

ORDINANCE NO. 86-077

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

JUL 15 1986

AN ORDINANCE AMENDING ARTICLES VIII AND IX OF CHAPTER 5 OF THE SACRAMENTO CITY CODE RELATING TO PICTURE ARCADES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Intent

It is the intention of the Sacramento City Council that no picture arcade, as that term is defined in this ordinance, shall have or maintain fully or partially enclosed or concealed booths. It is intended that this ordinance shall apply to any picture arcade, irrespective of whether its patrons utilize it as a private or membership club or by virtue of any similar or related arrangement. The law enforcement and public health and safety concerns which form the basis for this ordinance do not vary depending upon whether the premises are open to the public or are under a private or membership arrangement.

SECTION 2. Findings

Based upon the written material contained in and attached to the Police Department's report, and the staff and public testimony presented to the City Council at its public hearing on this proposed ordinance, the City Council makes the following findings:

(1) There are significant public health and safety concerns created by the occurrence of masturbation and sexual acts within enclosed booths. Specifically, there is an increased danger to other patrons and to employees posed by the presence of body fluids as to which they could come in contact. The danger is the potential for spread of the AIDS virus and the Hepatitis B virus, among others. The unsanitary condition of the booths as described by the police and by the County Health Department is intolerable in any event.

(2) All six adult bookstores within the City have private viewing booths wherein adult-oriented videos and movies can be viewed privately.

(3) All of these booths were equipped with doors capable of being locked from the inside.

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(4) The viewing booths were in a filthy condition, with body fluids (semen) on the floors, walls, doors and screens.

(5) Many of the booths were furnished with tissue in dispensers, and trash cans containing tissues soiled with semen. From this fact and the others set out above, the detectives concluded that masturbation and sex acts were occurring within the booths.

(6) In the booths there were many messages soliciting all types of sexual activities. These messages, often with telephone numbers or other means of contact, were written on the doors, walls and screens of the booths.

(7) The detectives observed actual sexual activity occurring in their presence.

(8) The detectives were solicited to participate in sexual activity in the privacy of the booths.

(9) The detectives made a total of five (5) arrests of individuals during the investigation, for charges of violation of prostitution laws or commission of lewd acts.

(10) The detectives contacted representatives of the Vice Units of the Sacramento Sheriff's Office, the San Francisco Police Department, and the Los Angeles Police Department. In the resulting discussions, the detectives learned that those Vice Units have had similar experience to that set out above, within enclosed viewing booths in adult-type arcades or adult bookstores. Each jurisdiction cited law enforcement problems relating to prostitution and lewd acts in those facilities. Representative reports were obtained from these jurisdictions.

(11) The City Council finds and concludes that this ordinance is an effective remedial measure designed to deal directly with the law enforcement and health and safety issues. This finding is based upon the testimony of staff, the findings set out above, the reported experience of other jurisdictions, and upon the memorandum submitted to the City Council by the City Attorney.

SECTION 3.

Section 5.83 of Article IX of Chapter 5 of the Sacramento City Code is renumbered to Section 5.93.

SECTION 4.

Sections 5.83, 5.84 and 5.85 are added to Article VIII of Chapter 5 of the Sacramento City Code, to read as follows:

§5.83 Definition.

As used in this article, a "picture arcade" shall mean any place to which the public is admitted or any public place, wherein one or more still or motion picture machines or projectors are operated or maintained to show still or motion pictures to five (5) or fewer persons per machine at any one time.

§5.84 Visibility of Interior.

No picture arcade shall be maintained or operated unless the complete interior of the picture arcade where the pictures are viewed is visible upon entrance to such picture arcade. No partially or fully-enclosed booths or partially or fully-concealed booths shall be maintained.


§5.85 Application.

The applicability of this article shall not be affected by the utilization or maintenance of a membership or club format or any similar arrangement or form of doing business, if this article would otherwise be applicable.

DATE PASSED FOR PUBLICATION: JUL 08 1986

DATE ENACTED: JUL 15 1986

DATE EFFECTIVE: AUG 14 1986



 MAYOR

ATTEST:



 Assistant CITY CLERK