

Article 2: Police — Police Regulations — Offenses Against Government

Division 90: Standards of Conduct and Attire for Entertainers and Employees of On-sale Licensed Premises

*(“Standards of Conduct and Attire for Entertainers
and Employees of On-sale Licensed Premises”
added 10-28-1985 by O-16521 N.S.)*

§52.9001 Purpose and Intent

It is the purpose and intent of this division to provide for the orderly regulation of on-sale liquor establishments by establishing standards for attire and conduct to protect the public order and the general welfare of the citizens of the City of San Diego.
(“Purpose and Intent” added 10-28-1985 by O-16521 N.S.)

§52.9002 Definition

Whenever used in this division, the phrase “on-sale licensed premises” shall mean a business licensed by the State of California Department of Alcoholic Beverage Control for the sale of alcoholic beverages to the public for consumption on the premises. This includes those businesses that may be on a suspension of such privileges, and those operating with a temporary license.
(“Definition” added 10-28-1985 by O-16521 N.S.)

§52.9003 Police Inspection

All on-sale licensed premises shall be open for inspection by any San Diego Police Department officer during all hours of operation. Any licensee, operator or manager of an on-sale licensed premises who denies admission for inspection to any San Diego Police officer is guilty of a misdemeanor.
(“Police Inspection” added 10-28-1985 by O-16521 N.S.)

§52.9004 Attire and Conduct

Any person who engages in or who employs another person to engage in or any licensee or agent who causes or allows any person to engage in any of the following acts in an on-sale licensed premises is guilty of a misdemeanor;

- (a) Selling or serving alcoholic beverages while such seller or server is unclothed or is clothed in such attire, costume or clothing as to expose to view any

portion of the female breasts below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, the buttocks, vulva or genitals.

- (b) Acting as a host or hostess or in a similar capacity or mingling with the patrons of the on-sale licensed premises while such host, hostess or person acting in a similar capacity is unclothed or is clothed in such attire, costume or clothing as described in subsection (a).
- (c) Encouraging or permitting any person to touch, caress or fondle the breasts, buttocks, anus or genitals of any seller, server, host, hostess or employee of an on-sale licensed premises.
- (d) Selling or serving alcoholic beverages or acting as a host or hostess or in a similar capacity or mingling with the patrons of an on-sale licensed premises while wearing any device or covering exposed to view, which simulates the breasts, genitals, anus, pubic hair or any portion thereof.
- (e) Performing acts of or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any public sexual acts which are prohibited by law.
- (f) Performing acts which include or which simulate the touching, caressing or fondling of the breasts, buttocks, anus or genitals.
- (g) Performing acts which include or which simulate the displaying of the pubic hair, anus, vulva or genitals.

(“Attire and Conduct” added 10-28-1985 by O-16521 N.S.)

§52.9005 Stage Requirements

Any person whose breasts and/or buttocks are exposed to view and who performs or who is present unclothed or clothed in such attire, costume or clothing as described in Section 52.9004(a) at any public location within an on-sale licensed premises other than upon a stage at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron is guilty of a misdemeanor.

(“Stage Requirements” added 10-28-1985 by O-16521 N.S.)