277, renewal fee $252.

(2) Adult Entertainment Establishment License: Initial fee $756, renewal fee $706.

(3) Amusement Establishment License: Annual fee $622 plus $60 per device.

(4) Bath-house Permit: Initial fee $614, renewal fee $589.

(5) Bingo License: Annual fee $50.

(6) Carnival or Circus License: Annual fee $336 plus $100 per day.

(7) Casino Party License: Event fee $336.

(8) Charitable Solicitor Registration: No fee.

(9) Concealed Weapons License: Initial fee $ 63.14, renewal fee $21.52, in addition to fees to the State of California, the Department of Justice and the FBI. Any license amendment $10.

(10) Entertainment Establishment License: Annual fee $293.

(11) Entertainment Establishment Manager Registration: Annual fee $105.

(12) Explosives Permit: Initial fee $640, renewal fee $437.

(13) Firearms Dealer Permit: Initial fee $467, renewal fee $442.

(14) Fireworks Permit: Initial fee $322, renewal fee $297.

(15) Fortune Telling License: Initial fee $275, renewal fee $250.

(16) Junk Yards or Motor Vehicle Wrecking Yards License: Annual fee $394.

(17) Massage Establishment License: Initial fee $398, renewal fee $379.

(18) Medical Marijuana Operation Certificate: Annual fee $49,460.

(19) Merchandise Coupon Distributor: Annual fee $180.

(20) Outdoor Assembly License: Event license $457.

(21) Outdoor Assembly Manager Registration: Manager event registration $105.

(22) Pawnbroker or Second Hand Dealer License: Initial fee $427, renewal fee $401.

(23) Permanent Amusement Rides and Go-cart Centers Permit: Annual fee $625.

(24) Public Dance License: Initial fee $235, renewal fee $210.

(25) Public Dance Manager Registration: Annual fee $105.

(26) Security Alarm Systems Permit: Permit fee $151.

(27) Solicitor's ID Cards: Initial fee $105, renewal fee $80.

(28) Solicitor's License: Initial fee $208, renewal fee $155.

(29) Swap Meets License: Initial fee $341 plus $24 per stall, renewal fee $315 plus $24 per stall.

(30) Taxicab Drivers Identification Card: Initial fee $103, renewal fee $38. Fee for changes to card between renewals: $25.

(31) Taxicabs and Taxicab Operator's License: Initial fee $155, plus $147 per cab inspection fee. Renewal fee $130, plus $147 per cab inspection fee.

(32) Teenage Public Dances License: Initial fee $235, renewal fee $210.

(b) SERVICES

(1) Copies of Reports: $20.

(2) Records Search/Criminal History Copies: $14.

(3) Police Clearance Letter (Good Conduct Letter): $50

(4) Fingerprint Service by License Division: $25.

(5) Copies of Evidence Photos: $25.

(6) Copies of Crime Lab Reports: $14.

(Added by Ord. No. 8049 (N.S.), effective 5-7-92; amended by Ord. No. 8134 (N.S.), effective 9-10-92; repealed, added and amended by Ord. No. 8278 (N.S.), effective 8-19-93; amended by Ord. No. 8370 (N.S.), effective 4-21-94; amended by Ord. No. 8466 (N.S.), effective 11-25-94; amended by Ord. No. 8467 (N.S.), effective 12-8-94; amended by Ord. No. 8655 (N.S.), effective 4-18-96; amended by Ord. No. 9479 (N.S.), effective 7-19-02; amended by Ord. No. 9889 (N.S.), effective 10-26-07; amended by Ord. No. 9893 (N.S.), effective 12-6-07; amended by Ord. No. 10120 (N.S.), effective 3-3-11; amended by Ord. No. 10489 (N.S.), effective 7-27-17)